

SESSION LAWS

OF THE

STATE OF WASHINGTON

REGULAR SESSION, THIRTY-SEVENTH LEGISLATURE
Convened January 9, 1961. Adjourned March 9, 1961.

EXTRAORDINARY SESSION, THIRTY-SEVENTH LEGISLATURE
Convened March 10, 1961. Adjourned March 31, 1961.



Compiled in Chapters by
VICTOR A. MEYERS
Secretary of State

VOLUME NO. 1
Containing Chapters 1 Through 23, Regular Session

MARGINAL NOTES AND INDEX

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Published by Authority

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Preface

The Thirty-Seventh Legislature of the State of Washington convened at 12 o'clock noon, January 9, 1961 (being the second Monday in January of the odd-numbered year), and adjourned *sine die* March 9, 1961.

All acts passed by the Regular Session, either approved by the Governor or allowed to become law without his signature, took effect ninety days after adjournment. The effective date fell this year on June 8, 1961 (**midnight**, June 7), except relief bills, appropriations and other acts in which emergencies have been declared, or acts in which the effective date has been postponed.

A handwritten signature in cursive script that reads "Victor A. Meyers". The signature is written in dark ink and includes a long, sweeping horizontal flourish at the end.

VICTOR A. MEYERS
Secretary of State

LAWS OF WASHINGTON

PASSED AT THE

Thirty-Seventh Regular Session 1961

CHAPTER 1.

[INITIATIVE MEASURE NO. 207.]

CIVIL SERVICE FOR STATE EMPLOYEES.

AN ACT, entitled "The State Civil Service Law," relating to state government; establishing a civil service system for state employees; defining employees included and excluded; providing that appointments and promotions in the classified civil service shall be based solely on merit and fitness; governing appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plan, removal, discipline and welfare of civil service employees, agreements regarding grievance procedures and collective negotiations, and other incidents of employment; blanketing-in certain employees; prohibiting certain activities; creating a revolving fund; abolishing existing personnel system; and repealing or amending inconsistent laws.

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

SECTION 1. The general purpose of this act is to establish for the state a system of personnel administration based on merit principles and scientific methods governing the appointment, promotion, transfer, layoff, recruitment, retention, classification and pay plan, removal, discipline and welfare of its civil employees, and other incidents of state employment. All appointments and promotions to positions, and retention therein, in the state service, shall be made on the basis of policies hereinafter specified. Purpose.

SEC. 2. Unless the context clearly indicates otherwise, the words used in this act have the meaning given in this section. Definitions.

(1) "Institutions of higher learning" are the University of Washington, Washington State University, Central Washington College of Education, Eastern Washington College of Education, and Western Washington College of Education;

(2) "Agency" means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature;

(3) "Board" means the State Personnel Board established under the provisions of section 11, the Personnel Committee established under section 5 and the Personnel Board established under section 6, except that this definition does not apply to the words "board" or "Boards" when used in section 7;

(4) "Classified service" means all positions in the state service subject to the provisions of this act;

(5) "Competitive service" means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(6) "Noncompetitive service" means all positions in the classified service for which a competitive examination is not required;

(7) "Department" means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board or council, by law empowered to operate the agency responsible either to (1) no other public officer or (2) the governor.

Department
established.

SEC. 3. A Department of Personnel, governed by a State Personnel Board and administered by

a Director of Personnel, is hereby established as a separate agency within the state government.

SEC. 4. The provisions of this act apply to:

Application.

(1) Each board, commission or other multimember body, including, but not limited to, those consisting in whole or in part of elective officers;

(2) Each agency, and each employee and position therein, not expressly excluded or exempted under the provisions of section 7 of this act.

(3) Institutions of higher learning, subject to the exemptions hereinafter made.

SEC. 5. At each institution of higher learning the governing body shall within thirty (30) days after the effective date of this act designate three (3) of its members as a permanent Personnel Committee, compensated and reimbursed as provided in section 11 of this act, to enforce and perform for all its non-academic personnel, except those in positions specifically exempted by the governing body on analogy to the exemptions of section 7 of this act, the policies and duties given to the State Personnel Board by sections 1, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, and 27 of this act, and shall designate a qualified full-time non-academic employee to perform for such personnel at the institution the duties under section 13 of the Director of Personnel. The comptroller or corresponding officer shall likewise perform for the institution the functions of the Budget Director under section 27 of this act.

Institutions of higher learning, administrative implementation procedure.

SEC. 6. Within thirty (30) days after the effective date of this act the State Highway Commission shall appoint, subject to confirmation by the Senate, a Highway Department Personnel Board of three (3) members for the same terms, having the same qualifications, subject to the same restrictions, and to be given the same compensation and reimburse-

State highway commission, administrative implementation procedure.

ments, as are provided for members of the State Personnel Board in section 11 of this act. The board so appointed shall organize as provided in section 11 hereof and enforce and perform for all Highway Department personnel in the classes of positions covered by this act the policies and duties given to the State Personnel Board by sections 1, 10, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, and 27 of this act; and all personnel, supplies, equipment and records heretofore employed in the administration of the departmental merit system under RCW 43.27.060 shall be transferred to this board. A Highway Department Personnel Director shall be appointed and removable by the Highway Commission on the same basis as the Director of Personnel is appointed and removable under section 13 hereof, the departmental board herein created performing the functions of the State Board under that section with respect to such appointments and removals, and the Highway Commission shall have the same option to name as the first Highway Department Personnel Director the person serving in a comparable capacity under RCW 43.27.060 immediately prior to the effective date of this act.

Exempt
positions.

SEC. 7. The provisions of this act do not apply to:

(1) The members of the Legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the Legislative Council, Legislative Budget Committee, Statute Law Committee, and of any interim committee of the Legislature;

(2) The judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of state government;

(3) Academic personnel of the institutions of

higher learning and other such positions as are exempted under provisions of section 5 of this act;

(4) The officers of the Washington State Patrol;

(5) Elective officers of the state;

(6) The chief executive officer of each agency;

(7) In the Departments of Employment Security, Health, Fisheries, Institutions and Public Assistance, the director and his confidential secretary; in all other departments, the executive head of which is an individual appointed by the Governor, the director, his confidential secretary, and his statutory assistant directors;

(8) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the Governor or other authority, serve *ex officio*, or are otherwise chosen;

(a) All members of such boards, commissions or committees;

(b) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: (i) the secretary of the board, commission or committee; (ii) the chief executive officer of the board, commission, or committee; and (iii) the confidential secretary of the chief executive officer of the board, commission, or committee;

(c) If the members of the board, commission, or committee serve on a full-time basis: (i) the chief executive officer or administrative officer as designated by the board, commission, or committee; and (ii) a confidential secretary to the chairman of the board, commission, or committee;

(d) If all members of the board, commission, or committee serve *ex officio*: (i) the chief executive officer; and (ii) the confidential secretary of such chief executive officer;

(9) The confidential secretaries and administra-

tive assistants in the immediate offices of the elective officers of the state;

(10) Assistant Attorneys General;

(11) Commissioned and enlisted personnel in the military service of the state;

(12) Inmate, student, part-time or temporary employees, and part-time professional consultants, as defined by the State Personnel Board or the Board having jurisdiction;

(13) The public printer or to any employees of or positions in the state printing plant.

Note: See also section 1, chapter 179, Laws of 1961.

Groups may request department's services —Reimbursement.

SEC. 8. Notwithstanding the provisions of this act, the Department of Personnel may make its services available on request, on a reimbursable basis, to:

(1) Either the legislative or the judicial branch of the state government;

(2) Any county, city, town, or other municipal subdivision of the state;

(3) The institutions of higher learning;

(4) The Department of Highways.

Study on integration of personnel systems.

SEC. 9. The Department of Highways and the Washington State Patrol in conjunction with the State Personnel Board shall make a study prior to January 1, 1963 to determine if it is feasible to integrate completely the personnel systems of the Department of Highways and officers of the State Patrol with the State Department of Personnel, such study to be presented in writing with recommendations to the State Legislature on the day of its convening the thirty-eighth (38) regular session.

Classified employee may temporarily take exempt position.

SEC. 10. Any classified employee having civil service status in a position may take a temporary appointment in an exempt position, with the right to return to his regular position, or to a like position at the conclusion of such temporary appointment.

SEC. 11. (1) There is hereby created a State Personnel Board composed of three (3) members appointed by the Governor, subject to confirmation by the Senate: *Provided*, That no member appointed when the Legislature was not in session shall continue to be a member of the Board after the thirtieth (30) day of the next legislative session unless his appointment shall have been approved by the Senate. The first such Board shall be appointed within thirty (30) days after the effective date of this act for terms of two, four, and six years. Each odd numbered year thereafter the Governor shall appoint a member for a six year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one (1) year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed;

State personnel
board.
Created—
Members.

Terms.

(2) Each member of the Board shall be paid fifty (50) dollars for each day in which he has actually attended a meeting of the Board officially held. The members of the Board may receive any number of daily payments for official meetings of the Board, actually attended: *Provided*, That after July 1, 1962, no one Board member shall receive more than one thousand five hundred dollars (\$1,500) in any fiscal year for this purpose: *Provided, further*, That such limitation shall not apply to daily payments for the hearing of employee appeals. Members of the Board shall also be reimbursed for necessary travel and other expenses incurred in the discharge of their official duties on the same basis as is provided for state officers and employees generally.

Payment.

Reimbursed
for expenses.

(3) At its first meeting following the appointment of all of its members, and annually thereafter,

Officers.

the Board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two (2) members of the Board shall constitute a quorum to transact business. A written public record shall be kept by the Board of all actions of the Board. The Director of Personnel shall serve as secretary.

State personnel board.
Administrative procedures.

SEC. 12. (1) In the necessary conduct of its work, the Board shall meet monthly unless there is no pending business requiring Board action and may hold hearings, such hearings to be called by (a) the chairman of the Board, or (b) a majority of the members of the Board. An official notice of the calling of the hearing shall be filed with the secretary, and all members shall be notified of the hearing within a reasonable period of time prior to its convening;

(2) No release of material, or statement of findings shall be made except with the approval of a majority of the Board;

(3) In the conduct of hearings or investigations, a member of the Board, or the Director of Personnel, may administer oaths.

Director of personnel.

SEC. 13. The office of Director of Personnel is hereby established.

Appointment.

(1) Within ninety (90) days after the effective date of this act a Director of Personnel shall be appointed. The merit system director then serving under RCW 50.12.030, whose position is terminated by this act, may serve as Director of Personnel hereunder until a permanent Director of Personnel is appointed as herein provided, and may be appointed as Director of Personnel by the Governor alone; or the Governor may fill the position in the manner hereinafter provided for subsequent vacancies therein on the basis of competitive examination, in conformance with Board rules for competitive ex-

aminations, for which examinations said merit system director shall be eligible.

(2) The Director of Personnel shall be appointed by the Governor from a list of three (3) names submitted to him by the Board with its recommendations, the names on such list shall be those of the three (3) standing highest upon competitive examination conducted by a committee of three (3) persons which shall be appointed by the Board solely for that purpose whenever the position is vacant. Only persons with substantial experience in the field of personnel management shall be eligible to take such examination.

(3) The Director of Personnel shall be removable for cause by the Governor with the approval of a majority of the Board or by a majority of the Board. Removal.

(4) The Director of Personnel shall direct and supervise all the Department of Personnel's administrative and technical activities in accordance with the provisions of this act and the rules and regulations approved and promulgated thereunder. He shall prepare for consideration by the Board proposed rules and regulations required by this act. His salary shall be fixed by the Board. Duties.

SEC. 14. It shall be the duty of the Board to make rules and regulations providing for employee participation in the development and administration of personnel policies. To assure this right, personnel policies, rules, classification and pay plans, and amendments thereto, shall be acted on only after the Board has given twenty (20) days notice to, and considered proposals from, employee representatives and agencies affected. Complete and current compilations of all rules and regulations of the Board in printed, mimeographed or multigraphed form shall be available to the public in the office of the Director of Personnel free of charge. State personnel board. To provide for employee participation.

State personnel board. To promulgate rules and regulations; scope.

SEC. 15. The Board shall adopt and promulgate rules and regulations, consistent with the purposes and provisions of this act and with the best standards of personnel administration, regarding the basis for, and procedures to be followed for, the dismissal, suspension, or demotion of an employee, and appeals therefrom; certification of names for vacancies, including departmental promotions, with the number of names equal to two (2) more names than there are vacancies to be filled, such names representing applicants rated highest on eligibility lists; examinations for all positions in the competitive and non-competitive service; appointments; probationary periods of six (6) months and rejections therein; transfers; sick leaves and vacations; hours of work; layoffs when necessary and subsequent re-employment, both according to seniority; agreements between agencies and employee organizations providing for grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an agency; adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of the duties and responsibilities of each such position; allocation and re-allocation of positions within the classification plan; adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington State private industries and other governmental units for positions of a similar nature, such adoption and revision subject to approval by the State Budget Director in accordance with provisions of chapter 328, Laws of 1959; training programs, including in-service, promotional and supervisory; regular increment increases within the series of steps for each pay grade, based on length of service for all employees whose standards of performance are such as to permit them to retain job

status in the classified service; and providing for veteran's preference as required by existing statutes.

SEC. 16. In adopting or revising classification and salary schedules as set forth in section 15 the Board shall give full consideration to prevailing rates in other public employment and in private employment in this state and for this purpose shall have made periodic wage surveys with one such survey to be conducted each year prior to the convening of each regular session of the state legislature, the results of such wage survey to be forwarded with a recommended state salary schedule to the Governor and State Budget Director for their use in preparing budgets to be submitted to the succeeding legislature.

State personnel board. To make wage surveys; report on.

SEC. 17. (1) The Board, in the promulgation of rules and regulations governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen (15) calendar days as a single penalty or more than thirty (30) calendar days in any one calendar year as an accumulation of several penalties. The Board shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof. The authority shall file a copy of the notice with the Director of Personnel.

Employee discipline, board to limit.

(2) Any employee who is reduced, dismissed, suspended or demoted, after completing his probationary period of service as provided by the rules and regulations of the Board, shall have the right to appeal to the Board not later than thirty (30) days after the effective date of such action. The employee shall be furnished with specified charges in writing when the action is taken. Such appeal shall be in writing and shall be heard by the Board within thirty (30) days after its receipt. The Board

Employee's right to appeal to board.

shall furnish the agency concerned with a copy of the appeal in advance of the hearing.

Employee discipline; hearing on appeals, generally.

SEC. 18. Hearings on such appeals shall be open to the public, except for cases in which the Board determines there is substantial reason for not having an open hearing, or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. Both the employee and his appointing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and give evidence before the Board. Members of the Board may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the Board. The Board shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and if the evidence warrants punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the court. The Board shall prepare an official record of the hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge therefor. Payment of the cost of a transcript used on appeal shall await determination of the appeal, and shall be made by the employing agency if the employee prevails.

Board order from appeal.

SEC. 19. Within thirty (30) days after the conclusion of the hearing the Board shall make and fully record in its permanent records findings of fact, conclusions of law when the construction of a rule,

regulation or statute is in question, reasons for the action taken and its order based thereon, which shall be final subject to action by the court on appeal as hereinafter provided, at the same time sending a copy of the findings, conclusions and order by registered mail to the employing agency and to the employee at his address as given at the hearing or to a representative designated by him to receive the same.

SEC. 20. (1) Within thirty (30) days after the recording of the order and the mailing thereof, the employee may appeal to the Superior Court of Thurston County, or in the case of an employee of an institution of higher learning to the Superior Court of the county in which such institution is located, on one or more of the grounds that the order was:

Appeal from
order; grounds,
notice of.

(a) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;

(b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of fact;

(c) Materially affected by unlawful procedure;

(d) Based on violation of any constitutional provision; or

(e) Arbitrary or capricious.

(2) Such grounds shall be stated in a written notice of appeal filed with the court, with copies thereof served on the Director of Personnel or a member of his staff or a member of the Board and on the employing agency, all within the time stated.

(3) Within thirty (30) days after service of such notice, or within such further time as the court may allow, the Board shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing agency and the employee the transcript may be shortened, and

either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

Court review, scope.

SEC. 21. (1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in case of alleged irregularities in procedure before the Board not shown by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

Appeal to Supreme Court.

(2) The court may affirm the order of the Board, remand the matter for further proceedings before the Board, or reverse or modify the order if it finds that the employee's objection thereto is well taken on any of the grounds stated. Appeal shall be available to the employee to the Supreme Court from the order of the Superior Court as in other civil cases.

Terminated employee, re-employment.

SEC. 22. (1) An employee who is terminated from state service may request the Board to place his name on an appropriate re-employment list and the Board shall grant this request where the circumstances are found to warrant re-employment.

Reinstated employee, rights.

(2) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement and OASDI credits.

Board abolished; personnel, facilities and funds transferred.

SEC. 23. The State Personnel Board established and existing under the provisions of RCW 50.12.030, section 42, chapter 35, Laws of 1945, and section 10, chapter 215, Laws of 1947, is abolished, and the terms of office of its members are terminated at such time as the Board created by section 11 of this act has been appointed by the Governor. The employees, and the supplies, equipment, records, and funds in the possession or under the control of said board

shall be transferred forthwith by it to the Department of Personnel.

SEC. 24. (1) Employees, except the merit system director, currently serving under the jurisdiction of a state merit system established by law shall automatically retain their permanent or probationary status acquired under such system;

Current employees, effect on.

(2) All persons who were in the employ of the state government outside the statutory personnel systems immediately prior to the effective date of this act, in positions not exempted from the classified system coverage by this act, shall automatically receive such permanent or probationary status with respect to such positions, and any prior positions, as they would have acquired with respect thereto had they been serving satisfactorily therein under the merit system rule, in effect on April 1, 1958, administered by the State Personnel Board under RCW 50.12.030;

(3) The Board shall give due consideration to any prior state service of an applicant in its establishment of rules and regulations for the making of appointments under this act.

SEC. 25. (1) Solicitation for or payment to any partisan, political organization or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited. No person shall solicit on state property any contribution to be used for partisan, political purposes.

Political participation of employee enunciated.

(2) Employees shall have the right to vote and to express their opinions on all political subjects and candidates, but shall not hold any political party office or participate in the management of a partisan, political campaign. Nothing in this section shall prohibit a classified employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for non-partisan offices.

(3) Nothing in this section shall prohibit appointment, nomination or election to part-time public office in a political subdivision of the state when the holding of such office is not incompatible with, nor substantially interferes with, the discharge of official duties in state employment.

(4) For persons employed in State Agencies the operation of which is financed in total or in part by Federal grant-in-aid funds political activity will be regulated by the rules and regulations of the United States Civil Service Commission.

Conflicting federal requirements control.

SEC. 26. If any part of this act shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this act is hereby declared to be inoperative solely to the extent of such conflict and with respect to the agencies directly affected, and such findings or determination shall not affect the operation of the remainder of this act in its application to the agencies concerned. The Board shall make such rules and regulations as may be necessary to meet federal requirements which are a condition precedent to the receipt of federal funds by the state.

Certification of pay rolls.

SEC. 27. A disbursing officer shall not pay any employee holding a position covered by this act unless the employment is in accordance with this act or the rules, regulations and orders issued hereunder. The Board and the State Budget Director shall jointly establish procedures for the certification of payrolls.

Revolving fund established; administration services fee charged.

SEC. 28. There is hereby created a fund to be held in the custody of the State Treasurer, outside the state treasury, designated as the "Department of Personnel Service Fund", to be used by the Board as a revolving fund for the payment of salaries, wages and operations required for the administra-

tion of the provisions of this act. An amount equal to one percent (1%) of the approved allotments of salaries and wages for all positions in the classified service in each of the agencies subject to this act, except the institutions of higher learning and the department of highways, shall be charged to the operations appropriations of each agency and credited to the Department of Personnel Service Fund as such allotments are approved pursuant to chapter 328, Laws of 1959. The Director of Personnel shall fix the terms and charges for services rendered by the Department of Personnel pursuant to section 8 of this act, which amounts shall be credited to the Department of Personnel Service Fund and charged against the proper fund or appropriation of the recipient of such services on a quarterly basis; payment for services so rendered under section 8 shall be made on a quarterly basis to the State Treasurer as custodian of the Department of Personnel Service Fund. Monies from the Department of Personnel Service Fund shall be disbursed by the State Treasurer by warrants or checks on vouchers duly authorized by the Board.

SEC. 29. Nothing in this act shall be interpreted as changing the provisions of or affecting the conditions of employment for personnel covered by chapter 47.64 RCW. Ferry system
employment
unaffected.

SEC. 30. Section 2, chapter 113, Laws of 1947 and RCW 43.66.030 are each amended to read as follows: RCW 43.66.030
amended.

The Board may employ such employees as in its judgment are required from time to time. Liquor control
board.
Employees.

SEC. 31. Section 1, chapter 68, Laws of 1929 and RCW 43.17.090 are each amended to read as follows: RCW 43.17.090
amended.

The administrative board shall:

(1) From time to time, systematize and unify Administrative
board—Powers
and duties.

the administrative duties of the departments of the state government and make such necessary assignments of duties to the departments as it may deem advisable to correlate and coordinate the work thereof;

(2) Fix the amount of bond to be given by each appointive state officer and each employee of the state in all cases where it is not fixed by law;

(3) Require the giving of an additional bond, or a bond in a greater amount than provided by law, in all cases where in its judgment the statutory bond is not sufficient in amount to cover the liabilities of the officer or employee;

(4) Exempt subordinate employees from giving bond when in its judgment their powers and duties are such as not to require a bond.

RCW 43.41.020 amended.

SEC. 32. Section 4, chapter 114, Laws of 1947; section 19, chapter 176, Laws of 1935; section 47, chapter 7, Laws of 1921 (heretofore combined and codified as RCW 43.41.020) are each amended to read as follows:

Director of budget— Powers and duties.

(RCW 43.41.020) The director of budget shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of the state budget law, the pre-auditing of state departments, the approval of purchases of materials and supplies by state departments, and the approval of public printing bills;

(2) Make efficiency surveys of all state departments and institutions, and the administrative and business methods pursued therein, examine into the physical needs and industrial activities thereof, and make confidential reports to the Governor, recommending necessary betterments, repairs, and the installation of improved and more economical administrative methods, and advising such action as will result in a greater measure of self-support and remedies for inefficient functioning;

(3) Compute cost findings of the several farming and industrial operations at the state institutions, and making confidential reports to the Governor of profit and loss.

SEC. 33. The following sections of the Revised Code of Washington and the following sections of the session laws are each hereby repealed:

- (1) Section 5, chapter 234, Laws of 1951 and RCW 43.19.290;
- (2) Section 6, chapter 234, Laws of 1951 and RCW 43.19.300;
- (3) Section 7, chapter 234, Laws of 1951 and RCW 43.19.310;
- (4) Section 8, chapter 234, Laws of 1951 and RCW 43.19.320;
- (5) Section 9, chapter 234, Laws of 1951 and RCW 43.19.330;
- (6) Section 10, chapter 234, Laws of 1951 and RCW 43.19.340;
- (7) Section 11, chapter 234, Laws of 1951 and RCW 43.19.350;
- (8) Section 12, chapter 234, Laws of 1951 and RCW 43.19.360;
- (9) Section 3, chapter 220, Laws of 1949, as last amended by section 44, chapter 383, Laws of 1955, and RCW 43.27.060;
- (10) Section 42, chapter 35, Laws of 1945, as amended by section 10, chapter 215, Laws of 1947 and RCW 50.12.030;
- (11) Section 3, chapter 216, Laws of 1939, as amended by section 1, chapter 128, Laws of 1941 and RCW 74.04.030.

SEC. 34. This act shall be referred to as the State Civil Service Law.

SEC. 35. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the act

which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared to be severable.

Filed in the office of the Secretary of State January 13, 1960.

Passed by the vote of the people November 8, 1960 at the state general election.

Proclamation signed by the Governor December 8, 1960 declaring measure effective law.

CHAPTER 2.

[INITIATIVE MEASURE NO. 208.]

AUTHORIZING JOINT TENANCIES IN PROPERTY.

AN ACT relating to property; authorizing joint tenancies in real and personal property with common law incidents of survivorship and severability; allowing property rights of a deceased joint tenant to pass immediately upon death to the surviving joint tenant; prescribing methods and requirements for the creation of joint tenancies; providing that the transfer of property to surviving joint tenants shall not derogate from the rights of creditors; and repealing existing laws which abolished the right of survivorship as an incident of joint tenancies or tenancy by the entireties.

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

Joint tenancy,
created,
defined.

SECTION 1. Whereas joint tenancy with right of survivorship permits property to pass to the survivor without the cost or delay of probate proceedings, there shall be a form of co-ownership of property, real and personal, known as joint tenancy. A joint tenancy shall have the incidents of survivorship and severability as at common law. Joint tenancy may be created by written agreement, written transfer, deed, will or other instrument of conveyance, when expressly declared therein to be a joint tenancy, or when granted or devised to executors or trustees as joint tenants: *Provided however*, That

such transfer shall not derogate from the rights of creditors.

SEC. 2. Every interest created in favor of two or more persons in their own right is an interest in common, unless acquired by them in partnership, for partnership purposes, or unless declared in its creation to be a joint tenancy, as provided in section 1, or unless acquired as community property or unless acquired by executors or trustees.

Interest in common, defined.

SEC. 3. The provisions of this act shall not restrict the creation of a joint tenancy in a bank deposit or in other choses in action as heretofore or hereafter provided by law, nor restrict the power of husband and wife to make agreements as provided in RCW 26.16.120.

Savings.

SEC. 4. Section 1, page 165, Laws of 1885, section 1, chapter 270, Laws of 1953, and RCW 11.04.070 are each repealed.

Repeal.

Filed in the office of the Secretary of State January 13, 1960.

Passed by the vote of the people November 8, 1960 at the state general election.

Proclamation signed by the Governor December 8, 1960 declaring measure effective law.

CHAPTER 3.

[INITIATIVE MEASURE NO. 210.]

STATEWIDE DAYLIGHT SAVING TIME.

AN ACT providing that at two o'clock antemeridian Pacific Standard Time of the last Sunday in April each year the time of the State of Washington shall be advanced one hour, and at two o'clock antemeridian Pacific Standard Time of the last Sunday in September in each year the time of the State of Washington shall, by the retarding of one hour, be returned to Pacific Standard Time.

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

Annual daylight saving time period designated.

SECTION 1. That at two o'clock antemeridian Pacific Standard Time of the last Sunday in April each year the time of the State of Washington shall be advanced one hour, and at two o'clock antemeridian Pacific Standard Time of the last Sunday in September in each year the time of the State of Washington shall, by the retarding of one hour, be returned to Pacific Standard Time.

Filed in the office of the Secretary of State April 15, 1960.

Passed by the vote of the people November 8, 1960 at the state general election.

Proclamation signed by the Governor December 8, 1960 declaring measure effective law.

CHAPTER 4.

[INITIATIVE MEASURE NO. 25 TO THE LEGISLATURE.]

DAM CONSTRUCTION AND WATER DIVERSION.

AN ACT prohibiting the construction or operation of any dam or other obstruction over 25 feet high on any tributary stream of the Columbia River downstream from McNary Dam within the migration range of anadromous fish, except on the North Fork of the Lewis River and White Salmon River, and prohibiting diversion of water from such stream in such quantities as will reduce the flow below the annual average low flow without concurrent approval of the Directors of Fisheries and Game.

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

SECTION 1. For the purpose of conserving the State's fishery resources the powers of any person authorized to construct or operate dams or to appropriate water in the state are hereby limited in that no such person shall construct, complete or operate, either for himself or as an agent or independent contractor for another, any dam or other obstruction over 25 feet high on any tributary stream of the Columbia River downstream from McNary Dam, including the Cowlitz River and its tributaries, within the migration range of anadromous fish as jointly determined by the Directors of Fisheries and Game, except the north fork of the Lewis River and the White Salmon River (Big White Salmon River), nor shall any such person obtain or use a federal license for such purpose; nor shall any such person divert any water from any such stream in such quantities that will reduce the respective stream flows below the annual average low flow as set forth in existing or future United States Geological reports; *Provided*, That when the flow is below such annual average low flow, then such person may divert water, subject to legal appropriation, only upon the concurrent order of the Directors of Fisheries and Game.

Limitation on construction, operation of dams.

Limitation on diversion of water.

"Person" as used in section 1 defined.

SEC. 2. The term "person" as used in Section 1 herein shall include any municipal corporation or other political subdivision of this state or another state, any other public or quasi-public corporation, any private corporation or other organization organized under the laws of this state or another state, and any individual or group of individuals.

Severability.

SEC. 3. If any section or provision or part thereof of this act shall be held unconstitutional or for any other reason invalid, the invalidity of such section, provision or part thereof shall not affect the validity of the remaining sections, provisions or parts thereof which are not judged to be invalid or unconstitutional.

Filed in the office of the Secretary of State April 3, 1958.

Certified to the 1959 Legislature as of February 24, 1959.

(Legislature failed to take final action and as provided by the State Constitution, the measure was submitted to the voters at the next succeeding state general election.)

Approved by the voters at the November 8, 1960 state general election.

Proclamation declaring measure effective law signed by the Governor as of December 8, 1960.

CHAPTER 5.

[H. B. 698, SESSION OF 1959.]

ELECTIVE OFFICIALS—SALARIES.

(Overriding Governor's veto of his own salary increase.)

AN ACT relating to state government; fixing salaries of elective state officers; and amending section 1, chapter 48, Laws of 1949 and RCW 43.03.010.

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

SECTION 1. Section 1, chapter 48, Laws of 1949 and RCW 43.03.010 are each amended to read as follows:

RCW 43.03.010 amended.

The annual salaries of the following named state elected officials shall be: *Governor, twenty-two thousand five hundred dollars*; lieutenant governor, seven thousand dollars; secretary of state, twelve thousand dollars; state treasurer, twelve thousand dollars; state auditor, twelve thousand dollars; attorney general, fourteen thousand five hundred dollars; superintendent of public instruction, fourteen thousand dollars; commissioner of public lands, twelve thousand dollars; state insurance commissioner, twelve thousand dollars; members of the legislature shall receive for their services twelve hundred dollars per annum, and in addition, ten cents per mile for travel to and from legislative sessions: *Provided*, That anyone appointed to fill any vacancy that may occur in either the senate or house shall not receive any compensation for salary as herein provided until such appointee shall have qualified for office and shall have taken his oath of office at the next convening regular or special session of the legislature.

Salaries of elected state officials. Governor's increased.

Passed the House March 7, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959, with the exception of the first unnumbered item of section 1, which was vetoed (language in italics).

Action taken by 1961 Legislature:

Passed the House (overriding the Governor's partial veto) January 10, 1961.

Passed the Senate (overriding the Governor's partial veto) January 10, 1961.



CHAPTER 6.

[S. B. 78.]

APPROPRIATION—LEGISLATIVE BILL DRAFTING.

AN ACT relating to the statute law committee; making an appropriation; and declaring an emergency.

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

Appropriation.

SECTION 1. There is hereby appropriated out of the general fund, for the statute law committee, to carry out the provisions of section 6, chapter 257, Laws of 1953, salaries, wages and operations, the sum of thirty thousand dollars or so much thereof as is necessary, to pay the additional cost of preparing and drafting bills for the legislature.

Emergency.

SEC. 2. This act is necessary for the immediate 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 Senate January 16, 1961.

Passed the House January 17, 1961.

Approved by the Governor January 18, 1961.

CHAPTER 7.

[S. B. 79.]

APPROPRIATION—EXPENSES OF THE LEGISLATURE.

AN ACT relating to the expenses of the thirty-seventh legislature; making an appropriation therefor, and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of of the state general fund the sum of three hundred eighty thousand dollars, or so much thereof as may be necessary, for the purpose of paying the expenses, except legislative printing, of the thirty-seventh legislature. From the amount hereby appropriated:

(1) The Senate shall not expend more than one hundred seventy-five thousand dollars; and

(2) The House of Representatives shall not expend more than two hundred five thousand dollars.

SEC. 2. None of the funds appropriated herein shall be expended by or for the legislative council, the legislative budget committee or any other legislative interim committee.

SEC. 3. This act is necessary for the immediate support of the state government and shall take effect immediately.

Passed the Senate January 16, 1961.

Passed the House January 17, 1961.

Approved by the Governor January 18, 1961.

CHAPTER 8.

[S. B. 80.]

APPROPRIATION—LEGISLATIVE PRINTING.

AN ACT relating to legislative printing; making an appropriation; and declaring an emergency.

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

Appropriation. SECTION 1. There is hereby appropriated out of the general fund the sum of one hundred and five thousand dollars, or so much thereof as may be necessary, to pay for such printing as may be ordered by the thirty-seventh legislature, or either branch thereof.

Emergency. SEC. 2. This act is necessary for the immediate support of the state government and shall take effect immediately.

Passed the Senate January 16, 1961.

Passed the House January 17, 1961.

Approved by the Governor January 18, 1961.

CHAPTER 9.

[S. B. 135.]

APPROPRIATION—PAYMENTS TO LEGISLATORS IN LIEU OF SUBSISTENCE AND LODGING.

AN ACT relating to legislators' subsistence; making an appropriation; and declaring an emergency.

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

Appropriation. SECTION 1. There is hereby appropriated out of the state general fund the sum of two hundred and twenty-three thousand five hundred dollars for payment to members of the legislature in lieu of subsistence and lodging while in attendance at the thirty-seventh legislative session.

SEC. 2. This act is necessary for the immediate support of the state government and shall take effect immediately. Emergency.

Passed the Senate January 18, 1961.

Passed the House January 20, 1961.

Approved by the Governor January 23, 1961.

CHAPTER 10.

[S. B. 154.]

APPROPRIATION—HOOD CANAL BRIDGE.

AN ACT relating to toll bridges; making an appropriation and reappropriation for operation of the Washington toll bridge authority; and declaring an emergency.

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

SECTION 1. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority, the sum of five million five hundred thousand dollars for the repair, modification, and completion of construction of the Hood Canal bridge. No part of this appropriation shall be used until all moneys now in the "Ferry System, 1957, Construction Fund" established by resolution No. 325 of the Washington toll bridge authority, adopted October 16, 1957, have been fully expended. Appropriation.

SEC. 2. There is hereby reappropriated from the motor vehicle fund to the Washington toll bridge authority, for the biennium ending June 30, 1963, and for obligations incurred and not yet paid, the sum of five million five hundred thousand dollars, the same being the unexpended balance of the appropriation contained in section 1 of this act, for the repair, modification, and completion of construction of the Hood Canal bridge: *Provided*, That no expenditure authorized by this section shall exceed Reappropriation.

the unexpended balance of this appropriation as shown on the records of the state treasurer as of June 30, 1961.

Reimburse-
ment, tolls may
be continued
for.

SEC. 3. Any part of the appropriation or reappropriation provided for by this act which is expended shall be repaid to the motor vehicle fund to be used for state highway purposes, from the proceeds of any refunding bond issue which may hereafter be sold by the Washington toll bridge authority to refund the ferry and Hood Canal bridge revenue bonds, 1957; or from revenues of the Hood Canal bridge. Tolls may be continued on said bridge any required additional length of time necessary for this purpose.

Emergency.

Note: See also section 7, chapter 9, Laws of 1961 extraordinary session.

SEC. 4. This act is necessary for the immediate 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 Senate January 26, 1961.

Passed the House February 3, 1961.

Approved by the Governor February 8, 1961.

CHAPTER 11.

[H. B. 1.]

AGRICULTURE AND MARKETING—TITLE 15 RCW
REENACTMENT.

AN ACT relating to agriculture and marketing; enacting an agriculture and marketing code to be known as Title 15 of the Revised Code of Washington; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

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

TITLE 15

AGRICULTURE AND MARKETING

Chapter 15.04

GENERAL PROVISIONS

15.04.010 Definitions. As used in this title except where otherwise defined:

“Department” means the department of agriculture.

“Director” means the director of agriculture.

“Person” includes any individual, firm, corporation, trust, association, cooperative, copartnership, society, any other organization of individuals, and any other business unit, device, or arrangement.

15.04.020 Director’s general duties and powers. The director shall:

(1) Arrange for and hold meetings for the discussion and dissemination of information as to horticultural subjects and for demonstration of methods of preventing and eradicating diseases and pests injurious to horticultural plants, fruits, and vegetables;

(2) Publish and distribute circulars and reports on horticultural subjects, pests affecting, and diseases of horticultural plants, fruits, vegetables, and nursery stock, and means of controlling, curing, removing, eradicating, and disinfecting such diseases and pests;

(3) Furnish to the board of county commissioners of each county annually, on or before September 1st, an estimate of the expenses for the ensuing year of inspecting and disinfecting the horticultural plants, fruits, vegetables and nursery stock and the places in the county where grown, packed, stored, shipped, held for shipment or delivery, or offered for sale;

(4) Appoint inspectors to enforce and carry out the provisions of this title, who may be of two classes: Inspectors-at-large and local inspectors, but no more than twenty inspectors-at-large shall be appointed;

(5) Adopt, promulgate and enforce such rules and regulations as are necessary to or will facilitate his carrying out of the horticultural laws he is authorized and directed to administer and enforce;

(6) Adopt, promulgate and enforce rules and regulations:

(a) governing the grading, packing, and size and dimensions of commercial containers of fruits, vegetables, and nursery stock;

(b) fixing commercial grades of fruits, vegetables and nursery stock, and providing for the inspection thereof and issuance of certificates of inspection therefor;

(c) for the inspection, grading and certifying of growing crops of agricultural and vegetable seeds and the fixing and collecting of fees for such services;

(d) covering the collection of native plants and parts thereof, and when the manner of collection is destructive of the plants, prohibiting such collecting;

(e) establishing quarantine measures and methods for the protection of agricultural and horticultural crops and products and the control or eradication of pests and diseases injurious thereto;

(f) he may appoint any officer or member of a local fruit protective association to act as inspector, vested with power only to enter premises and inspect orchards and report to the inspector-at-large. Such inspectors shall receive no compensation for services and need not take the regular examination required of other inspectors.

15.04.030 Duties and powers of director, supervisor and inspectors. The director, supervisor and horticultural inspectors shall:

(1) Inspect all horticultural premises, fruits, vegetables, nursery stock, horticultural supplies, and other properties which are subject to infection by pests or diseases; require the owners or persons in charge of any infected property to disinfect the same; disinfect the same in case the owner or person in charge fails, after notice, to do so; condemn and destroy properties which cannot be successfully disinfected; have free access to any such premises or properties at any time;

(2) Require all such products held for shipment which are partially infected, to be sorted and repacked, and if the owner or person in charge after notice fails to do so, they shall condemn and destroy them: *Provided*, That no inspector shall destroy more than ten percent of any variety of nursery stock in any lot or shipment of fifty or more trees, vines, or shrubs without five days' notice to the shipper, during which time the owner or shipper may appeal to the supervisor;

(3) At the request of the owner, inspect his fruit, vegetables, and nursery stock and all other horticultural plants and products

and premises where growing or grown, for diseases and pests, and report to him the result of such investigation and prescribe proper remedies;

(4) Issue certificates of inspection to licensed nurserymen and dealers in nursery stock, on stock inspected and approved; and

(5) Inspect or audit, during business hours, the records of any grower of or dealer in nursery stock, to determine the kind of license required by him.

15.04.040 Inspectors-at-large — Qualifications — Work assignments—Compensation. Inspectors-at-large shall pass such an examination by the director as will satisfy him they are qualified in knowledge and experience to carry on the work in the districts to which they are assigned. They shall be assigned to a horticultural inspection district and may be transferred from one district to another. Their salaries and necessary traveling expenses, as shown by vouchers verified by them and countersigned by the director, shall be paid by warrants drawn upon the state treasurer, horticultural inspection district funds, the horticultural inspection trust fund, or from county appropriations: *Provided*, That, not less than twenty-five percent of their total salary shall be paid by warrants drawn upon the state treasurer.

15.04.050 Director's determination of facts final—Appeals. The director shall determine all questions of fact under the laws relating to horticulture, which determinations shall be final. Questions of law may be appealed to a superior court.

15.04.060 Local inspectors. Petition by owners for assistance in combating infection. Whenever twenty-five or more resident freeholders of any county, each of whom is the owner of an orchard, berry farm, cultivated cranberry marsh or nursery, present a petition to the board of commissioners stating that certain horticultural premises in the county are infected and the petitioners desire the help of inspectors in combating the infection, the board shall by resolution request the director to appoint and assign to that county such a number of local horticultural inspectors for such time as the petition specifies.

15.04.070 ——— Qualifications — Compensation — Control of. Said local inspectors shall satisfy the director, by examination, that their knowledge and experience qualifies them to successfully perform horticultural inspection work. Their salaries, as fixed by the board, and actual and necessary traveling expenses shall be paid from the county current expense fund on vouchers verified by them, approved by the director and ordered paid by the board. All local inspectors are under the direction and control of the director and supervisor.

15.04.080 Inspections in absence of local inspector. If any county fails to appoint a county horticultural inspector, or he is not available, the nearest available inspector may perform the services, and his compensation and necessary expenses shall be charged against said county.

If any inspector is dismissed from the service, or is assigned to another county or other duties, any qualified inspector or officer of the department may continue or complete any work initiated by him.

15.04.090 Lease of unnecessary lands to nonprofit groups — Funds. The director of agriculture may, at his discretion, for a period of not to exceed ten years, lease state lands which are now or may hereafter be, under his direction and control, the retention of which he deems unnecessary for present state purposes or needs, to any nonprofit group or organization having educational, agricultural or youth development purposes. Such leases shall be upon such terms as the director deems beneficial to the state. All rental funds received by the director under the provisions of this section shall be deposited in the "fair fund" provided in RCW 67.16.100.

15.04.100 Horticultural inspection trust fund. The director shall establish a horticulture inspection trust fund to be derived from horticulture inspection district funds. The director shall adjust district payments so that the balance in the trust fund shall not exceed seventy-five thousand dollars. The director is authorized to make payments from the trust fund to:

(1) Pay fees and expenses provided in the inspection agreement between the state department of agriculture and the agricultural marketing service of the United States department of agriculture;

(2) Pay portions of salaries of inspectors-at-large as provided under RCW 15.04.040;

(3) Assist horticultural inspection districts in temporary financial distress as result of less than normal production of horticultural commodities. Districts receiving such assistance shall make repayment to the trust fund as district funds shall permit.

Chapter 15.08

HORTICULTURAL PESTS AND DISEASES

15.08.010 Definitions. As used in this chapter:

"Supervisor" means an assistant director known as the supervisor of horticulture;

"Horticultural premises" includes orchards, vineyards, nurseries, berry farms, vegetable farms, cultivated cranberry marshes, packing houses, dryhouses, warehouses, depots, docks, cars, vessels and

other places where nursery stock, fruits, vegetables and other horticultural products are grown, stored, packed, shipped, held for shipment or delivery, sold or otherwise disposed of;

“Nursery stock” includes fruit trees, vines and bushes; fruit tree stock; rose bushes and stock; forest, ornamental and shade trees and shrubs (deciduous and evergreen); fruit bearing plants and parts thereof; plant products for planting or propagation (except vegetable plants);

“Pests and diseases” includes the following pests injurious to and diseases of nursery stock, fruit and vegetables:

(1) Bacterial diseases—fire blight of apple, pear and quince, crown gall or root gall, and hairy root;

(2) fungus diseases—black spot canker, pear scab, apple scab, apple powdery mildew, peach leaf curl, peach mildew, brown rot of peach, cherry and prune, chestnut blight, potato wart, powdery scab of potato and peach twig blight, blue stem of black raspberry, black stem rust of barberry and wheat, eastern filbert blight, European apple canker;

(3) insect pests—chewing insects, such as bud moth, peach twig borer caterpillars, pear slug, flat-headed borer, round-headed borer, imported cabbage worm, potato tuber moth, potato nematode or eel worm, potato leaf mold, Mediterranean fruit fly, lesser apple worm, tussock moth, gypsy moth, brown tail moth, codling moth, fruit tree leaf roller, cherry maggot, cherry fruit saw-fly, satin moth, currant maggot, Colorado potato beetle, strawberry weevil, European earwig, Japanese beetle, pear thrips, and larvae of any thereof;

(4) sucking insects—San Jose scale, scurfy scale, oystershell bark louse, aphids, pear leaf blistermites and red spider;

(5) and such other bacterial and fungus diseases and insect pests identified as such by science and described as being injurious to horticulture in circulars issued by the director;

“Nuisance” means any plants, produce or property found in any commercial area upon which is found any pest or disease recognized in this chapter that is a source of infestation of other properties;

“Nuisance per se” means any nuisance, as above defined, which will or is likely to cause damage or infection to other property;

“Commercial area” means a district where any horticultural product is being produced to the extent that a producer is dependent thereon, in whole or in part, for his livelihood;

“Infect” and its derivatives “infected,” “infecting,” and “infection,” means affected by or infested with pests or diseases as above defined;

“Disinfect” and its derivatives means the control, cure, or eradication of such pests or diseases by cutting or destroying infected

parts or the application of fungicides, insecticides, or other effective solutions or emulsions;

“Agent” means any person acting as agent, salesman, solicitor, or representative of a licensed nurseryman or licensed dealer in nursery stock, who sells from a catalog or samples and makes no deliveries at the time of solicitation.

15.08.020 Methods of prevention, control and disinfection. The following methods shall be used for the prevention, control or disinfection of pests and diseases:

(1) Bacterial diseases, removal and destruction of infected plant or part thereof, care being used to disinfect removal tools to prevent infection therefrom;

(2) fungus diseases, spraying with effective fungicide;

(3) chewing or sucking insect pests, spraying with effective insecticide;

(4) fungus insect pests, spraying with other effective solutions or emulsions described in circulars issued by the director.

15.08.030 Duty to disinfect, destroy—Disposal of cuttings. It is the duty of every owner, shipper, consignee, or other person in charge of fruits, vegetables, or nursery stock, and the owner, lessee, or occupant of horticultural premises, to use sufficient methods of prevention to keep said properties free from infection by pests or disease. In event any of said properties become infected it is the duty of said persons to use effective methods to control or destroy the infection by disinfection as in this chapter defined. All fruits, vegetables and nursery stock which cannot be successfully disinfected shall be promptly destroyed.

In counties where black stem rust infection occurs every owner or person in charge of premises on which barberry bushes of the rust-producing varieties are growing shall forthwith destroy such bushes.

Within forty-eight hours after removal of any cuttings or prunings from bacterially infected trees or plants infected with fruit tree leaf roller egg clusters the person removing same shall disinfect or destroy them by burning or scorching.

15.08.040 Authority to enter premises—Interference unlawful. The director, supervisor and horticultural inspectors are authorized to at any time enter horticultural premises and any structure where fruit, vegetables, nursery stock, or horticultural products are grown or situated for any purpose, to inspect the same for infection.

No person shall hinder or interfere with any such officer in entering or inspecting or performing any duty imposed upon him.

15.08.050 Condemnation of infected property. Disposal of, unlawful. If the premises or property inspected is found to be infected

the inspecting officer shall condemn the same and serve upon the owner or person in charge thereof a written notice of the condemnation, describing the premises or property with reasonable certainty, and ordering the infected portion to be disinfected, or to be destroyed if incapable of disinfection, within a time and in a manner stated therein, and giving notice that if the order is not complied with in the time stated, the officer will disinfect or destroy the property and charge the expense thereof to the owner or against the premises.

No person shall ship, sell, or otherwise dispose of or part with possession of, or transport, any such condemned property until all requirements of said notice and order are complied with and written permit of the inspector so to do is issued.

15.08.060 ————Notice to owner—Division into classes. Said notice of condemnation shall also grant permission to the owner or person in charge of infected fruit, vegetables, or nursery stock to divide the same into classes:

- (1) The portion not infected;
- (2) the infected portion which is capable of successful disinfection; and
- (3) the infected portion which is incapable of successful disinfection and must be destroyed.

Said notice shall require the owner or person to disinfect class (2) and destroy class (3) within the time stated.

15.08.070 ————Use of condemned fruit, vegetables—Permit. In the case of fruit or vegetables which cannot be successfully disinfected the inspector may grant to the owner or person in charge thereof a written permit to use the condemned products for stock feed, or manufacture the same into byproducts, or ship them to a by-product factory; and it is unlawful for the person receiving such permit to sell or dispose of such products without first having the same manufactured into a byproduct or shipped to a byproduct factory, or to divert any such shipment when made, or for the consignee of such shipment to sell or dispose of the same until it is manufactured into a byproduct.

15.08.080 ————Service of notice—Personal, constructive, substituted. Personal service of said notice shall be made upon the person in possession or in charge of said premises or property if possible. If such person is not the owner, or personal service cannot be made on such person, then a copy of the notice shall be mailed or telegraphed to the owner at his home or post office address if known or can with reasonable diligence be ascertained. If personal service cannot be made upon any person in possession or charge of the premises or property and the name and address of

the owner thereof are not known or cannot be so ascertained, then the notice shall be served by posting the same in some conspicuous place on the premises where the property to be disinfected or destroyed is situated, which service by posting shall be construed to be constructive personal service upon such owner. If the name and address of the owner are not known or cannot be so ascertained, service upon the person in possession or charge of the premises or property shall constitute substituted personal service upon the owner, in the absence of fraud or gross neglect.

15.08.090 ———Duty to comply—Inspector's duty on failure—Lien for costs. Except as hereinabove provided, upon service of said notice the owner or person in possession or charge of the premises or property shall comply with its terms within the time specified. In case of their failure so to do, the inspector may enter the premises and perform or cause to be performed the services required in the notice. He shall keep an accurate account of the expense of performing said services, which shall become a lien on the premises or property which may be foreclosed in the manner herein provided. The lien on personal property shall have preference over all other liens.

If the inspector has not disinfected or destroyed the property it may be declared a nuisance as herein provided and treated as such.

15.08.100 Foreclosure of lien—Sale—Notice of impounding—Contents. The officer disinfecting personal property may enforce the lien thereon provided for in RCW 15.08.090 by impounding and selling the property. He shall give notice of the impounding and proposed sale by posting a written notice in a conspicuous place upon the premises where the property is impounded and serve said notice upon the owner or person in charge of the property in the manner provided for service of notice to disinfect in RCW 15.08.080. Said notice shall state that the property, describing it with reasonable certainty, has been impounded, where it is situated, the amount of costs and expenses charged against it, and that unless same are paid within a specified time the property will be sold to satisfy said charges, accrued transportation and storage charges, if any, and costs of sale. Said specified time shall not be less than ten days after giving of the notice, except that immediate sale may be made of perishable fruits or vegetables.

15.08.110 Sale proceeds—Deficiency—Action to recover. Such sales may be either at public auction or private sale, whichever, in the sound discretion of the officer, will be to the best interests of the state and owner of the property. The proceeds thereof shall be applied to payment of: First, costs of sale; second, expenses of disin-

fection; third, accrued transportation and storage charges. The balance, if any, shall be paid to the owner.

Should such proceeds be insufficient to pay the costs of sale and expenses of disinfection, the deficiency may be recovered from the owner or person in charge in an action brought in the name of the state on the relation of the director by the prosecuting attorney of the county when directed to do so by the attorney general.

15.08.120 Record of proceedings—Verified copy as evidence. The inspector shall make and sign a record of the proceedings, stating the name of the owner or reputed owner of the property, if known; location of the property, date of inspection and the results thereof; date and manner of giving notice to disinfect; failure to disinfect; disinfection by the inspector; the cost thereof in detail; date and manner of giving notice of impounding and sale; date, place, and manner of sale; name of the purchaser; and amount of the proceeds and disposition thereof.

Upon demand of the owner or person in charge of the property, the inspector shall furnish him with a verified copy of the record, and tender him the balance of the proceeds. If no demand is made within thirty days of the sale, or if the tender is refused, the inspector shall file a verified copy of the record with and remit any balance of the proceeds to the director, and if it is not claimed by the owner within six months, it shall be deposited in the state treasury.

The record or a verified copy thereof shall be admissible in evidence as prima facie evidence of the truth of its contents.

15.08.130 Record of premises disinfected—Costs—Lien. The inspector disinfecting any horticultural premises shall make and sign a detailed record of the proceedings, stating the legal description of the premises; give the name of the owner or reputed owner; the date of inspection and the results thereof; date and manner of giving notice to disinfect; failure to disinfect; disinfection by the inspector; and the cost thereof in detail. If the cost is not paid within five days from the completion of the disinfecting, the inspector shall file with the auditor of the county in which the premises are situated two verified copies of the above record, and a claim of lien against the premises for the amount of the costs and therein refer to the record, which the auditor shall record as other lien claims. The auditor shall charge the same fees as are charged for filing and recording other liens.

15.08.140 Hearing on costs—Notice—Service. The county auditor shall forthwith issue warrants in payment of the labor employed in the work, and thereupon the county shall be subrogated to all rights of the laborers so paid. He shall fix the day for hearing on

the record before the county commissioners, which shall be not less than twenty days from the date of filing. He shall prepare a notice directed to the owner or reputed owner of the premises of the filing of the record and claim and the hearing thereon, the time and place of the hearing and the amount of the claim. The sheriff shall serve the notice in the manner provided for service of the notice to disinfect, and file with the auditor before the hearing, his return of service and the amount of his fees, which shall be the same as for service of summons in civil proceedings.

15.08.150 Payment and release—Order on amount—Priority of lien. If before or at the hearing the amount of the claim and the auditor's and sheriff's fees are paid to the county treasurer, he shall deliver to the auditor a duplicate receipt of the payment and the auditor shall cancel the lien and notify the county commissioners thereof. The treasurer shall pay the funds to the persons entitled thereto as appears from the records in the auditor's office.

If payment is not made, the auditor shall present to the board of county commissioners a verified copy of the record and claim, which shall be accepted in any proceeding as prima facie evidence of the truth of the contents thereof. The board shall receive and consider the record and claim all sworn testimony offered, and shall enter an order fixing the amount of the claim and costs, and direct the amount paid from the current expense fund, and the auditor shall draw warrants therefor. The auditor shall record the order in his office as other lien claims and it shall be a lien against the premises in favor of the county, and shall bear interest at six percent per year from the date of the order.

15.08.160 Payment date—Cancellation of lien. The lien and interest may be paid on or before the first Monday in October following the entry of the order, upon presenting to the treasurer, a statement from the auditor showing the amount due. Upon payment the treasurer shall stamp the statement and file it in his records, and shall issue a receipt to the person making the payment, showing payment and shall deliver a duplicate to the auditor, who shall then cancel the lien.

15.08.170 Failure to pay—Conversion into taxes—Use. If the lien and interest are not paid on or before such first Monday in October the commissioners, when levying taxes for the ensuing year, shall also levy on the premises covered by the lien, a tax for the amount of the lien and interest, together with a penalty of six percent, which tax shall be collected as other taxes for current expenses. The auditor shall then cancel the lien and note thereon that the amount thereof has been charged against the premises as taxes.

The tax shall be credited to the current expense fund and used to defray the expense of horticultural inspection and disinfection in the county, whether or not such expenditure has been included in the estimates made in the current county budget.

15.08.180 Inspection board—Creation—Duties—Powers. If a horticultural inspector finds premises or property infested, he shall make a written report thereof to the inspector-at-large in his district stating the disease or infestation found, the estimated extent thereof, and whether in his opinion it is or will become a nuisance. Upon receipt of the report the inspector-at-large shall appoint a person residing within three miles of the said premises or property and who is a grower of horticultural products which could be infested from said premises or property, and who, with the inspector-at-large or someone delegated by him from his department, shall appoint a third person likewise a grower of agricultural products which could be so infested. Said three persons shall constitute an inspection board whose duty shall be to forthwith examine the infested premises or property so as to determine whether same or any part thereof is infested with any pest or disease named in RCW 15.08.010.

The board members shall have the same power of entry and inspection as the director, supervisor or horticultural inspector and shall be compensated at the rate of four dollars per day to be paid from the county current expense budget for horticulture.

15.08.190 Report of inspection—Nuisance abatement. Said board shall make a written report to the inspector-at-large of its findings, signed under oath by a majority of its members and stating:

- (1) Whether said premises or a part thereof are infested,
- (2) if infested, the nature and extent of infestation, and
- (3) whether the infestation constitutes a nuisance. If the report shows the premises infested and constituting a nuisance, it and the findings of the inspector, shall be transmitted forthwith to the prosecuting attorney of the county. Within five days the prosecuting attorney shall file in the superior court a petition, signed and verified by him, describing the premises or property, giving the names of the owners, encumbrances and other persons interested therein, as ascertained from the county records, containing a recital of the proceedings taken under RCW 15.08.050, 15.08.060, 15.08.070, 15.08.080, 15.08.090, and 15.08.180, and praying for an order declaring the premises or property to be a nuisance. Said report of the inspection board shall be attached to the petition as an exhibit and made a part thereof.

15.08.200 Notice of hearing—Service—Adjournments. A notice containing a description of the premises, stating the objects and

purposes of the petition and the time and place of presentation of the petition to the court, shall be served upon every person named as interested in the premises at least five days prior to the time of presentation. Service of the notice shall be as nearly as possible in the manner provided by law for service of summons in a civil action, except that if service is had by publication the period of publication shall be two weekly publications in a newspaper published or of general circulation in the county, and the service shall be deemed completed on the expiration of fifteen days after the date of the first publication.

Proof of service may be made by affidavit of the person serving or publishing the notice and shall be filed with the clerk of the court on or before the time of presentation of the petition.

On application of any party or its own motion the court may adjourn the hearing from time to time, and may order new or further notice to be given any person whose interest may be affected.

15.08.210 Order of abatement. At the hearing there must be competent proof that all parties interested in the premises or property have been duly served with said notice, and that the procedure prescribed in RCW 15.08.050, 15.08.060, 15.08.070, 15.08.080, 15.08.090, and 15.08.180 has been duly followed. The report of the inspection board shall be prima facie evidence that the premises are infested and constitute a nuisance. If there is no showing that said board acted in a capricious, arbitrary or unfair manner, the court shall accept the recommendation of said board and forthwith decree the plants, produce or property on the premises to constitute a nuisance and order the inspector-at-large of the district and the county commissioners to destroy the same, or abate the nuisance in such other manner as the court may direct.

The costs of destruction or abatement, and of the proceedings shall be taxed against the defendants therein.

15.08.220 Appeals—Bond for damages. An appeal may be taken from the decree by filing notice thereof not later than ten days after issuance of the decree. The appellant shall be required to file an appeal bond of not less than one thousand dollars and sufficient in amount to cover possible damages to neighboring properties due to delay in carrying out the decree.

15.08.230 Disinfection of public properties. The director and the governing body of counties, cities, towns and irrigation and school districts shall disinfect or destroy all infected trees or shrubs growing upon public property within their respective jurisdictions, and they may expend funds of their county, city, town, or district in carrying out the provisions of this section. The director may

compel compliance herewith by an action in the name of the state upon the relation of the director.

15.08.240 Dumping infected products, containers, prohibited. It shall be unlawful for a property owner or lessee to permit the piling or dumping, or for a person to pile or dump, any infected product on any property or to pile or dump infected containers where the dumping of the infected products or containers might constitute a source of infestation to horticultural products.

15.08.250 Host-free districts—Director's duties. Whenever the director determines that a particular pest cannot be eradicated or effectively controlled by ordinary means, or that it is impractical to eradicate or control it without the destruction in whole or in part of uninfected host plants, he may issue a proclamation setting out the host-free period or host-free district, or both, describing the host plant and the district wherein planting, growing, cultivating, or maintenance in any manner of any plants or products capable of continuing the particular pests is prohibited during a specified period of time and until the menace therefrom no longer exists.

15.08.260 Horticultural tax. At the time of making the regular annual tax levy the board of county commissioners of each county shall include a tax, to be known as the "horticultural tax," upon the taxable property of the county in an amount sufficient to meet the expense of inspecting and disinfecting nursery stock, fruits, vegetables, horticultural or agricultural products, and horticultural premises under the provisions of this title. Said tax shall be levied and collected in the same manner as are general taxes and when collected shall be placed in the county current expense fund.

15.08.270 Basis for estimating the tax. In estimating the amount to be levied for said horticultural tax the board shall take into consideration the expense of such inspection and disinfection for the ensuing year, and the amount which will be collected under the provisions of this chapter on properties disinfected.

Chapter 15.12

NURSERY STOCK INSPECTION AND LICENSING

15.12.010 Licenses—Nurserymen, dealers, agents—Exceptions. It shall be unlawful for any person to sell, deal in or import into the state for sale or distribution any nursery stock, or to act as agent for a nurseryman or dealer in nursery stock unless he has in force a license so to do for each place of business; except that the director may enter into reciprocal agreements with other states, which accord like privileges to such licensees of this state, under which nursery stock owned by nurserymen or nursery stock dealers licensed by

such states may be sold or delivered in this state without payment of the license fee hereinafter provided for.

Note: See also section 24, chapter 221, Laws of 1961.

15.12.020 Fee schedule—Nursery inspection account. The director shall issue such licenses upon payment of the following fees: For agents, one dollar; for nurserymen who grow all of the stock they sell, five dollars; for other nurserymen, dealers, brokers, landscape architects, and all other persons deriving financial benefit from the sale of nursery stock, fifteen dollars.

All moneys collected under this section shall be paid into a special account of the general fund of the state treasury known as the nursery inspection account and used exclusively for the necessary expenses of this chapter. The state auditor may anticipate the receipts and issue warrants not exceeding three thousand dollars in amount.

Note: See also section 24, chapter 221, Laws of 1961.

15.12.030 Contents of license. Every license shall show: Date of issue, name of licensee, purpose of issue, name and location of nursery or place of business of licensee; and shall expire on the first day of July following date of issue.

Note: See also section 24, chapter 221, Laws of 1961.

15.12.040 Unlawful acts—Action for damages. It shall be unlawful for any person to:

- (1) Falsely represent that he is the agent or representative of any nurseryman or dealer in nursery stock;
- (2) Deceive or defraud another in the sale of nursery stock by substituting inferior or different grades from those ordered;
- (3) Wilfully or intentionally bring into this state, or offer for sale or distribution within the state, or ship, sell, or deliver any infected nursery stock.

In case of such deceit, fraud, or substitution the person injured thereby shall have recourse against the licensed nurseryman or dealer for the damage sustained.

Note: See also section 24, chapter 221, Laws of 1961.

15.12.045 Unlawful representations. It shall be unlawful to sell, solicit orders for, offer for sale, or distribute nursery stock by any method which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to quantity, size, grade, kind, species, age, maturity, condition, vigor, hardiness, number of times transplanted, growth ability, growth characteristics, rate of growth or time required before flowering or fruiting, price, origin or place where grown, or in any other material respect.

This section shall apply to every type of advertisement or method of representation, whether in newspaper, periodical, sales catalogue, by radio or television, by sales representatives, or otherwise.

Without limiting the effect of this section, the making of any of the following representations, directly or indirectly, is expressly prohibited;

(1) That the nursery stock has been propagated by grafting or bud selections methods, when such is not the fact.

(2) That the nursery stock is healthy, will grow anywhere without the use of fertilizer, or will survive and produce without special care, when such is not the fact.

(3) That the nursery stock blooms the year round, or will bear an extraordinary number of blooms of unusual size or quality, when such is not a fact.

(4) That the nursery stock is a new variety, when in fact it is a standard variety to which the seller has given a new name.

(5) That the nursery stock cannot be purchased through usual retail outlets, or that there are limited stocks available, when such is not the fact.

(6) That the nursery stock offered for sale will be delivered in time for the next (or any specified) seasonal planting when the seller is aware of factors which make such delivery improbable.

(7) That the appearance of the nursery stock is normal or usual when the appearance so represented is in fact abnormal or unusual.

(8) That the root system of the nursery stock is appreciably larger than that which actually exists, whether accomplished by means of packaging, balling, or otherwise.

(9) That bulblets are bulbs.

(10) That any nursery stock is a rare or unusual item when such is not the fact.

Note: See also section 24, chapter 221, Laws of 1961.

15.12.050 Complaints against licensees—Hearing—Venue. Upon sworn written complaint to the director alleging that any licensee hereunder has violated or failed to comply with the provisions of this chapter or the laws of the state relative to horticulture, the director, if in his judgment the complaint justifies a hearing thereon, shall serve upon such licensee by registered mail a copy of the complaint and a notice of the time and place of the hearing, which shall be held not less than ten nor more than thirty days from the date of mailing and at a place determined by the director as shall be most convenient to all parties, or in the county where the nursery or principal place of business of the licensee is located.

Note: See also section 24, chapter 221, Laws of 1961.

15.12.060 Compulsory attendance process—Decisions—Appeals. The complainant and the licensee shall have compulsory process, issued by the director, to compel the attendance of witnesses. Hearings may be held by the director, or by the supervisor who shall report a synopsis of the testimony and his findings to the director

for a decision. If upon the hearing or said report the director is satisfied that the licensee has violated or failed to comply with the provisions of this chapter or any law relating to horticulture he may revoke the license of the licensee.

No new license shall be issued to such person until it appears to the director that the cause of the complaint has been removed.

Appeals from decisions of the director, either revoking the license or refusing to issue a new one, may be taken to the superior court of the county where the hearing was held.

Note: See also section 24, chapter 221, Laws of 1961.

15.12.070 Notice of intention to ship nursery stock—Container marking. Every person intending to ship nursery stock between points within the state, or to import the same from a person not licensed hereunder shall mail to the director not later than the day of shipment a written notice signed by himself stating the names and addresses of both consignor and consignee, the name of the carrier or person who will deliver the shipment to the consignee, and whether the shipment has been inspected and approved at the initial point of shipment in this state, and mail a copy of the notice to the horticultural inspector stationed nearest to the point of consignment.

Every person receiving such an imported shipment shall have it inspected in the manner prescribed by law for inspection of nursery stock delivered by a licensed nurseryman or dealer.

The contents of all shipments of nursery stock must be plainly marked on the outside of containers thereof.

Note: See also section 24, chapter 221, Laws of 1961.

15.12.080 Inspections at destination—Exception—Notice of arrival. If a shipment of nursery stock is accompanied by a horticultural inspector's certificate of inspection and approval at the initial point of shipment in this state, the person delivering the same shall also deliver such certificate to the consignee and retain a copy thereof as proof of his authority to deliver without inspection.

If a shipment is not accompanied by such a certificate then the person in charge of its delivery shall notify the horticultural inspector stationed nearest to the point of delivery that the shipment is ready for inspection and delivery and the names of the consignor and consignee thereof, except, that cut flowers, potted plants and greenhouse products which show general inspection shall be exempt.

Said notice may be given by telephone, telegraph, or by written notice delivered personally to the inspector or a person of suitable age and discretion at his residence or office, or by mail addressed to the inspector at his residence or office.

Note: See also section 24, chapter 221, Laws of 1961.

15.12.090 Holding period for inspection. The person in charge of delivery of a shipment of nursery stock shall not deliver the same until it has been inspected by a horticultural inspector, but the shipment need not be held for more than forty-eight hours after notifying the inspector as above provided, unless the notice was mailed in which case the shipment shall be held for such period beyond said forty-eight hours as is ordinarily required for delivery of mail to the address of the inspector.

Note: See also section 24, chapter 221, Laws of 1961.

15.12.100 Inspection on demand—Fees—Substitutions unlawful. Any nurseryman or nursery stock dealer may demand, upon payment of such fees as are agreed upon by the director, the services of a horticultural inspector at the place of business or point of shipment during the shipping season. If the inspector finds the stock free from pests and diseases he shall deliver to the owner or person in charge thereof a certificate signed by him in triplicate stating such stock to be not infected.

No person shall substitute other nursery stock for that covered by such a certificate.

Note: See also section 24, chapter 221, Laws of 1961.

15.12.110 Graded stock to be living—Destruction of dead, broken, damaged stock. All nursery stock required to be graded shall be living stock and shall not be dead, or in a dying condition, and shall not be seriously broken, frozen or damaged, and shall not be abnormally potbound. Any person authorized to make inspection of shipments of nursery stock shall condemn any and all stock found to be dead or in dying condition, seriously broken, frozen, or damaged and shall order it destroyed. The order of the inspector shall be final fifteen days after the date of its issuance unless within such time the superior court of the county where the condemnation occurred shall issue an order requiring the director of agriculture to show cause why the inspector's order should not be stayed.

Note: See also section 24, chapter 221, Laws of 1961.

Chapter 15.16

STANDARDS OF GRADES AND PACKS

15.16.010 Rules and regulations—Director's duties—Public hearings. The director shall adopt and promulgate general obligatory rules and regulations establishing standard commercial grades and packs of fruit, vegetables and nursery stock and the sizes and dimensions of commercial containers therefor and the inspection of the same. Said rules and regulations, and any changes therein shall be adopted only after official public hearings have been held pursuant to such reasonable rules prescribed by the director, as will insure

a full, fair and impartial opportunity for all interested districts to be heard.

The grading rules shall be based upon the necessities and proprieties as shown in the hearing, taking into consideration the commercial tonnage of said products in each district affected by said rules.

15.16.020 Changes in rules—Petitions for—Hearings. Proposed changes in said rules and regulations may be submitted to the director by a petition signed by resident freeholders who are owners of twenty-five percent or more of the total acreage, based upon the census of the department, for the kind of fruit, vegetables, or nursery stock for which changes are proposed; or the director may call a public hearing to consider desired changes upon a reasonable showing by the industry of the necessity therefor.

15.16.030 Consultations—Force and effect of rules. In adopting such rules, regulations and changes the director may consult and advise with growers of such products and the officers of grower organizations.

When adopted and promulgated such rules and regulations become effective and have the force and effect of statutes.

15.16.035 Horticultural inspection districts established. For the purpose of this chapter the state shall be divided into the following horticultural inspection districts to which may be assigned one or more inspectors-at-large who shall supervise and administer regulatory and inspection affairs of the district:

District One: Walla Walla, Columbia, Garfield, Asotin, Whitman, Benton, Franklin.

District Two: Spokane, Lincoln, Stevens, Ferry, Pend Oreille.

District Three: Adams, Grant.

District Four: Chelan, Southern portion of Douglas.

District Five: Yakima, Kittitas, Klickitat, Skamania.

District Six: Clark, Cowlitz, Wahkiakum.

District Seven: Lewis, Pacific, Thurston, Mason, Grays Harbor.

District Eight: Pierce, Kitsap, Jefferson, Clallam.

District Nine: King.

District Ten: Whatcom, Snohomish, San Juan, Skagit, Island.

District Eleven: Okanogan, Northern part of Douglas.

The director shall establish those portions of district boundaries which do not follow county lines.

15.16.040 Horticultural inspectors — Appointment — Duties — Fees. Upon application by a financially interested party for inspection and certification services on certain specified fruits, vegetables, nursery stock, or other horticultural products the director, supervisor, or inspectors-at-large may appoint a horticultural inspector

who shall perform such services and certify to the shipper or interested parties the quality, grade and condition of the specified products. Said services shall be made pursuant to rules and regulations adopted from time to time by the director and upon payment of such fees as he may determine will, as near as may be, cover the cost of the service.

15.16.050 Collection, deposit and use of fees—Bond of inspectors-at-large—Accounting. The inspectors-at-large in charge of such inspections shall collect the fees therefor and deposit them in the horticultural district fund in any bank in the district approved for the deposit of state funds. The inspectors-at-large shall expend fees deposited in the horticultural district fund to assist in defraying the expenses of inspections and they shall make payments from the horticultural district fund to the horticultural inspection trust fund in Olympia as authorized by the director in accordance with RCW 15.04.100. Inspectors-at-large shall furnish bonds to the state in amounts set by the administrative board, with sureties approved by the director, conditioned upon the faithful handling of said funds for the purposes specified; and shall, on or before the tenth day of each month, render to the director a detailed account of the receipts and disbursements for the preceding month.

15.16.060 Annual reports of inspectors-at-large—Schedule of refunds by district when excess in district fund. On the thirtieth day of June of each year the inspectors-at-large shall render to the commissioners of every county in which such service has been rendered in their districts, a complete account of the past year's business. Should there remain on hand in any horticultural district fund after all expenses of said services have been paid, amounts in excess of those in the following schedule, they shall be returned to the contributors to the fund in proportion to the amount each contributed: Schedule: Districts 2, 6 and 7, each, twenty-five thousand dollars; districts 1 and 8, each, thirty thousand dollars; districts 9 and 10, each, fifty thousand dollars; district 11, seventy-five thousand dollars; and districts 3, 4 and 5, each, one hundred thousand dollars.

15.16.070 Failure to pay fees—Actions—Certificates as evidence. Should the applicant for said services fail to pay the fee therefor within thirty days after the performance thereof, the prosecuting attorney of the county shall, at the request of the inspector-at-large, bring suit in the name of the inspector-at-large to collect the debt.

The certificate of inspection shall be admitted in all courts as prima facie evidence of the truth of the statements therein contained.

15.16.080 Apple grades—Packs to comply. The director shall adopt and promulgate rules and regulations establishing the following grades of apples: For green and yellow varieties: (1) Extra

fancy, (2) fancy, (3) C grade, (4) culls, and (5) infected culls. For red and partial red varieties: (1) Extra fancy, (2) fancy, (3) culls, and (4) infected culls.

No person shall pack, sell, or ship apples unless the same comply with the rules, regulations and grades adopted pursuant to RCW 15.16.010.

15.16.085 Color standards for red and partial red apples. The director when establishing standards of color requirements for red varieties and partial red varieties of apples shall establish color standards for such varieties which are not less than the following:

1. Arkansas BlackFifteen percent
2. Spitzenberg (Esopus)Fifteen percent
3. WinesapTwenty percent
4. King DavidFifteen percent
5. DeliciousTwenty percent
6. Staymen WinesapTen percent
7. VanderpoolTen percent
8. Black Twig.....Ten percent
9. JonathanTen percent
10. McIntoshTen percent
11. RomeTen percent
12. Red Sport varieties.....Twenty percent

Whenever red sport varieties are marked as such, they shall meet the color requirements of red sport varieties.

15.16.090 Violations of standards. It is unlawful for any person who grows, packs, or otherwise deals in fruits, vegetables, nursery stock, or other horticultural products to:

(1) Offer for sale, sell, or ship any such products in boxes, packages, or other containers without first plainly marking on the outside of each container the standards, rules and regulations adopted by the director hereunder, and, either the true grades of the contents as fixed by said standards, rules and regulations, or a special or private grade or brand registered and approved by the director: *Provided*, That private grades or brands for apples may only be registered and approved when they meet the specifications required of fancy grade or better; or

(2) Place upon any container the name of any other place or locality than that where the contents were grown, except the place of destination; or falsely mark such container as to variety of the contents, the name of the grower, or place where grown; or the name of a grade which imitates or approaches the name of any grade promulgated by the director; or

(3) Mark, brand, advertise, offer for sale, or sell any such products as being graded according to said standards unless the same does conform therewith; or

(4) Have in his possession any such products that are thusly misbranded; or

(5) Re-mark any container to a higher or superior grade than that marked thereon by the grower or packer; or

(6) Repack the contents of a container into a container of another grower or packer, or from another locality than that in which originally packed, and then sell or offer for sale such re-packed container without changing its markings to conform with its said contents; or

(7) Import, sell, offer for sale or possess any such products which are infected with any pest or disease, or larvae thereof. The fact that any product bears the mark of any scale or insect, or is worm-eaten is conclusive evidence that it is infected.

The provisions of this section do not apply to canned or dried fruits; nor prevent the manufacture of infected fruit into byproducts, or its shipment to a byproduct factory; nor prohibit the sale of such products as "ungraded" or as graded according to other standards than those adopted by the director if the name of such other grades or standards does not resemble or imitate any official grades and if obligatory grades, rules and regulations have not been adopted as herein provided.

15.16.100 Importations—Marking containers. All fruits, vegetables, nursery stock and other horticultural products imported into the state shall comply with the obligatory standards, rules and regulations duly promulgated by proper authority of the state of origin or adopted by the United States department of agriculture, and all containers thereof must be marked in accordance therewith.

15.16.110 Condemnation by inspector—Possession prima facie evidence. If an inspector upon inspection finds that any fruits, vegetables or nursery stock do not meet the standards established by the obligatory rules and regulations, he shall condemn the same and serve notice thereof upon the owner or person in charge, and the article may not be sold or disposed of without written permission of the inspector. The possession of such products shall be prima facie evidence of a violation of the provisions of this chapter unless the owner or person in charge can show a written release from the inspector that the provisions of the condemnation order have been complied with.

15.16.120 Nursery stock—Information to purchaser. Nurserymen and dealers in nursery stock and agents thereof shall give to each person ordering or buying nursery stock, a duplicate copy of the order which shall show: The name of the nurseryman or dealer; the name of the agent; the season of the order; the date when delivery is to be made; and the number, name, and price of each variety of items ordered.

15.16.130 Apples, pears, potatoes, cantaloupes—Unlawful conduct—Penalty. No person shall:

(1) Ship or transport apples, pears, potatoes, or cantaloupes until they have been inspected by a horticultural inspector and his permit to do so obtained; or sell the same to a retailer without giving him information relative to the grade, quality and variety thereof; nor

(2) Sell at retail apples or pears which are not graded extra fancy, fancy, C grade, or a combination of grades established by the director, unless a permit to do so has been issued by a horticultural inspector: *Provided*, That for the purpose of this section "combination" grades shall not include any culls; nor without clearly marking the grade thereof on the container, or if there is no container, then the grade must be established by a sign; nor

(3) offer for sale or possess for sale any potatoes not within the grades of U. S. No. 2 or better, unless the word "cull" is clearly marked, in letters not less than two inches high on the container, or if sold in bulk then on a sign visible to the trade at all times.

Any violation of this section shall be punishable as a gross misdemeanor.

15.16.140 —————Inspection—Reinspection—Fees. All apples, pears, potatoes and cantaloupes, before being shipped, must be inspected by a horticultural inspector, who shall, if he finds the same comply with the law and the rules and regulations of the department, issue a certificate of inspection or permit to ship the fruit; except that if any apples are found to be culls they shall be reinspected for disease and infestation for which service a reinspection fee of one dollar shall be collected. If the fruit is free of disease and infestation a certificate to that effect shall be issued to the shipper. The inspection fees above required shall be used to pay the expense of inspection and certification.

15.16.150 —————Inspection fees—Director's duty—When no fee. The director shall fix reasonable fees to cover the cost of inspection of apples, pears, potatoes, and cantaloupes, which fees shall be collected by the inspectors and used to cover the expense of inspection. No inspection charge shall be made when a permit or certificate has been issued concerning such fruits or vegetables, nor when they are sold to packing, preparation, or processing plants or places for storage within the district where grown, for the purpose of preparing or processing for market or for storage to be sold at a later date.

15.16.160 Apples—Culls—Container markings. No person shall buy, sell, offer for sale, ship, or transport any apples to or for market unless the same have been graded and comply with all grading requirements; and if the apples are culls, unless every

container, label, bill of lading, invoice, memorandum and other document describes and defines their grade, variety and size; nor ship or transport culls out of their area of production, except to processing plants, unless they are packed in one-bushel baskets, ring faced and lidded, and the name "culls" appears on the top and bottom of each container and any labels thereon in clear, legible letters at least two and one-half inches high. Apples in the ring face shall be representative of the contents, as to size and quality.

15.16.170 Importations—Notification of inspector. Upon arrival at its destination of a shipment of fruits or vegetables imported into this state the person in charge of the delivery thereof shall notify the nearest horticultural inspector, giving the names of consignor and consignee; and upon delivery of the shipment shall demand and receive from the consignee, his order or agent a receipt showing the name and address of the receiver, which receipt shall also be mailed to said inspector.

15.16.180 Apple shipments—Notice of loading—Permit to ship. At or prior to the issuance of the bill of lading on any car of apples the common carrier shall furnish to the nearest horticultural inspector or office the name of the consignor and the date and place of loading. All apples shipped in bulk or as culls shall be accompanied by a written permit to ship the same to a byproduct factory, or by such an inspector's written statement that same are free from infection.

15.16.190 Permits, certificates—Payment of assessments before issuance. No permit shall issue under RCW 15.16.140 nor certificate of inspection of culls under RCW 15.16.140 until there is first paid to the department for the Washington state apple advertising commission the assessment levied under chapter 15.24 and in addition thereto the assessment levied in RCW 15.16.200.

15.16.200 Assessment on culls—Use of funds. An assessment of five cents per basket is levied upon every basket of culls shipped or transported within the state, to be paid to the Washington state apple advertising commission for the purpose of conducting a research of further uses of apples, especially culls.

15.16.210 Apples shipped to byproducts or processing factory excepted from certain provisions. Nothing in RCW 15.16.080, 15.16.140, 15.16.160, 15.16.190, 15.16.200 and 15.16.250 shall apply to apples shipped to a byproducts or processing factory for processing or manufacturing byproducts.

15.16.220 Restraining threatened violations—Damages. Whenever any person threatens to violate any provision of this chapter or any obligatory rule or regulation, the director may, with the advice of the prosecuting attorney of the county, or the attorney general, bring an action in the superior court in the name of the

state upon the relation of the director to enjoin the same. No bond shall be required for the issuance of a restraining order or injunction, but the state shall be liable for any damages sustained by any unlawful issuance of the same.

15.16.230 Seized products as evidence. The director, supervisor, and inspectors may seize and hold as evidence any article or thing possessed or used, shipped, offered for sale, or sold in violation of any provision of this chapter, and may serve and enforce any writ issued by any court hereunder.

15.16.240 Duty of carrier personnel to assist. All officials and employees of common carriers shall render to the director, supervisor, and inspectors all possible assistance in tracing and locating the presence of any article pertaining to this chapter coming into the possession of the carrier, and failure to do so shall be a misdemeanor.

15.16.250 Penalty for certain violations. Any person who violates any provision of RCW 15.16.080, 15.16.140, 15.16.160, 15.16.190, 15.16.200 or 15.16.210, insofar as the contents thereof relate to apples, shall be guilty of a gross misdemeanor.

15.16.260 Transport of prunes and apricots. Inspection required—Fee—Permit. No person shall ship or transport from the area of production as fresh fruit Italian type prunes or apricots unless they have been inspected by a state horticultural inspector and found to comply with the regulations applicable to maturity and insect infestation as promulgated by the director of agriculture pursuant to the terms of RCW 15.16.010, 15.16.020, and 15.16.030, and if they comply with the standards as set in the regulations and an inspection fee is paid as hereinafter provided, a permit to ship shall be granted.

15.16.270 ———Fees—Collection, disposition. The director of agriculture shall fix reasonable fees to cover the cost of the inspection herein provided which shall be collected at the time of inspection and placed in the horticultural district fund of the district in which the inspection was performed.

15.16.280 ———Shipment of culls—Labels. No person shall ship or transport from the area of production as fresh fruit any Italian type prunes or apricots not coming within the grades adopted by the director of agriculture unless they are clearly marked with the word "Culls" in large letters at least two inches high on the container which must be of the closed type: *Provided*, That these labeling requirements are not applicable to apricots and Italian type prunes sold or being shipped to a byproducts or processing plant.

15.16.290 ———Exempt shipments. RCW 15.16.260 through 15.16.300 do not apply to the transportation or shipment of Italian

type prunes or apricots in quantities of two hundred pounds or less, or to the transportation or shipment of Italian type prunes and apricots consigned to a processing or byproducts plant.

15.16.300 ———Penalty for violation of RCW 15.16.260 through 15.16.300. Any violation of RCW 15.16.260 through 15.16.300 shall be punishable as a misdemeanor.

15.16.310 Transport of cherries. Inspection required. No person shall ship or transport cherries from the area of production unless they have been inspected at the time of delivery to a warehouse by a state horticultural inspector for insect infestation, and if they comply with the insect tolerances as set in regulations promulgated by the director of agriculture a permit to ship shall be granted: *Provided*, That cherries that have not been so inspected will be subject to state inspection before being shipped.

15.16.320 ———Exempt shipments. RCW 15.16.310 through 15.16.340 do not apply to the transportation or shipment of cherries in quantities of two hundred pounds or less, nor to the transportation or shipment of cherries consigned to a processing or byproducts plant.

15.16.330 ———Rules and regulations—Fees. The director of agriculture shall prescribe rules and regulations as he may deem proper and necessary with reference to the inspection of cherries for insect infestation, and he may establish tolerances therefor and shall fix reasonable fees to cover the cost of the inspection, which fees shall be collected at the time of the inspection and be placed in the horticultural district fund of the district in which the inspection was performed.

15.16.340 ———Penalty for violation of RCW 15.16.310 through 15.16.330. Any violation of RCW 15.16.310 through 15.16.330 shall be punishable as a misdemeanor.

15.16.350 Cull Bartlett pears. Sale of—Pack—Labels—Invoices, etc. No person shall sell as fresh fruit any cull Bartlett pears as defined in regulations adopted and promulgated by the director of agriculture from time to time unless they are packed in one-bushel wooden baskets, ring faced with the pears in the ring face representative of the size and quality of the pears in the basket and the baskets lidded, and the words "Cull Pears" must appear on the top and side of the basket in which they are shipped and upon labels placed upon the basket in clear and legible letters at least two and one-half inches high. Every bill of lading, invoice, memorandum or other document referring to said Bartlett pears shall designate them as cull Bartlett pears.

15.16.360 ———Shipment—Inspection—Compliance enjoined. No person shall ship or otherwise transport out of the area of pro-

duction cull Bartlett pears as fresh fruit unless they are found upon inspection by a horticultural inspector to be free of insect damage, pests and disease, and are packed and labeled as provided in RCW 15.16.350.

15.16.370 ———Assessments—Use of funds. There is hereby levied upon each and every basket of cull Bartlett pears shipped or transported within the state of Washington out of the area of production as fresh fruit an assessment of five cents per basket, which assessment shall be paid to the Washington state fruit commission prior to the commencement of shipment or transportation. Such five cents per basket shall be used by the Washington state fruit commission for the purpose of conducting promotion and research as to Bartlett pears.

15.16.380 ———Exempt shipments and sales. RCW 15.16.350 through 15.16.390 do not apply to the sale, transportation or shipment of cull Bartlett pears as fresh fruit in quantities of two hundred pounds or less, nor to the shipment of cull Bartlett pears to a byproducts or processing plant for the purpose of manufacturing or processing of byproducts, nor to the shipment of cull Bartlett pears to be used as stock feed.

15.16.390 ———Penalty for violation of RCW 15.16.350 through 15.16.380. Any violation of RCW 15.16.350 through 15.16.380 shall be a misdemeanor.

15.16.400 Cold processed blackberries—Labeling. All cold processed blackberries packed or offered for sale shall be legibly labeled or stamped to state whether they are from undomesticated and uncultivated canes or from domesticated, cultivated canes.

15.16.410 ———Penalty. Every violation of RCW 15.16.400 is a misdemeanor.

15.16.420 Transport of fresh field grown tomatoes. Inspection required—Fee—Permit. No person shall ship or transport from the area of production fresh field grown tomatoes in closed containers unless they have been inspected by a state horticultural inspector and found to comply with the obligatory rules and regulations as adopted and promulgated by the director of agriculture pursuant to the terms of RCW 15.16.010, 15.16.020 and 15.16.030, and if they comply with the standards as set forth in the regulations and an inspection fee is paid as provided in RCW 15.16.430, a permit to ship shall be granted: *Provided*, That this section shall not apply to tomatoes in open containers.

15.16.430 ———Fees, collection, disposition. The director of agriculture shall fix reasonable fees to cover the cost of the inspec-

tion provided in RCW 15.16.420, which shall be collected at the time of inspection and placed in a horticultural fund.

15.16.440 ————Penalty for violation of RCW 15.16.420 or 15.16.430. Any violation of RCW 15.16.420 or 15.16.430 shall be punishable as a misdemeanor.

15.16.450 Fresh peaches. Transport of—Inspection required—Fee—Permit. No person shall ship or transport from the area of production, fresh peaches unless they have been inspected by a state horticultural inspector and found to comply with the obligatory rules and regulations as adopted and promulgated by the director of agriculture pursuant to the terms of RCW 15.16.010, 15.16.020 and 15.16.030, and if they comply with the standards as set forth in the regulations and an inspection fee is paid as provided in RCW 15.16.460, a permit to ship shall be granted.

15.16.460 ————Fees, collection, disposition. The director of agriculture shall fix reasonable fees to cover the cost of the inspection provided in RCW 15.16.450, which shall be collected at the time of inspection and placed in a horticultural fund.

15.16.470 ————Sale of culls—Pack, labels, invoices, etc. No person shall sell as fresh fruit any cull peaches as defined in regulations adopted and promulgated by the director of agriculture from time to time unless they are packed in one-bushel wooden baskets, ring faced with the peaches in the ring face representative of the size and quality of the peaches in the basket and the baskets lidded, and the words "Cull Peaches" must appear on the top and side of the basket in which they are shipped and upon labels placed upon the basket in clear and legible letters at least two and one-half inches high. Every bill of lading, invoice, memorandum and other documents referring to said peaches shall designate them as cull peaches.

15.16.480 ————Exempt sales, transportation, shipment. RCW 15.16.450 through 15.16.470 do not apply to the sale, transportation or shipment of fresh peaches in quantities of five hundred pounds or less, nor to the transportation or shipment of fresh peaches consigned to a processing or byproducts plant.

15.16.490 ————Penalty for violation of RCW 15.16.450 through 15.16.480. Any violation of RCW 15.16.450 through 15.16.480 shall be punishable as a misdemeanor.

Chapter 15.24**APPLE ADVERTISING COMMISSION****15.24.010 Definitions.** As used in this chapter:

"Commission" means the Washington state apple advertising commission;

"Ship" means to load apples into a conveyance for transport, except apples being moved from the orchard where grown to a packing house or warehouse within the immediate area of production;

"Handler" means any person who ships or initiates a shipping operation, whether for himself or for another;

"Dealer" means any person who handles, ships, buys, or sells apples, or who acts as sales or purchasing agent, broker, or factor of apples;

"Processor" and "processing plant" mean every person to whom and every place to which apples are delivered for drying, dehydrating, canning, pressing, powdering, extracting, cooking, or for use in producing a product or manufacturing a manufactured article;

"District No. 1" includes the counties of Chelan, Okanogan, Grant, and Douglas;

"District No. 2" includes the counties of Kittitas, Yakima, Benton, Franklin, and Klickitat;

"District No. 3" includes all counties in the state not included in the first and second districts.

15.24.020 Commission created — Qualifications of members.

There is hereby created a Washington state apple advertising commission to be thus known and designated. The commission shall be composed of seven practical apple producers and four practical apple dealers. The director of agriculture and supervisor of horticulture shall be ex officio members of the commission without vote.

The seven producer members shall be citizens and residents of this state, over the age of twenty-five years, each of whom is and has been actually engaged in growing and producing apples within the state of Washington for a period of five years, and has during that period derived the major portion of his income therefrom, and who is not engaged in business directly or indirectly as a dealer. The four dealer members shall be persons who, either individually or as executive officers of a corporation, firm, partnership, association, or cooperative organization, are and have been actively engaged as dealers in apples within the state of Washington, and are citizens and residents of this state. The qualifications of members of the commission as herein set forth must continue during their term of office.

15.24.030 Members—Election—Terms of office. Eleven men with the qualifications stated in RCW 15.24.020 shall be elected members of said commission. Three of the grower members, being positions one, two and three, shall be from district No. 1, one of whom shall be from Okanogan county; three of the grower members, being positions four, five and six, from district No. 2; and one grower member, being position seven, from district No. 3. Two of the dealer members, being positions eight and nine, shall be from district No. 1; and two of the dealer members, being positions ten and eleven, shall be from district No. 2.

The regular term of office of the members of the commission shall be three years from the date of election and until their successors are elected and qualified, except, however, that the first terms of the members of the commission whose terms begin on July 1, 1949, shall be as follows: Positions one and four shall terminate on March 1, 1951; positions two, five, eight and ten shall terminate on March 1, 1952; and positions three, six, seven, nine and eleven shall terminate on March 1, 1953.

15.24.040 Members—Nominations—Method of election. The director shall call a meeting of apple growers in each of the three districts and meetings of apple dealers in district No. 1 and district No. 2 for the purpose of nominating their respective members of the commission who shall take office on July 1, 1949. Subsequent to December 1, 1950, district meetings of each group shall be called annually by the director for the purpose of nominating their respective members of the commission at times and places to be fixed by the commission. Said meetings shall be held annually not later than February 5th of each year commencing in 1951. Insofar as practicable, the said meetings of growers shall be held at the same time and place as the annual state and district meetings of the Washington State Horticultural Association and its affiliated clubs, but not while the same are in actual session. Public notice of such meetings shall be given by the commission in such manner as it may determine: *Provided*, That nonreceipt of the notice by any interested person shall not invalidate the proceedings. Any qualified person may be nominated orally for such positions at the said respective meetings. Nominations may also be made within five days after any such meeting by written petition filed in the Wenatchee or Yakima office of the commission, signed by not less than five apple growers or dealers, as the case may be, residing within the district.

The members of the commission shall be elected by secret mail ballot under the supervision of the director. Grower members of the commission shall be elected by a majority of the votes cast by the apple growers in the respective districts, each grower being entitled to one vote. Dealer members of the commission shall be elected by

a majority of the votes cast by the apple dealers in the respective districts, each dealer being entitled to one vote. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

15.24.050 Vacancies—Quorum—Compensation. In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position until the next annual election meeting shall be filled by vote of the remaining members of the commission. At such annual election a commissioner shall be elected to fill the balance of the unexpired term.

A majority of the voting members shall constitute a quorum for the transaction of all business and the carrying out of the duties of said commission.

No member of the commission shall receive any salary or other compensation, but each member shall receive the sum of ten dollars per day for each day spent in actual attendance on or traveling to and from meetings of the commission, or on special assignment for the commission, together with actual expenses incurred in carrying out the provisions of this chapter.

15.24.060 Commission records as evidence. Copies of the proceedings, records and acts of the commission, when certified by the secretary and authenticated by the corporate seal, shall be admissible in any court as prima facie evidence of the truth of the statements contained therein.

15.24.070 Powers and duties. The Washington state apple advertising commission is hereby declared and created a corporate body. The powers and duties of the commission shall include the following:

(1) To elect a chairman and such other officers as it deems advisable; and to adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers hereunder, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur expenses and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To investigate and prosecute violations hereof;

(6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and products thereof;

(7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor and the director of budget;

(8) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation.

15.24.080 Research, advertising, and educational campaign. The commission shall provide for and conduct a comprehensive and extensive research, advertising and educational campaign as continuous as the crop, sales and market conditions reasonably require. It shall investigate and ascertain the needs of producers, conditions of the markets and extent to which public convenience and necessity require research and advertising to be conducted.

15.24.085 Promotional printing not restricted by public printer laws. The restrictive provisions of chapter 43.78 shall not apply to promotional printing and literature for the Washington state apple advertising commission, the Washington state fruit commission, or the Washington state dairy products commission.

15.24.086 Promotional printing contracts—Contractual conditions of employment. All such printing contracts provided for in this section and RCW 15.24.085 shall be executed and performed under conditions of employment which shall substantially conform to the laws of this state respecting hours of labor, the minimum wage scale for women and minors, and the rules and regulations of the industrial welfare committee regarding conditions of employment, hours of labor, and minimum wages, and the violation of such provision of any contract shall be ground for cancellation thereof.

15.24.090 Report to director—Increased assessments. If it appears from the investigation that the revenue from the assessment levied hereunder is inadequate to accomplish the purpose of this chapter the commission shall file with the director a report showing the necessities of the industry, extent and probable cost of the required research, market promotion and advertising, extent of public convenience, interest and necessity, and probable revenue from the assessment levied. It shall thereupon increase the assessment to a sum not to exceed twelve cents per one hundred pounds of apples, gross billing weight, shipped in bulk, container or any style of package; but no increase shall be made prior to filing of said report and findings. An increase shall become effective sixty days after such report is filed: *Provided*, That no increase in such assessment shall become effective unless the same shall be first referred by the commission to a referendum mail ballot by the apple growers of this state and be approved by a majority of such growers voting thereon: *Provided further*, That after such mail ballot, if the same be favorable to such increase, the commission

shall nevertheless exercise its independent judgment and discretion as to whether or not to approve such increase: *And provided further*, That in any event such increase shall not amount to more than two cents per one hundred pounds of apples, gross billing weight, in any one year.

15.24.100 Assessments levied. There is hereby levied upon all apples grown annually in the state an assessment of two cents on each one hundred pounds gross billing weight, except on apples shipped to a processing plant for processing or manufacturing. All moneys collected hereunder shall be expended to effectuate the purpose and objects of this chapter.

15.24.110 Collection—Due date—Stamps. The assessments shall be paid prior to shipment, and no apples shall be carried, transported, or shipped by any person or by any carrier, railroad, truck, boat, or other conveyance until the assessment has been paid and receipt issued. No processor shall receive apples until the assessment is paid.

The commission shall by rule or regulation prescribe the method of collection, and for that purpose may require stamps to be known as "apple advertising stamps" to be purchased from the commission and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets. The stamps shall be canceled immediately upon being attached and the date of cancellation shall be placed thereon.

15.24.120 Records kept by dealers, handlers, processors. Each dealer, handler, and processor shall keep a complete and accurate record of all apples handled, shipped, or processed by him. This record shall be in such form and contain such information as the commission may by rule or regulation prescribe, and shall be preserved for a period of two years, and be subject to inspection at any time upon demand of the commission or its agents.

15.24.130 Returns rendered by dealers, handlers, processors. Each dealer, handler, and processor shall at such times as the commission may by rule or regulation require, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of apples handled, shipped, or processed by him during the period prescribed by the commission. The return shall contain such further information as the commission may require.

15.24.140 Right to inspect. The commission may inspect the premises and records of any carrier, handler, dealer, or processor for the purpose of enforcing this chapter and the collection of the excise tax.

15.24.150 Treasurer — Bond — Duties — Funds. The commission shall appoint a treasurer who shall file with it a fidelity bond executed by a surety company authorized to do business in this state, in favor of the commission and the state, in the penal sum of fifty thousand dollars, conditioned upon the faithful performance of his duties and strict accounting of all funds of the commission.

All money received by the commission, or any other state official from the assessment herein levied, shall be paid to the treasurer, deposited in such banks as the commission may designate, and disbursed by order of the commission. None of the provisions of RCW 43.01.050 shall apply to money collected under this chapter.

15.24.160 Promotional plans — Cooperation of commission. The commission may employ, designate as agent, act in concert with, and enter into contracts with any person, council, or commission for the purpose of promoting the general welfare of the apple industry and particularly for the purpose of assisting in the sale and distribution of apples in domestic or foreign commerce, and expend its funds or such portion thereof as it may deem necessary or advisable for such purpose and for the purpose of paying its proportionate share of the cost of any program providing direct or indirect assistance to the sale and distribution of apples in domestic or foreign commerce. For such purposes it may employ and pay for legal counsel and contract and pay for other professional services.

15.24.170 Rules and regulations—Filing—Publication. Rules, regulations, and orders made by the commission shall be filed with the director and published in a legal newspaper in the cities of Wenatchee and Yakima within five days after being made, and shall become effective five days after filing and publication.

15.24.180 Enforcement. All county and state law enforcement officers and all employees and agents of the department shall enforce this chapter.

15.24.190 Nonliability of state, members, employees. The state shall not be liable for the acts of the commission or on its contracts. No member of the commission or any employee or agent thereof shall be liable on its contracts. All liabilities incurred by the commission shall be payable only from the funds collected hereunder.

15.24.200 Penalties. Any person who violates or aids in the violation of any provision of this chapter shall be guilty of a gross misdemeanor, and any person who violates or aids in the violation of any rule or regulation of the commission shall be guilty of a misdemeanor.

15.24.210 Prosecutions. Any prosecution brought under this chapter may be instituted in any county in which the defendant or any defendant resides, or in which the violation was committed, or in which the defendant or any defendant has his principal place of business.

The superior courts are hereby vested with jurisdiction to enforce the provisions of this chapter and the rules and regulations of the commission issued hereunder, and to prevent and restrain violations thereof.

15.24.900 Purpose of chapter. This chapter is passed:

(1) In the exercise of the police power of the state to protect the public health, to prevent fraudulent practices, to promote the welfare of the state, and to stabilize and protect the apple industry of the state;

(2) Because the apple crop grown in Washington comprises one of the major agricultural crops of Washington, and that therefore the business of selling and distributing such crop and the expanding and protection of its market is of public interest;

(3) Because it is necessary and expedient to enhance the reputation of Washington apples in domestic and foreign markets;

(4) Because it is necessary to discover the health giving qualities and food and dietetic value of Washington apples, and to spread that knowledge throughout the world in order to increase the consumption of Washington apples;

(5) Because Washington grown apples are handicapped by high freight rates in competition with eastern and foreign grown apples in the markets of the world, and this disadvantage can only be overcome by education and advertising;

(6) Because the stabilizing of the apple industry, the enlarging of its markets, and the increasing of the consumption of apples are necessary to assure the payment of taxes to the state and its subdivisions, to alleviate unemployment within the state, and increase wages for agricultural labor;

(7) To disseminate information giving the public full knowledge of the manner of production, the cost and expense thereof, the care taken to produce and sell only apples of the finest quality, the methods and care used in preparing for market, and the methods of sale and distribution to increase the amount secured by the producer therefor, so that they can pay higher wages and pay their taxes, and by such information to reduce the cost of distribution so that the spread between the cost to the consumer and the amount received by the producer will be reduced to the minimum absolutely necessary;

(8) To protect the general public by educating it in reference to the various varieties and grades of Washington apples, the time

to use and consume each variety, and the uses to which each variety should be put.

15.24.910 Liberal construction. This chapter shall be liberally construed.

Chapter 15.28

SOFT TREE FRUITS

15.28.010 Definitions. As used in this chapter:

- (1) "Commission" means the Washington state fruit commission.
- (2) "Shipment" or "shipped" includes loading in a conveyance to be transported to market for resale, and includes delivery to a processor or processing plant, but does not include movement from the orchard where grown to a packing or storage plant within this state for fresh shipment;
- (3) "Handler" means any person who ships or initiates the shipping operation, whether as owner, agent or otherwise;
- (4) "Dealer" means any person who handles, ships, buys, or sells soft tree fruits other than those grown by him, or who acts as sales or purchasing agent, broker, or factor of soft tree fruits;
- (5) "Processor" or "processing plant" includes every person or plant receiving soft tree fruits for the purpose of drying, dehydrating, canning, pressing, powdering, extracting, cooking, quick-freezing, brining, or for use in manufacturing a product;
- (6) "Soft tree fruits" mean Bartlett pears and all varieties of cherries, apricots, prunes, plums and peaches;
- (7) "Commercial fruit" or "commercial grade" means soft tree fruits meeting the requirements of any established or recognized fresh fruit or processing grade. Fruit bought or sold on orchard run basis and not subject to cull weighback shall be deemed to be "commercial fruit."
- (8) "Cull grade" means fruit of lower than commercial grade except when such fruit included with commercial fruit does not exceed the permissible tolerance permitted in a commercial grade;
- (9) "Producer" means any person who is a grower of any soft tree fruit;
- (10) "District No. 1" or "first district" includes the counties of Chelan, Okanogan, Grant, Douglas, Ferry, Stevens, Pend Oreille, Spokane and Lincoln;
- (11) "District No. 2" or "second district" includes the counties of Kittitas, Yakima, Benton, Franklin, Walla Walla, Columbia, Asotin, Garfield, Whitman and Adams;
- (12) "District No. 3" or "third district" comprises all of the state not included in the first and second districts.

15.28.020 Commission created—Members, voting and ex officio—Quorum. A corporation to be known as the Washington state fruit commission is hereby created, composed of fifteen voting members, to wit: Ten producers, two dealers, and three processors, who shall be elected and qualified as herein provided. The director and the supervisor of horticulture shall be ex officio members without a vote.

A majority of the voting members shall constitute a quorum for the transaction of any business.

15.28.030 Qualifications of voting members. All voting members must be citizens and residents of this state. Each producer member must be over the age of twenty-five years, and be, and for five years have been, actively engaged in growing soft tree fruits in this state, and received the major portion of his income therefrom; he cannot be engaged, either directly or indirectly, in business as a dealer. Each dealer member must be actively engaged, either individually or as executive officer of an organization, as a dealer. Each processor member must be engaged, either individually or as executive officer of an organization, as a processor. Said qualifications must continue throughout each member's term of office.

15.28.040 Election of voting members—Positions. Of the producer members, four shall be elected from the first district and occupy positions one, two, three and four; four shall be elected from the second district and occupy positions five, six, seven, and eight, and two shall be elected from the third district and occupy positions nine and ten.

Of the dealer members, one shall be elected from each of the first and second districts and respectively occupy positions eleven and twelve.

Of the processor members, one shall be elected from each district and occupy respectively positions thirteen, fourteen and fifteen.

15.28.050 Terms of office—Rotation. The regular term of office of the members of the commission shall be three years from the date of election and until their successors are elected and qualified, except, however, that the first terms of the members of the commission shall be as follows: Positions one, four, seven, ten and thirteen shall terminate on April 1, 1948; positions two, five, eight, eleven and fourteen shall terminate on April 1, 1949; and positions three, six, nine, twelve and fifteen shall terminate on April 1, 1950.

15.28.060 District meetings for elections. Commissioners shall be elected by a majority vote of the qualified growers, dealers, or processors present at their respective district meetings called by the director for this purpose. The name of any qualified person may be placed before the respective meetings by oral nomination. After nominations are closed a secret written ballot shall be taken.

Each qualified grower, dealer, or processor present shall be entitled to one vote for each position for his respective group to be filled at said election. If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held between the candidates receiving the largest number of votes, with two candidates for each position not filled. If more than one position is to be filled at any election, the first candidate elected, or if elected on the same ballot, the candidate receiving the largest number of votes, shall be declared elected to the position with the longest term.

15.28.070 Calling district meetings—Notice. District meetings for each group shall be called annually by the director at times and places fixed by the commission for the election of members. Public notice of such meetings shall be given by the commission in such manner as it determines. Failure of any interested party to receive such notice shall not invalidate the meeting or election.

15.28.080 Vacancies on commission—How filled. In the event a position becomes vacant due to resignation, disqualification, death, or for any other reason, such position, until the next annual election meeting, shall be filled by vote of the remaining members of the commission. At such annual election a commissioner shall be elected to fill the balance of the unexpired term.

15.28.090 Compensation of members—Per diem and expenses. No member of the commission shall receive any salary or other compensation but each member shall receive the sum of ten dollars per day for each day spent in actual attendance on or in traveling to and from meetings of the commission or on special assignment for the commission, together with actual expenses incurred in carrying out the provisions of this chapter.

15.28.100 Powers of commission. The Washington state fruit commission is hereby declared and created a corporate body. The commission has power:

- (1) To exercise all of the powers of a corporation;
- (2) To elect a chairman and such other officers as it may deem advisable;
- (3) To adopt, amend or repeal, from time to time, necessary and proper rules, regulations and orders for the performance of its duties, which rules, regulations and orders shall have the force of laws when not inconsistent with existing laws;
- (4) To employ, and at its pleasure discharge, such attorneys, advertising manager, agents or agencies, clerks and employees, as it deems necessary and fix their compensation;
- (5) To establish offices, and incur such expenses, enter into such contracts, and create such liabilities, as it deems reasonably necessary for the proper administration of this chapter;

(6) To accept contributions of, or match private, state or federal funds available for research, and make contributions to persons or state or federal agencies conducting such research;

(7) To administer and enforce this chapter, and do and perform all acts and exercise all powers deemed reasonably necessary, proper or advisable to effectuate the purposes of this chapter, and to perpetuate and promote the general welfare of the soft tree fruit industry of this state;

(8) To sue and be sued.

15.28.110 Duties of commission. The commission's duties are:

(1) To adopt a corporate seal;

(2) To elect a secretary-manager, and a treasurer, and fix their compensation. The same person may be elected to both of said offices;

(3) To establish classifications of soft tree fruits;

(4) To conduct scientific research and develop the healthful, therapeutic and dietetic value of said fruits, and promote the general welfare of the soft tree fruit industry of the state;

(5) To conduct a comprehensive advertising and educational campaign to effectuate the objects of this chapter;

(6) To increase the production, and develop and expand the markets, and improve the handling and quality of said fruits;

(7) To keep accurate accounts and records of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To investigate and prosecute violations hereof.

15.28.120 Copies of records as evidence. Copies of the commission's proceedings, records, and acts, when certified by the secretary and authenticated by the corporate seal, shall be admissible in all courts as prima facie evidence of the truth of all statements therein.

15.28.130 State, personal, nonliability—Obligations limited by collections. Neither the state, nor any member, agent, or employee of the commission, shall be liable for the acts of the commission, or upon its contracts.

All salaries, expenses, costs, obligations and liabilities of the commission, and claims arising from the administration of this chapter, shall be payable only from funds collected hereunder.

15.28.140 District advisory and state commodity committees. There shall be separate district advisory committees and separate state commodity committees for each of the following soft tree fruits, to wit: Bartlett pears, peaches, apricots, prunes and plums, and cherries. The growers, dealers, or processors of each of the soft tree fruits, at their respective annual district meetings may elect separate district advisory committees for each of the soft tree fruits grown, handled, or processed in their respective districts.

The district advisory committee shall consist of five members comprising three growers, one dealer and one processor of the respective soft tree fruit groups. Each state commodity committee shall consist of two members from, and selected by, each district advisory committee for each soft fruit.

15.28.150 Committee organization—Duties. Each district advisory committee and each state commodity committee shall select one of its members as chairman. Meetings may be called by the chairman or by any two members of any committee by giving reasonable written notice of the meeting to each member of such committee. A majority of the members shall be necessary to constitute a quorum. The district advisory committees and state commodity committees shall consult with and advise the commission on matters pertaining to the soft tree fruits which they respectively represent, and the commission shall give due consideration to their recommendations. Any grower, dealer, or processor, if qualified, may be a member of more than one committee.

15.28.160 Annual assessment — Rate — Exception. An annual assessment is hereby levied upon all commercial soft tree fruits grown in this state of fifty cents per two thousand pounds (net weight) of said fruits, when shipped fresh or delivered to processors, whether in bulk, loose in containers, or packaged in any style of package, except, that all sales of five hundred pounds or less of such fruits sold by the producer direct to the consumer shall be exempt from said assessments.

15.28.170 Research and advertising—Power to increase assessment. The commission shall investigate the needs of soft tree fruit producers, the condition of the markets, and extent to which the same require advertising and research. If the investigation shows that the revenue from the assessments levied is inadequate to accomplish the objects of this chapter, it shall report its findings to the director, showing the necessities of the industry, the probable cost of the required program, and the probable revenue from the existing levy. It may then increase the assessments to be levied to an amount not exceeding two dollars per each two thousand pounds (net weight) of such fruits so contained or packed.

15.28.180 Increase of assessment for a fruit or classification. The same assessment shall be made for each soft tree fruit, except that if a two-thirds majority of the state commodity committee of any fruit recommends in writing the levy of an additional assessment on such fruit, or any classification thereof, for any year or years, the commission may levy such assessment for such year or years up to the maximum of two dollars for each two thousand pounds of any fruit except cherries or any classification thereof, as to which

the assessment may be increased to a maximum of five dollars for each two thousand pounds. Any funds so raised shall be expended solely for the purposes provided in this chapter and solely for such fruit, or classification thereof.

15.28.190 Deposit of funds—Treasurer's bond. All money collected under the authority of this chapter shall be paid to the treasurer of the commission, deposited by him in banks designated by the commission, and disbursed on its order.

The treasurer shall file with the commission a fidelity bond, executed by a surety company authorized to do business in this state, in favor of the state and the commission, jointly and severally, in the sum of fifty thousand dollars, and conditioned upon his faithful performance of his duties and his strict accounting of all funds of the commission.

None of the provisions of RCW 43.01.050 shall apply to money collected under this chapter.

15.28.200 Use of funds—Contributions. All moneys collected from such levy shall be expended exclusively to effectuate the purposes and objects of this chapter. They shall be generally expended on promotion and improvement of the various commodities approximately in the ratio that funds are derived from such commodities, after deducting suitable amounts for general overhead and basic general research, unless a majority of the functioning state commodity committees consent to a larger expenditure on behalf of any commodity or commodities. Any funds contributed to the commission by any special group or raised by an additional levy on any commodity or classification thereof, shall be expended only in connection with such commodity.

15.28.210 Records kept—Preservation—Inspection of. Every dealer, handler, and processor shall keep a complete and accurate record of all soft tree fruits handled, shipped, or processed by him. Such record shall be in simple form and contain such information as the commission shall by rule or regulation prescribe. The records shall be preserved by such handler, dealer, and processor for a period of two years and shall be offered and submitted for inspection at any reasonable time upon written request of the commission or its duly authorized agents.

15.28.220 Returns to commission. Every dealer, handler, and processor shall at such times as the commission may by rule or regulation require, file with the commission a return under oath on forms to be prescribed and furnished by the commission, stating the quantity of soft tree fruits handled, shipped, or processed by him during the period or periods of time prescribed by the commission. Such return shall contain such further information as

may be necessary to carry out the objects and purposes of this chapter.

15.28.230 Due date of assessments—Delinquent penalty. All assessments levied and imposed by this chapter shall be due prior to shipment and shall become delinquent if not paid within thirty days after the time established for such payment according to regulations of the commission. A delinquent penalty shall be payable on any such delinquent assessment, calculated as interest on the principal amount due at the rate of ten percent per annum. Any delinquent penalty shall not be charged back against the grower unless he caused such delay in payment of the assessment due.

15.28.240 Collection rules—Use of “stamps.” The commission shall by rule or regulation prescribe the method of collection, and for that purpose may require stamps to be known as “Washington state fruit commission stamps” to be purchased from the commission and fixed or attached to the container, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets. Stamps shall be canceled immediately upon being so attached or fixed, and the date of cancellation shall be placed thereon.

15.28.250 Failure to pay—Duty of dealer, processor. Unless the assessment has been paid by the grower and evidence thereof submitted by him, the dealer, handler, or processor shall be responsible for the payment of all assessments hereunder on all soft tree fruits handled, shipped, or processed by him but he shall charge the same against the grower, who shall be primarily responsible for such payment.

15.28.260 Publications by commission—Subscriptions. If the commission publishes a bulletin or other publication, or a section in some established trade publication, for the dissemination of information to the soft tree fruit industry in this state, the first two dollars of any assessment paid annually by each grower, handler, dealer, and processor of such fruit shall be applied to the payment of his subscription to such bulletin or publication.

15.28.270 Violations—Penalty. Every person shall be guilty of a misdemeanor who:

(1) Who violates or aids in the violation of any provision of this chapter, or

(2) Violates or aids in the violation of any rule or regulation of the commission.

15.28.280 Venue of actions—Jurisdiction of courts. Any prosecution brought under this chapter may be instituted or brought in any county in the state in which the defendant or any of the defendants reside, or in which the violation was committed, or in

which the defendant or any of the defendants has his principal place of business.

The several superior courts of the state are hereby vested with jurisdiction to enforce this chapter and to prevent and restrain violations thereof, or of any rule or regulation promulgated by the commission.

15.28.290 Duty to enforce. It shall be the duty of all state and county law enforcement officers and all employees and agents of the department to aid in the enforcement of this chapter.

15.28.300 Publication of rules, regulations—Effective date. Every rule, regulation, or order promulgated by the commission shall be filed with the director, and shall be published in a legal daily newspaper in each of the three districts. All such rules, regulations, or orders shall become effective fifteen days after both filing and publication.

15.28.310 Authority to agents of commission to inspect. Agents of the commission, upon specific written authorization signed by the chairman or secretary-manager thereof, shall have the right to inspect the premises, books, records, documents, and all other instruments of any carrier, railroad, truck, boat, grower, handler, dealer, and processor for the purpose of enforcing this chapter and collecting the assessments levied hereunder.

15.28.900 Preamble. This chapter is passed:

(1) In the exercise of the police power of the state to protect the public health, to prevent fraudulent practices, to promote the welfare of the state, and to stabilize and protect the soft tree fruit industry of the state;

(2) Because the soft tree fruits grown in Washington collectively comprise one of the major agricultural crops of Washington, and that therefore the business of selling and distributing such crops and the expanding and protection of the market for them is of public interest;

(3) Because it is necessary and expedient to enhance the reputation of Washington soft tree fruits in domestic and foreign markets;

(4) Because it is necessary to discover the health giving qualities and food and dietetic value of Washington soft tree fruits, and to spread that knowledge throughout the world in order to increase the consumption of Washington soft tree fruits;

(5) Because Washington grown soft tree fruits are handicapped by high freight rates in competition with eastern and foreign grown soft tree fruits in the markets of the world, and this disadvantage can only be overcome by education and advertising;

(6) Because the stabilization of the soft tree fruits industry,

enlargement of its markets, and the increase of the consumption of soft tree fruits are necessary to assure the payment of taxes to the state and its subdivisions, and to maintain employment and adequate wages for agricultural labor within the state;

(7) Because many new plantings of soft fruit trees are being made and substantially increased new plantings are expected in the near future as additional land comes under irrigation, and since the soft fruit trees mature quickly, it is conceivable that the industry may become unstabilized and demoralized by the excess production unless adequate outlets for the crops are provided, in advance of this anticipated production and it is essential that the program herein outlined be adopted for the purposes herein stated to aid in stabilizing the soft tree fruit industry;

(8) To disseminate information giving the public full knowledge of the manner of production, the cost and expense thereof, the care taken to produce and sell only soft tree fruits of the finest quality, the methods and care used in preparing for market, and the methods of sale and distribution to increase the amount secured by the producer thereof, so that they can pay adequate wages and pay their taxes, and by such information to reduce the cost of distribution so that the spread between the cost to the consumer and the amount received by the producer will be reduced to the minimum absolutely necessary; and to educate the wholesale and retail trade with reference to the advantages of establishing and maintaining markups that will result in increasing sales to the consumers with consequent benefits to the people of the state of Washington;

(9) To protect the general public by educating it in reference to the various varieties and grades of Washington soft tree fruits, the time to use and consume each variety, and the uses to which each variety should be put.

15.28.910 Liberal construction. This chapter shall be liberally construed.

Chapter 15.32

DAIRIES AND DAIRY PRODUCTS

15.32.010 Definitions. For the purpose of chapter 15.32:

“Supervisor” means the supervisor of dairy and livestock;

“Dairy” means a place where milk from one or more cows or goats is produced for sale;

“Creamery” means a structure wherein milk or cream is manufactured into butter for sale;

“Milk plant” means a structure wherein milk is bottled, pasteurized, clarified, or otherwise processed;

“Cheese factory” means a structure where milk is manufactured into cheese;

“Factory of milk products” means a structure, other than a creamery, milk plant, cheese factory, milk condensing plant or ice cream factory, where milk or any of its products is manufactured, changed, or compounded into another article, or where butter is cut or wrapped; except freezing of ice cream from a mix compounded in a licensed creamery, milk plant, cheese factory, milk condensing plant or ice cream factory;

“Milk condensing plant” means a structure where milk is condensed or evaporated;

“Ice cream factory” means a structure which complies with the sanitary requirements of RCW 15.32.080, where ice cream mix is produced for sale or distribution, and may include freezing such mix into ice cream;

“Counter ice cream freezer” means counter type freezing machines usually operated in retail establishments;

“Sterilized milk” means milk that has been heated under six pounds of steam pressure and maintained thereat for not less than twenty minutes;

“Modified milk” means milk that has been altered in composition to conform to special nutritional requirements;

“Milk product” means an article manufactured or compounded from milk, whether or not the milk conforms to the standards and definitions herein;

“Milk byproduct” means a product of milk derived or made therefrom after the removal of the milk fat or milk solids in the process of making butter or cheese, and includes skimmed milk, buttermilk, whey, casein, and milk powder;

“Butter” means the product made by gathering the fat of milk or cream into a mass containing not less than eighty percent of milk fat, and which also contains a small portion of other milk constituents, with or without harmless coloring matter;

“Renovated butter” means butter that has been reduced to a liquid state by melting and drawing off the liquid or butter oil, and has thereafter been churned or manipulated in connection with milk, cream, or other product of milk;

“Reworked butter” means the product obtained by mixing or rechurning butter made on different dates or at different places: *Provided*, That the mixing of remnants from one day’s churning or cutting with butter from the churning of the same creamery on the next day shall not make the product reworked butter;

“Butter substitute” means a compound of vegetable oils with milk fats or milk solids and all compounds of milk fats or milk solids with butter when the compound contains less than eighty percent of milk fat;

“Oleomargarine” means all manufactured substances, extracts, mixtures, or compounds, including mixtures or compounds with

butter, known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine, and neutral, and includes all lard and tallow extracts and mixtures and compounds of tallow, beef fat, suet, lard, lard oil, intestinal fat and offal fat made in imitation or semblance of butter or calculated or intended to be sold as butter;

“Imitation cheese” means any article, substance, or compound, other than that produced from pure milk or from the cream from pure milk, which is made in the semblance of cheese and designed to be sold or used as a substitute for cheese. The use of salt, lactic acid, or pepsin, and harmless coloring matter in cheese shall not render the true product an imitation. Nothing herein shall prevent the use of pure skimmed milk in the manufacture of cheese;

“Milk vendor” or “milk dealer” means any person who sells, furnishes or delivers milk, skimmed milk, buttermilk, or cream in any manner.

All dairy products mentioned in this chapter mean those fit or used for human consumption.

15.32.020 Standards of quality—Milk, milk fat, butterfat. The following shall be the standards of quality after all tolerance has been allowed:

“Milk”—The whole unadulterated lacteal secretions from cows or goats containing not less than eight and one-quarter percent of milk solids, exclusive of fat, and not less than three and one-half percent of milk fat, and not obtained within ten days before parturition or seven days thereafter. Nothing in this chapter shall prohibit the sale to creameries, cheese factories, milk plants or factories of milk products of whole, unadulterated milk from cows or goats whose milk tests below the milk fat standard herein fixed;

“Skimmed milk”—Milk which contains less than three and one-half percent of milk fat, and not less than eight and eight-tenths percent of milk solids exclusive of fat;

“Homogenized milk” is milk which has been treated in such manner as to insure break-up of the fat globules to such an extent that after forty-eight hours storage no visible cream separation occurs on the milk and the fat percentage of the top one hundred milliliters of milk in a quart bottle, or of proportion volumes in containers of other sizes, does not differ by more than ten percent of itself from the fat percentage of the remaining milk as determined after thorough mixing;

“Condensed milk,” “evaporated milk”—The products resulting from the evaporation of a considerable portion of the water from milk and which contains not less than twenty-five and nine-tenths percent of total solids and not less than seven and nine-tenths percent of milk fat;

“Condensed skimmed milk,” “evaporated skimmed milk”—The

products resulting from evaporating a considerable portion of the water from the skimmed milk, and which contains not less than eighteen percent of milk solids;

"Sweetened condensed milk," or "sweetened evaporated milk," means condensed milk to which has been added sugar, and which contains not less than twenty-eight percent of milk solids;

"Dried milk"—The product resulting from the removal of water from milk, and which contains not more than five percent of moisture;

"Dried skimmed milk" shall contain not more than five percent of moisture;

"Milk fat" or "butterfat"—The fat of milk having a reichert-meissel number of not less than twenty-four, and a specific gravity of not less than nine hundred and five one-thousandths at a temperature of forty degrees centigrade.

15.32.030 Standards of quality—Cream, buttermilk. The following shall be the standards of quality after all tolerance has been allowed:

"Cream"—That portion of milk rich in milk fat which rises to the surfaces on standing and contains not less than twenty percent of milk fat;

"Whipping Cream" or "pastry cream"—Cream which contains not less than thirty percent milk fat;

"Buttermilk"—A fluid milk product resulting from the churning of milk or cream containing not less than eight and one-quarter percent milk solids-not-fat;

"Cultured buttermilk"—The fluid milk product resulting from the souring or treatment, by a lactic acid or other culture, a pasteurized skimmed milk or pasteurized reconstituted skimmed milk containing not less than eight and one-quarter percent milk solids-not-fat.

15.32.040 Standards of quality—Ice creams, ice milk, malted milk. The following shall be the standards of quality after all tolerance has been allowed:

"Ice cream"—The frozen product made from the combination of milk fats, milk solids, and sugar, with or without harmless coloring or flavoring matter, and with or without the addition of pure gelatin or vegetable gums, and which contains not less than ten percent of milk fats and not less than twenty percent of milk fats and milk solids combined;

"Fruit ice cream"—Ice cream to which is added sound, clean, and mature fruit;

"Nut ice cream"—Ice cream to which is added sound, clean, and nonrancid nuts;

"Ice milk"—The frozen product made from the combination of

milk and sugar, with or without harmless coloring or flavoring matter, and containing not less than three and twenty-five one-hundredths percent of milk fat, and not more than six-tenths of one percent of pure and harmless vegetable gum or gelatine;

“Malted milk”—The product made by combining milk with the liquids separated from a mash of ground barley malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate, or potassium bicarbonate and by removing water, and which contains not less than seven and one-half percent of milk fat and not more than three and one-half percent of moisture.

15.32.050 Standards of quality—Cheeses. The following shall be the standards of quality after all tolerance has been allowed:

“Cheese”—The sound, solid, and ripened product made from milk or cream by coagulating the casein therein with rennet, lactic acid, or pepsin, with or without the addition of ripening ferments, and seasoning or salt or harmless coloring matter;

“Whole milk cheese” includes “Cheddar cheese,” “American cheese,” and “American cheddar cheese”—Cheese made by the cheddar process from heated, pressed curd obtained by the action of rennet upon whole milk, and containing no more than thirty-nine percent water and, in the water-free substance, not less than fifty percent milk fat;

“Limburger cheese”—Cheese made by the limburger process from unpressed curd obtained by the action of rennet on whole milk and ripened in a damp atmosphere by special fermentation. In the water-free substance it contains not less than fifty percent milk fat;

“Pineapple cheese”—Cheese made by the pineapple cheddar process from pressed curd obtained by the action of rennet on whole milk and formed in the shape of a pineapple. During the ripening period it is thoroughly coated and rubbed with oil. In the water-free substance it contains not less than fifty percent milk fat;

“Brick cheese”—Quick ripened cheese made by the brick cheese process from pressed curd obtained by the action of rennet on whole milk, containing in the water-free substance not less than fifty percent milk fat;

“Neufchatel cheese”—Cheese made by the neufchatel process from unheated curd obtained by the action of lactic fermentation and rennet on whole milk, and containing in the water-free substance not less than fifty percent milk fat;

“Gouda cheese”—Cheese made by the gouda process from heated pressed curd obtained by the action of rennet on whole milk, and containing in the water-free substance not less than forty-five percent milk fat;

“Swiss cheese”—Cheese made by the emmenthaler process from

heated, pressed curd obtained by the action of rennet on whole or partly skimmed milk, ripened by special gas-producing bacteria causing "eyes" or holes, and containing in the water-free substance not less than forty-five percent milk fat;

"Camembert cheese"—Cheese made by the camembert process from unheated, unpressed curd obtained by action of rennet on whole or slightly skimmed milk, ripened by the growth of a special mold (*penicillium camemberti*) on the outer surface, and containing in the water-free substance not less than forty-five percent milk fat;

"Cream cheese"—Unripened cheese made by the neufchatel process from whole milk enriched with cream which contains, in the water-free substance, not less than sixty-five percent of milk fat;

"Half skim cheese"—Cheese which contains, in the water-free substance, less than fifty percent and not less than twenty-five percent milk fat;

"Quarter skim cheese"—Cheese which contains, in the water-free substance, less than twenty-five percent and not less than twelve percent of milk fat;

"Skim cheese"—Cheese which contains, in the water-free substance, less than twelve percent of milk fat;

"Creamed cottage cheese"—Cheese manufactured from skim milk to which may be added not to exceed one percent by weight of edible gum and not to exceed one percent by weight of sugar and with or without the addition of food colors, and to which cream is added so that it contains not less than four percent of pure milk fat;

"Roquefort cheese"—Cheese made by the roquefort process from unheated, unpressed curd obtained by the action of rennet on whole milk of sheep, cows or goats. The curd is inoculated with a special mold (*penicillium roqueforti*) and ripens with the growth of the mold;

"Gorgonzola cheese"—The cheese made by the gorgonzola process obtained by the action of rennet on whole milk, and ripened in a cool, moist atmosphere.

"Edam cheese"—The cheese made by the edam process from heated and pressed curd obtained by the action of rennet on whole milk or partly skimmed milk;

"Brie cheese"—Cheese made by the brie process from unheated, unpressed curd obtained by the action of rennet on whole or slightly skimmed milk, or milk with added cream, and ripened by a special mold on the outer surface;

"Parmesan cheese"—Cheese made by the parmesan process from heated and hard-pressed curd obtained by the action of rennet on partly skimmed milk. During the ripening process it is covered by a suitable oil;

“Stilton cheese”—Cheese made by the stilton process from unpressed curd obtained by the action of rennet on whole milk, with or without added cream. During the ripening process a special blue-green mold develops and gives the cheese a marbled or mottled appearance;

“Cottage cheese”—Unripened cheese made from separated curd obtained by the action of lactic fermentation or rennet, or a combination of the two, on skimmed milk, with or without the addition of buttermilk. The curd may be enriched with cream and salted or otherwise seasoned;

“Dry curd”—The curd manufactured from pure, clean, wholesome skimmed milk, with or without the addition of pure food coloring, and without the addition of milk fat;

“Pasteurized cheese,” or “pasteurized blended cheese”—A pasteurized product made by comminuting and mixing, with the aid of heat and water, one or more lots of cheese into a homogeneous, plastic mass. If unqualified the name means a product which conforms to the standard for cheddar cheese. If qualified by a variety name it is made from that variety of cheese and conforms to its limits for fat and moisture;

“Process cheese”—Means “pasteurized cheese” or “pasteurized blended cheese,” incorporated with not to exceed three percent of a suitable emulsifying agent. If unqualified by a variety name it means a process cheddar cheese; if qualified by a cheese variety name it is made from a cheese of that variety and conforms to its limits for fat and moisture;

“Whey cheese”—A product made by various named processes from the constituents of whey, such as “Ricotta,” “Zieger,” “Primost,” and “Mysost.”

Any cheese marketed under a specific trade name shall conform with the standard prescribed therefor by the federal registry of the United States department of agriculture.

15.32.060 Insanitary dairies, when. A dairy is deemed insanitary when:

(1) The drinking water for cows or goats is stagnant or polluted; or

(2) The yards are filthy or insanitary, or are the depositaries of manure which is allowed to decay or ferment; or

(3) The barn or stable is not provided with suitable floors, gutters and drains, or are not properly sealed from the feed storage; or the interior thereof has not had a coat of lime, whitewash, or paint at least once each year; or at least three square feet of window light is not provided for each cow; or

(4) The milk room provided for cooling, mixing, bottling, canning, separating, or keeping milk, is used for any other purpose; or

is not screened against flies or insects; or is located in a dwelling house, barn, or poultry house; or if located in a building where a business, occupation, or trade other than handling, bottling, or processing milk is conducted it is not separated therefrom by a sealed or plastered partition; or has a door leading directly into a barn where cows are kept or milked, except that double doors and a vestibule between is permitted in lieu of an outside door; or is used by a person as living or sleeping quarters; or is occupied by animals or fowl of any kind; or if a drainage system adequate to carry drainage one hundred feet away is not provided; or it is not provided with a floor of concrete or other equally impervious material; or the walls and ceiling are not finished with a smooth surface which must be covered once a year with a coat of lime whitewash or paint; or the walls or floor of the milk room become soiled with manure, urine, dirt or other filth;

(5) Any urinal, privy vault, open cesspool, pig pen, stagnant water, manure accumulation, or other filth is permitted within one hundred feet of any milk room, or within fifty feet of any place where milking is done, except that modern, flush-type toilets are permitted adjacent to milk rooms or barns if they are located in separate, properly ventilated and sealed rooms which do not open into any room where milk is handled;

(6) The person or wearing apparel of any person who comes in contact with milk or milk products becomes soiled or is not washed with reasonable frequency;

(7) Milking stools are not kept clean;

(8) Milking machines or other equipment of any kind which comes in contact with milk, is not thoroughly cleansed and sterilized in the milk room, with boiling water, live steam, or an approved chemical method, after every use thereof; or if the same becomes rusty or insanitary;

(9) The floor of any barn, shed, or stable in which cows or goats are kept or milked, or of a milk room, is so constructed or in such condition as to permit liquids to flow or soak underneath the floor, or among the interstices thereof in such a manner as to cause decay or fermentation to take place; or

(10) If the milk room is not provided with suitable windows or openings permitting the entrance of light and air from the outside of the building without passing through any other portion thereof;

(11) When there is permitted to exist any other cause or thing calculated or tending to render the milk or its products unclean, impure and unhealthy.

15.32.070 Closing of Insanitary dairies. Whenever any dairy becomes insanitary within the meaning of RCW 15.32.060 it may be

closed until such time as the condition is remedied, and it is unlawful to sell milk or milk products from any closed or insanitary dairy.

15.32.080 Insanitary milk plants. A structure or place where milk or cream is processed or manufactured into other products, or where handled, stored, or kept for sale shall be deemed insanitary in the following circumstances:

(1) If milk or cream is received or kept which has reached a stage of putrefactive fermentation;

(2) If milk or cream is received or kept in containers that have not been sterilized with boiling water or live steam after each delivery;

(3) If utensils and apparatus that come in contact with milk or its products in the process of manufacture are not thoroughly washed and sterilized by means of boiling water or live steam after each using;

(4) If the floor is such as to permit liquids to soak into the interstices thereof in such manner as to permit fermentation and decay, or such as may not be readily kept free from dirt and filth;

(5) If drains are not provided that will convey refuse milk, water, and sewage to a point at least fifty yards distant;

(6) If a cesspool, privy vault, hog yard, slaughterhouse, henhouse, manure, or decaying vegetable or animal matter that will produce foul odors is permitted to exist within such distance as will permit the odors therefrom to reach such place;

(7) If it lacks sufficient light and air to secure good ventilation;

(8) If in a building used in connection therewith any insects, vermin, or other species of animal life are permitted;

(9) If upon the floor or walls thereof, any milk or its products or any other filth is allowed to accumulate, ferment, or decay;

(10) If the person or clothing of a person coming in contact with milk or milk products therein is unclean;

(11) If there is permitted to exist any other cause or thing tending to render the milk or its products produced, kept, handled, or manufactured therein unclean, impure, and unhealthy.

15.32.090 Duties of the director. The director shall:

(1) Enforce all laws relating to the production or manufacture, sale or distribution of milk and milk products, and cause to be prosecuted persons suspected of violations thereof. The attorney general, and prosecuting attorney of any county shall, upon request of the director, render him legal assistance in performing such duties;

(2) Adopt and promulgate rules and regulations for the issuance of licenses required of persons who handle milk or milk products; for hearing complaints against such licensees; and the revocation of such licenses;

(3) Inspect all structures and places where milk or milk products are produced, manufactured, processed, stored, or sold, and all vehicles used in the transportation thereof, and all apparatus used in testing or grading milk or cream, and conduct revisory tests when there is reason to believe that milk or cream for sale, is not being accurately tested, graded, measured, or weighed. Defective apparatus shall be condemned;

(4) Inspect any milk or milk products, and imitations thereof, which he may suspect of being impure, adulterated, or counterfeit, and prosecute any persons engaged in the manufacture or sale of of such products in violation of law.

Said duties may be performed by the director, or supervisor or any inspector of the department.

15.32.100 Licenses of milk vendors, dealers—Fee—Contents—Revocation. Every person who sells or transports for sale milk, skimmed milk, buttermilk, or cream must have a milk vendor's license to do so. Such license, issued by the director on application and payment of a fee of two dollars, shall contain the license number, and name, residence and place of business, if any, of the licensee. It shall be nontransferable, shall expire June 30th subsequent to issue, and may be revoked by the director, upon reasonable notice to the licensee, for any violation of or failure to comply with any provision of this chapter or any rule or regulation, or order of the department, or any officer or inspector thereof.

15.32.110 Plant Licenses—Fee—Revocation. Every creamery, milk plant, shipping station, milk-condensing plant, factory of milk products, and other person who receives or purchases milk or cream in bulk and by weight or measure or upon the basis of milk fat contained therein shall obtain annually a license to do so. The license shall be issued by the director upon payment of ten dollars and his being satisfied that the building or premises where the milk or cream is to be received is maintained in a sanitary condition in accordance with the provisions of this chapter; except, such license shall not be required of persons purchasing milk or cream for their own consumption nor of hotels, restaurants, boarding houses, eating houses, bakeries, or candy manufacturing plants.

The license shall expire on June 30th subsequent to date of issue unless sooner revoked by the director, upon reasonable notice to the licensee, for a failure to comply with the provisions of this chapter, and the rules and regulations issued hereunder.

A licensee under this section shall not be required to obtain a milk vendor's license.

15.32.120 Adulteration of milk and milk products. Adulterated within the meaning of this chapter means:

(1) Milk, skimmed milk, buttermilk or cream which has been reduced, altered or changed in any respect by the addition of water or other substance; and

(2) Milk and milk products which do not conform to the definitions and standards set forth in RCW 15.32.010 through 15.32.050.

15.32.130 Unlawful sales and service of milk, milk products. No person shall:

(1) Serve as milk, cream or a milk product for human consumption any substance which is adulterated within the meaning of this chapter; nor

(2) Serve for human consumption in any place where meals are served, either as part of a meal or otherwise, ice cream, nut ice cream, fruit ice cream, ice milk or any substance resembling ice cream or ice milk, which is adulterated within the meaning of this chapter; nor

(3) Sell or offer for sale butter, cheese, or condensed milk which is adulterated within the meaning of this chapter; except that milk from cows which have reacted to tuberculin tests but exhibit no physical symptoms of disease, may be used to make butter, cheese, or condensed milk if such milk has been pasteurized or sterilized as required by the provisions of this chapter and a permit to do so has been issued by the director or departmental inspector; nor

(4) Add to any milk, cream, or condensed milk any gelatine, gum or other substance for the purpose of increasing the apparent richness thereof; except that nothing in this chapter shall be construed as prohibiting the use of harmless coloring matter and common salt in making butter or cheese, or harmless coloring or flavoring matter in ice cream or ice milk, or rennet, lactic acid or pepsin in making cheese.

15.32.140 Impure milk and cream. Milk or sweet cream which is not free from foreign substances, coloring matter, or preservatives, pus cells or blood cells, or which contains more than one hundred thousand bacteria or germs of all kinds to the cubic centimeter or which has been infected by or exposed to any contagious or infectious disease, or which has not cooled to a temperature of fifty-five degrees Fahrenheit within thirty minutes after being drawn or separated, or any pasteurized milk that contains in excess of twenty-five thousand bacteria per cubic centimeter in the finished product, shall be deemed impure, unwholesome, and adulterated.

15.32.150 Sale of adulterated or impure products prohibited. It is unlawful to manufacture, sell, offer for sale, or deliver any unclean, impure, or adulterated milk or milk product or any product prepared therefrom. Milk, cream, or milk products when unfit for

human consumption may be condemned, destroyed, or rendered unusable for human consumption.

15.32.160 Sale of products from diseased animals prohibited. It is unlawful to sell, offer for sale, or deliver milk or products produced from milk from cows or goats affected with disease or of which the owner thereof has refused official examination and tests for disease, or produced within ten days before or seven days after parturition.

15.32.170 Skimmed milk, labels—Sale sign. Milk from which the cream has been removed or contains less than three and twenty-five one hundredths percent milk fat is skimmed milk, and may be sold, offered for sale and delivered only in containers labeled on the outside with the words "skimmed milk" in black letters at least one inch high.

Skimmed milk, as so defined, may not be served in any place which serves meals for compensation or sells food for consumption on the premises unless there is conspicuously displayed at all times in full view of the public a durable sign bearing the words "skimmed milk sold here" in letters at least one inch high.

15.32.180 Temperatures for milk and cream. All milk and sweet cream shall be cooled in the dairy where it is produced to a temperature of not more than sixty degrees Fahrenheit within thirty minutes after the same is drawn from the cows or goats, or separated, and shall not before being delivered to the milk plant, creamery, cheese factory, factory of milk products, or other place where the same is to be distributed, bottled, pasteurized or manufactured be permitted to reach a temperature above sixty degrees Fahrenheit, and all such milk and cream shall thereafter be maintained at a temperature not to exceed fifty degrees Fahrenheit until delivered to the consumer: *Provided*, That nothing in this section shall be deemed applicable to milk or cream while being pasteurized.

15.32.190 Bottling of milk, skimmed milk, buttermilk, cream. Milk, skimmed milk, buttermilk or cream shall not be bottled, or transferred from one container to another, in the open air or in or upon any vehicle.

Such bottling or transferring must be done in a milk room, creamery, milk plant, or milk storage place, which is maintained in a sanitary condition as required by this chapter.

15.32.200 Sterilizing containers. All containers of milk, cream, ice cream, or ice milk, intended for human consumption, received from a common carrier shall be thoroughly sterilized with boiling water or live steam before they are returned to the consignor or a common carrier. Every vendor who receives such containers from

consumers shall so sterilize the same before returning them to the dealer or distributor.

15.32.210 Serving milk in first, second class cities. In cities of the first and second class, milk, skimmed milk, and buttermilk shall be served, sold or offered for sale only in individual glass or paper bottles. This section does not apply to milk purchased in bulk to be used exclusively for cooking or manufacturing purposes.

15.32.220 Bottle cap labeling—Violation, misdemeanor. Any person who sells or offers for sale milk or cream in bottles with caps which fail to have the name of the owner inscribed thereon, or which indicate a quality that cannot be determined by laboratory, chemical or bacteriological examination, or in any other way wrongfully or fraudulently brands the same as to name or otherwise, for the purpose of inducing a sale, shall be guilty of a misdemeanor.

15.32.230 Separators—Cleaning—Kept in milk room. Every cream separator from which milk or cream is sold or offered for sale shall be thoroughly cleaned within three hours after each use and kept clean until the next use; and shall be kept in a milk room, as herein defined, or a room separated from the place where cows are kept by tightly sealed or plastered partitions having no openings.

No person shall sell or offer for sale milk or cream from a separator which fails to conform to this section.

15.32.240 Milk and cream at dairy—Kept in milk room. While at a dairy, milk and cream must at all times be kept in a milk room, as herein defined.

15.32.250 Protection against flies, filth. No milk or milk product may be offered for sale unless it is kept properly protected from flies, dust, dirt, or other injurious contamination.

15.32.260 Sanitary handling of shipments. Milk and milk products when being transported shall be kept in a sanitary condition, and shall not be exposed to contamination or allowed to remain where it or its container is exposed to the direct rays of the sun.

15.32.270 Vehicles—Marking, coverings. All vehicles in or from which milk, skimmed milk, buttermilk, butter, cream, ice cream, or ice milk is gathered, sold, or delivered shall have the name and address of the owner plainly painted thereon, on both sides, in letters not less than three inches high and not less than one and one-half inches wide. Between the first day of May and the thirtieth day of September, such vehicles shall be equipped with a covering which will adequately protect the products from the heat of the sun.

15.32.280 “Certified” milk sale regulation. No person selling, offering for sale, or exchanging any milk, cream or milk product shall represent the same as being “certified” unless it has been certi-

fied by the city or county health officer or county medical society, according to the rules and regulations prescribed by the American association of medical commissions.

15.32.290 "Modified" milk, sale—On physician's prescription. Modified milk may be sold only upon prescription by a regularly licensed physician.

15.32.300 "Ice milk" serving, regulation. Any person serving ice milk shall display in a conspicuous place a sign containing the words "ice milk served here" in plain gothic type not less than two inches high.

15.32.310 Malted milk—Use not adulteration. The use of malted milk or substances which conform to the standards herein prescribed for malted milk, is not adulteration, and such malted milk may be sold or served with milk or milk products, or separately, provided it is sold or served as such and not as pure milk.

15.32.330 Butter labeling—Violation, misdemeanor. Prints of butter in sizes of two pounds or less shall not be sold unless they are plainly labeled with the name or official number of the manufacturer, jobber or retailer thereof. Persons who violate this section shall be guilty of a misdemeanor. Possession of butter with intent to sell not so wrapped and labeled is prima facie evidence of guilt.

15.32.340 Butter, milk, substitutes—Use of names restricted. No person shall use the words "butter," "creamery," "dairy" or "butterine," or any picture or representation of a cow, in any advertisement, sign or card relating to or in connection with the sale, serving or furnishing of oleomargarine or other substance designed as a substitute for or an imitation of butter, or of milk from which the milk fat has been removed and vegetable or other oil substituted therefor.

15.32.360 "Renovated butter"—Regulations—Penalty. No person shall sell, offer for sale, or possess with intent to sell any process butter unless the words "renovated butter" are marked in ink on the side of the package in capital letters one inch high and one-half inch wide. No retailer shall sell process butter unless a card bearing the words "renovated butter" is displayed on the package from which he is selling so that it may be easily read.

Whoever violates the provisions of this section is guilty of a misdemeanor and shall be fined for each offense not less than twenty-five nor more than one hundred dollars, or imprisoned for not less than one nor more than six months, or by both fine and imprisonment.

15.32.370 Butter, milk, substitutes—Use in state institutions prohibited. No oleomargarine, substitute butter, renovated butter, or any other substance designed as an imitation of or substitute for

butter or any condensed milk from which the butter fat has been removed and a vegetable or other oil has been substituted therefor shall be used in any of the educational, charitable hospital, medical, reformatory or penal institutions maintained by the state or which receives from the state any money, appropriation or financial assistance whatsoever.

15.32.380 "Washington creamery butter," "reworked butter"—
Use of. No person shall:

(1) Use the words "Washington creamery butter" as a brand, emblem or trademark upon any butter, or imitation thereof, or substance resembling butter, or upon any container of any such product; or

(2) Sell, offer for sale or possess with intent to sell reworked butter unless on the side of the package is marked with ink the words "reworked butter" in capital letters one inch high and one-half inch wide.

15.32.390 Pasteurization, what constitutes. That process of pasteurization as applied to milk, skimmed milk, cream and milk products is defined and declared to be a process for the elimination therefrom of organisms harmful to human beings. Such process as applied to milk shall consist of uniformly heating such milk to a temperature of not less than one hundred and forty-three degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty minutes, and immediately thereafter of cooling such milk to a temperature of not above fifty degrees Fahrenheit in a separate tank or container other than that in which it is pasteurized, or uniformly heating of such milk to a temperature of not less than one hundred and sixty-one degrees Fahrenheit and of holding the same at such temperature for a period of not less than fifteen seconds in approved and properly operated equipment. Such process as applied to skimmed milk, cream or other milk product shall consist of uniformly heating such skimmed milk, cream or milk product to a temperature of not less than one hundred and forty-three degrees Fahrenheit and of holding the same at such temperature for a period of not less than thirty minutes, or of heating the same to a temperature of one hundred and seventy-six degrees Fahrenheit; without holding: *Provided*, That whenever milk or cream shall be subjected to such process before being used in the manufacture of butter or cheese, and when the process of ripening is to be commenced immediately, it shall not be necessary that such milk or cream be cooled to a lower temperature than is necessary for such ripening or starting: *Provided, further*, That the heating of milk to above one hundred and ten degrees Fahrenheit shall be considered as intent to pasteurize and that thereafter the process of pasteurization as defined herein must be completed and such

milk marked and sold as pasteurized milk. No milk shall be pasteurized a second time.

15.32.400 Pasteurization apparatus, thermometers—Records. Every pasteurizing plant or apparatus shall be equipped with a device which will insure the maintenance of the temperature at the degrees and for the periods herein required, and with separate thermometers approved by the director, for indicating and recording the temperature degrees and holding periods.

Such thermometer records shall be kept for two months or delivered to the director, and shall be at all times open to inspection by the director and all officials charged with enforcing the laws and ordinances relating to milk or milk products or public health.

15.32.410 Pasteurization only at butter and cheese plant. All milk or cream used in the manufacture of pasteurized butter or cheese shall be pasteurized only in the plant where the butter or cheese is manufactured.

15.32.420 "Pasteurized"—Use of regulated. No person shall use the word "pasteurized" in connection with the sale, designation, advertising, labeling, or billing of milk, cream, or any milk product unless the same and all milk products used in the manufacture thereof consist exclusively of milk, skimmed milk, or cream that has been pasteurized.

15.32.430 Cattle breed name—Use in trade—Penalty. No person shall without permission, use in his corporate, firm, or trade name, brand, or advertising, the name of any breed of dairy cattle unless the milk sold, offered for sale, or advertised, is produced entirely from a herd, each cow of which possesses more than fifty percent of the blood of the breed of cattle so named.

Any person desiring to use the name of a breed of dairy cattle in connection with the sale of his milk shall make application to the supervisor so to do, and upon a sufficient showing the supervisor may grant permission.

Any person violating this section shall be punished by a fine of not less than twenty-five dollars for the first offense and not less than fifty nor more than one hundred dollars for each subsequent offense.

15.32.440 Brands—Registration—Fee—Use. A person engaged in the manufacture, sale, or distribution of milk or milk products may adopt a brand of ownership which may consist of a name, design, or mark, and may upon the payment of a fee of fifteen dollars, file with the director an application for the exclusive right to the use thereof. The application shall contain the name and address of the applicant, a description of the brand proposed and the use to be made thereof. The director shall refuse the application if the brand is the same or

so nearly similar to any brand theretofore registered, as to be misleading. Otherwise the application shall be granted and such fact, together with a description of the brand, shall be entered in a register to be kept by the director. A brand must be stamped, embossed or affixed by means of a metal plate on each container, or in the case of wooden containers must be burned therein. Upon the sale of a container the brand thereon shall become void.

15.32.450 Brands, branded containers—Unlawful use of—Seizure authorized. It shall be unlawful for a person other than the registered owner thereof, to possess for sale, barter, or use such a branded container, and possession by any junk dealer or vendor shall be prima facie evidence of possession for sale, barter, or use. When a branded container is in the possession of a person other than the registered owner, the director may seize and hold it until it is established to his satisfaction that such possession is lawful. No person, other than the owner, shall deface or remove a brand, or adopt a registered brand of another, or use a branded container, except to transport dairy products to and from the owner of the container.

15.32.460 Branded containers—Return—Expense. Any person receiving dairy products in containers bearing registered brands shall return them to the rightful owners. The inspectors shall seize branded containers not rightfully used and return them to the person in whose name they are registered. Any expense in transporting seized containers shall be paid by the owner. Neither the director nor any person who returns such containers shall be liable for any lost in transportation.

15.32.470 Butter scored by director—Canceling brand. The director may score the butter made by a creamery and his score shall be final. He shall cancel any brand issued to a creamery when the butter manufactured therein does not score ninety points.

15.32.480 Branding cheese—Exceptions. Every person who manufactures cheese shall, before removing it from the factory, brand it on the bandage or container with his name and address and the words "full cream cheese," or "half skim cheese," or "quarter skim cheese," or "skim cheese," as the case may be, according to the definitions and standards established in this chapter based upon the percentage of milk fat and solids contained in the cheese. Such brand shall be in plain, uncondensed gothic type not less than one-half inch high, and printed in such a manner that it cannot be readily obliterated.

The provisions of this chapter shall not apply to cheese commonly known as "Edam," "Pineapple," "Brickstein," "Limburger,"

"Swiss," or other hand-made cheese not made by the ordinary cheddar process.

15.32.490 "Imitation cheese" branded. Every person who manufactures an imitation of or substitute for cheese shall, before it is removed from his factory distinctly and durably brand it with the words "imitation cheese," and on every container thereof print his name and address in plain, uncondensed gothic letters not less than one inch high in such manner that they cannot be readily obliterated.

15.32.500 Brand violations—Sale as knowledge. Failure to brand products as required in RCW 15.32.480 and 15.32.490, and the offering for sale, selling, or otherwise disposing of such products when unbranded, shall constitute violations of this chapter. Selling such unbranded products constitutes knowledge on the part of the seller that the same is not full cream cheese.

15.32.510 Inspectors — Appointment — Qualifications — Powers. The director or a county or city or town may appoint one or more inspectors of milk, dairies, and dairy products, who are graduates of a recognized dairy school, or have completed a college course in dairying.

The inspectors may enter any place where milk and its products are stored and kept for sale and any conveyance used to transport milk or cream, and take samples for analysis: *Provided*, That this shall not apply to samples of milk or cream taken for bacteriological examination.

15.32.520 Milk and cream analysis. The chemist of any state institution shall correctly analyze samples of milk or cream sent him by a city milk inspector and report to the inspector promptly the result of the analysis, without extra compensation, or charge to the city.

A bacteriologist or chemist employed by a city may analyze milk for standard of quality, adulteration, contamination, and unwholesomeness, and his analysis shall have the same effect as one made by a chemist of a state institution.

15.32.530 Analysis—Report of by inspector—Time limit. An inspector or any state or city officer who obtains a sample of milk for analysis, shall within ten days after obtaining the result of the analysis, send the result to the person from whom the sample was taken or to the person responsible for the condition of the milk.

15.32.540 Prerequisite to prosecution for quality. A person is not liable to prosecution because the milk produced by him is not of good standard quality unless the milk was taken upon his premises

or while in his possession or under his control by an inspector or his agent and a sealed sample thereof given to him.

15.32.550 Imitation seal, altering samples, violations—Penalty. Any person who makes or causes to be made, or uses or possesses, an imitation of a seal used by a person engaged in the inspection of milk, or who alters or tampers with a sample of milk or milk products taken or sealed by an inspector, shall be punished by a fine of one hundred dollars or imprisonment for not less than three nor more than six months.

15.32.560 Connivance by inspector or agent—Penalty. An inspector or his agent who wilfully connives at or assents to a violation of any provision of RCW 15.32.510 to 15.32.550, inclusive, or a person who interferes with an inspector or his agent in the performance of his duties, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment for not less than thirty nor more than sixty days.

15.32.570 Quarantine, removal of container from. No person shall remove from a place under quarantine a container which has been or is to be used to contain milk, skimmed milk, buttermilk, cream, ice cream, or ice milk, without permission of the health officer in charge.

15.32.580 Babcock testers et al—Licensing. Any person may receive from the department a license as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker upon application therefor and upon the payment to said department of a license fee of two dollars therefor. Before issuing such license the department shall inquire into the qualifications of the applicant and shall require such applicant to submit to examination as to his qualifications, and may require the applicant to submit to it satisfactory proof that he is of good moral character.

15.32.582 ———Applications for licenses—Temporary permits. Applications for licenses as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker shall be made upon application blank to be provided and furnished by the department, and shall be filed with the department. Upon receipt of any such application the department may, if the director shall so direct, issue a permit to the applicant to act as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker, for such period as may be prescribed and stated in said permit, not to exceed sixty days, but such permit shall not be renewed so as to extend the period beyond sixty days from the filing of the application.

15.32.584 ————**Licenses, expiration, renewal, revocation.** Every license as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker shall expire on the thirty-first day of December, 1943. Such licenses shall be renewed on or before January 1, 1944, and every two years thereafter, in accordance with the provisions of RCW 15.32.580. Any license as a Babcock licensed tester, sampler, weigher, grader, pasteurizer, butter maker or cheese maker may at any time be revoked by the department, upon due notice to the person to whom it is issued, if such person shall fail to comply with the provisions of this chapter, or shall exhibit in the discharge of his functions any gross carelessness or lack of qualification, or shall fail to comply with the rules and regulations issued and promulgated by the department under the authority of this chapter.

15.32.590 Tests, etc. by Babcock licensees—Records—Inspection of. Babcock licensed testers, samplers, weighers, and graders shall personally take all samples, conduct all tests, and determine all weights and grades of milk or cream bought, sold, or delivered upon the basis of weight, grade, or milk content. Each shall keep a carbon copy of every original report of each test, weight, or grade made by him for a period of two months after making same, in a locked container, but subject to inspection at all times by the director or his agent.

15.32.600 Babcock licensees—Personal responsibility. Each Babcock licensee shall be personally responsible to any person injured through his careless, negligent, or unskillful operation, or any fraudulent, intentionally inaccurate, or manipulated report.

15.32.610 Employment of unlicensed tester unlawful—Penalty. No person shall employ a tester, sampler, weigher, or grader who is not licensed hereunder; or refuse to allow or fail to assist in the examination of the reports referred to in RCW 15.32.590.

Whoever violates the provisions of this section and RCW 15.32.590 and 15.32.600 may be fined not less than twenty-five nor more than one hundred dollars, and his license hereunder revoked.

15.32.620 Sample taking—Thorough mixing—Unfair samples. Before taking a sample of milk or cream for testing, weighing or grading the licensee shall thoroughly mix the shipment to be sampled until it is of uniform consistency. The shipment of each individual shall be treated separately, and a sample shall be taken from each container in the shipment.

No unfair, fraudulent or manipulated sample shall be taken or returned.

15.32.630 Test bottles, pipettes — Marks — Bond — Violations. Bottles and pipettes used in measuring milk or milk products to

determine the percent of fat in or quality thereof shall have clearly blown or stamped in the side thereof the word "sealed" and in the side of the pipette or the side or bottom of the bottle the name, initials, or trademark of the manufacturer and his designating number. Such number shall be assigned by the director upon application and upon the filing by the manufacturer of a bond in the sum of one thousand dollars with sureties to be approved by the attorney general, conditioned upon compliance with the requirements of this section. A record of the bond, the designating number, and to whom assigned shall be kept in the office of the director.

A manufacturer who sells test bottles or milk pipettes to be used in this state, which do not comply with the provisions of this section shall be subjected to a penalty of five hundred dollars, to be recovered by the attorney general in an action against his bondsmen, to be brought in the name of the state. No dealer shall use bottles or pipettes which do not comply with the provisions of this section.

The director shall prescribe specifications with which the glassware mentioned in this section shall comply. The unit of graduation for all such glassware shall be the true cubic centimeter or the weight of one gram of distilled water at four degrees centigrade.

Inspectors shall investigate such glassware in use within their jurisdictions and immediately report to the director any violations of this section.

15.32.640 Speeds, temperature of Babcock testers. In tests of milk or cream for butter fat content the Babcock tester shall be operated at a temperature between one hundred thirty and one hundred forty degrees Fahrenheit, and the following speeds:

(1) For a fourteen inch diameter, eight hundred seventy-five to nine hundred twenty-five r.p.m.;

(2) For a sixteen inch diameter, eight hundred twenty-five to eight hundred seventy-five r.p.m.;

(3) For an eighteen inch diameter, seven hundred seventy-five to eight hundred twenty-five r.p.m.;

(4) For a twenty-inch diameter, seven hundred twenty-five to seven hundred seventy-five r.p.m.; and

(5) For a twenty-four inch diameter, five hundred seventy-five to six hundred twenty-five r.p.m.

15.32.650 Milk, cream, payment measures — Scales sensibility. The true basis of measurement or weight for payment of milk or cream is seventeen and six-tenths cubic centimeters for milk, and nine grams or eighteen grams for cream. Cream must be weighed into the test bottle.

The sensibility of scales used for weighing cream into test bottles

for a Babcock test, shall be not more than thirty milligrams, and standard weights shall be nine and eighteen grams.

15.32.660 Inspection, testing, by director, supervisor, inspectors. All duties and powers of inspection and testing conferred or directed by this chapter may be exercised by the director, supervisor, or an inspector of the department.

15.32.670 Right of entry—Samples—Duplicate to owner. The director and his deputies may enter any place or building where he has reason to believe that a dairy product or imitation thereof is kept, made, sold, or offered for sale, and open any receptacle containing or supposed to contain any such article, and examine the contents thereof and he may take the article or a sample thereof for analysis. If the person from whom the sample is taken requests him to do so, he shall at the same time and in his presence seal up two samples of the article taken, one of which shall be for examination or analysis, and the other shall be delivered to the person from whom the article is taken.

15.32.680 Possession of prohibited article as evidence. Possession of an article the sale of which is prohibited by this chapter shall be prima facie evidence that it is kept in violation of the provisions hereof, and the director may seize and take possession of it, and upon an order of court, he shall sell it for any purpose other than human food.

15.32.690 Annual statistical report. On or before January 1st of each year, or oftener, the director shall mail to every owner or operator of a creamery, milk plant, milk condensing factory, factory of milk products, or cheese factory, and to every milk vendor and milk dealer, blanks for reporting milk and milk products production statistics. Within thirty days thereafter said reports properly filled out and signed by such persons, showing the amount of milk and milk products received, produced or distributed during the period fixed by the director, shall be returned to him.

15.32.692 Monthly reports of milk processors—Contents. All milk processors, as the term "processor" is defined in RCW 15.44.010, not within a federal order area, shall file with the department of agriculture of the state of Washington, on or before the fifteenth day of each month, a report, on forms supplied by the department of agriculture, showing the amount of milk purchased during the preceding month, and the percentage of such milk purchased or produced by the processor, if such is the case, that was used in each of the dairy products produced during the preceding month. If any milk was disposed of other than by producing it into dairy products during the preceding month, the report shall show the disposition of such milk. The report required by this section shall be verified

under oath, certifying to the correctness and the completeness of the report.

15.32.694 ———Information not to be divulged—Penalty. The report required by RCW 15.32.692 shall not be a public record, and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report; except that nothing contained in this section shall be construed to prevent or make unlawful the use of information concerning the business operation of a person in any action, suit or proceeding instituted under the authority of RCW 15.32.692 through 15.32.698.

15.32.696 Annual publication of information by department. The department of agriculture shall publish at least once annually information concerning the production, sales and volume of milk processed into dairy products by processors in this state.

15.32.698 Penalties. The first violation of the provisions of RCW 15.32.692 or 15.32.694 shall be a misdemeanor. A second violation and succeeding violations shall be a gross misdemeanor.

15.32.700 Mutilation of brands, etc., prohibited. No person shall mutilate or remove any mark, brand, label, or other designation required by this chapter from any product, with intent to deceive or in violation of any provision hereof.

15.32.710 License fee, sale proceeds—Monthly remittance. All moneys received for licenses or from the sale of articles confiscated under this chapter shall be paid on the first of each month to the state treasurer to be placed in the general fund.

15.32.720 Fines—Distribution. One-half of all fines collected from prosecutions under this chapter shall be paid to the state and the remainder to the county in which the conviction is had.

15.32.730 Unlawful interference with official. It shall be unlawful to interfere with or obstruct any person in the performance of his official duties under this chapter.

15.32.740 Unlawful conduct, what is—Penalty. The doing of any act prohibited or the failure to do any act required by this chapter or any rule or regulation issued hereunder, when not otherwise provided, shall constitute a misdemeanor.

15.32.750 Duty of prosecuting attorney. At the request of the director or his representative, the prosecuting attorney shall prosecute all criminal actions under this chapter within his county.

15.32.760 Carrier employees to aid director—Violation, penalty. Every employee of a common carrier shall render to the director and his authorized representatives all possible assistance in locating

any article named in this chapter which has come into its possession. Failure to do so shall be punishable by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both fine and imprisonment.

15.32.770 Court jurisdiction. Any superior court and any municipal court or justice of the peace shall have jurisdiction of all prosecutions and all proceedings for forfeiture and sale under this chapter.

15.32.780 Unlawful price fixing—Exception. No two or more persons shall by agreement or understanding, tacit or otherwise, fix or attempt to fix the price at which butter, cheese, milk, or other products mentioned in this chapter shall be bought or sold; except that the provisions of this section shall not apply to ordinary sales between buyer and seller.

15.32.790 Deceit relative to milk and cream measures, grades, etc. No person shall, with intent to deceive or defraud, manipulate, or alter the measure, grade, test, or weight of any milk or cream; or make any false or inaccurate statement relative to measure, grade, test, or weight thereof; or use any measure or grading or testing apparatus which does not comply with the standards prescribed in this chapter or which has been condemned by the director.

15.32.900 Declaration of police power. It is hereby declared that this chapter is enacted as an exercise of the police power of the state of Washington for the preservation of the public health and each and every section thereof shall be construed as having been intended to effect such purpose and not as having been intended to affect any regulation or restraint of commerce between the several states which may by the constitution of the United States of America have been reserved to the congress thereof.

15.32.910 Chapter cumulative. Nothing in this chapter shall be construed as affecting or being intended to effect a repeal of chapter 69.04 RCW or RCW 69.40.010 through 69.40.025, or of any of such sections, or of any part or provision of any such sections, and if any section or part of a section in this chapter shall be found to contain, cover or effect any matter, topic or thing which is also contained in, covered in or effected by said sections, or by any of them, or by any part thereof, the prohibitions, mandates, directions, and regulations hereof, and the penalties, powers and duties herein prescribed shall be construed to be additional to those prescribed in such sections and not in substitution therefor. And nothing in this chapter shall be construed to forbid the importation, transportation, manufacture, sale, or possession of any article of food

which is not prohibited from interstate commerce by the laws of the United States or rules or regulations lawfully made thereunder, if there be a standard of quality, purity and strength therefor authorized by any law of this state, and such article comply therewith and be not misbranded.

Chapter 15.36

FLUID MILK

15.36.010 Definitions—“Milk” and certain milk products. For the purpose of this chapter, terms shall apply as herein defined unless the context clearly indicates otherwise.

“Milk” is the whole unadulterated lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within ten days before and seven days after calving, or such longer period as may be necessary to render the milk colostrum free; which milk contains not less than eight and one-quarter percent milk solids not fat, and not less than three and one-half percent milk fat: *Provided*, That nothing in this chapter shall prohibit the sale to creameries, cheese factories, milk plants, or milk distributors of the whole unadulterated milk from any healthy cow whose milk tests below the standards herein fixed.

“Milk fat” or “butter fat” is the fat of milk.

“Cream,” “light cream,” “coffee cream” or “table cream” is a portion of milk which contains not less than twenty percent milk fat. “Sour cream” is cream the acidity of which is more than two-tenths percent, expressed as lactic acid.

“Whipping cream” is cream which contains not less than thirty percent milk fat.

“Half and half” is a product consisting of a mixture of milk and cream homogenized which contains not less than eleven and one-half percent milk fat.

“Reconstituted,” or “recombined half and half” is a product resulting from the combination of reconstituted milk or reconstituted skim milk with cream or reconstituted cream homogenized, which contains not less than eleven and one-half percent milk fat.

“Concentrated milk” is a fluid product unsterilized and unsweetened, resulting from the removal of a considerable portion of water from milk. When recombined with water, in accordance with instructions printed on the container, the resulting product shall conform with the standards for milk fat and solids-not-fat for milk as defined herein.

“Concentrated milk products” shall be taken to mean and to include homogenized concentrated milk, vitamin D concentrated milk, concentrated skim milk, concentrated flavored milk, concen-

trated flavored drink, and similar concentrated products made from concentrated milk or concentrated skim milk, as the case may be, and which, when recombined with water in accordance with instructions printed on the container, conform with definitions of the corresponding milk products in this section.

“Dry milk” is milk from which at least ninety-five percent of the water has been removed, and which is used for fortification of milk products defined in this chapter.

“Skim milk” is milk from which a sufficient portion of the milk fat has been removed to reduce its milk fat content to less than three and one-half percent.

“Defatted milk,” “nonfat,” or “fat-free,” is skim milk which contains not more than twenty-five one-hundredths of one percent milk fat.

“Skim milk solids” shall be deemed to include concentrated skim milk and nonfat dry milk solids.

“Nonfat dry milk solids” shall mean nonfat milk from which at least ninety-five percent of the water has been removed and which is used for fortification of milk products defined in this chapter.

“Flavored milk” is a beverage or confection consisting of milk to which has been added a syrup or flavor made from wholesome ingredients.

“Flavored drink,” or “flavored dairy drink” is a beverage or confection consisting of skim milk to which has been added a syrup or flavor made from wholesome ingredients.

“Flavored reconstituted milk” is a flavored milk made from reconstituted milk.

“Flavored reconstituted drink,” or “flavored reconstituted dairy drink” is a flavored drink made from reconstituted skim milk.

“Buttermilk” is a fluid product resulting from the churning of milk or cream. It contains not less than eight and one-quarter percent milk solids-not-fat.

“Cultured buttermilk” is a fluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized skim milk or pasteurized reconstituted skim milk. It contains not less than eight and one-quarter percent milk solids-not-fat.

“Cultured milk” is a fluid or semifluid product resulting from the souring or treatment, by a lactic acid or other culture, of pasteurized milk, pasteurized reconstituted milk or pasteurized concentrated milk. It contains not less than eight and one-quarter percent milk solids-not-fat and not less than three and one-half percent milk fat.

“Vitamin D milk” is milk the vitamin D content of which has been increased by a method approved by the director to at least four hundred United States pharmacopoeia units per quart.

“Fortified milk” is milk, other than vitamin D milk, the vitamin or mineral content of which has been increased by a method and in an amount approved by the director. “Fortified milk products” are those milk products defined in this chapter, other than vitamin D milk products, the vitamin or mineral content of which has been increased by a method and in an amount approved by the director, and to which skim milk solids may or may not have been added. The label shall contain the word “fortified” and shall show clearly the amount and source of each vitamin or mineral added.

“Reconstituted,” or “recombined” milk is a product resulting from the recombining of milk constituents with water, and which complies with the standards for milk fat and solids-not-fat of milk as defined herein. “Reconstituted,” or “recombined cream” is a product resulting from the combination of dried cream, butter, or milk fat with cream, milk, skim milk, or water, and which complies with the milk fat standards of cream.

“Reconstituted,” or “recombined” skim milk is a product which results from the recombining of skim milk constituents with water, and which contains not less than eight and one-quarter percent milk solids-not-fat.

“Goat milk” is the lacteal secretion, free from colostrum, obtained by the complete milking of healthy goats, and shall comply with all the requirements of this chapter. The word “cow” shall be interpreted to include “goats.”

“Homogenized milk” is milk which has been treated in such manner as to insure breakup of the fat globules to such an extent that after forty-eight hours storage no visible cream separation occurs on the milk and the fat percentage of the top one hundred milliliters of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than ten percent of itself from the fat percentage of the remaining milk as determined after thorough mixing. The word “milk” shall be interpreted to include “homogenized milk.”

“Milk products” means and includes cream, sour cream, whipping cream, half and half, reconstituted half and half, concentrated milk products, skim milk, nonfat milk, flavored milk, flavored drink, flavored reconstituted milk, flavored reconstituted drink, goat milk, vitamin D milk, buttermilk, cultured buttermilk, cultured milk, fortified milk, reconstituted or recombined milk, and cream, or skim milk, and any other products made by the addition of any substance to milk or any of these products and used for similar purposes and designated as a milk product by the director.

15.36.020 Definitions—“Pasteurization.” “Pasteurization,” “pasteurize” and similar terms, refer to the process of heating every particle of milk or milk products to at least one hundred forty-three

degrees Fahrenheit, and holding at such temperature for at least thirty minutes, or to at least one hundred sixty-one degrees Fahrenheit, and holding at such temperature for at least fifteen seconds in approved and properly operated equipment under the provisions of this chapter: *Provided*, That nothing contained in this definition shall be construed as disbaring any other process which has been demonstrated to be equally efficient and which is approved by the director.

15.36.030 Definitions—“Adulterated and misbranded milk and milk products.” “Adulterated and misbranded milk and milk products.” Any milk to which water has been added, or any milk or milk product which contains any unwholesome substance, or which if defined in this chapter does not conform with its definition, shall be deemed adulterated. Any milk or milk products which carries a grade label unless such grade label has been awarded by the director and not revoked, or which fails to conform in any other respect with the statements on the label, shall be deemed to be misbranded.

15.36.040 Definitions—“Milk producer”—“Milk distributor”—“Dairy”—“Milk hauler”—“Milk plant.” A “milk producer” is any person or organization who owns or controls one or more cows a part or all of the milk or milk products from which is sold or offered for sale.

A “milk distributor” is any person who offers for sale or sells to another any milk or milk products for human consumption as such and shall include a milk producer selling or offering for sale milk or milk products at the dairy farm.

A “dairy” or “dairy farm” is any place or premises where one or more cows are kept, a part or all of the milk or milk products from which is sold or offered for sale.

A “milk hauler” is any person, other than a milk producer or a milk plant employee, who transports milk or milk products to or from a milk plant or a collecting point.

A “milk plant” is any place, premises or establishment where milk or milk products are collected, handled, processed, stored, bottled, pasteurized, or prepared for distribution, except an establishment where milk or milk products are sold at retail only.

15.36.050 Definitions—“Average” counts, time, temperature. “Average bacterial plate count,” and the “average direct microscopic count,” mean the logarithmic average, and “average reduction time” and “average cooling temperature” mean the arithmetic average of the respective results of the last four consecutive samples, taken upon separate days.

15.36.060 Definitions—“Person”—“Director”—“Health officer”—“and/or.” The word “person” means any individual, partnership, firm, corporation, company, trustee, or association.

“Director” means the director of agriculture of the state of Washington or his duly authorized representative.

“Health officer” means the county or city health officer as defined in Title 70, or his authorized representatives.

Where the term “and/or” is used “and” shall apply where possible, otherwise “or” shall apply.

15.36.070 Sale of adulterated, misbranded, or ungraded milk or milk products prohibited. No person shall produce, sell, offer, or expose for sale, or have in possession with intent to sell, in the fluid state for direct consumption as such, any milk or milk product which is adulterated, misbranded, or ungraded. It shall be unlawful for any person, elsewhere than in a private home, to have in possession any adulterated, misbranded, or ungraded milk or milk products: *Provided*, That in an emergency the sale of ungraded milk or milk products may be authorized by the director, in which case they shall be labeled “ungraded.”

Adulterated, misbranded, and/or ungraded milk or milk products may be impounded and disposed of by the director.

15.36.080 Permits. It shall be unlawful for any person to transport, or to sell, or offer for sale, or to have in storage where milk or milk products are sold or served, any milk or milk product defined in this chapter, who does not possess an appropriate permit from the director or an authorized inspection service as defined in this chapter.

Every milk producer, milk distributor, milk hauler, and operator of a milk plant shall secure a permit to conduct such operation as defined in this chapter. Only a person who complies with the requirements of this chapter shall be entitled to receive and retain such a permit. Permits shall not be transferable with respect to persons and/or locations.

Such a permit may be temporarily suspended by the director or health officer of a milk inspection unit upon violation by the holder of any of the terms of this chapter, or for interference with the director or health officer of a milk inspection unit in the performance of his duties, or revoked after an opportunity for a hearing by the director upon serious or repeated violations.

15.36.090 Labeling. All bottles, cans, packages, and other containers, enclosing milk or any milk product defined in this chapter shall be plainly labeled or marked with (1) the name of the contents as given in the definitions of this chapter; (2) the grade of the contents; (3) the word “pasteurized” only if the contents have been

pasteurized; (4) the word "raw" only if the contents are raw; (5) the name of the producer if the contents are raw, and the identity of the plant at which the contents were pasteurized if the contents are pasteurized; (6) the phrase "for pasteurization" if the contents are to be pasteurized; (7) in the case of vitamin D milk the designation "vitamin D milk," the source of the vitamin D and the number of units per quart; (8) the word "reconstituted" or "recombined" if included in the name of the product as defined in this chapter; (9) in the case of concentrated milk or milk products the volume or proportion of water to be added for recombining; (10) the words "skim milk solids added," and the percentage added if such solids have been added, except that this requirement shall not apply to reconstituted or recombined milk or milk products: *Provided*, That only the identity of the producer shall be required on cans delivered to a milk plant which receives only raw milk for pasteurization and which immediately dumps, washes, and returns the cans to the producer.

The label or mark shall be in letters of a size, kind, and color approved by the director and shall contain no marks or words which are misleading.

15.36.100 Inspection of dairy farms and milk plants. Prior to the issuance of a permit and at least once every six months the director shall inspect all dairy farms and all milk plants: *Provided*, That the director may accept the results of periodic industry inspections of producer dairies if such inspections have been officially checked periodically and found satisfactory. In case the director discovers the violation of any item of sanitation, he shall make a second inspection after a lapse of such time as he deems necessary for the defect to be remedied, but not before the lapse of three days, and the second inspection shall be used in determining compliance with the grade requirements of this chapter. Any violation of the same requirement of this chapter on such reinspection shall call for immediate degrading or suspension of permit.

One copy of the inspection report shall be posted by the director in a conspicuous place upon an inside wall of one of the dairy farm or milk plant buildings, and said inspection report shall not be defaced or removed by any person except the director. Another copy of the inspection report shall be filed with the records of the director.

Every milk producer and distributor shall upon the request of the director permit him access to all parts of the establishment, and every distributor shall furnish the director, upon his request, for official use only, samples of any milk product for laboratory analysis, a true statement of the actual quantities of milk and milk products of each grade purchased and sold, together with a list of all

sources, records of inspections and tests, and recording thermometer charts.

15.36.110 Examination of milk and milk products. During each six months period at least four samples of milk and cream from each dairy farm and each milk plant shall be taken on separate days and examined by the director: *Provided*, That in the case of raw milk for pasteurization the director may accept the results of non-official laboratories which have been officially checked periodically and found satisfactory. Samples of other milk products may be taken and examined by the director as often as he deems necessary. Samples of milk and milk products from stores, cafes, soda fountains, restaurants, and other places where milk or milk products are sold shall be examined as often as the director may require. Bacterial plate counts, direct microscopic counts, reduction tests, coliform determinations, phosphatase tests and other laboratory tests shall conform to the procedures in the current edition of "Standard Methods For The Examination Of Dairy Products," recommended by the American public health association. Examinations may include such other chemical and physical determinations as the director may deem necessary for the detection of adulteration. Samples may be taken by the director at any time prior to the final delivery of the milk or milk products. All proprietors of cafes, stores, restaurants, soda fountains, and other similar places shall furnish the director, upon his request, with the name of all distributors from whom their milk and milk products are obtained. Bio-assays of the vitamin D content of vitamin D milk shall be made when required by the director in a laboratory approved by him for such examinations.

Whenever the average bacterial count, the average reduction time, or the average cooling temperature, falls beyond the limit for the grade then held, the director shall send written notice thereof to the person concerned and shall take an additional sample, but not before the lapse of three days, for determining a new average in accordance with RCW 15.36.050: *Provided*, That the three-out-of-four method, as specified in the following paragraph, may be used in lieu of the averaging method provided in RCW 15.36.050 for determining compliance of bacterial plate counts, direct microscopic counts, or cooling temperatures. Violation of the grade requirement by the new average or the three-out-of-four method shall call for immediate degrading or suspension of the permit, unless the last individual result is within the grade limit.

Whenever more than one of the last four consecutive coliform tests made to determine bacterial count of samples taken on separate days falls beyond the limit for the grade then held, the director shall send written notice thereof to the person concerned and shall

take an additional sample but not before the lapse of three days. Immediate degrading or suspension of permit shall be called for if the grade requirements are violated by such additional sample, unless the last individual result is within the grade limit.

In case of violation of the phosphatase test requirements, the cause of underpasteurization shall be determined and removed before milk or milk products from this plant can again be sold as pasteurized milk or milk products.

15.36.120 Grading of milk and milk products—In general. Grade of milk and milk products as defined in this chapter shall be based on the respectively applicable standards contained in RCW 15.36.120 to 15.36.460, inclusive, the grading of milk products being identical with the grading of milk, except that the bacterial standards shall be doubled in the case of cream and omitted in the case of sour cream and buttermilk. Vitamin D milk shall be only of grade A, certified pasteurized, or certified raw quality. The grade of a milk product shall be that of the lowest grade milk or milk product used in its preparation.

15.36.130 Certified milk-raw—Standards. Certified milk-raw is raw milk which conforms with requirements of the American association of medical milk commissions in force at the time of production and is produced under the supervision of a medical milk commission reporting monthly to the director and the state department of health.

15.36.140 Grade A raw milk—Standards in general. Grade A raw milk is raw milk produced upon dairy farms conforming with all of the items of sanitation contained in RCW 15.36.150 to 15.36.280, inclusive, and the bacterial plate count or the direct microscopic clump count of which does not exceed twenty thousand per milliliter, or the methylene blue reduction time of which is not less than seven hours, as determined in accordance with RCW 15.36.110.

Grade A raw milk for pasteurization is raw milk produced upon dairy farms conforming with all of said items of sanitation except RCW 15.36.265 (bottling and capping), 15.36.270 (personnel health), and such portions of other items as are indicated therein, and the bacterial plate count or the direct microscopic clump count of which, as delivered from the farm, does not exceed one hundred thousand per milliliter, or the resazurin reduction time of which to P seven-fourth is not less than three hours, as determined in accordance with RCW 15.36.110.

15.36.150 Cows—Tuberculosis, brucellosis, other diseases. Except as provided hereinafter, tuberculin test of all herds and additions thereto shall be made before any milk therefrom is sold, and at least once every twelve months thereafter, by an accredited and licensed

veterinarian approved by the state department of agriculture or veterinarian employed by the bureau of animal industry, United States department of agriculture. Said tests shall be made and the reactors disposed of in accordance with the requirements approved by the director for accredited herds. A certificate signed by the veterinarian or attested to by the director and filed with the director shall be evidence of the above tests: *Provided*, That in modified accredited counties in which the modified accredited area plan is applied to the dairy herds, the modified accredited area system approved by the director shall be accepted in lieu of annual testing.

No fluid milk or cream designated or represented to be "grade A" fluid milk or cream shall be sold, offered or exposed for sale which has been produced from a herd of cows, one or more of which are infected with brucellosis at the time such milk is produced, or from animals in such herd which have not been blood tested for brucellosis at least once during the preceding calendar year, or milk ring tested for brucellosis at least semiannually during the preceding year. The results of a test for brucellosis by the state or federal laboratory of a blood sample drawn by an official veterinarian, shall be prima facie evidence of the infection or noninfection of the animal or herds: *Provided*, That in lieu thereof, two official negative milk ring tests for brucellosis not less than six months apart may be accepted as such evidence. All herds of cows, the fluid milk or cream from which is designated or represented to be "grade A" fluid milk or cream shall be blood tested for brucellosis annually or milk ring tested for brucellosis semiannually. Such herds showing any reaction to the milk ring test shall be blood tested and all reactors to the blood test removed from the herd and disposed of within fifteen days from the date they are tagged and branded. The remaining animals in the infected herd shall be retested at not less than thirty-day nor more than sixty-day intervals from the date of the first test. A series of retests, with removal and disposition or reacting animals, shall be continued until the herd shall have passed two successive tests in which no reactors are found. If upon a final test, not less than six months nor more than seven months from the date of the last negative test, no reactors are found in the herd, it shall be deemed a disease free herd. Results of official blood or milk ring tests shall be conspicuously displayed in the milk house.

All milk and milk products consumed raw shall be from herds or additions thereto which have been found free from brucellosis, as shown by blood serum tests or other approved tests for agglutinins against brucella organisms made in a laboratory approved by the director. All such herds shall be retested at least every twelve months and all reactors removed from the herd. If a herd is found to have one or more animals positive to the brucellosis test, all milk

from that herd is to be pasteurized until the three consecutive brucellosis tests obtained at thirty-day intervals between each test are found to be negative. A certificate identifying each animal by number and signed by the laboratory making the test shall be evidence of the above test.

Cows which show an extensive or entire induration of one or more quarters of the udder upon physical examination, whether secreting abnormal milk or not, shall be permanently excluded from the milking herd. Cows giving bloody, or stringy, or otherwise abnormal milk, but with only slight induration of the udder shall be excluded from the herd until reexamination shows that the milk has become normal.

For other diseases such tests and examinations as the director may require after consultation with state livestock sanitary officials shall be made at intervals and by methods prescribed by him.

15.36.155 Grade A raw milk—Dairy barn, lighting. A milking barn or stable shall be provided. It shall be provided with adequate light, properly distributed, for day or night milking.

15.36.160 Grade A raw milk—Dairy barn, air space, ventilation. Such sections of all dairy barns where cows are kept or milked shall be well ventilated and shall be so arranged as to avoid overcrowding.

15.36.165 Grade A raw milk—Milking stable, floors, animals. The floors and gutters of that portion of the barn or stable in which cows are milked shall be constructed of concrete or other approved impervious and easily cleaned material: *Provided*, That if the milk is to be pasteurized, tight, two-inch tongue and groove wood, impregnated with waterproofing material and laid with a mastic joint at the gutter may be used under the cows. Floors and gutters shall be graded to drain properly and shall be kept clean and in good repair. No horses, swine, or fowl shall be permitted in the milking stable. If dry cows, calves, or bulls are stabled therein, they shall be confined in stalls, stanchions or pens.

15.36.170—Grade A raw milk—Milking stable, walls and ceiling. The interior walls and the ceilings of the milking barn or stable shall be smooth, shall be whitewashed or painted as often as may be necessary, or finished in an approved manner, and shall be kept clean and in good repair. In case there is a second story above the milking barn or stable the ceiling shall be tight. If hay, grain or other feed is stored in a feed room or feed storage space adjoining the milking space, it shall be separated therefrom by a dust tight partition and door. No feed shall be stored in the milking portion of the barn unless stored in dust tight containers.

15.36.175 Grade A raw milk—Cow yard. The cow yard shall be graded and drained as well as practicable and so kept that there are no standing pools of water nor accumulation of organic wastes. Swine shall be kept out.

15.36.180 Grade A raw milk—Manure disposal. All manure shall be removed and stored at least fifty feet from the milking barn or disposed of in such manner as best to prevent the breeding of flies therein and the access of cows to piles thereof: *Provided*, That in loafing or pen type stables manure droppings shall be removed or clean bedding added at sufficiently frequent intervals to prevent the accumulation of manure on cows' udders and flanks and the breeding of flies.

15.36.185 Grade A raw milk—Milk house or room, construction. There shall be provided a milk house or milk room in which the cooling, handling, and storage of milk and milk products and the washing, bactericidal treatment, and storage of milk containers and utensils shall be done. (1) The milk house or room shall be provided with a tight floor constructed of concrete or other impervious material, in good repair, and graded to provide proper drainage. (2) It shall have walls and ceilings of such construction as to permit easy cleaning, and shall be well painted or finished in an approved manner. (3) It shall be well lighted and ventilated. (4) It shall have all openings effectively screened, including outward-opening, self-closing doors, unless other effective means are provided to prevent the entrance of flies. (5) It shall be used for no other purposes than those specified above, except as may be approved by the director. (6) It shall not open directly into a stable or into any room for domestic purposes. (7) It shall have water piped into it. (8) It shall be provided with adequate facilities for the heating of water for the cleaning of utensils. (9) It shall be equipped with two-compartment stationary wash and rinse vats, except that in the case of retail raw milk, if chemicals are employed as the principal bactericidal treatment, the three-compartment type must be used; (10) and shall, unless the milk is to be pasteurized, be partitioned to separate the handling of milk and the storage of cleaned utensils from the cleaning and other operations, which shall be so located and conducted as to prevent any contamination of the milk or of cleaned equipment.

15.36.190 Grade A raw milk—Milk house or room, cleanliness, flies. The floors, walls, ceilings, and equipment of the milk house or room shall be kept clean at all times. All means necessary for the elimination of flies shall be used.

15.36.195 Grade A raw milk—Toilet. Every dairy farm shall be provided with one or more sanitary toilets conveniently located

and properly constructed, operated and maintained so that the waste is inaccessible to flies and does not pollute the surface soil or contaminate any water supply.

15.36.200 Grade A raw milk—Water supply. The water supply for the milk room and dairy barn shall be properly located, constructed, and operated, and shall be easily accessible, adequate, and of a safe, sanitary quality according to standards approved by the state board of health.

15.36.205 Grade A raw milk—Utensils, holding tanks, construction. All multi-use containers, equipment, or other utensils used in the handling, storage, or transportation of milk or milk products shall be made of smooth nonabsorbent material and of such construction as to be easily cleaned and shall be in good repair. Joints and seams shall be welded or soldered flush. Woven wire cloth or multi-use cloth shall not be used for straining milk. If milk is strained, filter pads shall be used and not reused. All milk pails shall be of the seamless hooded type. All single-service containers, closures, and filter pads used shall have been manufactured, packaged, transported, and handled in a sanitary manner.

The design, construction, material and operation of all farm holding tanks shall be such as approved by the director.

15.36.210 Grade A raw milk—Utensils, cleaning. All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products must be thoroughly cleaned after each usage.

15.36.215 Grade A raw milk—Utensils, bactericidal treatment. All multi-use containers, equipment, and other utensils used in the handling, storage, or transportation of milk or milk products shall, before each usage, be effectively subjected to an approved bactericidal process with steam, hot water, chemicals, or hot air.

15.36.220 Grade A raw milk—Utensils, storage. All containers and other utensils used in the handling, storage, or transportation of milk or milk products shall, unless stored in bactericidal solutions, be so stored as to drain and dry and so as not to become contaminated before being used.

15.36.225 Grade A raw milk—Utensils, handling. After bactericidal treatment containers and other milk and milk product utensils shall be handled in such a manner as to prevent contamination of any surface with which milk or milk products come in contact.

15.36.230 Grade A raw milk—Milking, udders and teats, abnormal milking. Milking shall be done in the milking barn or stable. The udders and teats of all milking cows shall be clean and wiped with an approved bactericidal solution immediately preceding the

time of milking. Abnormal milk shall be kept out of the milk supply and shall be so handled and disposed of as to preclude the infection of the cows and the contamination of milk utensils.

15.36.235 Grade A raw milk—Milking—Flanks, bellies, and tails. The flanks, bellies, and tails of all milking cows shall be free from visible dirt at the time of milking. All brushing shall be completed before milking commences.

15.36.240 Grade A raw milk—Milkers' hands. Milkers' hands shall be clean, rinsed with bactericidal solution, and dried with a clean towel immediately before milking and following any interruption in the milking operation. Wet-hand milking is prohibited. Convenient facilities shall be provided for the washing of milkers' hands.

15.36.245 Grade A raw milk—Clean clothing. Milkers and milk handlers shall wear clean outer garments while milking or handling milk, milk products, containers, utensils, or equipment.

15.36.250 Grade A raw milk—Milk stools. Milk stools shall be kept clean.

15.36.255 Grade A raw milk—Removal of milk. Each pail or can of milk shall be removed immediately to the milk house or straining room. No milk shall be strained or poured in the barn unless it is protected from flies and other contamination.

15.36.260 Grade A raw milk—Cooling. Milk and milk products for consumption in the raw state shall be cooled within thirty minutes after completion of milking to fifty degrees Fahrenheit or less and maintained at that temperature until delivery, as determined in accordance with RCW 15.36.110. Milk delivered daily for pasteurization shall be cooled within thirty minutes after completion of milking to sixty degrees Fahrenheit or less and maintained at that temperature until delivered and dumped.

Milk delivered every other day for pasteurization shall be cooled to forty degrees Fahrenheit or lower at the place of production and shall not exceed forty-five degrees Fahrenheit at any time prior to pasteurization.

15.36.265 Grade A milk—Bottling and capping. Milk and milk products for consumption in the raw state shall be bottled on the farm where produced. Bottling and capping shall be done in a sanitary manner by means of approved equipment and these operations shall be integral in one machine. Caps or cap stock shall be purchased in sanitary containers and kept therein in a clean dry place until used.

15.36.270 Grade A raw milk—Personnel, health. The health officer or a physician authorized by him shall examine and take a

Careful morbidity history of every person connected with a producer-distributor dairy, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggest that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state health authorities for such examinations, and if the results justify such person shall be barred from such employment.

15.36.280 Grade A raw milk—Vehicles—Surroundings. All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for the distribution of milk and milk products shall have the distributor's name prominently displayed. Deck boards must be used when more than one deck of cans are transported.

The immediate surroundings of the dairy shall be kept clean and free of health menaces.

15.36.290 Grade B raw milk—Standards. Grade B raw milk is raw milk which violates the bacterial standard requirement for grade A raw milk, but which conforms with all other requirements for grade A raw milk, and has an average bacterial plate count not exceeding one hundred thousand per milliliter, or an average direct microscopic count not exceeding one hundred thousand per cubic centimeter if clumps are counted or six hundred thousand per cubic centimeter if individual organisms are counted, or an average reduction time of not less than three and one-half hours, as determined under RCW 15.36.050 and 15.36.110.

15.36.300 Grade C raw milk—Standards. Grade C raw milk is raw milk of a producer-distributor which violates any of the requirements for grade B raw milk.

15.36.310 Certified milk-pasteurized—Standards. Certified milk-pasteurized is certified milk-raw which has been pasteurized, cooled and bottled in a milk plant conforming with the requirements for grade A pasteurized milk.

15.36.320 Grade A pasteurized milk—Standards. Grade A pasteurized milk is grade A raw milk for pasteurization which has been pasteurized, cooled and placed in the final container in a milk plant conforming with all of the items of sanitation contained in RCW 15.36.325 to 15.36.440, inclusive, which in all cases shows efficient pasteurization as evidenced by satisfactory phosphatase tests, and which at no time after pasteurization and until delivery has a

bacterial plate count exceeding twenty thousand per milliliter or a positive coliform test in more than two out of four samples taken on separate days as determined in accordance with RCW 15.36.110: *Provided*, That the raw milk at no time between dumping and pasteurization, shall have a bacterial plate count or direct microscopic clump count exceeding two hundred thousand per milliliter.

The grading of a pasteurized-milk supply shall include the inspection of receiving and collection stations with respect to compliance with RCW 15.36.325 to 15.36.395, inclusive, and RCW 15.36.405, 15.36.415, 15.36.430 and 15.36.440, except that the partitioning requirement of RCW 15.36.345 shall not apply.

15.36.325 Grade A pasteurized milk—Floors. The floors of all rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall be constructed of concrete or other equally impervious and easily cleaned material and shall be smooth, properly drained, provided with trapped drains, and kept clean and in good repair.

15.36.330 Grade A pasteurized milk—Walls and ceiling. Walls and ceilings of rooms in which milk or milk products are handled or stored or in which milk utensils are washed shall have a smooth, washable, light colored surface, and shall be kept clean and in good repair.

15.36.335 Grade A pasteurized milk—Doors and windows. Unless other effective means are provided to prevent the access of flies, all openings to the outer air shall be effectively screened and all doors shall be self-closing.

15.36.340 Grade A pasteurized milk—Lighting and ventilation. All rooms shall be well lighted and ventilated.

15.36.345 Grade A pasteurized milk—Miscellaneous, protection from contamination. The various milk-plant operations shall be so located and conducted as to prevent any contamination of the milk or of the cleaned equipment. All means necessary for the elimination of flies, other insects and rodents shall be used. There shall be separate rooms for (1) the pasteurization, processing, cooling, and bottling operations, and (2) the washing and bactericidal treatment of containers. Cans of raw milk shall not be unloaded directly into the pasteurizing room. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless such equipment has first been thoroughly cleaned and subjected to bactericidal treatment. Rooms in which milk, milk products, cleaned utensils, or containers are handled or stored shall not open directly into any stable or living quarters. The pasteuriza-

tion plant shall be used for no other purposes than the processing of milk and milk products and the operations incident thereto, except as may be approved by the director.

15.36.350 Grade A pasteurized milk—Toilet facilities. Every milk plant shall be provided with toilet facilities approved by the director. Toilet rooms shall not open directly into any room in which milk, milk products, equipment, or containers are handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well ventilated. A placard containing RCW 15.36.520 and a sign directing employees to wash their hands before returning to work shall be posted in all toilet rooms used by employees.

15.36.355 Grade A pasteurized milk—Water supply. The water shall be easily accessible, adequate, and of a safe sanitary quality according to standards approved by the state board of health.

15.36.360 Grade A pasteurized milk—Hand-washing facilities. Convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. Hand-washing facilities shall be kept clean. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

15.36.365 Grade A pasteurized milk—Sanitary piping. All piping used to conduct milk or milk products shall be "sanitary milk piping" of a type which can be easily cleaned with a brush. Pasteurized milk and milk products shall be conducted from one piece of equipment to another only through sanitary milk piping.

15.36.370 Grade A pasteurized milk—Construction and repair of containers and equipment. All multi-use containers and equipment with which milk or milk products come in contact shall be so constructed and located as to be easily cleaned and shall be kept in good repair. All single-service containers, closures and gaskets used shall have been manufactured, packaged, transported and handled in a sanitary manner.

15.36.375 Grade A pasteurized milk—Plumbing and disposal of wastes. All wastes shall be properly disposed of. All plumbing and equipment shall be so designed and installed as to prevent contamination of the water supply and of milk equipment by back-flow or siphonage.

15.36.380 Grade A pasteurized milk—Cleaning and bactericidal treatment of containers and equipment. All milk and milk products containers, including tank trucks and tank cars and all equipment, except single-service containers, shall be thoroughly cleaned after

each usage. All such containers shall be effectively subjected to an approved bactericidal process after each cleaning and all equipment immediately before each usage. When empty and before being returned to a producer or distributor by a milk plant each container, including tank trucks and tank cars, shall be thoroughly cleaned and effectively subjected to an approved bactericidal process.

15.36.385 Grade A pasteurized milk—Storage of containers and equipment. After bactericidal treatment all bottles, cans, and other multi-use milk or milk products containers and equipment shall be stored in such manner as to be protected from contamination.

15.36.390 Grade A pasteurized milk—Handling of containers and equipment. Between bactericidal treatment and usage and during usage, containers and equipment shall be handled or operated in such manner as to prevent contamination of the milk. Pasteurized milk or milk products shall not be permitted to come in contact with equipment with which unpasteurized milk or milk products have been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process. No milk or milk products shall be permitted to come in contact with equipment with which a lower grade of milk or milk products has been in contact, unless the equipment has first been thoroughly cleaned and effectively subjected to an approved bactericidal process.

15.36.395 Grade A pasteurized milk—Storage of caps, parchment paper, and single service containers. Milk bottle caps or cap stock, parchment paper for milk cans and single service containers and gaskets shall be purchased and stored only in sanitary tubes, wrappings, and cartons, and shall be kept therein in a clean, dry place, and shall be handled in a sanitary manner.

15.36.400 Grade A pasteurized milk—Pasteurization. Pasteurization shall be performed as described in RCW 15.36.020.

15.36.405 Grade A pasteurized milk—Cooling. All milk and milk products received for pasteurization shall immediately be cooled in approved equipment to fifty degrees Fahrenheit or less and maintained at that temperature until pasteurized, unless they are to be pasteurized within two hours after receipt; and all pasteurized milk and milk products except those to be cultured shall be immediately cooled in approved equipment to a temperature of fifty degrees Fahrenheit or less and maintained thereat until delivery, as determined in accordance with RCW 15.36.110.

15.36.410 Grade A pasteurized milk—Bottling. Bottling of milk or milk products shall be done at the place of pasteurization in approved mechanical equipment.

15.36.415 Grade A milk—Overflow milk—Come-back milk. Overflow milk or milk products shall not be sold for human consumption. Come-back milk shall not be sold or used for fluid milk or fluid cream.

15.36.420 Grade A pasteurized milk—Capping. Capping of milk or milk products shall be done by approved mechanical equipment. Hand capping is prohibited. The cap or cover shall cover the pouring lip to at least its largest diameter.

15.36.425 Grade A pasteurized milk—Personnel, health. The health officer or a physician authorized by him shall examine and take careful morbidity history of every person connected with a pasteurization plant, or about to be employed, whose work brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment. If such examination or history suggests that such person may be a carrier of or infected with the organisms of typhoid or paratyphoid fever or any other communicable diseases likely to be transmitted through milk, he shall secure appropriate specimens of body discharges and cause them to be examined in a laboratory approved by him or by the state department of health for such examinations, and if the results justify such persons shall be barred from such employment.

Such persons shall furnish such information, submit to such physical examinations, and submit such laboratory specimens as the health officer may require for the purpose of determining freedom from infection.

15.36.430 Grade A pasteurized milk—Personnel, cleanliness. All persons coming in contact with milk, milk products, containers or equipment shall wear clean, washable, light colored outer garments and shall keep their hands clean at all times while thus engaged.

15.36.440 Grade A pasteurized milk—Vehicles. All vehicles used for the transportation of milk or milk products shall be so constructed and operated as to protect their contents from the sun, from freezing, and from contamination. All vehicles used for distribution of milk or milk products shall have the name of the distributor prominently displayed.

Milk tank cars and tank trucks shall comply with construction, cleaning, bactericidal treatment, storage, and handling requirements of RCW 15.36.365, 15.36.370, 15.36.380, 15.36.385 and 15.36.390. While containing milk or cream they shall be sealed and labeled in an approved manner.

15.36.450 Grade B pasteurized milk—Standards. Grade B pasteurized milk is pasteurized milk which violates the bacterial standard for grade A pasteurized milk and/or the provisions of lip-

cover caps of RCW 15.36.420 and/or the requirement that grade A raw milk for pasteurization be used, but which conforms with all other requirements for grade A pasteurized milk, has been made from raw milk for pasteurization of not less than grade B quality, and has a bacterial plate count after pasteurization and before delivery not exceeding forty thousand per milliliter as determined in accordance with RCW 15.36.110.

15.36.460 Grade C pasteurized milk—Standards. Grade C pasteurized milk is pasteurized milk which violates any of the requirements for grade B pasteurized milk.

15.36.470 Grades of milk and milk products which may be sold. No milk or milk products shall be sold to the final consumer or to restaurants, soda fountains, grocery stores, or similar establishments except certified milk pasteurized, certified raw-milk, grade A milk pasteurized, or grade A milk-raw, and the director may revoke the permit of any milk distributor failing to qualify for one of the above grades, or in lieu thereof may degrade his product and permit its sale during a period not exceeding thirty days or in emergencies during such longer period as he may deem necessary.

15.36.480 Reinstatement of permit—Supplementary regrading. If at any time between the regular announcements of the grades of milk or milk products, a lower grade shall become justified, in accordance with RCW 15.36.100, 15.36.110, and 15.36.120 to 15.36.460, inclusive, the director shall immediately lower the grade of such milk or milk products, and shall enforce proper labeling thereof.

Any producer or distributor of milk or milk products the grade of which has been lowered by the director, and who is properly labeling his milk and milk products, or whose permit has been suspended may at any time make application for the regrading of his products or the reinstatement of his permit.

Upon receipt of a satisfactory application, in case the lowered grade or the permit suspension was the result of violation of the bacteriological or cooling temperature standards, the director shall take further samples of the applicant's output, at a rate of not more than two samples per week. The director shall regrade the milk or milk products upward or reinstate the permit on compliance with grade requirements as determined in accordance with the provisions of RCW 15.36.110.

In case the lowered grade of the applicant's product or the permit suspension was due to a violation of an item other than bacteriological standard or cooling temperature, the said application must be accompanied by a statement signed by the applicant to the effect that the violated item of the specifications had been con-

formed with. Within one week of the receipt of such an application and statement the director shall make a reinspection of the applicant's establishment and thereafter as many additional reinspections as he may deem necessary to assure himself that the applicant is again complying with the higher grade requirements, and in case the findings justify, shall regrade the milk or milk products upward or reinstate the permit.

15.36.490 Transferring, mixing, or dipping milk or cream—Delivery containers—Cooling—Quarantined residences. Except as permitted in this section, no milk producer or distributor shall transfer milk or milk products from one container to another on the street, or in any vehicle, or store, or in any place except a bottling or milk room especially used for that purpose.

Milk and milk products sold in the distributor's containers in quantities less than one gallon shall be delivered in standard milk bottles or in single-service containers. It shall be unlawful for hotels, soda fountains, restaurants, groceries, hospitals, and similar establishments to sell or serve any milk or milk products except in the individual original container in which it was received from the distributor or from a bulk container equipped with an approved dispensing device: *Provided*, That this requirement shall not apply to cream consumed on the premises, which may be served from the original bottle or from a dispenser approved for such service.

It shall be unlawful for any hotel, soda fountain, restaurant, grocery, hospital, or similar establishment to sell or serve any milk or milk product which has not been maintained, while in its possession, at a temperature of fifty degrees Fahrenheit or less. If milk or milk products are stored in water for cooling, the pouring lip of the container shall not be submerged.

It shall be the duty of all persons to whom milk or milk products are delivered to clean thoroughly the containers in which such milk or milk products are delivered before returning such containers. Apparatus, containers, equipment, and utensils used in the handling, storage, processing, or transporting of milk or milk products shall not be used for any other purpose without the permission of the director.

The delivery of milk or milk products to and the collection of milk or milk products containers from residences in which cases of communicable disease transmissible through milk supplies exists shall be subject to the special requirements of the health officer.

Homogenized milk or homogenized cream shall not be mixed with milk or cream which has not been homogenized if sold or offered for sale as fluid milk or cream.

15.36.500 Sale of out-of-state milk and milk products. Milk and milk products from outside the state may not be sold in the

state of Washington unless produced and/or pasteurized under provisions equivalent to the requirements of this chapter: *Provided*, That the director shall satisfy himself that the authority having jurisdiction over the production and processing is properly enforcing such provisions.

15.36.510 Dairies and milk plants constructed or altered after June 8, 1949. All dairies and milk plants from which milk or milk products are supplied which are constructed, reconstructed, or extensively altered after June 8, 1949, shall conform in their construction to the grade A requirements of this chapter. Properly prepared plans for all dairies and milk plants which are thereafter constructed, reconstructed or extensively altered shall be submitted to the director for approval before work is begun. In the case of milk plants signed approval shall be obtained from the director.

15.36.520 Personnel, health—Notification of disease. No person who is affected with any disease in a communicable form or is a carrier of such disease shall work at any dairy farm or milk plant in any capacity which brings him in contact with the production, handling, storage, or transportation of milk, milk products, containers, or equipment; and no dairy farm or milk plant shall employ in any such capacity any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. Any producer or distributor of milk or milk products upon whose dairy farm or in whose milk plant any communicable disease occurs, or who suspects that any employee has contracted any disease shall notify the health officer immediately.

15.36.530 Personnel, health—Procedure when infection suspected. When suspicion arises as to the possibility of transmission of infection from any person concerned with the handling of milk or milk products, the health officer is authorized to require any or all of the following measures: (1) The immediate exclusion of the milk supply concerned from distribution and use, (2) the immediate exclusion of that person from milk handling, (3) adequate medical and bacteriological examination of the person, of his associates, and of his and their body discharges.

15.36.540 Federal milk code interpretation to govern. Save as in this chapter provided this law shall be enforced by the director in accordance with the interpretations contained in the United States public health service milk code as from time to time adopted and amended.

15.36.550 Rules and regulations—Standards. The director shall have the power and duty (1) to adopt, issue and promulgate from

time to time necessary rules, regulations and orders for the enforcement of this chapter; (2) with the approval of the state director of health to adopt standards of requirements necessary for approval of local milk inspection service units hereinafter provided for, the basic standards in this connection being a sufficient force of qualified personnel under the general direction of a health officer, and sufficient laboratory facilities to insure compliance with the provisions of this chapter and the rules and regulations promulgated thereunder; and (3) to cancel, and with the consent of the director of health, to approve the issuance of certificates of approval for such local milk inspection service units.

15.36.560 Local milk inspection service units. Any city, township, or county desiring to maintain and operate a local milk inspection service unit shall make application in writing to the director for a certificate of approval. Upon receipt of such application the director shall investigate and determine whether the city, township, or county is entitled to approval in the maintenance and operation of a local milk inspection service unit, and if so the director, with the consent and approval of the director of health, shall issue the certificate applied for. The boundaries of jurisdiction of the local milk inspection service unit shall be defined by the director after investigation and consultation with the health officer of the local milk inspection service unit taking into consideration among other things the geographical convenience of the area and the amount of fluid milk and fluid milk products sold or delivered within the area. Upon receipt of such certificate of approval the local milk inspection service unit shall have full authority through the health officer to perform all of the duties relative to the enforcement of the provisions of this chapter and to the issuing, suspension and revocation of permits within the defined jurisdiction of such local milk inspection service unit. Any certificate of approval may be canceled by the director after thirty days notice in writing to the holder of the certificate of approval should the local milk inspection service unit be found incompetent, inadequate, improper or remiss in any particular.

15.36.570 Designation of additional inspection units. Whenever a milk producer or milk distributor intends to deliver or sell fluid milk or fluid cream outside the jurisdiction of his own local milk inspection service unit, the director, on application and after investigation and consultation with the health officer of each local milk inspection service unit concerned, shall designate which local milk inspection service unit shall conduct the inspections. The director, in making such designations, shall in addition to other matters considered by him, take into consideration the geographical convenience of each local milk inspection service unit and the

percentage of fluid milk or fluid cream sold and/or delivered within the jurisdiction of such local milk inspection service units. All fluid milk and fluid milk products so inspected may be sold and delivered within the jurisdiction of any local milk inspection service unit: *Provided*, That applicable ordinances of political subdivisions of government in said jurisdiction more stringent than, and not inconsistent with, the provisions of this chapter are not thereby violated. The local milk inspection service unit designated by the director to render such inspection service shall issue permits in accordance with applicable provisions of all local ordinances of each city, township, or county into which fluid milk or fluid milk products are sold or delivered.

15.36.580 Hearing of protests—Findings and order—Appeal. In case of a written protest from any fluid milk producer, fluid milk distributor or health officer, concerning the enforcement of any provisions of this chapter or of any rules and regulations thereunder, the director, or his duly authorized assistant, within ten days after receipt of such protest and after five days written notice thereof to the party against whom the protest is made, shall hold a summary hearing in the county where either the party protesting or protested against resides, upon the completion of which the director or his duly authorized assistant shall make such written findings of fact and order as the circumstances may warrant: *Provided*, That if the protest originates with a producer, the hearings shall be held in the county where the protesting producer resides. Such findings and order shall be final and conclusive upon all parties from and after their effective date, which date shall be five days after being signed and deposited postage prepaid in the United States mails addressed to the last known address of all said parties. An appeal from such findings or order may be taken within ten days of their effective date to the superior court of the county in which the hearing is held upon such notice and in such manner as appeals are taken from judgments rendered in justice court.

15.36.590 Penalty. Any person who shall violate or fail to comply with the provisions of this chapter or the rules, regulations or orders, issued under the authority of this chapter shall be guilty of a misdemeanor.

15.36.900 Chapter to be construed as cumulative. Except as expressly provided, nothing in this chapter shall be construed as effecting or being intended to effect a repeal of chapter 15.32, or of any part or provision of such chapter 15.32, and if any section or part of a section in this chapter shall be found to contain, cover or effect any matter, topic, or thing which is also contained in, covered in or effected by chapter 15.32, or by any part thereof, the

prohibitions, mandates, directions, and regulations hereof, and the penalties, powers, and duties herein prescribed shall be construed to be additional to those prescribed in chapter 15.32 and not substitutions therefor.

Chapter 15.38

FILLED DAIRY PRODUCTS

15.38.001 Declaration of purpose. Filled dairy products resemble genuine dairy products so closely that they lend themselves readily to substitution for and confusion with such dairy products and in many cases cannot be distinguished from genuine dairy products by the ordinary consumer. The manufacture, sale, exchange, purveying, transportation, possession, or offering for sale or exchange or purveyance of filled dairy products creates a condition conducive to substitution, confusion, deception, and fraud, and one which if permitted to exist tends to interfere with the orderly and fair marketing of foods essential to the well-being of the people of this state. It is hereby declared to be the purpose of this chapter to correct and eliminate the condition above referred to; to protect the public from confusion, fraud and deception; to prohibit practices inimical to the general welfare; and to promote the orderly and fair marketing of essential foods.

15.38.010 Definitions and exclusions. Whenever used in this chapter:

(1) The term "person" includes individuals, firms, partnerships, associations, trusts, estates, corporations, and any and all other business units, devices or arrangements.

(2) The term "filled dairy products" means any milk, cream, or skimmed milk, or any combination thereof, whether or not condensed, evaporated, concentrated, frozen, powdered, dried, or desiccated, or any food product made or manufactured therefrom, to which has been added, or which has been blended or compounded with, any fat or oil other than milk fat so that the resulting product is in imitation or semblance of any dairy product, including but not limited to, milk, cream, sour cream, skimmed milk, ice cream, whipped cream, flavored milk or skim-milk, dried or powdered milk, cheese, cream cheese, cottage cheese, creamed cottage cheese, ice cream mix, sherbet, condensed milk, evaporated milk, or concentrated milk: *Provided, however,* That this term shall not be construed to mean or include:

(a) Oleomargarine;

(b) Any distinctive proprietary food compound not readily mistaken for a dairy product where such compound is customarily

used on the order of a physician and is prepared and designed for medicinal or special dietary use and prominently so labelled;

(c) Any dairy product flavored with chocolate or cocoa where the fats or oils other than milk fat contained in such product do not exceed the amount of cacao fat naturally present in the chocolate or cocoa used; or

(d) Any dairy product in which the vitamin content has been increased and food oil utilized as a carrier of such vitamins provided the quantity of such food oil does not exceed one one-hundredths of one percent of the weight of the finished dairy product.

(3) The term "intrastate commerce" means any and all commerce within the state of Washington subject to the jurisdiction thereof; and includes the operation of any business or service establishment.

15.38.020 Filled dairy products prohibited. (1) It shall be unlawful in intrastate commerce for any person to manufacture, sell, exchange, purvey, transport or possess any filled dairy product or to offer or expose for sale or exchange or to be purveyed any such product;

(2) It shall be unlawful for any person owning or operating a bakery, confectionery shop, factory or other place where food products are prepared or manufactured for sale, exchange or purveyance to the public in intrastate commerce to utilize any filled dairy product as an ingredient in any food product so manufactured or prepared;

(3) It shall be unlawful in intrastate commerce for any person knowingly to sell, exchange, purvey, transport or possess any food product in which any filled dairy product is an ingredient.

15.38.030 Duties of Director of Agriculture. The director of agriculture is authorized and directed:

(1) To administer and supervise the enforcement of this chapter;

(2) To provide for such periodic inspections and investigations as he may deem necessary to disclose violations;

(3) To receive and provide for the investigation of complaints;

(4) To provide for the institution and prosecution of civil or criminal actions, or both.

15.38.040 Injunction — Seizure — Products deemed adulterated. The provisions of this chapter may be enforced by injunction brought by any private person, firm, or corporation or by a municipal corporation or agent or subdivision thereof, in any court having jurisdiction to grant injunctive relief.

Filled dairy products illegally held or otherwise involved in a violation of this chapter shall be subject to seizure and disposition in accordance with an appropriate court order.

In addition, all filled dairy products as defined herein and all food products containing filled dairy products as an ingredient are hereby declared to be adulterated for all purposes of law including all the purposes of the Washington uniform food, drug and cosmetic act, RCW 69.04.001 to 69.04.870, inclusive.

15.38.050 Penalties. Any person who shall violate any of the provisions of this chapter, and any officer, agent or employee thereof who directs or knowingly permits such violation or who aids or assists therein, shall, upon conviction thereof, be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars: *Provided*, That if such violation is committed after a previous conviction of such person hereunder has become final, such person shall be guilty of a gross misdemeanor and shall be subject to a fine of not less than one hundred dollars nor more than one thousand dollars, or to imprisonment for not more than ninety days, or both. Each separate violation shall be a separate offense, except that in the case of a violation through continuing failure or neglect to obey the provisions of this chapter, each day of continuance of such failure or neglect shall be deemed a separate offense.

Chapter 15.40

OLEOMARGARINE—1949 ACT

15.40.010 Definitions. The term "oleomargarine" as used in this chapter includes:

- (1) All substances, mixtures and compounds known as oleomargarine, margarine, oleo or butterine;
- (2) All substances, mixtures and compounds which have a consistency similar to that of butter and which contains any edible oils or fats other than milk fat, if (a) made in imitation or semblance of butter, or purporting to be butter or a butter substitute; or (b) commonly used or intended for common use, in place of or as a substitute for butter; or (c) churned, emulsified or mixed in cream, milk, skim milk, buttermilk, water or other liquid and containing moisture in excess of one percent and commonly used, or suitable for common use, as a substitute for butter.

For the purposes of this chapter "yellow oleomargarine" is oleomargarine as defined in this section, having a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale or the equivalent of such measurement when the Lovibond tintometer is read under conditions similar to those established by the United States bureau of internal revenue.

15.40.030 Advertising of oleomargarine — Dairy terms prohibited. It shall be unlawful in connection with the labeling, selling, or advertising of oleomargarine to use dairy terms, or words or designs commonly associated with dairying or dairy products, except to the extent that such words or terms are necessary to meet legal requirements for labeling.

15.40.040 Enforcement—Powers and duties of director of agriculture. The director is authorized and directed to administer and supervise the enforcement of this chapter; to prescribe rules and regulations to carry out its purposes; to provide for such periodic inspections and investigations as he may deem necessary to disclose violations; to receive and provide for the investigation of complaints; and to provide for the institution and prosecution of civil or criminal actions, or both. The provisions of this chapter and the rules and regulations issued in connection therewith may be enforced by injunction in any court having jurisdiction to grant injunctive relief, and yellow oleomargarine illegally held or otherwise involved in a violation of this chapter or of said rules and regulations shall be subject to seizure and disposition in accordance with an order of court.

15.40.050 Penalty for violations. Any person, firm, corporation that violates any of the provisions of this chapter, or of the rules and regulations issued in connection therewith, and any officer, agent, or employee thereof who directs or knowingly permits such violation, or who aids or assists therein, shall be guilty of a misdemeanor.

15.40.900 Preamble. Yellow oleomargarine resembles butter so closely that it lends itself readily to substitution for or confusion with butter and in many cases cannot be distinguished from butter by the ordinary consumer. The manufacture, sale or serving of yellow oleomargarine creates a condition conducive to substitution, confusion, deception and fraud, and one which if permitted to exist tends to interfere with the orderly and fair marketing of foods essential to the well-being of the people of this state.

It is hereby declared to be the purpose of this chapter to correct and eliminate the condition above referred to, protect the public from confusion, fraud and deception, prohibit practices inimical to the general welfare, and promote the orderly and fair marketing of essential foods, without an additional tax burden.

Chapter 15.41

OLEOMARGARINE—1953 ACT

15.41.010 Declaration of purpose. The purpose of this chapter is to legalize the manufacture, transportation, handling, possession,

sale, use or serving of yellow oleomargarine. The term oleomargarine shall have the same meaning as given in RCW 15.40.010.

15.41.020 Repeal of prohibition against manufacture, transportation, sale, etc., of yellow oleomargarine. Section 15.40.020, RCW, as derived from section 2(a), chapter 13, Laws of 1949 is hereby repealed.

Chapter 15.44

DAIRY PRODUCTS COMMISSION

15.44.010 Definitions. As used in this chapter:

“Commission” means the Washington state dairy products commission;

To “ship” means to deliver or consign milk or cream to a person dealing in, processing, distributing, or manufacturing dairy products for sale, for human consumption, industrial or medicinal uses;

“Handler” means one who purchases milk, cream, or skimmed milk for processing, manufacturing, sale, or distribution;

“Dealer” means one who handles, ships, buys, and sells dairy products, or who acts as sales or purchasing agent, broker, or factor of dairy products;

“Processor” means a person who uses milk or cream for canning, drying, manufacturing, preparing, or packaging or for use in producing or manufacturing any product therefrom;

“Producer” means a person who produces milk from cows or goats and sells it for human or animal food, or medicinal or industrial uses.

15.44.020 Commission created — Composition — Appointment. There is hereby created a Washington state dairy products commission to be thus known and designated. The commission shall be composed of seven practical producers of dairy products and the director of agriculture who shall be an ex officio member without vote. The governor shall appoint each producer member.

15.44.025 Commission districts—Representation. Each appointed commission member shall represent one of the following districts:

(1) District I, which shall include the counties of Pend Oreille, Spokane and Stevens;

(2) District II, which shall include the counties of Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Lincoln, Okanogan, Whitman and Walla Walla;

(3) District III, which shall include the counties of Benton, Klickitat and Yakima;

(4) District IV, which shall include the counties of Clark, Cowlitz, Lewis, Pacific, Skamania and Wahkiakum;

(5) District V, which shall include the counties of King, Pierce and Snohomish;

(6) District VI, which shall include the counties of Island, San Juan, Skagit and Whatcom; and

(7) District VII, which shall include the counties of Clallam, Grays Harbor, Jefferson, Kitsap, Mason and Thurston.

15.44.030 Member qualifications. Each of the seven producer members of the commission shall:

(1) Be a citizen and resident of this state and the district which he represents; and

(2) Be and for the five years last preceding his appointment have been actually engaged in producing dairy products within this state. These qualifications must continue during each member's term of office.

15.44.032 Terms—Vacancies. The regular term of office of each producer member of the commission shall be three years. However, expiration of the term of the respective commission members first appointed after December 1, 1959 shall be as follows:

(1) District I, on December 1, 1961;

(2) District II, III and IV on December 1, 1962; and

(3) District V, VI and VII on December 1, 1963.

The respective terms shall end on December 1st of each third year thereafter. Any vacancies that occur on the commission shall be filled by appointment by the governor, and such appointee shall hold office for the remainder of the term for which he is appointed to fill, so that commission memberships shall be on a uniform staggered basis.

15.44.034 Appointments. Recommendations to governor—Meeting, notice. Dairymen in the respective districts shall recommend to the governor persons whom they deem desirable for appointment as commission members to represent their district for each ensuing term. To accomplish this the director of agriculture shall cause:

(1) A public meeting of dairymen residing in the district concerned to be held within that district not more than sixty days nor less than thirty days before the expiration date of each term of each commission member; and

(2) Notice of the time, place and purpose of such meeting to be published at least three times in a newspaper or newspapers of general circulation in the district, and by such other means as the director shall determine to be necessary to give reasonable notice of the meeting to dairymen in the particular district.

The notice shall also be mailed to the associations of dairymen that are known to have members in the particular district not

less than thirty days prior to the meeting. The costs of the publication of the notices and meeting shall be paid by the commission.

15.44.036 ————Place of meeting—Nomination procedure—Number of nominees. Each meeting shall be held as near the geographical center of the particular district as is reasonably commensurate with available facilities, and the director of agriculture or his duly authorized representative shall act as chairman. Every dairyman shall be entitled to participate and nominate a candidate for membership on the commission upon satisfying the director on the basis of credible evidence that he resides in the district and has, within the sixty days preceding the meeting, produced milk or farm separated cream upon which the assessment provided for in RCW 15.44.080 was paid or is payable. Those attending each meeting shall recommend to the governor at least three persons for the position of commission member.

15.44.038 Quorum—Compensation—Expenses. A majority of the commission members shall constitute a quorum for the transaction of all business and the performance of all duties of the commission. No member of the commission shall receive any salary or other compensation. Each member shall receive a sum not to exceed twenty dollars a day for each day spent in actual attendance at or traveling to and from meetings of the commission or when conducting business of the commission as authorized by the commission, together with traveling expenses at the rate allowed by RCW 43.03.050 as now or hereafter amended.

15.44.040 Copies of records as evidence. Copies of the proceedings, records and acts of the commission, when certified by the secretary, shall be admissible in any court and be prima facie evidence of the truth of the statements therein contained.

15.44.050 Manager — Secretary-treasurer — Treasurer's bond. The commission shall elect a manager, who is not a member, and fix his compensation; and shall appoint a secretary-treasurer, who shall sign all vouchers and receipts for all moneys received by the commission. The treasurer shall file with the commission a fidelity bond in the sum of twenty thousand dollars, executed by a surety company authorized to do business in the state, in favor of the state and the commission, conditioned for the faithful performance of his duties and strict accounting of all funds to the commission.

15.44.060 Powers and duties. The commission shall have the power and duty to:

(1) Elect a chairman and such other officers as it deems advisable, and adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers, which shall have the effect of law when not inconsistent with existing laws;

(2) Administer and enforce the provisions of this chapter and perform all acts and exercise all powers reasonably necessary to effectuate the purpose hereof;

(3) Employ and discharge advertising counsel, advertising agents, and such attorneys, agents, and employees as it deems necessary, and prescribe their duties and powers and fix their compensation;

(4) Establish offices, incur expenses, enter into contracts, and create such liabilities as are reasonable and proper for the proper administration of this chapter;

(5) Investigate and prosecute violations of this chapter;

(6) Conduct scientific research to develop and discover uses for products of milk and its derivatives;

(7) Make in its name such advertising contracts and other agreements as are necessary to promote the sale of dairy products on either a state, national, or foreign basis;

(8) Keep accurate records of all its dealings, which shall be open to public inspection and audit by the regular agencies of the state; and

(9) Conduct the necessary research to develop more efficient and equitable methods of marketing dairy products, and enter upon, singly or in participation with others, the promotion and development of state, national, or foreign markets.

15.44.070 Rules, regulations and orders, publication. Every rule, regulation, or order made by the commission shall be filed with the director and published in two legal newspapers, one east of the Cascade mountains and one west thereof, within ten days after it is promulgated, and shall become effective ten days after filing and publication.

15.44.080 Assessments on milk and cream—Limit—Exception. There is hereby levied upon all milk and cream produced in this state an assessment not to exceed:

(1) Three-fourths of one cent per pound butter fat of wholly or partially farm separated cream; and

(2) Three cents per hundredweight of all milk and the components thereof, other than wholly or partially farm separated cream.

The amount to be assessed shall be determined by the commission within the limits prescribed by this section, and shall be determined according to the necessities required to effectuate the stated purposes of the commission. This section shall apply where milk or cream is marketed either in bulk or package. However, this section shall not apply to milk or cream used upon the farm or in the household where produced.

15.44.090 Collection of assessments—Lien. All assessments shall be collected by the first dealer and deducted from the amount

due the producer, and all moneys so collected shall be paid to the treasurer of the commission on or before the twentieth day of the succeeding month for the previous month's collections, and deposited by him in banks designated by the commission to the credit of the commission fund. If a dealer fails to remit any moneys so collected, or fails to make deductions for assessments, such sum shall, in addition to penalties provided in this chapter, be a lien on any property owned by him, and shall be reported to the county auditor by the commission, supported by proper and conclusive evidence, and collected in the manner prescribed for the collection of delinquent taxes.

15.44.100 Records of dealers, shippers — Preservation — Inspection. Each dealer or shipper shall keep a complete and accurate record of all milk or cream handled by him. The record shall be in such form and contain such information as the commission shall prescribe, and shall be preserved for a period of two years, and be submitted for inspection at any time upon request of the commission or its agent.

15.44.110 Reports of dealers, shippers, to commission. Each dealer and shipper shall at such times as by rule or regulation required, file with the commission a return under oath on forms to be furnished by the commission, stating the quantity of dairy products handled, processed, manufactured, delivered, and shipped, and the quantity of all milk and cream delivered to or purchased by such person from the various producers of dairy products or their agents in the state during the period or periods prescribed by the commission.

15.44.120 Collection, payment of assessment prior to shipment — Stamps. No milk or cream may be carried or shipped until the assessment thereon has been collected by the first dealer and receipt issued. All assessments shall be due and payable on milk or cream before it is shipped out of the state.

The commission shall prescribe the method of collection, and for that purpose may require stamps, to be known as dairy products advertising stamps, to be purchased from the commission and attached to the containers, invoices or shipping documents of all milk and cream shipped from the state. The stamps shall be immediately canceled by the dealer upon being so attached, and date of cancellation shall be placed thereon.

15.44.130 Research, advertising, educational campaign — Decrease of assessments. (1) In order to adequately advertise and market Washington dairy products in the domestic, national and foreign markets, and to make such advertising and marketing research and development as extensive as public interest and necessity

require, and to put into force and effect the policy of this chapter, the commission shall provide for and conduct a comprehensive and extensive research, advertising and educational campaign, and keep such research, advertising and education as continuous as the production, sales, and market conditions reasonably require.

(2) The commission shall investigate and ascertain the needs of dairy products and producers, the conditions of the markets, and the extent to which public convenience and necessity require advertising and research to be conducted. If upon such investigation, it shall appear that the revenue from the maximum assessment provided for in RCW 15.44.080 is more than adequate to accomplish the purposes and objects of this chapter, it shall file a request with the director of agriculture showing the necessities of the industry, the extent and probable cost of the required research and advertising, the extent of public convenience, interest and necessity, and the probable revenue from the assessment herein levied and imposed. If such probable revenue is more than the amount reasonably necessary to conduct the research and advertising that the public interest and convenience require to accomplish the objects and purposes hereof, the commission shall decrease the assessment to a sum that the commission shall determine adequate to effectuate the purposes hereof, but in no case shall any assessment exceed the amount provided in RCW 15.44.080: *Provided*, That no such change shall be made in rate of assessment until the commission shall have filed with the director a full report of such investigations and findings. Such change in assessment shall be effective thirty days after such report is filed.

15.44.140 Authority to enter and inspect records. The commission through its agents may inspect the premises and records of any carrier, handler, dealer, manufacturer, processor, or distributor of dairy products for the purpose of enforcing this chapter.

15.44.150 Nonliability for commission acts. The state shall not be liable for the acts or on the contracts of the commission, nor shall any member or employee of the commission be liable on its contracts.

All persons employed or contracting under this chapter shall be limited to, and all salaries, expenses and liabilities incurred by the commission shall be payable only from the funds collected hereunder.

15.44.160 Enforcement of chapter. All state and county law enforcement officers and all employees and agents of the department shall enforce this chapter.

15.44.170 Penalty. Whoever violates or aids in the violation of the provisions of this chapter shall be guilty of a gross misdemeanor.

15.44.180 Jurisdiction of courts. The superior courts are hereby vested with jurisdiction to enforce this chapter and to prevent and restrain violations thereof.

15.44.900 Purpose of chapter. This chapter is passed:

(1) In the exercise of the power of the state to protect the public health, to provide for the economic development of the state, to prevent fraudulent practices, to promote the welfare of the state, and stabilize the dairy industry by increasing consumption of dairy products within the state and nation;

(2) Because the dairy products produced in Washington comprise one of the major agricultural crops of Washington, and that therefore the business of marketing and distributing such crop and the expansion of its markets is affected with the public interest;

(3) Because it is necessary and expedient to enhance the reputation of Washington dairy products in domestic and national markets;

(4) Because it is necessary to promote the knowledge of health giving qualities, food and dietetic value of the dairy products of the nation and Washington dairy products in particular, and to expanded development of the dairy industry;

(5) Because Washington dairy products are handicapped by eastbound freight rates, therefore the quality of these products must be impressed upon the consumers of the nation, in order that these handicaps may be overcome;

(6) Because the stabilizing of the dairy industry, the enlargement of its markets, and the increased consumption of dairy products are necessary to assure the payment of taxes to the state and its subdivisions, to alleviate unemployment, and to provide for higher wage scales for agricultural labor and maintenance of our high standard of living;

(7) To disseminate information giving the public full knowledge of the manner of production, the cost and expense thereof, the care taken to produce and sell only dairy products of the highest standards of quality, the methods and care used in their preparation for market, and the methods of sale and distribution to increase the amount secured by the producer therefor, so that they can pay higher wages and pay their taxes, and by such information to reduce the cost of marketing and distribution to the extent that the spread between cost to consumer and the amount received by the producer will be reduced to the minimum absolutely necessary;

(8) To establish a permanent organization to assist and promote the supplying of under-nourished and under-privileged children

with the necessary milk and milk products to insure the development of healthy bodies and minds in order that they may develop into useful citizens of the state and nation in the future;

(9) To protect the general public by educating it in reference to the various market classifications of dairy products, the food value and industrial and medicinal uses thereof.

15.44.910 Liberal construction. This chapter shall be liberally construed.

Chapter 15.48

AGRICULTURAL AND VEGETABLE SEEDS

15.48.010 Definitions. For the purpose of this chapter:

(1) "Director" means the director of agriculture of the state of Washington and his authorized deputies or agents;

(2) "Agricultural seeds" include the seeds of grass, forage, cereal and fiber crops, and any other kind of seeds commonly recognized within this state as agricultural, field, or turf seeds, and mixtures of such seeds;

(3) "Vegetable seeds" include seeds of those crops grown in gardens or truck farms and generally known and sold in the state as vegetable seeds;

(4) "Certified seeds" include seeds which have been inspected in the field and after harvest, and have been graded and certified by the director as complying with the rules and regulations adopted hereunder;

(5) "Weed seeds" include the seeds of all plants generally recognized as weeds within this state and shall include primary and secondary noxious seeds;

(6) "Primary (prohibited) noxious weed seeds" are seeds of weeds which reproduce by seed or underground roots or stems, and which are highly destructive and difficult to control by ordinary good cultural practices, including, but subject to additions or subtractions by the director as herein provided, the seeds of: bindweed (wild morning glory), (*Convolvulus arvensis* and *C. sepium*), quack grass (*Agropyron repens*), Canada thistle (*Cirsium arvense*), perennial sow thistle (*Sonchus arvensis*), white-top (hoary cress) (*Cardaria* spp.), perennial peppergrass (*Lepidium latifolium*), Russian knapweed (*Centaurea repens*, *C. picris*), leafy spurge (*Euphorbia esula*), white horse nettle (silver-leaf nightshade) (*Solanum elaeagnifolium*), camel thorn (*Alhagi camelorum*), Austrian field cress (*Roripa austiraca*), blue flowering lettuce (*Lactua pulchella*), common barberry bushes (rust-susceptible species of barberry and Mahonia) (*Berberis* spp., *Mahonia* spp.), yellow toadflax (butter

and eggs) (*Linaria vulgaris*) and Johnson grass (*Sorghum Halepense*);

(7) "Secondary (restricted), noxious weed seeds" are seeds of weeds which are very objectionable in fields, lawns, or gardens but which can be controlled by good cultural practices including, but subject to additions or subtractions by the director as herein prescribed, the seeds of: Dodder (*Cuscuta* spp.), perennial rag weed (*Ambrosia psilostachya*), poverty weed (deathweed) (*Iva axillaris*), alkali mallow (*Sida hederacea*), corn cockle (*Agrostemma githago*), docks (*Rumex* spp.), sheep sorrel (red sorrel) (*Rumex acetosella*), charlock (wild mustard) (*Brassica kabera*), plantains (*Plantago* spp.), perennial ground cherry (*Physalis longifolia* and *P. subglabrata*), fanweed (*Thlaspi arvense*), yellow starthistle (*Centaurea solstitialis*), perennial nutgrass (nut sedge) (*Cyperus rotundus*), puncturevine (*Tribulus terrestris*); wild garlic (wild onion) (*Allium vineale*), and St. Johnswort (Klamath weed) (*Hypericum perforatum*);

(8) "Advertisement" means all representations, other than those on the label, disseminated in any manner or by any means relating to seed within the scope of this chapter;

(9) "Label" includes labels, tags, invoices and other written, printed or graphic representations in any form whatsoever accompanying and pertaining to seeds whether in bulk or containers;

(10) "Seed grower" means one engaged in agricultural or horticultural pursuits who, at the time of signing a petition for a seed control area or at the time of voting on any proposition in connection therewith, is growing vegetable seed crops or has grown them within one year prior thereto;

(11) "Seed contractor" means a person licensed by the state to contract the growing of vegetable seeds;

(12) "Seed families" means any seed crops which will cross-pollinate;

(13) "Person" includes any individual, firm, corporation, trust, association, cooperative, copartnership, society or other organization of individuals, in any other business unit, device, or arrangement;

(14) "Pure live seed" means the measure of quality of any given quantity of seed which is determined by adding percentage of germination ability and the percentage of hard seed, multiplying that sum by the percentage of pure seed, and dividing the resulting figure by one hundred; and

(15) "Treated" means that the seed has received an application of a substance or has been subjected to a process, which substance or process is designed to reduce, control, or repel certain disease organisms, insects, or other pests attacking such seeds or the seedlings emerging therefrom.

15.48.020 Power of director to change lists—Notice of changes.

The director may from time to time add to or subtract from said lists of primary and secondary noxious weed seeds whenever he finds any weed seeds do or do not fall within the respective definitions as herein set out. He shall notify all licensed seed dealers of all changes in such lists thirty days before they become effective.

15.48.030 Labeling of seed containers. Each container of agricultural or vegetable seeds sold, offered for sale or exposed for sale within this state for sowing purposes shall have attached thereto or bear thereon in a conspicuous place a plainly written or printed label in the English language, giving the information hereinafter required.

15.48.040 Contents of agricultural seed labels. Labels for agricultural seeds shall give:

(1) Commonly accepted name of (a) kind, or (b) kind and variety, or (c) kind and type of each agricultural seed component in excess of five percent of the whole, and the percentage by weight of each in the order of its predominance. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label;

(2) Lot number or other lot identification;

(3) Origin, if known, of alfalfa, red clover, and field corn (except hybrid corn). If the origin is unknown, that fact shall be stated;

(4) Percentage by weight of all weed seeds. Rye shall be considered a weed when found in other cereal crop seeds;

(5) The name and approximate number of each kind of secondary (restricted) noxious weed seed, per pound, in groups (a), (b) and (c) of this subsection, when present singly or collectively in excess of:

(a) One seed or bulblet in each ten grams of *Argrostis* spp., *Poa* spp., Bermuda grass, timothy, orchard grass, fescues (except tall fescue), alsike and white clover, reed canary grass, and other agricultural seeds of similar size and weight, or mixtures within this group;

(b) One seed or bulblet in each twenty-five grams of ryegrass, tall fescue, millet, alfalfa, red clover, sweet clover, lespedezas, smooth brome, crimson clover, *Brassica* spp., flax, *Agropyron* spp., and other agricultural seeds of similar size and weight, or mixtures within this group, or of this group with (a); or

(c) One seed or bulblet in each one hundred grams of wheat, oats, rye, barley, buckwheat, sorghums, vetches, and other agricultural seeds of a size and weight similar to or greater than those within this group, or any mixtures within this group. All determinations of noxious weed seeds are subject to tolerances and methods

of determination prescribed in the rules and regulations issued under the authority of this chapter.

(6) Percentage by weight of agricultural seeds other than those required to be named on the label;

(7) Percentage by weight of inert matter;

(8) For each named agricultural seed (a) percentage of germination, exclusive of hard seed, (b) percentage of hard seed, if present, and (c) the calendar month and year the test was completed to determine such percentages. Following (a) and (b) the additional statement "total germination and hard seed" may be stated as such, if desired;

(9) Name and address of the person who labeled said seeds, or who sells, offers or exposes for sale said seed within this state;

(10) If the seed has been treated, a word or statement so indicating with the commonly accepted chemical or abbreviated chemical (generic) name of the applied substance;

(11) If the substance with which a seed is treated is harmful to human beings or other vertebrate animals in the amount present by application, a statement of caution, such as "do not use for food, feed or oil purposes" must appear. The statement of caution for mercurials and other similarly toxic substances shall be a statement or a symbol indicating that the applied substance is poisonous;

(12) A separate label may be used to show the statements required in subsection (10) and (11), where applicable. However, the requirements in subsections (10) and (11) shall not apply to uncertified wheat, oats, or barley seed sold in bulk.

15.48.050 Contents of vegetable seed labels. Labels for vegetable seeds shall give:

(1) The name of the kind and variety of the seed;

(2) For seeds which germinate less than the standard last established by the director, (a) percentage of germination, exclusive of hard seed, (b) the percentage of hard seed, if present, (c) the month and year the test to determine percentages was completed, and (d) the words "below standard";

(3) The name and number per pound of secondary (restricted) noxious weed seeds; and

(4) The name and address of the person who labeled said seed, or who sells, offers or exposes the same for sale within this state.

15.48.060 Unlawful sale, etc., of seeds. It shall be unlawful to sell, offer or expose for sale any agricultural or vegetable seed for seeding purposes within this state:

(1) Unless the test to determine the percentage of germination shall have been completed within eighteen months, exclusive of the calendar month in which the test was completed, prior to the sale, offering for sale, or exposure for sale;

(2) Not labeled as required herein, or having a false or misleading label;

(3) Pertaining to which there has been a false or misleading advertisement;

(4) Containing primary (prohibited) noxious weed seeds in excess of the tolerance permitted under the rules and regulations; or

(5) Containing a total of all weed seeds in excess of two percent of the whole by weight: *Provided*, That three percent of cheat, chess or downy brome shall be allowed in grass seed in which these weeds are found;

(6) Containing in any given unit, less than twenty-five percent pure live seed, as defined in RCW 15.48.010 (14). However, this subsection shall not apply to uncertified wheat, oats, or barley seed.

15.48.070 Prohibited acts. It shall be unlawful to detach, alter, deface, or destroy any label required herein or by the rules and regulations made hereunder; to alter or substitute seed in a manner that may defeat the purpose of this chapter; to disseminate any false or misleading advertisement concerning agricultural or vegetable seed; to hinder or obstruct any authorized person in the performance of his duties hereunder; or to fail to comply with a stop sale order.

15.48.080 Applicability limitation. The provisions of RCW 15.48.030, 15.48.040, 15.48.050, 15.48.060 and 15.48.070 shall not apply to seed or grain not intended for sowing purposes or to seed stored in or consigned to an establishment for cleaning or processing: *Provided*, That any labeling or advertisement with respect to unclean seed shall be subject to this chapter.

15.48.090 Screenings. Destruction of or processing for feed purposes—Certificate of authorization. All screenings and other materials removed in the cleaning or processing of agricultural seeds and vegetable seeds which contain primary (prohibited) noxious weed seeds or secondary (restricted) noxious weed seeds are hereby declared to be a menace to agriculture, and unless they are removed from the processing plant under permit as hereinafter provided within twenty days after notice to the owner that they are ready for his disposition, they shall be destroyed by the processor. It shall be unlawful to sell, offer or expose for sale or to give away or use said screenings or other materials for planting or for feeding purposes in Washington: *Provided*, That they may be sold or used for feeding purposes after they have been ground or treated by a method approved by the director which will destroy the viability of the noxious weed seeds to such an extent that farm lands cannot be reinfested by feeding the same to farm animals.

Every processing or cleaning establishment desiring to grind

or treat screenings to destroy the viability of weed seeds as required herein shall submit evidence satisfactory to the director of the ability of the method selected so to do. After investigation of the adequacy of the method submitted, the director shall issue a certificate of authorization to such processing or cleaning plant to which shall be attached such conditions governing the destruction of weed seeds necessary to protect the agriculture of this state. Such certificate of authorization shall be conspicuously displayed in the place of business for which it is issued.

15.48.100 ————**Moving when properly labeled.** Screenings and other materials containing noxious weed seeds and not ground or treated may be moved under permit issued by the director in accordance with rules and regulations made by him, to the farm of the owner or to another cleaning or processing plant for further cleaning or processing, when each container thereof is labeled: "Screenings containing noxious weed seeds. Unfit for planting or feeding in Washington".

15.48.110 **Sampling, inspecting, analyzing seeds—Rules and regulations.** The director shall adopt, publish and enforce rules and regulations governing the sampling, inspecting, analyzing and testing of agricultural and vegetable seeds and the tolerance to be allowed, which shall, when local conditions permit, be in general accord with official interstate commerce practices; and shall sample, analyze and test such seeds as are offered or exposed for sale, sold or transported for sowing purposes whenever he deems it necessary in the performance of his duties. He shall promptly notify the person who offered, sold or transported the same of any violations of law or of said rules and regulations.

15.48.120 **Director's right of entry—"Stop sale" orders.** The director may enter upon any public or private premises during regular business hours to have access to seeds subject hereto and the rules and regulations hereunder; and may issue and enforce a written or printed stop sale order to the owner or custodian of any lot of agricultural or vegetable seed which he finds or has reason to suspect is in violation of any provision of this chapter or any of the prescribed rules and regulations promulgated under this chapter, which stop sale order shall prohibit further sale of such seed until written permission is given by the director or the superior court. The director shall release the seed subject to the stop sale order when he has evidence that the provisions of the law and rules and regulations promulgated thereunder have been complied with, and all costs and expenses incurred in the stop sale order have been paid. If compliance is not obtained within thirty days, the director shall begin proceedings for condemnation: *Provided, however,* That if after the issuance of the stop sale order, the director finds that such seed does not involve a violation of this chapter, such

order shall be forthwith removed. Appeal from such order may be taken to a court of competent jurisdiction by the owner or custodian of such seed.

15.48.130 Seizure and condemnation—Notice to claimant. Any lot of agricultural or vegetable seed not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the director to a court of competent jurisdiction in the area in which said seed is located. In the event that the court finds said seed to be in violation of this chapter and orders the condemnation of said seed, it shall be disposed of in any manner consistent with the quality of the seed and the laws of this state: *Provided*, That in no instance shall the disposition of said seed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said seed or for permission to process or relabel said seed to bring it into compliance with this chapter.

15.48.132 Injunctions. The director is hereby authorized to apply for, and a court is authorized to grant, a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated under the chapter notwithstanding the existence of other remedies at law.

15.48.134 Minor violations—Warning notices. Nothing in this chapter shall be construed as requiring the director or his representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the chapter when he believes that the public interest will be best served by suitable notice of warning in writing.

15.48.136 Damages precluded. No state court shall allow the recovery of damages from administrative action or for a stop sale order under RCW 15.48.120 if the court finds that there was probable cause for such action.

15.48.138 Official analysis of seed as evidence of composition. In all prosecutions under this chapter involving the composition of a lot of agricultural or vegetable seed, a certified copy of the official analysis signed by the official state seed analyst who made the analysis shall be accepted as prima facie evidence of the composition.

15.48.140 Unlawful use of “certified” or unofficial tags—Exception. It shall be unlawful to represent agricultural or vegetable seed as “certified” unless it has been inspected, graded, and certified by the director or his duly authorized agent, or to sell, offer for sale, or expose for sale, such seed with a blue tag similar in size to the official state certification tag which could be mistaken for an official tag: *Provided*, That imported seed which has been inspected

and certified by the proper authorities of the state of its origin, may be designated by the official certification tag of that state, as certified seed, when the seed complies with the rules and regulations of the director.

15.48.150 Director's certification authority. The director shall have the authority to:

(1) Appoint as agents for the purpose of certifying agricultural or vegetable seeds, persons, organizations and associations to assist in said certification;

(2) Maintain seed testing facilities, employ qualified persons and incur expenses necessary to operate the same;

(3) Provide purity analyses and germination tests on samples of seeds, which may be submitted by any interested person;

(4) Adopt rules and regulations governing the performance of said service, fixing the fees to be charged therefor, and determining the number of samples that may be tested for any one person free of charge.

15.48.160 ———Growing crops of seeds. The director shall adopt and enforce rules and regulations for inspecting, grading, and certifying growing crops of agricultural and vegetable seeds, shall inspect, grade and certify them at the request of the grower, and shall fix and collect fees for such service. The methods of making seed analyses and germination tests, shall be designated by the director, such as, but not limited to the "Rules and Methods of Testing" adopted and approved by the association of official seed analysts of North America.

15.48.165 Use of department name in advertising prohibited. No person shall, in any manner, use for advertising purposes the name of the Washington state department of agriculture in connection with the sale or distribution of any agricultural or vegetable seeds.

15.48.170 Licensing—Fees—Exceptions. No person shall engage in selling, dealing in, or importing for sale or distribution, agricultural, or vegetable seeds without having a license to do so for each regular place of business; except that no license shall be required of merchants who sell seeds only in sealed packages of eight ounces or less, packed by licensed seedsmen and bearing the name and address of the licensee nor shall a license be required of any grower selling seeds of his own production exclusively: *Provided*, That such seed sold by such grower must be properly labeled as provided in this chapter. All licenses shall cost ten dollars, shall be issued by the director, shall bear the date of issue, shall expire on December 31st of each year and shall be prominently displayed in each place of business. The director may publish lists of such licenses.

15.48.175 Seed cleaning permits. It is unlawful for any person to engage in the cleaning of agricultural or vegetable seeds entered by growers for certification under the provisions of this chapter without first having obtained a written permit to do so from the director. Upon application for such a permit, it shall be the duty of the director to inspect the seed processing facilities of the applicant to determine that the genetic purity and identity of seeds processed in the applicant's plant can be adequately maintained throughout processing operations in order that the seed owner's interests and investment may be adequately protected. Upon finding that the processing facilities are adequate to maintain the genetic purity and identity of seeds, the permit shall be granted and it shall remain in effect as long as the facilities are maintained in the manner required to obtain the permit. Separate permits shall be issued for each regular place of business and shall be conspicuously displayed in the office of such business.

15.48.180 Seed control areas—Power of director. The director may, through the procedure hereafter set forth, establish seed control areas for the purpose of preventing cross-pollination of vegetable seed plants which threaten to be destructive to agricultural or horticultural pursuits. He may apply such measures and methods as may be necessary to accomplish that purpose and may cooperate with county, state and federal agencies to that end.

15.48.190 ———Petition for—Hearing—Order. Not less than twenty-five vegetable seed growers producing a seed crop of the same family, and not less than three seed contractors within a county, may petition the director to establish a seed control area, describing its boundaries and giving the reasons therefor, and if such action appears to be in the public interest, the director may order a notice of public hearing to be published in one or more newspapers local to the area, at least once each week for three consecutive weeks prior to the hearing. Upon the hearing, at which all pertinent evidence shall be heard, the director may order any area within the county declared to be a seed control area and it shall remain such until the order is canceled by the director when he deems it in the best interest of the public.

15.48.200 ———Area restrictions—Permits. No person shall plant, cultivate, harvest, or contract for any vegetable seed within a seed control area, except upon permit granted by the county horticulturist. The permit shall be granted when, in the judgment of the horticulturist, no cross-pollination will result.

15.48.205 Director's duty to enforce chapter—Rules and regulations—Notice. It shall be the duty of the director to enforce and carry out the provisions of this chapter. The director shall be

empowered to adopt such reasonable rules and regulations as may be deemed necessary to secure the efficient enforcement of this chapter after public hearing. Notice of such hearing shall be given by publication of notice in a newspaper of general circulation at least ten days prior to the date of the hearing. The notice shall state the date, time and place of the hearing and a brief summary of the regulation the director intends to promulgate.

15.48.210 Penalties. Any person convicted of violating any of the provisions of this chapter or the rules and regulations issued thereunder, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director or his duly authorized agent in the performance of his duty in connection with the provisions of this chapter, shall be adjudged guilty of a gross misdemeanor and shall be fined not less than fifty dollars, or more than one hundred dollars, for the first violation, and not less than two hundred fifty dollars, nor more than five hundred dollars, for subsequent violations.

15.48.220 Exemption from penalties. No person shall be subject to the penalties of this chapter for having sold, offered for sale or exposed for sale, agricultural or vegetable seeds which were incorrectly labeled or misrepresented as to kind, variety, type, or origin and which cannot be identified by examination, if he possesses an invoice or a declaration from a seller or grower within the jurisdiction of the courts of this state, giving kind, or kind and variety, or kind and type, and origin, if required, and if he has taken such other precautions necessary to insure the identity to be that stated.

15.48.230 Use of money collected—Seed account. All moneys collected under this chapter shall be paid into the seed account of the state general fund and shall be expended for necessary expenses hereunder.

15.48.240 Prosecutions—Prior opportunity for hearing. No criminal prosecution under this chapter shall be instituted without giving the defendant an opportunity to appear before the director to introduce evidence at a private hearing. If after hearing, or without hearing if the accused fails to appear, the director is of the opinion that the evidence warrants prosecution he shall institute proceedings or file the evidence with the attorney general with the view of prosecution.

15.48.250 Duty of attorney general, prosecuting attorneys. The prosecuting attorneys within their respective counties or the attorney general shall institute and prosecute actions under this chapter when in their opinion the evidence submitted warrants such action.

15.48.260 Publication of information on judgments. After judgment by the court in any case arising under this chapter, the director shall publish in any media he may designate any information pertinent to the issuance of such judgment.

15.48.900 Short title. This chapter shall be cited as the "Washington State Seed Law".

Chapter 15.50

IRISH SEED POTATOES

15.50.010 Definitions. For the purpose of this chapter:

(1) "Director" means director of agriculture of the state of Washington or his duly authorized representative.

(2) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

(3) "Certificate" means an inspection certificate issued by the the director or any agency of the United States government or another state or the Dominion of Canada or any province thereof authorized to inspect Irish potatoes for diseases and issue certificates stating whether such potatoes are infected with diseases and if so to what extent.

(4) "Potatoes" means Irish potatoes to be used or intended for use as seed, propagating or reproduction purposes.

15.50.020 Sale, transportation, etc., prohibited unless in new containers and certificated not to be infected. No person shall sell, offer for sale, hold for sale, barter, trade or knowingly transport within this state any Irish potatoes either whole or in part for seed, propagating or reproduction purposes unless such potatoes are in new containers and are accompanied by a certificate stating that such potatoes are not infected with bacterial ring rot, powdery scab, blackwort, nematode and/or more than one percent net necrosis associated with leaf roll, and/or more than one percent blackleg and/or more than three percent deep pitted scab and/or the general infection of light scab affecting ten percent or more of the tubers by weight and/or any other insect, pest or plant disease or diseases which may impair or endanger the production of Irish potatoes in this state.

15.50.030 Delivery of copy of certificate to director required. The owner or handler of potatoes shall forward to the director in Olympia a copy of the certificate accompanying any potatoes being transported within or into this state at the time such transportation begins at the point of origin.

15.50.040 Inspection. The director may inspect potatoes at the point of origin, in transit or at the point of destination: *Provided*, That such inspection shall not interfere unduly with the orderly receipt, transportation or deliveries of such potatoes by any common carrier. When potatoes are being transported into this state from another state or foreign country, the director shall be notified of the time and place of entry and such potatoes shall be made available for inspection.

15.50.050 Exemptions. Noncommercial plantings which are defined as plantings in home gardens for domestic use, and not for sale; and potato research carried on by Washington State University and/or other approved research agencies are hereby exempted from the provisions of this chapter.

15.50.060 Quarantine—Disposal. The director shall quarantine any potatoes found not to meet the requirements provided for in RCW 15.50.020. Such potatoes shall be disposed of in a manner provided for by the director, but shall not be used for seed propagation or reproduction purposes.

15.50.070 Violation of chapter—Penalty. Any person violating the provisions of this chapter shall be guilty of a misdemeanor and any subsequent violation shall constitute a gross misdemeanor.

15.50.080 Rules and regulations. The director may adopt any rule or regulation necessary to carry out the provisions of this chapter.

Chapter 15.52

WASHINGTON ANIMAL REMEDY ACT

15.52.010 Definitions. As used in this chapter:

“Domestic animals” includes all species of animals and fowls under control of man and adapted to his use or pleasure;

“Label” means any written, printed, or graphic matter upon any can, sack, or any other container of livestock remedy;

“Livestock remedies” includes all foods, medicines and other substances sold as preventive, inhibitive, or curative medicines, or for their stimulating, invigorating or other powers, for domestic animals, as such remedies are defined in the United States Pharmacopoeia.

Exclusive of the definitions provided herein, the definitions of livestock remedies shall be as defined in the official publication of the Pharmacopoeia of the United States of America as of June 1, 1949. The director is hereby authorized to amend, revise, or add to said definitions and methods of analysis whenever he shall find

the same to be necessary to prevent misbranding, adulteration or other deviation from the standards prescribed by this chapter.

15.52.020 Official chemists of the department. The chemist of the agricultural experiment station of Washington State University and the dean of the college of pharmacy of the University of Washington shall be the official chemists of the department and they shall, without compensation other than their expenses necessarily incurred in the performance of such work, analyze all substances that the director may send to them, and report to him without unnecessary delay, the results of an analysis, and when called upon by the director they or any of the additional chemists hereafter provided, shall assist in any prosecution for the violation of any law pertaining to the department.

15.52.030 Additional chemists. The director may appoint one or more competent graduate chemists to serve as additional chemists, who may perform any of the duties required of and under the supervision of the official chemists, and whose compensation shall be fixed by the director.

15.52.040 Preference of chemists. The director may submit livestock remedies, preferably to the chemist at Washington State University.

15.52.050 Right of entry—Obstructing, unlawful. The director shall have access to any factory or establishment selling or offering for sale or distributing any livestock remedy, to inspect and obtain samples. It shall be unlawful to obstruct or interfere with the director in the performance of any of his duties hereunder.

15.52.060 Sample taking for analysis. The director may take samples of livestock remedies for analysis as follows:

(1) Where the product is packed in bulk or sack the sample shall not exceed two pounds, shall be taken from a parcel or number of packages which constitute not less than ten percent of the entire lot being sampled, and shall be taken in the presence of the party in interest or his representative. It shall be thoroughly mixed, divided into two equal parts, and one part given to the party in interest or his representative, and the other to a chemist of the department; or

(2) Where the lot to be sampled is not packed in bulk or sack, the sample shall be one or more containers from each lot or parcel to be sampled.

15.52.070 Labeling Samples—Findings—Copy to owner. On each such sample shall be placed a label stating the name or brand of material sampled and the time and place of taking the sample. The label shall be signed by the director and party in interest or his representative.

The chemist making the analysis shall return to the director two certified copies of his findings, one of which shall be forwarded to the party in interest.

Such findings shall be admissible in any proceeding involving this chapter as prima facie evidence of the facts therein set forth.

15.52.080 Brands—When distinct. Livestock remedies shall be considered as distinct brands when differing either in guaranteed analysis, ingredients, trademark, name, or any other characteristic method of marking.

15.52.090 Alteration, forgery, unlawful use of brands. No person shall alter, destroy, or remove, or forge, simulate, or falsely represent or use, without authority, any identification device used by the director in carrying out the provisions of this chapter.

15.52.100 Injurious, worthless, seized products—Disposal prohibited. No person shall distribute, sell, display, or offer for sale any livestock remedy which contains injurious ingredients, or which is injurious when used, fed, or applied as directed, or which is known to be of little or no value for the purpose for which it was intended; nor make any false or misleading claims in connection therewith; nor in any manner dispose of any such product seized under RCW 15.52.170.

15.52.110 Registration of brands—Fees—Renewal. No person shall sell, offer to sell, or distribute any brand of livestock remedy unless such brand has been registered with the director on a form provided by him, showing the ingredients and the guaranteed analysis, and a registration fee has been paid, in an amount to be fixed by the director not in excess of six dollars for each brand. Each such person shall, on or before the first day of April of each year pay to the director a registration fee in an amount to be fixed by him, not in excess of six dollars, for each brand manufactured or mixed.

15.52.120 Application for registration—Label contents—Exception. Application for registration of a livestock remedy shall have attached thereto a true copy of the label to be used on the container and a list of the ingredients contained in the product, except that any livestock remedy licensed under the Federal Virus, Serum, and Toxin Act of July 1, 1902, or under the Federal Virus, Serums, Toxins, Antitoxins, and Analogous Products Act of March 4, 1913, shall be exempt from registration under this chapter.

15.52.130 Investigation period—Sales prohibited during. The director shall have ninety days after the receipt of the application for registration of such products not previously registered, in which to investigate the claims made by the applicant as to the

efficacy of the product and to conduct experiments to determine whether the product is harmful or is of the claimed value for the purpose intended. At the end of ninety days, if the director has not notified the applicant that a hearing will be held or has not registered the product, the product shall be registered, and a certificate of registration issued. The applicant shall not sell the product until such certificate of registration has been issued.

15.52.140 Rules, regulations by director. The director may prescribe and enforce such reasonable rules and regulations and such definitions relating to livestock remedies as he deems necessary to carry into effect the full intent and meaning of this chapter.

15.52.150 Refusal to register—Notice and hearing. After due notice to the applicant and a hearing the director may refuse to register the brand of any such product which is detrimental or injurious in effect when applied, fed or used as directed; or which is known to be of little or no value for the purpose intended; or as to which false or misleading claims are made; or which does not comply with the provisions of this chapter or the regulations prescribed by him.

15.52.160 Cancellation of registration—Notice and hearing. After due notice to the registrant and a hearing the director may cancel the registration of the brand of any such product which is detrimental or injurious in effect when applied, fed or used as directed; or which product is known to have little or no value for the purpose intended; or as to which false or misleading claims are made or implied; or when the registrant violates any of the provisions of this chapter.

15.52.170 Seizure of prohibited products—Notice—Contents. The director may seize and take into his possession any such product the brand of which has not been registered as herein required, or the sale of which is for any reason prohibited hereunder, and apply to the superior court for an order authorizing him to sell or otherwise dispose of the same, and apply the proceeds to the general fund.

He shall give notice to the person in whose possession the seized product was found, or to the consignee thereof if found in the possession of a common carrier, stating the seizure, the reasons therefor, and a day certain when the application will be brought up for a hearing before the court, which day shall not be less than ten days after service of the notice, unless an earlier date is agreed upon by all parties concerned.

15.52.180 Hearing—Evidence. At the hearing such person or consignee may show cause why the application should not be

granted. Affidavits and oral testimony may be introduced by any party. Possession of such product shall be prima facie evidence of an intent to keep or ship the product in violation of the provisions of this chapter.

15.52.320 Use of funds collected. All money collected as fees for brand registrations hereunder shall be deposited in a special account of the general fund of the state treasury known as the feed and fertilizer account, and used exclusively for the maintenance and enforcement of this chapter, except that not to exceed fifteen percent of said registration fees may, with the consent of the director, be used to purchase equipment and materials to facilitate testing and analyzing required herein.

15.52.330 Penalty. Any person who violates any provision of this chapter shall be guilty of a misdemeanor, and fined for the first offense not to exceed one hundred dollars, and for each subsequent offense not to exceed five hundred dollars.

15.52.340 Duty of prosecuting attorney. The prosecuting attorneys in their respective counties shall prosecute actions under this chapter on request of the director.

15.52.900 Short title. This chapter may be cited as the "Washington animal remedy act".

Chapter 15.53

COMMERCIAL FEED

15.53.010 Definitions. When used in this chapter:

The term "director" means the director of agriculture of the state, or his authorized agents or representatives.

The term "distribute" means to offer for sale, sell, barter, or otherwise supply commercial feeds.

The term "sell" or "sale" includes exchange.

The term "commercial feed" means all materials which are distributed for use as feed for animals other than man except:

(1) Unmixed whole seeds and meals made directly from the entire seeds with no part of the whole removed.

(2) Unground hay.

(3) Whole or ground straw, stover, silage, cobs, and hulls when not mixed with other materials.

(4) Wheat flours or other flour.

The term "brand" means the terms, design, or trademark and other specific designation under which an individual commercial feed is distributed in this state, and commercial feed shall be considered as a distinct brand when differing either in guaranteed

analysis, ingredients, trademark name, or any other characteristic method of marking.

The term "label" means a display of written, printed, or graphic matter upon or attached to the container in which a commercial feed is distributed.

The term "ton" means a net weight of two thousand pounds, avoirdupois.

The term "percent" or "percentage" means percentage by weight.

The term "official sample" means any sample of commercial feed taken by the director.

The term "retail" as used in this chapter means the selling or offering for sale of any commercial feed, directly to the consumer.

An "official state lab." shall be a laboratory under the supervision of the chairman of the department of agricultural chemistry of Washington State University or the dean of the college of pharmacy of the University of Washington or the director.

The term "special mix" means a commercial feed prepared in accordance with a formula provided and signed by the purchaser for consumption or processing by such purchaser.

The term "run of the mill" when used in reference to grain screenings is well established in the industry and means the restoration of the total quantity of such naturally present screenings, when finely ground, to the processed grain in which it was received, or to the total wheat mixed feed produced in the manufacture of wheat flour from the grain in which it was received.

15.53.020 Enforcement of chapter—Rules and regulations. The director is charged with the enforcement of this chapter, and after publication and public hearing may promulgate and adopt such reasonable rules and regulations as may be necessary to carry into effect the full intent and meaning of this chapter. The director is hereby empowered to adopt regulations establishing definitions and standards for commercial feeds and ingredients, and such other regulations as may be necessary for the enforcement of any provisions of this chapter.

15.53.030 Registration of brands—Application—Fee—Label—Expiration. Each brand of commercial feed shall be registered before being offered for sale, sold or otherwise distributed in this state, except for brands of commercial feeds which are offered for sale, sold or otherwise distributed by a registrant who has a brand of feed registered having the same formula but which differs only in the physical form in which it is sold. The application for registration shall be submitted to the director on forms furnished by the director, and shall be accompanied by a fee of ten dollars per brand, and shall be also accompanied by a label or other printed matter describing the product. Upon approval by the director a copy of the regis-

tration shall be furnished to the applicant. All registrations expire on December 31st of each year.

15.53.040 Application for registration—Information required. The applications provided for in RCW 15.53.030 shall include the following information:

(1) The name and principal address of the person guaranteeing the commercial feed.

(2) The name or brand under which the commercial feed is to be sold.

(3) The guaranteed analysis, listing the minimum percentage of crude protein, minimum percentage of crude fat, maximum percentage of crude fibre, maximum percentage of crude ash and maximum percentage of moisture. For mineral feeds or other feeds containing more than a total of five percent of one or more added mineral ingredients the list shall include the following if added: Minimum and maximum percentage of calcium (Ca), minimum percentage of phosphorus (P), minimum percentage of iodine (I), and minimum and maximum percentage of salt (NaCl), and maximum percentage of fluorine. Other nutritional substances or elements, determinable by laboratory methods, may be guaranteed by permission of the director by and with the advice of Washington State University. When any such other items are guaranteed, they shall be subject to inspection and analysis in accordance with the methods and regulations that may be prescribed by the director. Products sold solely as mineral and/or vitamin supplements and guaranteed as specified in this section need not show guarantees for protein, fat, and fibre.

(4) The name of each ingredient used in the manufacture of the commercial feed according to the definitions of ingredient names provided in the regulations issued pursuant to the terms of this chapter.

15.53.050 Brands already registered need not be registered by distributor. A distributor shall not be required to register any brand of commercial feed which is already registered under this chapter by another person.

15.53.060 Changes in guarantee of composition of feed. Changes in the guarantee of either chemical or ingredient composition of a feed may be permitted provided satisfactory evidence is submitted showing that:

(1) Such changes would not result in a lowering of the feeding value of the product for the purpose for which designed; or

(2) The requested changes are unavoidable because of the unavailability of guaranteed ingredients.

15.53.070 When feed registration not permitted—Fibre limitations. No commercial feed may be registered which has a guaranteed crude fibre content of: (1) More than ten percent for hog and poultry feeds, (2) more than twelve percent for dairy, beef, sheep, goat and horse feeds, or (3) more than twenty-two percent for rabbit feeds: *Provided*, That the fibre limitations stated herein do not apply to commercial feeds which state on their labels the percentages of the various ingredients according to the definitions of ingredients stated in this chapter or regulations issued pursuant to the terms of this chapter.

15.53.080 Application for registration—Investigation period. The director shall have ninety days after the receipt of the application for registration of a commercial feed not previously registered, in which to investigate the claims made by the applicant as to the efficacy of the product and to conduct experiments in order to determine whether the said product is harmful, deleterious, or is of the claimed value for the purpose intended, when used as directed. At the end of ninety days, if the director during such period has not notified the applicant that a hearing will be held or has not registered the product, then the product shall be registered, and a certificate of registration issued by the director: *Provided*, That during the ninety-day period provided herein, if the product has not been registered, the applicant shall not sell the product in the state.

15.53.090 Refusal or cancellation of registration—Hearing. The director may refuse registration of any application not in compliance with all provisions of this chapter and may cancel any registration when it is subsequently found to be in violation of any provision of the chapter or when he has satisfactory evidence that the registrant has used fraudulent or deceptive practices in attempted evasion of the provisions of the chapter or regulations thereunder: *Provided, however*, That no registration shall be refused or canceled until the registrant shall have been given an opportunity to be heard before the director.

15.53.100 Retail feed license required—Applications. No person shall sell, offer to sell, or distribute within this state any commercial feed at retail without having first obtained a retail feed license for each establishment or vehicle used by such person in selling commercial feed at retail: *Provided*, That the above license shall not be required of any vehicle used by a licensed dealer merely in delivering commercial feed, nor to any dealer as to his sales of foods for domestic pets such as, dogs, cats and birds. Applications for such licenses shall be made in writing and under oath to the director on such forms as he shall prescribe.

15.53.110 Retail feed license—Annual fee. There shall be paid to the director with each application for a retail feed license an annual license fee of ten dollars. The money derived therefrom shall be paid by the director into the state treasury for deposit in the commercial feed account.

15.53.120 Retail feed license—Expiration date—Non-transferable. Each retail feed license shall expire on the thirty-first day of December following its date of issuance. Such license shall not be transferable to any person or be applicable to any location or vehicle other than that for which originally issued.

15.53.130 Commercial feed account. There is hereby created in the state treasury in the general fund a special account to be known as the commercial feed account in which shall be deposited all moneys hereafter or heretofore collected as fees for feed licenses, and for the registration of commercial feed.

15.53.140 Labels on containers—Information required. Any brand of commercial feed offered for sale or sold or otherwise distributed in this state in bags, barrels, or other containers shall have placed on or affixed to the container in stenciled or imprinted form the net weight and the information required by RCW 15.53.040(1), (2), (3) and (4).

15.53.150 Bulk distribution—Statement—Information required. If a brand of commercial feed is distributed in bulk, a written or printed statement of the net weight and the information required by RCW 15.53.040(1), (2), (3) and (4), shall accompany delivery and be furnished to the purchaser, and a copy of the statement shall be kept on file in the office of the vendor which shall be available for inspection by the director for a period of not less than six months from the date of the transaction.

15.53.160 Special mixes — Invoices — Tags — Information required. Any person who manufactures, processes, or mixes any commercial feed for another in accordance with a formula provided and signed by the purchaser for consumption or processing by such purchaser (a "special mix") shall furnish to the person for whom such commercial feed is manufactured, processed or mixed, a numbered invoice which shall have written or printed thereon the date of sale and the name and the number of pounds of each ingredient according to the definitions of ingredient names provided in the regulations issued pursuant to the terms of this chapter. Copies of all such invoices shall remain on file in the place of business of the vendor for six months, during which time they are subject to inspection by the director. No two invoices issued in one calendar year shall bear the same number. When packaged, each package of such commercial feed (special mix) shall have

attached thereto, in lieu of the information referred to in RCW 15.53.040, a written or printed tag upon which shall be stated: That the product in the container or package is a special mix which is not registered with the director; the name of the mixer, processor or manufacturer; the net weight of the contents; and the invoice of a packaged special mix shall state the numbers of the tags on the packages sold.

15.53.170 Adulterated commercial feed defined. No person shall distribute an adulterated commercial feed. A commercial feed shall be deemed to be adulterated:

(1) If any poisonous, deleterious, or nonnutritive ingredient has been added in sufficient amount to render it injurious to animal health, or if any dirt, soil, damaged or decayed feed, mill, elevator, or other sweeping or dust is included in commercial feed.

(2) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor.

(3) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

(4) If it contains added hulls, screenings, straw, cobs, or other such high fibre material unless the name and percentage of each such material is clearly and prominently stated and underscored on the label.

(5) If it contains viable primary noxious weed seeds in excess of one per pound, or if it contains viable secondary noxious weed seeds in excess of twenty-five per pound. The primary and secondary noxious weed seeds shall be those as named pursuant to the terms of the Washington seed act and regulations issued pursuant thereto.

15.53.180 Misbranded commercial feed defined. No person shall distribute misbranded feed. A commercial feed shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular.

(2) If it is distributed under the name of another feed.

(3) If its container is not labeled as required in this chapter, and in regulations prescribed under this chapter.

(4) If it purports to be, or is represented as, a commercial feed for which a definition of identity and standard of quality has been prescribed by regulation unless it conforms to such definition and standard.

(5) If any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read

and understood by the ordinary individual under customary conditions of purchase and use.

(6) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the director determines to be, and by regulations prescribes as, necessary in order to fully inform the purchaser as to its value for such uses.

15.53.190 Sampling and analysis. It shall be the duty of the director, who may act through his authorized agents, to sample, inspect, make chemical and microscopic analysis of, and cause to be tested at an official state laboratory commercial feeds distributed within this state at such time and place and to such an extent as he may deem necessary to determine whether such commercial feeds are in compliance with the provisions of this chapter. The director, individually or through his agent, is authorized to enter upon any public or private premises during regular business hours in order to have access to commercial feeds subject to the provisions of this chapter and the rules and regulations pertaining thereto.

The methods of sampling and analysis shall be those accepted by the director from recognized sources such as the association of official agricultural chemists, or the American association of feed control officials.

The director, in determining for administrative purposes whether a commercial feed is deficient in any component, shall be guided solely by the official sample as above defined and as obtained and as analyzed as provided for above.

15.53.200 Chemists of the department. The chairman of the department of agriculture chemistry of Washington State University and the dean of the college of pharmacy of the University of Washington shall when requested by the director act as chemists and microscopists for the department of agriculture, and it shall be the duty of such chemists or either of them, without compensation other than their expenses necessarily incurred in the performance of such work to make chemical and microscopic analyses of any and all substances that the director may send to them, and report to the director, without unnecessary delay, the results of any analysis so made, and when called upon by said director, any such chemist, or any of the additional chemists as hereafter provided, shall assist, as an expert or otherwise, in prosecutions for the violation of this chapter.

15.53.210 Additional chemists. The director may appoint one or more competent graduate chemists to perform any or all of the

duties required of the chemists of the department of agriculture authorized in this chapter.

15.53.220 Withdrawal from sale for violation—Release—Condemnation. When the director has reasonable cause to believe a commercial feed is being distributed in violation of any of the provisions of this chapter or of any of the prescribed regulations under this chapter, he may issue and enforce a written or printed “withdrawal from sale” order warning the distributor not to dispose of the feed in any manner until written permission is given by the director or the superior court. The director shall release the commercial feed so withdrawn when the provisions and regulations have been complied with and all costs and expenses incurred in the withdrawal have been paid. If compliance is not obtained within thirty days, the director shall begin proceedings for condemnation.

15.53.230 Seizure of feed—Condemnation and disposition—Opportunity to comply. Any lot of commercial feed not in compliance with the provisions of this chapter shall be subject to seizure on complaint of the director to a court of competent jurisdiction in the area in which said commercial feed is located. In the event the court finds the said commercial feed to be in violation of this chapter and orders the condemnation of said commercial feed, it shall be disposed of in any manner consistent with the quality of the commercial feed and the laws of the state: *Provided*, That in no instance shall the disposition of said commercial feed be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or for permission to process or relabel said commercial feed to bring it into compliance with this chapter.

15.53.240 Violation of withdrawal order—Tampering with, misrepresenting, etc., identification device. It is unlawful for any person:

(1) Without authority to remove or dispose of by sale or otherwise, any commercial feed in respect to which there is in effect a “withdrawal from sale” order,

(2) To alter, mutilate, destroy, obliterate, or remove without proper authority, any mark, stamp, tag, label, seal, sticker, or other identification device used by the director, in carrying out the provisions of this chapter,

(3) To forge, counterfeit, simulate, or falsely represent, or without proper authority use any mark, stamp, tag, label, seal, sticker, or other identification device used by the director in carrying out the provisions of this chapter.

15.53.250 Injunctions. The director is hereby authorized to apply for, and a court is authorized to grant, a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rule or regulation promulgated under the chapter notwithstanding the existence of other remedies at law.

15.53.260 Warning for minor violations of chapter. Nothing in this chapter shall be construed as requiring the director or his representative to report for prosecution or for the institution of seizure proceedings as a result of minor violations of the chapter when he believes that the public interests will be best served by a suitable notice of warning in writing.

15.53.270 Duty of prosecuting attorney—Distributor may present views to director. It shall be the duty of each prosecuting attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. Before the director reports a violation for such prosecution, an opportunity shall be given the distributor to present his views to the director.

15.53.280 Chemists' reports of analysis as evidence. The reports of analysis and tests made by the state chemists to the director both as to chemical and microscopic analysis are admissible in evidence as prima facie evidence of the facts therein set forth in any proceeding of either a civil or criminal nature brought pursuant to the terms of this chapter.

15.53.290 Prosecutions—Copy of official analysis as evidence. In all prosecutions under this chapter involving the composition of a lot of commercial feed, a certified copy of the official analysis signed by the chemist or microscopist who made the analysis shall be accepted as prima facie evidence of the composition.

15.53.300 Penalties. Any person convicted of violating any of the provisions of this chapter or the rules and regulations issued thereunder, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent the director or his duly authorized agent in performance of his duty in connection with the provisions of this chapter, shall be adjudged guilty of a gross misdemeanor and shall be fined not less than fifty dollars, or more than one hundred dollars, for the first violation, and not less than two hundred fifty dollars, nor more than five hundred dollars, for subsequent violations.

15.53.310 Director to publish sales information, production data and analyses comparison. The director shall publish at least annually, in such forms as he may deem proper, information con-

cerning the sales of commercial feeds, together with such data on their production and use as he may consider advisable, and a report of the results of the analyses of official samples of commercial feeds sold within the state as compared with the analyses guaranteed in the registration and on the label: *Provided*, That the information concerning production and use of commercial feeds shall not disclose the operations of any person.

15.53.900 Short title. This chapter shall be known as the "Washington Commercial Feed Law of 1953".

Chapter 15.54

FERTILIZERS, AGRICULTURAL MINERALS AND LIMES

(Washington Fertilizer Act)

15.54.010 Definitions. The following definitions apply to words and phrases used in this chapter:

(1) "Fertilizer material" means any substance other than unmanipulated animal or vegetable manures containing not less than five percent of nitrogen, phosphoric acid, or potash, singly or chemically combined, and may contain other plant food elements or compounds.

(2) "Mixed fertilizer" means any physical combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth.

(3) "Commercial fertilizer" means and includes mixed fertilizers, fertilizer materials and specialty fertilizers.

(4) "Complete fertilizer" means commercial fertilizer which contains nitrogen, phosphoric acid and potash.

(5) The term "specialty fertilizer" means any fertilizer distributed primarily for use on noncommercial crops such as gardens, lawns, shrubs, and flowers; and may include fertilizers used for research or experimental purposes.

(6) "Agricultural minerals" means mineral substances, and mixtures of mineral and organic substances containing less than five percent in available form of nitrogen, phosphoric acid, or potash, collectively, or in combination designed for use principally as a source of plant food; provided that animal manures, limes, sand and soil shall not be considered as minerals.

(7) "Lime" means a substance or mixture of substances, the principal constituent of which is calcium and/or hydroxide, magnesium carbonate, or oxide, singly or combined.

(8) "Brand" means a term, design or trademark used in connection with the distribution and sale of one or more grades of commercial fertilizers, agricultural minerals or lime.

(9) "Grade" means the minimum percentage of total nitrogen, available phosphoric acid and soluble potash stated in the order given.

(10) "Ton" means a net weight of two thousand pounds avoirdupois.

(11) "Percent" or "percentage" means the percentage by weight. Mixed fertilizers shall always be expressed in whole numbers.

(12) "Ultimate dealer" means a person who sells commercial fertilizer, agricultural mineral or lime direct to the user.

(13) "Department" means the state department of agriculture of the state of Washington.

15.54.020 Administration of chapter—Rules and regulations. The administration of this chapter is vested in the department. All rules and regulations for the administration and enforcement of this chapter shall only be promulgated by the department after public hearing. Notice of such hearing shall be given by publication of notice in a newspaper of general circulation at least ten days prior to the date of hearing. The notice shall state the date, time and place of the hearing, and a brief summary of the regulations the department intends to promulgate.

15.54.030 Brand registration required—Application—Fee. Each brand of commercial fertilizer, agricultural mineral or lime shall be registered with the department before being sold or offered for sale in this state. The application for registration of a brand shall be made to the department and it shall be accompanied by a registration fee of twenty-five dollars for each brand. The application shall be made on forms provided by the department.

15.54.040 Commercial fertilizer—Brand registration—Information required. The application for registration of a brand of commercial fertilizer shall include the following information:

- (1) The name and address of the registrant.
- (2) The name and address of the manufacturer.
- (3) Brand name.
- (4) Declaration of grades intended to be sold.

15.54.050 Commercial fertilizer—Registration of grade required. Each grade of commercial fertilizer shall be registered with the department before being sold. No grade of commercial fertilizer can be offered for sale without a registered brand name.

15.54.060 Commercial fertilizer—Grade registration—Information required. The application for registration of a grade of commercial fertilizer intended to be sold shall include the following information:

- (1) The name and address of the registrant.

- (2) The name and address of the manufacturer.
- (3) The brand name.
- (4) The guaranteed analysis of total nitrogen, available phosphoric acid and soluble potash in terms of the minimum percentage of such materials in the particular grade. The minimum percentage shall be expressed in the following form:

Total nitrogen, N.percent
Available phosphoric acid, P ₂ O ₅percent
Soluble potash, K ₂ Opercent

- (5) The source from which the nitrogen, phosphoric acid and potash are derived.
- (6) In the case of bonemeal, tankage or other natural organic phosphatic materials sold as such, the guaranteed analysis of phosphatic materials may be in terms of total phosphoric acid.

15.54.070 Agricultural minerals—Registration—Information required. The application for registration of an agricultural mineral shall include the following information:

- (1) The name and address of the registrant.
- (2) The name and address of the manufacturer.
- (3) The brand name.
- (4) If an agricultural mineral is derived as a byproduct of the manufacture of sugar or acetylene, or from the byproducts of some other manufacturing process, the principal constituent of which byproduct is a compound of calcium, the minimum percentage of calcium in terms of calcium carbonate, calcium hydroxide or calcium oxide shall be given.
- (5) In an agricultural mineral the principle ingredient of which is sulphur, the minimum percentage of sulphur shall be given.
- (6) In an agricultural mineral the principal constituent of which is calcium sulphate, the percentage of calcium sulphate (CaSO₄.2H₂O) shall be given, and the percent of total sulphur.
- (7) In an agricultural mineral the principal constituent of which is calcium phosphate, such as rock phosphate, the guaranteed analysis of calcium phosphate shall be given in terms of the minimum percentage of available phosphoric acid, and total phosphoric acid.
- (8) In the case of an agricultural mineral not specifically or generally mentioned in this section, the minimum percentage of all constituents claimed to be therein in terms of equivalents to be prescribed by the department, shall be given.
- (9) In case of any physical mixture of two or more agricultural minerals, the minimum percentage of each of the principal constituents shall be given.

15.54.080 Lime—Registration—Information required. The application for registration of lime shall include the following information:

- (1) The name and address of the manufacturer or producer.
- (2) The name and address of the registrant.
- (3) The brand name and the grade.
- (4) The name of the particular form of the dolomitic or calcic lime (ground limestone, burnt lime, lime hydrate, shells, marl).
- (5) The guaranteed minimum percentage of calcium and/or magnesium expressed as their carbonate; the minimum total neutralizing power expressed in terms of calcium carbonate; the percentage of material that will pass respectively a one hundred mesh, sixty mesh and ten mesh sieve.

15.54.090 Certificates of registration—Expiration date. The department shall examine the application for conformance with the requirements of this chapter. If the application is in proper form and contains the required information the particular brand and grade of commercial fertilizer, agricultural mineral or lime shall be registered by the department and a certificate of registration shall be issued to the applicant. The registration shall expire on the thirty-first day of December next following the registration of each annual renewal thereof.

15.54.100 Refusal or cancellation of registration. The department shall refuse registration, or cancel the registration, of any brand or grade of commercial fertilizer, agricultural mineral or lime, the sale or offering for sale of which would be in violation of any provisions of this chapter.

15.54.110 Other plant food elements—Sampling, inspection, analysis. If plant food elements other than those mentioned in RCW 15.54.060, 15.54.070, and 15.54.080 are guaranteed to be present in a commercial fertilizer, agricultural mineral or lime, they shall be subject to sampling, inspection, and analysis in accordance with regulations promulgated by the department.

15.54.120 Labels on containers—Information to bulk purchaser. All the information required by RCW 15.54.060, 15.54.070 and 15.54.080 to be submitted with the application for registration of each brand and grade shall be placed on each bag, barrel or container of commercial fertilizer, agricultural mineral or lime; however, if the registrant of the brand is not the manufacturer, the manufacturer's name and address need not be stated on the container. The information shall be placed on the bag, barrel, or container, with such prominence by reason of size and coloring of lettering as will reasonably assure its being seen by the purchaser under the conditions of retail sale by which it is sold, offered for

sale or exposed for sale. No other form of label nor any other chemical term referring to nitrogen (N), phosphoric acid (P_2O_5), potash (K_2O), calcium hydroxide, calcium magnesium carbonate, calcium oxide, calcium carbonate, sulphur, calcium sulphate, calcium phosphate, dolomitic lime, calcic lime, ground limestone, burnt lime, lime hydrate, shells, marl, magnesium carbonate shall be used than those specified in this chapter.

If a commercial fertilizer, agricultural mineral or lime is distributed or sold in bulk, the distributor or seller shall deliver to the purchaser a written or printed statement containing the information required to be on bags, barrels, or containers of such materials.

15.54.130 Inspection fees—Computation—Responsibility. Each person who sells or offers for sale a commercial fertilizer or agricultural mineral in the state of Washington shall pay to the department an inspection fee of ten cents for each ton of commercial fertilizer or agricultural mineral sold by such person during the year beginning January 1st, and ending December 31st. Each person who sells lime in the state of Washington shall pay to the department an inspection fee of two cents for each ton of lime sold during the year.

In computing the tonnage on which the inspection fee must be paid as required by this section, sales of commercial fertilizers, agricultural minerals or lime to fertilizer manufacturers, sales of commercial fertilizers, agricultural minerals and lime in packages weighing five pounds net or less, and sales of commercial fertilizers, agricultural minerals and lime for shipment to points outside this state, may be excluded.

It is the intent of this chapter that only one person shall be responsible for payment of the inspection fee and when more than one person doing business in this state is involved in the commercial distribution of such materials, then the person who sells to the ultimate dealer is responsible for reporting the tonnage and paying the inspection fees; however, a manufacturer, jobber, broker or wholesaler who sells commercial fertilizer, agricultural mineral or lime directly to the user of such material must also pay the inspection fee on such materials.

15.54.140 Inspection fees—Reports—Collection. (1) Each person made responsible by this chapter for the payment of inspection fees for commercial fertilizers, agricultural minerals or lime sold in this state shall file a report with the department on October 1st, January 1st, April 1st, and July 1st of each year of the number of tons of such materials sold during the three calendar months immediately preceding the date the report is due. The proper in-

spection fee shall be remitted with the report. The person required to file the report and pay the fee shall have a thirty day period of grace immediately following the day the report and payment are due to file the report and pay the fee, and the department may, in its discretion, permit a further reasonable extension of time.

(2) The report required by this section shall be made under oath certifying to the correctness of the report.

(3) The report required by this section shall not be a public record, and it shall be a misdemeanor for any person to divulge any information given in such report which would reveal the business operation of the person making the report; except that nothing contained in this subsection shall be construed to prevent or make unlawful the use of information concerning the business operation of a person in any action, suit or proceeding instituted under the authority of this chapter including any civil action for collection of unpaid inspection fees, which action hereby is authorized and which shall be as an action at law in the name of the director of the department.

15.54.150 Sampling, inspection, analysis—Notice—Findings. (1) It shall be the duty of the department to sample, inspect and analyze commercial fertilizers, agricultural minerals and lime sold or offered for sale within this state to determine compliance with the provisions of this chapter. The department may enter upon any private business premises during the regular business hours in order to have access to any substance subject to the provisions of this chapter.

(2) The methods of sampling, inspection and analysis shall be designated by the department, such as but not limited to, those of the association of official agricultural chemists.

(3) Whenever the department takes an official sample of commercial fertilizer, agricultural mineral or lime for analysis, the owner or person in charge of the substance shall be notified, prior to taking the sample. Upon the request of the owner or person in charge of the sample material, the department shall furnish such person one-half of the official sample. The chemist making the analysis shall return to the director two certified copies of his findings, one of which shall be forwarded to the party in interest. Such findings shall be admissible in any proceeding involving this chapter as prima facie evidence of the facts therein set forth.

15.54.160 Restrictions on sale—Minimum percentages. No superphosphate containing less than eighteen percent of available phosphoric acid, nor any mixed fertilizer in which the sum of the percentage guarantees for the nitrogen, available phosphoric acid and soluble potash in the mixture is less than twenty percent, shall be sold or offered for sale in this state; except for complete

fertilizers containing twenty-five percent or more of their nitrogen in water insoluble form of plant or animal origin, in which case the total percentage of nitrogen, available phosphoric acid and soluble potash shall not be less than eighteen percent, and except for specialty fertilizers.

15.54.170 Misbranding—“False and misleading statements.” For the purposes of this chapter, a commercial fertilizer, agricultural mineral or lime shall be deemed misbranded if it carries any false or misleading statement upon or attached to the container of such substances, or on the purchaser's statement for materials sold in bulk. The term “false and misleading statements” shall include, but not be limited to statements relating to the agricultural value of the particular substance.

15.54.180 Unlawful acts. (1) It shall be unlawful for a person to sell or offer for sale a misbranded commercial fertilizer, agricultural mineral, or lime.

(2) It shall be unlawful for a person to fail, refuse or neglect to place upon or attach to each bag, barrel or container of commercial fertilizer, agricultural mineral or lime offered for sale, sold, or mixed or manipulated as a service all of the information required by this chapter to be so placed or attached.

(3) It shall be unlawful for a person to fail, refuse or neglect to deliver to a purchaser of commercial fertilizer, agricultural mineral or lime in bulk a statement containing the information required by this chapter.

(4) It shall be unlawful for a person to sell or offer for sale within this state a commercial fertilizer, agricultural mineral, or lime which has not been registered with the department.

15.54.190 Sales and production information and analysis comparison to be published—Restrictions. The department shall publish at least once annually information concerning the production, sales and volume of commercial fertilizer, agricultural mineral and lime. The department shall also publish a report of the results of the official analysis of commercial fertilizer, agricultural minerals and lime as compared with the guaranteed analysis of the particular brand and grade of such fertilizer, mineral or lime, however, the information concerning production and use of commercial fertilizers, agricultural minerals and lime shall be shown separately for the periods of July 1st to December 31st and from January 1st to June 30th of each year, and no disclosure shall be made of the business operations of any person.

15.54.200 Embargo of articles—Removal. Whenever the director finds, or has probable cause to believe, that an article subject to this chapter is in intrastate commerce, which was introduced

into such commerce in violation of this chapter, or which is so adulterated or misbranded as to label, that its embargo under this section is required to protect the consuming or purchasing public from substantial injury, he is authorized to affix to such article a notice of its embargo and against its sale in intrastate commerce, without permission given under this chapter. But if, after such article has been so embargoed, the director finds that such article does not involve a violation of this chapter, such embargo shall be forthwith removed.

15.54.210 Embargo—Procedure. When the director has embargoed an article, he shall forthwith and without delay, in no event later than ten days after the affixing of notice of its embargo, petition the superior court for an order affirming such embargo. Such court shall then have jurisdiction, for cause shown and after prompt hearing to any claimant of such article, to issue an order which directs the removal of such embargo or the destruction or the correction and release of such article. An order for destruction or correction and release shall contain such provision for the payment of pertinent court costs and fees and administrative expenses, as is equitable and which the court deems appropriate in the circumstances. An order for correction and release may contain such provision for bond, as the court deems proper in the circumstances.

15.54.220 Embargo Petitions—Consolidation. Two or more petitions under RCW 15.54.210, which are pending at the same time and which present the same issue and claimant hereunder, shall be consolidated for simultaneous determination by one court of jurisdiction, upon application to any court of jurisdiction by the director or by the claimant.

15.54.230 Damages from administrative action or for embargo. No state court shall allow the recovery of damages from administrative action or for embargo under RCW 15.54.200, if the court finds that there was probable cause for such action.

15.54.240 Penalty—Violation warnings—Duty of prosecuting attorney—Court jurisdiction. (1) A person who violates any provision of this chapter shall be guilty of a misdemeanor, and the fines collected shall be disposed of as provided under RCW 15.54-.250.

(2) Nothing in this chapter shall be considered as requiring the department to report for prosecution, or to cancel the registration of a brand or grade, or to embargo goods for violations of this chapter, of a minor character, when the department believes that the public interest will be served and protected by a suitable notice of the violation in writing.

(3) It shall be the duty of each prosecuting attorney to whom any violation is reported to institute and prosecute without delay.

(4) Justice courts and superior courts shall have concurrent jurisdiction for the enforcement of this chapter.

15.54.250 Fertilizer, agricultural mineral and lime fund created. There is created in the general fund of the state treasury a special account to be known as the fertilizer, agricultural mineral and lime account in which shall be deposited all money hereafter collected under the provisions of this chapter.

15.54.900 Short title. This act shall be known and may be cited as the "Washington Fertilizer Act".

Chapter 15.56

ECONOMIC POISONS

15.56.010 Definitions. As used in this chapter:

"Economic poisons" include any substance or mixture of substances intended to be used to prevent, destroy, or control any form of plant or animal life which is or which the director may declare to be a pest detrimental to vegetation, man, animals, or households;

"Sell" includes "offer for sale," "expose for sale," "have in possession for sale," "exchange," "barter," or "trade."

Note: See also section 42, chapter 244, Laws of 1961.

15.56.020 Economic poison, adulterated when. Economic poison is adulterated when:

(1) Its strength or purity falls below the standard or quality which it is represented to have;

(2) Any ingredient necessary to its effectiveness has been wholly or in part abstracted or omitted in its manufacture, or other materials substituted therefor; or

(3) It is intended for use on vegetation and contains any substance which is seriously injurious to vegetation, except weeds, when used according to the directions furnished therewith.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.030 Economic poison, misbranded when. Economic poison is misbranded when:

(1) The package or label thereon bears any false or misleading statement, design, or device regarding the article or the ingredients thereof;

(2) The package or label is falsely branded as to the place of manufacture or production;

(3) It is an imitation or offered for sale under the name of another article;

(4) The contents of the original package have been removed in whole or in part and other contents placed therein, or the con-

tents of the package are of a quality below that of the guarantee on the label or on the application for registration or of the analysis of the sample delivered in connection with the application;

(5) In package form, and the contents, if stated in terms of weight or measure, are not plainly and correctly stated on the outside of the package; or

(6) It consists partially or completely of inert ingredients which are not effective as economic poisons, and does not have the name and percentage of each inert ingredient plainly and correctly stated on the label. In lieu of naming and stating the percentage of each inert ingredient, the producer may state the correct name and percentage of each active ingredient which is effective as economic poisons, and the total percentage of inert ingredients present, except that the name and percentage of every ingredient of an economic poison intended for use on or sold for application to a food crop in such a way as to leave a residue declared deleterious to health by the United States Food and Drug Administration or by the director, must be plainly stated on the label.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.040 Sale of adulterated, misbranded poisons prohibited—
Defense. No person shall sell any adulterated or misbranded economic poison, provided, that in any prosecution under this section of an agent or dealer, proof that the economic poison which is the basis of the action was guaranteed by the party from whom such accused purchased the poison to be not adulterated nor misbranded shall constitute a complete defense to the charge.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.050 Board to make rules and regulations. The director shall consult with a board consisting of himself, the professor of entomology and head of the department of zoology, the professor and head of the department of plant pathology, the professor and head of the department of horticulture, all of Washington State University, and the state chemist, to make rules and regulations for carrying out the provisions of this chapter. No rule or regulation shall be made except by a majority vote of the board, nor become effective until thirty days after it is published by proclamation of the director. A copy of the rules and regulations shall be mailed to each person registered under this chapter, on the day they are published. The failure to receive such copy shall be no defense to a violation of such rules and regulations.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.060 Registration and licenses required. No manufacturer or importer of, or dealer in any economic poison shall offer the same for sale until the poison has been registered with the director and a license issued by him authorizing its manufacture or sale.

Each applicant must have complied with the provisions of this chapter and the rules and regulations adopted hereunder, paid the fees hereinafter fixed, and filed a statement of the brands, trademarks or kinds of economic poisons he intends to manufacture or sell and the correct name and percentage of active ingredients and total percentage of inert ingredients in each poison. In lieu of the correct name and percentage of active ingredients and total percentage of inert ingredients in the statement he may deliver to the director a representative sample of not less than one pound of each poison to be registered. Additions and corrections to said statement may be submitted at any time. The director may call a hearing on any application.

This section does not apply to dealers or agents selling economic poisons which have been registered by the manufacturer or wholesaler, nor to persons selling raw materials to manufacturers of economic poisons.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.070 Fees—Expiration—Reregistration fees with penalties—Exception. The annual fee for registration and license is ten dollars for one definitely labeled poison or definite composition, and five dollars for each additional such variety, registered by any one registrant.

All registrations and licenses expire on December 31st of each year.

If reregistration is not obtained within one calendar month of expiration there shall be added to said fee a penalty of ten percent of the original amount for the first month, and an additional penalty for each succeeding month of five percent of the original fee: *Provided*, That the total penalty shall not exceed fifty percent of the original amount due.

No penalty shall be added if the applicant for reregistration makes an affidavit that no business was done during the period of nonregistration.

Payment of the fee and penalty shall not bar a prosecution for doing business without proper registration.

County, state and federal officers selling economic poisons at cost shall not be required to pay any license fee.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.080 Manufacture, sale without license and registration prohibited. No person shall manufacture, sell, or deliver any economic poison, or any substance or mixture of substances represented to be an economic poison, nor retail any formula for an economic poison in conjunction with the sale or gift of any materials represented to be essential ingredients of an economic poison, without first registering the same hereunder and having a license so to do.

This section shall not apply to economic poisons which are produced by a registrant solely for export and which are actually exported outside this state.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.090 Refusal to register—Cancellation—Director's powers—Hearing. The director may, after a hearing, refuse to register, or may cancel the registration of, any economic poison:

(1) Which is of little or no value for the purpose for which it is intended; or

(2) Which is detrimental to the public health or safety when properly used, or to domestic animals or vegetation except weeds; or

(3) Concerning which false or misleading statements have been made or implied by the registrant or his agent, either verbally or in writing, or in advertising literature.

He may require such practical demonstration as may be necessary to determine said facts.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.100 Refusal to license or cancellation for repeated violations. The director may refuse to license, or may cancel the license of, any manufacturer, importer of, or dealer in economic poisons who repeatedly violates any of the provisions of this chapter or the rules and regulations of the director.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.110 Labeling containers—Sales from open containers prohibited. The registrant shall attach to each separate lot and each closed container of economic poison which he intends to sell, a plainly printed label stating the name, brand, or trademark, if any, under which sold, and the name and address of the registered manufacturer, importer, or vendor.

Sales of economic poisons, other than nonpoisonous insecticides for spraying animals, in any other than the registrant's closed container are prohibited, except that the director may authorize sales to be made out of opened but properly labeled containers. The director shall give notice of his proposed action by mailing a copy of his ruling to each registrant at his address on file with the department, and allow fifteen days during which any protest may be filed. In the case of sales from opened containers the purchaser must be furnished with tag, label, or statement setting forth all of the information required to be stated on labels or packages.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.120 Samples, analyses, investigations by director. The director shall take samples of economic poisons, make analyses or examinations thereof, and make such investigations as are necessary for the full enforcement of this chapter.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.130 Publication of results. The director shall periodically, at least annually, print and distribute the results of examinations or chemical analyses of samples of economic poisons taken by him and such additional information as he deems advisable.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.140 Suspected violations—Hearings. When the director learns of a violation of any provision of this chapter or of any rule or regulation hereunder, he may cause notice of such fact together with a copy of the charges, to be served on the suspected person, who shall be given an opportunity to be heard. The provisions of this section shall not be a condition precedent to the institution of an action to prosecute a violation of this chapter.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.150 Seizure of contraband products—Unlawful disposition of. The director may seize and impound any economic poison which does not comply with the provisions of this chapter. It shall be unlawful to transport, destroy, or dispose of any impounded economic poison without permission of the director.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.160 Interest in economic poison industry prohibited. No person charged with the enforcement of any of the provisions of this chapter shall have any interest in the sale, manufacture, or distribution of any economic poison.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.170 Use of money collected—Enforcement of chapter. All moneys received by the director hereunder shall be paid into the state treasury and expended by the director in carrying out the provisions of this chapter.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.180 Duty of prosecuting attorney. Upon the request of any enforcing officer hereunder or any interested person, the prosecuting attorneys shall prosecute violations hereunder within their respective counties.

Note: See also section 42, chapter 244, Laws of 1961.

15.56.190 Nonapplicability to toilet and medicinal products. The provisions of this chapter do not apply to preparations, drugs, or chemicals manufactured or sold for toilet or medicinal purposes which conform to the standard tests prescribed by the United States Pharmacopoeia or the National Formulary.

Note: See also section 42, chapter 244, Laws of 1961.

Chapter 15.60

APIARIES

15.60.005 Definitions. As used in this chapter:

(1) "Director" means the director of agriculture of the state of Washington;

(2) "Department" means the department of agriculture of the state of Washington;

(3) "Apiary" includes bees, hives and appliances, wherever they are kept, located or found;

(4) "Apiarist" means any person who owns bees or is a keeper of bees;

(5) "Appliances" means any implement or device used in the manipulating of bees or their brood or hives, which may be used in any apiary;

(6) "Bees" means honey producing insects of the species *apis mellifica* and include the adults, eggs, larvae, pupal, or other immature stages thereof, together with such materials as are deposited into hives by their adults, except honey and beeswax in rendered form;

(7) "Colony" or "colonies of bees" refers to any hive occupied by bees;

(8) "Disease" means American or European foul brood, or any other disease or any condition affecting bees in their brood which may cause an epidemic;

(9) "Hive" means any receptacle or container made or prepared for the use of bees, or box or similar container taken possession of by bees;

(10) "Location" means any premises upon which an apiary is located;

(11) "Person" includes any individual, firm, partnership, association or corporation, but does not include any common carrier when engaged in the business of transporting bees, hives, appliances, bee cages or other commodities subject to the provisions of this chapter, in the regular course of business;

(12) "Combless packaged bees" means bees packed for shipment into this state in packages which contain no honey, honey comb, brood comb, or appliances previously used on bees.

15.60.010 Division of apiculture created—Compensation, expenses of director. There is hereby created a division of apiculture in the department of agriculture, which shall consist of the director of agriculture and of such apiary inspectors as he may appoint. The director shall receive no additional salary for performance of his duties under this chapter but shall be paid his actual traveling expenses incurred in performing such duties.

15.60.015 Inspection—Disease control—Rules, regulations, orders. The director shall have the power on his own motion or by petition of industry to promulgate and enforce such reasonable rules, regulations and orders as he may deem necessary or proper to prevent the introduction or spreading of diseases affecting bees or appliances in this state, and to promulgate and enforce such reason-

able rules, regulations and orders as he may deem necessary or proper governing the inspection of all bees and appliances within or about to be imported into this state.

15.60.020 Reciprocal agreements—Inspectors, appointment, duties, compensation. The director shall have authority to enter into reciprocal agreements with any and all states for the prevention or spread of diseases affecting bees or appliances. The director shall appoint one or more apiary inspectors as conditions may warrant, who shall, under his direction, have charge of the inspection of apiaries, and bees, the investigation of outbreaks of bee diseases, investigation of bee poisoning by agricultural insecticides and other chemicals, the enforcement of the provisions of this chapter in relation to the eradication and control of bee diseases, or any other such duties as the director may prescribe. Such apiary inspector, or inspectors, shall be paid such reasonable compensation as may be fixed by the director while so employed and his actual and necessary traveling expenses incurred in the performance of his duties.

15.60.030 Registration of apiaries. Each person owning or having bees in his possession shall register without charge with the extension agent of the county wherein the bees are located, the location of the bee yard, name, address, and phone number of the owner, and post at the bee yard a notice containing similar information, on or before April 1st each year.

15.60.040 Inspection—Eradication of disease—Quarantine—Permit for removal. (1) The director shall make or cause to be made whenever he deems it necessary, inspections of all apiaries.

(2) Whenever a disease exists in any apiary, the inspector making the inspection shall plainly mark the hives containing diseased bees. The inspector shall, in writing, notify the owner or person in charge or in possession of such apiary, stating in the notice the nature of the disease found in each colony, identifying such colony by reference to the mark placed upon the hive thereof, and ordering eradication of such disease within a specified time. When the owner or person in charge or possession of any apiary is not known, the notice shall be served by posting in a conspicuous place in the apiary, or by mailing a copy thereof to the owner's registered address.

(3) The owner or person in charge or in possession of any diseased bees must eradicate such disease within the time specified in the notice. If the disease is American foul brood, the time specified in the notice shall not be less than twenty-four hours nor more than one hundred and twenty hours from the time of serving the notice. Eradication of American foul brood shall be by burning the diseased colonies, including the bees, combs, brood, frames, honey

and wax, and by burying the ashes and disinfecting the hive by means approved by the director.

(4) Any apiary which is found to be infected with American foul brood and to be dangerous to the health of any apiary in this state may be summarily quarantined by the department. Notice of the quarantine shall be posted prominently on the apiary, and the owner notified of such quarantine. The quarantine shall not be removed until the department reasonably determines that no further infection exists. During the quarantine period, no bees, honey, appliances, equipment, or other materials may be removed from the apiary without first procuring a permit from the department. However, such bees, honey, appliances, equipment, or other materials may be removed for the purpose of eradicating the disease.

15.60.050 Right of entry to inspect. Inspectors shall have access to all apiaries and places where bees are kept, and it shall be unlawful to resist, impede, or hinder such officers in the discharge of their duties.

15.60.060 Disinfection of person, clothing, appliances. Any person who has inspected an infected apiary or knowingly comes in contact with any diseased bees, shall, before proceeding to another apiary, thoroughly disinfect his person, clothing, tools, and appliances used by him which have come in contact with any infected bees or material.

15.60.080 Diseased bees—Immovable combs—Public nuisance. Every apiary in which diseased bees are found, or in which bees are kept in hives wherein the combs or frames are immovable, or which are so constructed as to impede or hinder inspection, is declared a public nuisance, and such apiaries, bees and equipment shall be held by the person in whose possession they may be and shall not be moved from the place where they may be, except upon written permission or upon the specific direction of the director. The inspector shall affix a warning tag or notice to such nuisance and give notice of such violation in the manner provided in RCW 15.60-.040. If the person so notified refuses or fails within the time specified in such notice to commence and proceed by due diligence to comply therewith, such apiary, bees, appliances and equipment may be seized by the director. The prosecuting attorney of the county in which such nuisance is found, on the complaint of the director, shall maintain in the name of the state a civil action to abate and prevent such nuisance; and upon judgment and order of the court, such nuisance shall be condemned and destroyed in the manner directed by the court, or released upon such conditions as the court in its discretion may impose to insure that the nuisance will be abated. If the owner fails to comply with the order of the court within the time specified therein, the court may order dis-

posal of the apiary, bees, appliances and equipment under such terms and conditions as the court may prescribe.

The cost incurred by the state in abating such nuisance may be assessed against the owner of the apiary and paid into the court for return to the apiary fund of the department as provided in RCW 69.28.160.

15.60.100 Importation of bees. It shall be unlawful for any person, or any railroad or transportation company, or other common carrier, to bring into this state for any purpose any bees or appliances without first having secured an official certificate, certified by the state bee inspector of the state of origin that such bees and appliances are not infected with disease and without having obtained a permit so to do from the director: *Provided*, That a permit shall not be necessary if bees are brought into this state as "Combless Packages of Bees". All bees and appliances imported into this state under permit shall be placed in quarantine for at least thirty days after arrival and written notice shall be given the director within three days after such date of arrival, giving the date of arrival, destination and/or location of bees or appliances and a copy of the inspection certificate issued by the state of origin. Each hive or colony shall be marked for identification by placing the name or recognized abbreviation of the state of origin, and the initials of the person importing the bees or appliances in letters at least one inch in height. If evidence of any disease is found such imported bees or appliances shall be subject to the same provisions as local bees or appliances.

15.60.110 Certain importation prohibited. No person shall import into this state any used bee supplies, used honey house equipment, or other used apiary equipment, or bees in hives.

15.60.115 Out of state movement, importation—Inspection costs. When an inspection is requested by any person for the purpose of obtaining a certificate of inspection for out of state movement of bees or appliances, the applicant for such certificate shall pay the cost of such inspection, including per diem and traveling expense of the inspector. Any person importing bees or appliances into this state shall pay the cost of such inspection, including per diem and traveling expense of the inspector.

15.60.120 Queen bee rearing apiaries, inspection—Certificate. Every person rearing queen bees for sale shall have each queen rearing apiary inspected whenever necessary and when conditions are favorable for inspection. If the inspection discloses any contagious or infectious disease in any apiary the owner, lessee, or person in charge of such apiary shall not ship any queen bees therefrom until he receives a certificate in writing from the inspector that such apiary is free from all disease.

15.60.130 Use of honey for candy manufacture—Boiling requirement. No person rearing queen bees for sale shall use honey in making candy for use in mailing cages unless such honey has been boiled for at least thirty minutes.

15.60.140 Penalty. Any person who violates any provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred dollars. Upon a second and subsequent violation and conviction, the same shall constitute a gross misdemeanor.

15.60.150 Malicious, wilful killing or injuring bees—Penalty. No person shall wilfully or maliciously kill honey bees, or, for the purpose of injuring honey bees, place any poisonous or sweetened substance in a place where it is accessible to them within this state.

Any person who violates any provision of this section shall be fined not less than ten nor more than one hundred dollars.

15.60.160 Annual report of director. The director shall annually report to the governor concerning the operation of the division of apiculture, giving the number of apiaries inspected, the number of colonies treated or destroyed and such other information as he deems necessary or of value to the beekeeping industry.

Chapter 15.64

FARM MARKETING

15.64.010 Director's duties and powers. The director shall investigate and promote the economical and efficient distribution of farm products, and in so doing may cooperate with federal agencies and agencies of this and other states engaged in similar activities. For such purposes he may:

(1) Maintain a market news service by bulletins and through newspapers, giving information as to prices, available supplies of different farm products, demand in local and foreign markets, freight rates, and any other data of interest to producers and consumers;

(2) Aid producers and consumers in establishing economical and efficient methods of distribution, promoting more direct business relations by organizing cooperative societies of buyers and sellers and by other means reducing the cost and waste in the distribution of farm products;

(3) Investigate the methods of middlemen handling farm products, and in so doing, he may hear complaints and suggestions and may visit places of business of all such middlemen and may examine under oath, the officers and employees thereof;

(4) If he finds further legislation on this subject advisable, he

shall make recommendations thereon to the governor not later than the fifteenth of November of each even-numbered year;

(5) Investigate the possibilities of direct dealing between the producer and consumer by parcel post and other mail order methods;

(6) Assist in the obtaining and employment of farm labor, and to that end cooperate with federal, state and municipal agencies engaged in similar work;

(7) Investigate the methods, charges and delays of transportation of farm products and assist producers in relation thereto.

15.64.020 Annual report of director. On or before the first day of December of each year the director shall submit to the director of the agricultural experiment station a report of the activities of his department hereunder and such other facts, suggestions, or recommendations as he deems of value to the people.

15.64.030 Studies of farm marketing problems—Rules. The director shall enact rules and regulations governing the pursuit of technical studies of farm marketing problems. Said studies shall be under the supervision of the director of the experimental station of Washington State University. The extension service of Washington State University shall provide for dissemination to the public of knowledge gained by such studies.

15.64.040 Use of funds for studies—Joint studies with other agencies. Moneys appropriated to the department for agricultural marketing research shall be expended by the department to further studies by the department, the experiment station of Washington State University and the extension service of Washington State University. The studies shall be made jointly or in conjunction with those made by the United States Department of Agriculture as provided for in the Flannigan-Hope Act, Title II "The Agricultural Marketing Act of 1946" Public Law 733. All funds appropriated shall be expended jointly and as matching funds with any federal funds made available for such purposes.

Chapter 15.66

WASHINGTON AGRICULTURAL ENABLING ACT

15.66.010 Definitions. For the purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him concerning some matter under this chapter.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Marketing order" means an order issued by the director pursuant to this chapter.

(4) "Agricultural commodity" means any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product within its natural or processed state, including bees and honey but not including timber or timber products. The director is authorized to determine what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(5) "Producer" means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity.

(6) "Affected producer" means any producer of an affected commodity.

(7) "Affected commodity" means any agricultural commodity for which the director has established a list of producers pursuant to RCW 15.66.060.

(8) "Commodity commission" or "commission" means a commission formed to carry out the purposes of this chapter under a particular marketing order concerning an affected commodity.

(9) "Unit" means a unit of volume, quantity or other measure in which an agricultural commodity is commonly measured.

(10) "Unfair trade practice" means any practice which is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16 and 69 and chapters 9.16, 19.24, 19.77, 19.80, 19.84, 19.89, 19.90, and 36.91, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the provisions of the act of Congress of the United States, September 26, 1914, chapter 311, section 5, 38 U. S. Statutes at Large 719 as amended, known as the "Federal Trade Commission Act of 1914", or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels.

(11) "Person" includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(12) "Cooperative association" means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of Congress of the United States, Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U. S. Statutes at Large 388 as amended, known as the "Capper-Volstead Act" and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(13) "Member of a cooperative association" or "member" means any producer of an agricultural commodity who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is under a marketing agreement with such cooperative association with respect to such product.

15.66.020 Declaration of purpose. The marketing of agricultural products within this state is affected with a public interest. It is declared to be the policy and purpose of this chapter to promote the general welfare of the state by enabling producers of agricultural commodities to help themselves in establishing orderly, fair, sound, efficient and unhampered marketing, grading and standardizing of the commodities they produce, and in promoting and increasing the sale of such commodities.

15.66.030 Marketing orders authorized. Marketing orders may be made for any one or more of the following purposes:

(1) To establish plans and conduct programs for advertising and sales promotion, to maintain present markets or to create new or larger markets for any agricultural commodity grown in the state of Washington;

(2) To provide for carrying on research studies to find more efficient methods of production, processing, handling and marketing of any agricultural commodity;

(3) To provide for improving standards and grades by defining, establishing and providing labeling requirements with respect to the same;

(4) To investigate and take necessary action to prevent unfair trade practices.

15.66.040 Prerequisites to marketing orders—Director's duties. Marketing orders and orders modifying or terminating existing marketing orders shall be promulgated by the director only after the director has done the following:

(1) Received a petition as provided for in RCW 15.66.050;

(2) Given notice of hearing as provided for in RCW 15.66.060;

(3) Conducted a hearing as provided for in RCW 15.66.070;

(4) Made findings and decision as provided for in RCW 15.66.080;

(5) Determined assent of affected producers as provided for in RCW 15.66.090.

15.66.050 Petition for marketing order—Fee. Petitions for issuance, amendment or termination of a marketing order shall be signed by not less than five percent or one hundred of the producers alleged to be affected, whichever is less, and shall be filed with the director. Such petition shall be accompanied by a filing fee of one hundred dollars payable to the state treasurer; and shall desig-

nate some person as attorney-in-fact for the purpose of this section. Upon receipt of such a petition, the director shall prepare a budget estimate for handling such petition which shall include the cost of the preparation of the estimate, the cost of the hearings and the cost of the proposed referendum. The petitioners, within thirty days after receipt of the budget estimate by their attorney-in-fact shall remit to the director the difference between the filing fee of one hundred dollars already paid and the total budget estimate. If the petitioners fail to remit the difference, or if for any other reason the proceedings for the issuance, amendment or termination of the marketing order are discontinued, the filing fee, including any additional amount paid in accordance with such budget estimates shall not be refunded. If the petition results, after proper proceedings, in the issuance, amendment, or termination of a marketing order, said petitioners shall be reimbursed for the amount paid for said total filing fee out of funds of the commodity commission as they become available.

15.66.060 Lists of affected producers—Notice—Hearing notice. Upon receipt of a petition for the issuance, amendment, or termination of a marketing order, the director shall establish a list of producers of the agricultural commodity affected or make any such existing list current. In establishing or making current such a list of producers, the director shall publish a notice to producers of the commodity to be affected requiring them to file with the director a certified report showing the producer's name, mailing address, and the yearly average quantity of the affected commodity produced by him in the five years preceding the date of the notice or in such lesser time as the producer has produced the commodity in question. The notice shall be published once a week for four consecutive weeks in such newspaper or newspapers, including a newspaper or newspapers of general circulation within the affected areas, as the director may prescribe, and shall be mailed to all affected producers on record with the director. All reports shall be filed with the director within twenty days from the last date of publication of the notice or within thirty days after the mailing of the notice to affected producers, whichever is the later. The director shall keep such lists at all times as current as possible and may require information from affected producers at various times in accordance with rules and regulations prescribed by the director.

Such producer list shall be final and conclusive in making determinations relative to the assent by producers upon the issuance, amendment or termination of a marketing order and in elections under the provisions of this chapter.

The director shall then notify affected producers, so listed, by mail that the public hearing affording opportunity for them to

be heard upon the proposed issuance, amendment, or termination of the marketing order will be heard at the time and place stated in the notice. Such notice of the hearing shall be given not less than ten days nor more than sixty days prior to the hearing.

15.66.070 Public hearing. At the public hearing the director shall receive evidence and testimony offered in support of, or opposition to, the proposed issuance of, amendment to, or termination of a marketing order and concerning the terms, conditions, scope, and area thereof. Such hearing shall be public and all testimony shall be received under oath. A full and complete record of all proceedings at such hearings shall be made and maintained on file in the office of the director, which file shall be open to public inspection. The director shall base his findings upon the testimony and evidence received at the hearing, together with any other relevant facts available to him from official publications of institutions of recognized standing. The director shall describe in his findings such official publications upon which any finding is based.

For such hearings and for any other hearings under this chapter, the director shall have the power to subpoena witnesses and to issue subpoenas for the production of any books, records or documents of any kind.

The superior court of the county in which any hearing or proceeding may be had may compel the attendance of witnesses and the production of records, papers, books, accounts, documents and testimony as required by such subpoena. The director, in case of the refusal of any witness to attest or testify or produce any papers required by the subpoena, shall report to the superior court of the county in which the proceeding is pending by petition setting forth that due notice has been given of the time and place of attendance of said witness or the production of said papers and that the witness has been summoned in the manner prescribed in this chapter and that he has failed to attend or produce the papers required by the subpoena at the hearing, cause or proceeding specified in the subpoena, or has refused to answer questions propounded to him in the course of such hearing, cause or proceeding, and shall ask an order of the court to compel a witness to appear and testify before the director. The court upon such petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in such order and then and there to show cause why he has not responded to the subpoena. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was regularly issued, it shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers, and on failing to obey said order the witness shall be dealt with as for contempt of court.

15.66.080 Findings and decision of the director. The director shall make and publish findings upon every material point controverted at the hearing and required by this chapter and upon such other matters and things as he may deem fitting and proper. He shall also issue a recommended decision based upon his findings and shall cause copies of the findings and recommended decision to be delivered or mailed to all parties of record appearing at the hearing, or their attorneys of record. The recommended decision shall contain the text in full of any order, or amendment or termination of existing order, and may deny or approve the proposal in its entirety, or it may recommend a marketing order containing other or different terms or conditions from those contained in the proposal: *Provided*, That the same shall be of a kind or type substantially within the purview of the notice of hearing and shall be supported by evidence taken at the hearing or by documents of which the director is authorized to take official notice. The director shall not approve the issuance, amendment, or termination of any marketing order unless he shall find with respect thereto:

(1) That the proposed issuance, amendment or termination thereof is reasonably calculated to attain the objective sought in such marketing order;

(2) That the proposed issuance, amendment, or termination is in conformity with the provisions of this chapter and within the applicable limitations and restrictions set forth therein will tend to effectuate the declared purposes and policies of this chapter;

(3) That the interests of consumers of such commodity are protected in that the powers of this chapter are being exercised only to the extent necessary to attain such objectives.

After the issuance of a recommended decision all interested parties shall have a period of not less than ten days to file objections with the director. The director shall consider the objections and shall issue his final decision which may be the same as the recommended decision or may be revised in the light of said objections. The final decision shall set out in full the text of the order. The director shall deliver or mail copies of the final decision to the same parties to whom copies of the findings and recommended decision are required to be sent. If the final decision denies the proposal in its entirety, no further action shall be taken by the director.

15.66.090 Determined assent of affected producers. After the issuance by the director of the final decision approving the issuance, amendment, or termination of a marketing order, the director shall determine by a referendum whether the affected producers assent to the proposed action or not. The director shall conduct the referendum among the affected producers based on the list as provided for in RCW 15.66.060, and the affected producers

shall be deemed to have assented to the proposed order if fifty-one percent or more by number reply to the referendum within the time specified by the director, and if, of those replying, sixty-five percent or more by number and fifty-one percent or more by volume assent to the proposed order. The determination by volume shall be made on the basis of volume as determined in the list of affected producers created under provisions of RCW 15.66.060, subject to rules and regulations of the director for such determination. The director shall consider the approval or disapproval of any cooperative marketing association authorized by its producer members to act for them in any such referendum, as being the approval or disapproval of the producers who are members of or stockholders in or under contract with such association of cooperative producers: *Provided*, That the association shall first determine that a majority of the membership of the association authorize its action concerning the specific marketing order. If the requisite assent is given, the director shall promulgate the order and shall mail notices of the same to all affected producers.

15.66.100 Contents of marketing order. A marketing order shall define the area of the state to be covered by the order which may be all or any portion of the state; shall contain provisions for establishment of a commodity commission and administration and operation and powers and duties of same; shall provide for assessments as provided for in this chapter and shall contain one or more of the provisions as set forth in RCW 15.66.030. The order may provide that its provisions covering standards, grades, labels and trade practices apply with respect to the affected commodity marketed or sold within such area regardless of where produced. A marketing order may provide that one commodity commission may administer marketing orders for two or more affected commodities, if approved by a majority, as provided in this chapter for the creation of a marketing order, of the affected producers of each affected commodity concerned.

15.66.110 Commodity commission—Composition—Terms. Every marketing order shall establish a commodity commission composed of not less than five nor more than thirteen members. In addition, the director shall be an ex officio member of each commodity commission. Commission members shall be citizens and residents of this state, over the age of twenty-five years. The term of office of commission members shall be three years with the terms rotating so that one-third of the terms will commence as nearly as practicable each year. However, the first commission shall be selected, one-third for a term of one year, one-third for a term of two years, and one-third for a term of three years, as nearly as practicable. Two-thirds of the commission members shall be

ected by the affected producers and such elected members shall all be affected producers. The remaining one-third shall be appointed by the commission and shall be either affected producers, others active in matters relating to the affected commodity or persons not so related.

15.66.120 ————**Nominations—Elections—Vacancies.** Not less than ninety days nor more than one hundred and five days prior to the beginning of each term of each elected commission member, the director shall give notice by mail to all affected producers of the vacancy and call for nominations in accordance with this section and with the provisions of the marketing order and shall give notice of the final date for filing nominations, which shall not be less than eighty days nor more than eighty-five days before the beginning of such term. Such notice shall also advise that nominating petitions shall be signed by five persons qualified to vote for such candidates or, if the number of nominating signers is provided for in the marketing order, such number as such order provides.

Not less than sixty days nor more than seventy-five days prior to the commencement of such commission member term, the director shall submit by mail ballots to all affected producers, which ballots shall be required to be returned to the director not less than thirty days prior to the commencement of such term. Such mail ballot shall be conducted in a manner so that it shall be a secret ballot. With respect to the first commission for a particular commodity, the director may call for nominations in the notice of his decision following the hearing and the ballot may be submitted at the time the director's proposed order is submitted to the affected producers for their assent.

Said elected members may be elected from various districts within the area covered by the marketing order if the order so provides, with the number of members from each district to be in accordance with the provisions of the marketing order.

The members of the commission not elected by the affected producers shall be elected by a majority of the commission at a meeting of the commission within ninety days prior to expiration of the term but to fill nonelective vacancies caused by other reasons than the expiration of a term, the new member shall be elected by the commission at its first meeting after the occurrence of the vacancy.

15.66.130 ————**Meeting — Quorum — Compensation.** Each commodity commission shall hold such regular meetings as the marketing order may prescribe or that the commission by resolution may prescribe, together with such special meetings that may be called in accordance with provisions of its resolutions upon

reasonable notice to all members thereof. A majority of the members shall constitute a quorum for the transaction of all business of the commission.

No member of the commission shall receive any salary or other compensation from the commission except that each member shall receive a specified sum as provided in the marketing order not in excess of twenty dollars per day for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence and traveling expense at the rate allowed by law to state employees.

15.66.140 ——— Powers and duties. Every marketing commission shall have such powers and duties in accordance with provisions of this chapter as may be provided in the marketing order and shall have the following powers and duties:

(1) To elect a chairman and such other officers as determined advisable;

(2) To adopt, rescind and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under the marketing order;

(3) To administer, enforce, direct and control the provisions of the marketing order and of this chapter relating thereto;

(4) To employ and discharge at its discretion such administrators and additional personnel, attorneys, advertising and research agencies and other persons and firms that it may deem appropriate and pay compensation to the same;

(5) To acquire personal property and lease office space and other necessary real property and transfer and convey the same;

(6) To institute and maintain in its own name any and all legal actions, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities necessary to carry out the provisions of this chapter and of the marketing order;

(7) To keep accurate records of all its receipts and disbursements, which records shall be open to inspection and audit by legal agencies of the state and make annual reports therefrom to the state auditor;

(8) Borrow money and incur indebtedness;

(9) Make necessary disbursements for routine operating expenses;

(10) Such other powers and duties that are necessary to carry out the purposes of this chapter.

15.66.150 Annual assessments — Rate — Collection. There is hereby levied, and there shall be collected by each commission, upon each and every unit of any agricultural commodity specified

in any marketing order an annual assessment which shall be paid by the producer thereof upon each and every such unit sold, processed, stored or delivered for sale, processing or storage by him. Such assessments shall be expressed as a stated amount of money per unit. The total amount of such annual assessment to be paid by all affected producers of such commodity shall not exceed:

- (1) In the case of wheat, one-half cent per bushel;
- (2) In the case of all other commodities, three percent of the total market value of all affected units sold, processed, stored or delivered for sale, processing or storage by all affected producers of such units during the year to which the assessment applies.

Every marketing order shall prescribe the per unit rate of such assessment. Such rate may be at the full amount of, or at any lesser amount than the amount hereinabove limited and may be altered from time to time by amendment of such order. In every such marketing order and amendment the determination of such rate shall be based upon the volume and price of sales of affected units during a period which the director determines to be a representative period. The per unit rate of assessment prescribed in any such order or amendment shall for all purposes and times be deemed to be within the limits of assessment above provided until such time as such order is amended as to such rate. However, at the end of any year, any affected producer may obtain a refund from the commission of any assessment payments made which exceed three percent of the total market value of all of the affected commodity sold, processed, stored or delivered for sale, processing or storage by such producer during the year. Such refund shall be made only upon satisfactory proof given by such producer in accordance with reasonable rules and regulations prescribed by the director. Such market value shall be based upon the average sales price received by such producer during the year from all his bona fide sales or, if such producer did not sell twenty-five percent or more of all of the affected commodity produced by him during the year, such market value shall be determined by the director upon other sales of the affected commodity determined by the director to be representative and comparable. No assessment or rate or amendment thereof shall apply in any order unless and until confirmed by a majority of affected producers participating in a vote taken in the manner by this chapter providing for the election of commission members.

To collect such assessment each order may require:

- (1) Stamps to be purchased from the affected commodity commission or other authority stated in such order and attached to the containers, invoices, shipping documents, inspection certificates, releases, or receiving receipts or tickets (said stamps to

be canceled immediately upon being attached and the date of cancellation placed thereon).

(2) Payment of producer assessments before the affected units are shipped off the farm or payment of assessments at different or later times, and in such event the order may require any person subject to the assessment to give adequate assurance or security for its payment.

(3) Every affected producer subject to assessment under such order to deposit with the commission in advance an amount based on the estimated number of affected units upon which such person will be subject to such assessment in any one year during which such marketing order is in force, or upon any other basis which the director determines to be reasonable and equitable and specifies in such order, but in no event shall such deposit exceed twenty-five percent of the estimated total annual assessment payable by such person. At the close of such marketing year the sums so deposited shall be adjusted to the total of such assessments payable by such person.

(4) Handlers receiving the affected commodity from the producer, including warehousemen and processors, to collect producer assessments from producers whose production they handle and remit the same to the affected commission. The lending agency for a commodity credit corporation loan to producers shall be deemed a handler for the purpose of this subsection. No affected units shall be transported, carried, shipped, sold, stored or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued, but no liability hereunder shall attach to common carriers in the regular course of their business.

15.66.160 ————**Disposition of revenue.** Moneys collected by any commodity commission pursuant to any marketing order from any assessment for marketing purposes or as an advance deposit thereon shall be used by the commission only for the purpose of paying for the costs or expenses arising in connection with carrying out the purposes and provisions of such agreement or order.

Upon the termination of any marketing order any and all moneys remaining with the commodity commission operating under that marketing order and not required to defray expenses or repay obligations incurred by that commission shall be returned to the affected producers in proportion to the assessments paid by each in the two year period preceding the date of the termination order.

15.66.170 ————**Payments—Civil action to enforce.** Any due and payable assessment herein levied, and every sum due under any marketing order in a specified amount shall constitute a per-

sonal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the commission when payment is called for by the commission. In the event any person fails to pay the full amount of such assessment or such other sum on or before the date due, the commission may add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the commission may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

15.66.180 Expenditure of funds collected. All moneys which are collected or otherwise received pursuant to each marketing order created under this chapter shall be used solely by and for the commodity commission concerned and shall not be used for any other commission nor the department. Such moneys shall be deposited in a separate account or accounts in the name of the individual commission in any bank which is a state depository. All expenses and disbursements incurred and made pursuant to the provisions of any marketing order shall be paid from moneys collected and received pursuant to such order without the necessity of a specific legislative appropriation and all moneys deposited for the account of any order shall be paid from said account by check or voucher in such form and in such manner and upon the signature of such person as may be prescribed by the commission. None of the provisions of RCW 43.01.050 shall be applicable to any such account or any moneys so received, collected or expended.

15.66.190 Official bonds required. Every administrator, employee or other person occupying a position of trust under any marketing order and every member actually handling or drawing upon funds shall give a bond in such penal amount as may be required by the affected commission or by the order, the premium for which bond or bonds shall be paid by the commission.

15.66.200 Petition for modification or exemption—Hearing—Appeal from ruling. An affected producer subject to a marketing order may file a written petition with the director stating that the order, agreement or program or any part thereof is not in accordance with the law, and requesting a modification thereof or exemption therefrom. He shall thereupon be given a hearing, which hearing shall be conducted in the manner provided by RCW

15.66.070, and thereafter the director shall make his ruling which shall be final.

Appeal from any ruling of the director may be taken to the superior court of the county in which the petitioner resides or has his principal place of business, by serving upon the director a copy of the notice of appeal and complaint within twenty days from the date of entry of the ruling. Upon such application the court may proceed in accordance with RCW 7.16.010 through 7.16.140. If the court determines that the ruling is not in accordance with law, it shall remand the proceedings to the director with directions to make such ruling as the court determines to be in accordance with law or to take such further proceedings as in its opinion are required by this chapter.

15.66.210 Unlawful acts — Penalties — Injunctions — Investigations. It shall be a misdemeanor for:

(1) Any person wilfully to violate any provision of this chapter or any provision of any marketing order duly issued by the director pursuant to this chapter.

(2) Any person wilfully to render or furnish a false or fraudulent report, statement of record required by the director or any commission pursuant to the provisions of this chapter or any provision of any marketing order duly issued by the director pursuant to this chapter or wilfully to fail or refuse to furnish or render any such report, statement or record so required.

In the event of violation or threatened violation of any provision of this chapter or of any marketing order duly issued or entered into pursuant to this chapter, the director, the affected commission, or any affected producer on joining the affected commission, shall be entitled to an injunction to prevent further violation and to a decree of specific performance of such order, and to a temporary restraining order and injunction pending litigation upon filing a verified complaint and sufficient bond.

All persons subject to any order shall severally from time to time, upon the request of the director, furnish him with such information as he finds to be necessary to enable him to effectuate the policies of this chapter and the purposes of such order or to ascertain and determine the extent to which such order has been carried out or has effectuated such policies and purposes, or to determine whether or not there has been any abuse of the privilege of exemptions from laws relating to trusts, monopolies and restraints of trade. Such information shall be furnished in accordance with forms and reports to be prescribed by the director. For the purpose of ascertaining the correctness of any report made to the director pursuant to this section or for the purpose of obtaining the information required in any such report where it has

been requested and has not been furnished, the director is authorized to examine such books, papers, records, copies of tax reports, accounts, correspondence, contracts, documents or memoranda as he deems relevant and which are within the control of any such person from whom such report was requested, or of any person having, either directly or indirectly, actual or legal control of or over such person or such records, or of any subsidiary of any such person. To carry out the purposes of this section the director, upon giving due notice, may hold hearings, take testimony, administer oaths, subpoena witnesses and issue subpoenas for the production of books, records, documents or other writings of any kind, and RCW 15.66.070 shall apply with respect to any such hearing, together with such other regulations consistent therewith as the director may from time to time prescribe.

15.66.220 Compliance with chapter a defense in any action. In any civil or criminal action or proceeding for violation of any rule of statutory or common law against monopolies or combinations in restraint of trade, proof that the act complained of was done in compliance with the provisions of this chapter or a marketing order issued under this chapter, and in furtherance of the purposes and provisions of this chapter, shall be a complete defense to such action or proceeding.

15.66.230 Liability of commission, state, etc. Obligations incurred by any commission and any other liabilities or claims against the commission shall be enforced only against the assets of such commission in the same manner as if it were a corporation and no liability for the debts or actions of the commission shall exist against either the state of Washington or any subdivision or instrumentality thereof or against any other commission established pursuant to this chapter or the assets thereof or against any member officer, employee or agent of the board in his individual capacity. The members of any such commission, including employees of such board, shall not be held responsible individually in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person or employee, except for their own individual acts of dishonesty or crime. No such person or employee shall be held responsible individually for any act or omission of any other member of any such commission. The liability of the members of such commission shall be several and not joint and no member shall be liable for the default of any other member.

15.66.240 Marketing agreements. Marketing agreements shall be created upon written application filed with the director by not less than five commercial producers of an agricultural com-

modity and upon approval of the director. The director shall hold a public hearing upon such application. Not less than five days prior thereto he shall give written notice thereof to all producers whom he determines may be proper parties to such agreement and shall publish such notice at least once in a newspaper of general circulation in the affected area. The director shall approve an agreement so applied for only if he shall find:

(1) That no other agreement or order is in force for the same commodity in the same area or any part thereof;

(2) That such agreement will tend to effectuate its purpose and the declared policies of this chapter and conforms to law;

(3) That enough persons who produce a sufficient amount of the affected commodity to tend to effectuate said policies and purposes and to provide sufficient moneys to defray the necessary expenses of formulation, issuance, administration and enforcement have agreed in writing to said agreement.

Such agreement may be for any of the purposes and may contain any of the provisions that a marketing order may contain under the provisions of this chapter but no other purposes and provisions. A commodity commission created by such agreement shall in all respects have all powers and duties as a commodity commission created by a marketing order. Such agreement shall be binding upon, and only upon, persons who have signed the agreement: *Provided*, That a cooperative association may, in behalf of its members, execute any and all marketing agreements authorized hereunder, and upon so doing, such agreement so executed shall be binding upon said cooperative association and its members. Such agreements shall go into force when the director endorses his approval in writing upon the agreement and so notifies all who have signed the agreement. Additional signatories may be added at any time with the approval of the director. Every agreement shall remain in force and be binding upon all persons so agreeing for the period specified in such agreement but the agreement shall provide a time at least once in every twelve months when any or all such persons may withdraw upon giving notice as provided in the agreement. Such an agreement may be amended or terminated in the same manner as herein provided for its creation and may also be terminated whenever after the withdrawal of any signatory the director finds on the basis of evidence presented at such hearing that not enough persons remain signatory to such agreement to effectuate the purposes of the agreement or the policies of the act or to provide sufficient moneys to defray necessary expenses. However, in the event that a cooperative association is signatory to the marketing agreement in behalf of its members, the action of the cooperative association

shall be considered the action of its members for the purpose of determining withdrawal or termination.

15.66.250 Price fixing and product limiting prohibited. Nothing contained in this chapter shall permit fixing of prices not otherwise permitted by law or any limitation on production and no marketing order or agreement or any rule or regulation thereunder shall contain any such provisions.

15.66.260 Administrative expenses. All general administrative expenses of the director in carrying out the provisions of this chapter shall be borne by the state.

15.66.270 Exemptions. Nothing in this chapter contained shall apply to:

(1) Any order, rule, or regulation issued or issuable by the Washington public service commission or the interstate commerce commission with respect to the operation of common carriers;

(2) Any provision of the statutes of the state of Washington relating to the apple advertising commission (chapter 15.24 RCW), to the soft tree fruits commission (chapter 15.28 RCW) or to the dairy products commission (chapter 15.44 RCW). No marketing agreement or order shall be issued with respect to apples, soft tree fruits or dairy products for the purposes specified in RCW 15.66.030 (1) or 15.66.030(2).

15.66.900 Short title. This chapter shall be known and may be cited as the "Washington Agricultural Enabling Act."

Chapter 15.67

AGRICULTURAL CONSERVATION PLANS—1953 ACT

15.67.010 Soil conservation and domestic allotment act—Designation of agency to administer state plan. To carry out the provisions of the soil conservation and domestic allotment act enacted by the congress of the United States, the governor may designate any existing agency of the state to administer any state plan authorized by said act which may be approved by the secretary of agriculture of the United States, hereinafter referred to as the "secretary."

15.67.020 State plan—Formulation and submission—Purposes—Required provisions. The agency designated by the governor may formulate and submit to the secretary in conformity with the provisions of said soil conservation and domestic allotment act a state plan for each calendar year beginning with the year 1954. It shall be the purpose of each such plan to promote the utilization of land and farming practices which the designated agency finds will tend, in conjunction with the operation of other plans which

may be approved for other states by the secretary to diminish the wasteful and unscientific use of natural resources, to preserve and improve soil fertility, to promote the economic use of land, and to re-establish and maintain the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms as defined in subsection (a) of section 7 of said act. Each such plan shall provide for adjustments in the utilization of land and in farming practices, through agreements with producers or through other voluntary methods, and for inducement payments in connection therewith, and also for methods of administration, and for such reports as the secretary finds necessary for the effective administration of the plan and for ascertaining whether the plan is being carried out according to its terms.

15.67.030 Federal grants-in-aid—Acceptance, uses. Upon the acceptance of each such plan by the secretary, the agency designated by the governor, may accept all grants of money made available by the United States for the purpose of enabling the state to carry out the provisions of such plan, and all such funds shall be made available to the designated agency for expenditures necessary in carrying out the plan, including administrative expenses, expenditures in connection with educational programs in aid of the program, and inducement payments.

15.67.040 Agricultural contingent receipts fund. There is hereby created a fund to be known as the "Agricultural Contingent Receipts Fund" into which shall be paid all moneys received from the federal government to carry out the provisions of the act. None of the provisions of RCW 43.01.050 shall be applicable to the agricultural contingent receipts fund, nor to any of the moneys so received and collected.

15.67.050 Employment of agents—Establishment of subordinate agencies—Purposes. To carry out the provisions of each plan approved by the secretary the agency designated by the governor may employ agents or agencies and establish such agencies as found necessary;

(1) to cooperate with local and state agencies and with agencies of other states and of the federal government;

(2) to conduct research and educational activities in connection with the formulation and operation of each plan;

(3) to enter into agreements with producers, and to provide by other voluntary methods for adjustments in the utilization of land and in farming practices, and for payments in connection therewith in amounts which the designated agency finds to be fair and reasonable.

15.67.060 Delegation of powers. For the purpose of carrying out each such plan according to its terms, the designated agency is authorized to delegate any of the powers herein conferred to such agents or agencies as it may designate which are approved by the secretary.

15.67.070 Annual report. The designated agency shall render for each year an annual report to the governor, who shall transmit a copy thereof to each house of the legislature, governing the administration of such plan or plans and all operations thereof, including also the expenditures of funds, and each such report shall be printed as a public document promptly upon its transmittal to the governor.

Chapter 15.68

AGRICULTURAL CONSERVATION PLANS—1937 ACT

15.68.010 Acceptance of federal act—Limitations on powers. The state hereby assents to and accepts the provisions of the act of the seventy-fourth congress entitled "Soil Conservation and Domestic Allotment Act," and adopts the policy and purpose of cooperating with the government and agencies of other states and territories and of the United States in the accomplishment of the policy and purposes specified in section seven of said act, subject to the following limitations:

(1) The powers conferred in this chapter shall be used to assist voluntary action calculated to effectuate such purposes; and

(2) In carrying out the purposes of this chapter due regard shall be given to the maintenance of a continuous and stable national supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers;

(3) Such powers shall not be used to discourage the production of supplies of food sufficient, when taken together with the production thereof in other states and territories of the United States, to maintain normal domestic human consumption, as determined by the secretary of agriculture of the United States from records of consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, the quantities of commodities forced into domestic consumption by decline in exports of particular commodities and the quantities of substitutes available for domestic consumption within any general class of food commodities.

15.68.020 Washington State University named sole state agent. Washington State University, through the agricultural extension service, is hereby designated as the state agency to carry out the policy and purposes of this chapter and to formulate and administer state plans pursuant to the terms hereof.

The university shall perform its duties and functions as such agency separately and distinctly from the performance of its duties and functions under any other law or in any other capacity, except that it may utilize the service and the assistance of its personnel and facilities normally used in the performance of such other functions if it finds that the utilization of such services and assistance is necessary to, or is calculated to assist substantially in, the effective administration of this chapter and that such facilities may be utilized without interference with the effective performance of such other duties and functions.

15.68.030 Duty to formulate state plans annually. The university shall formulate for each calendar year and submit to the secretary of agriculture of the United States a state plan to carry out the purposes of this chapter. It may modify or revise any plan in any manner consistent with the provisions hereof which it finds necessary to substantially accomplish said purposes.

15.68.040 Plan contents—Voluntary organization participation—Education. Each plan shall provide for such participation in its administration by such voluntary county and community committees, or organizations of producers organized for such purposes as the university determines is necessary or proper in such administration; and such educational programs as it determines are necessary or proper in accomplishing the purpose hereof.

15.68.050 Plan contents — Acreage utilization — Agreements. Each plan shall provide, through agreements with agricultural producers or through other voluntary methods, for such adjustments in the utilization of land, in farming practices, and in the acreage or in the production for market, or both, of agricultural commodities as the university determines to be calculated to effectuate the purposes of this chapter as may reasonably be achieved through action of this state, and for payments to agricultural producers in connection with such agreements or methods in such amounts as the university determines to be fair and reasonable and calculated to promote such accomplishment of the purposes of this chapter without depriving such producers of a voluntary choice of action.

15.68.060 Plan contents—Expenditure estimates—Federal aid. Each plan shall contain an estimate of expenditures necessary to carry it out, together with a statement of such amount as the university determines to be necessary to be paid by the secretary of agriculture of the United States as a grant in aid of the plan under section seven of the federal allotment act, in order to provide for the effective carrying out of the plan, and shall designate the amount and due date of each installment of such grant, the

period to which the installment relates, and the amount determined by the university to be necessary for carrying out the plan during such period.

15.68.070 Use of funds by university—Limitations. The university may receive and disburse all grants of money or other aid made available from any source to assist in carrying out the purposes of this chapter. All money or other aid, together with any money appropriated or other provision made by this state for such purpose, shall be forthwith available to the university subject to the conditions upon which the funds or other aid is received, for the purpose of administering this chapter and may be expended by the university only in carrying out the plans or in otherwise effectuating the purposes of this chapter, and no funds made available to the university for purposes other than the administration of this chapter shall be expended in connection with the administration of this chapter except in providing services and assistance in the administration of this chapter and in such case only to the extent that the funds are properly available for such purpose and subject to reimbursement of the funds so expended.

15.68.080 Administration expenses. Subject to any conditions upon which any money or other aid is made available to the state and to the terms of any applicable plan, such expenditures may include expenditures for administrative expenses, equipment, cost of research and investigation, cost of educational activities, compensation and expenses of members of the state advisory board, reimbursement to other state agencies or to voluntary committees or associations of agricultural producers for costs to them in the administration of this chapter, requested in writing by the university and rendered to the university, reimbursement of any other fund from which it has made expenditures in providing services in the administration of this chapter, payments to agricultural producers provided for in any plan, salaries of employees, and all other expenditures requisite to carrying out the provisions of this chapter.

15.68.090 Separate system of accounts by university. The university shall provide for the keeping of full and accurate accounts as such state agency, separate from its accounts kept in its other capacities, showing all receipts and expenditures of money, securities, or other property received, held, or expended under this chapter and shall provide for the auditing of all such accounts and for the execution of surety bonds for all employees entrusted with money or securities.

15.68.100 Services of other state agencies. The university shall utilize such available services and assistance of other state agencies

and of voluntary county and community committees and associations of agricultural producers as it determines to be necessary or calculated to assist in the effective administration of this chapter.

All other agencies of the state may assist the university in carrying out the provisions of this chapter upon written request of the university, in any manner determined by the university to be necessary or appropriate.

15.68.110 Administrative rules—Employees—Duties—Compensation. The university may make such rules and regulations, consistent herewith, as it determines may be necessary or proper for the administration of this chapter.

It may lease or purchase such office space, equipment, or supplies, and employ such experts and other employees as it deems necessary to carry out the provisions of this chapter, and fix the duties and compensation of such persons.

15.68.120 Districts — Communities — Revising boundaries. The university shall divide the state into not to exceed five agricultural districts, each of which shall be composed of one county or of two or more neighboring counties. As far as practicable, the districts shall be so constituted as to contain approximately equal numbers of agricultural producers.

It shall designate within each county such geographic units, which shall be called "communities," as it determines to be the most convenient for the administration of this chapter and of agricultural plans and shall establish the boundaries of such communities.

It may revise the boundaries of the districts and the communities in conformity with the respective standards prescribed herein at such times as it is found that revision is necessary either to cause the districts or communities, or both, to conform to the standards or to provide for the more substantial or more efficient accomplishment of the purposes of this chapter.

15.68.130 Community and district committees. The university shall by regulation provide:

(1) For the organization within each community of a voluntary association, in which all agricultural producers who are citizens of the state and residents in the communities shall be entitled to equal participation; for the selection by each association of a community committee, composed of three members of the association and for the selection of a chairman of each committee; and

(2) For the selection by the members of the committees within each county of a county committee for the county, composed of three members of the community committees and for the selection of a chairman of each county committee.

15.68.140 Farmer advisory board—Member election and qualifications. The university shall, by regulation, provide for the selection of not to exceed five persons of legal age, resident in the state, selected for their qualifications by actual farming experience and comprehensive understanding of the agricultural problems of the state, to act as farmer members of the state advisory board. No two residents of the same agricultural district shall be members of the advisory board at the same time.

The board, upon the request of the university shall advise the university with regard to all matters of major importance in carrying out the provisions of this chapter, and may in the absence of such request, submit advice and information to the university.

15.68.150 Reports by university—Investigations. The university shall compile or require to be made such reports as it deems necessary or proper to ascertain whether any agricultural plans are being carried out according to their terms. The university shall provide for compliance on the part of all persons and agencies participating in the administration of any such agricultural plan, with such requirements, and may make, or cause to be made, such investigations as it deems necessary or proper to assure the correctness of and to make possible the verification of such reports.

15.68.900 Short title. This chapter shall be known and cited as the "Washington agricultural conservation and adjustment act".

Chapter 15.69

CONSERVATION—NORTHWEST WASHINGTON NURSERY

15.69.010 Agreements for soil conservation and land use authorized. The director of agriculture is hereby authorized to enter into agreements with local, state and federal agencies, agencies of other states and associations of agricultural producers, such as, but not limited to the crop improvement association, for the growing and/or testing of plant materials and other types of plant vegetation having value for soil conservation and proper land use for agriculture on such property or properties known as the northwest Washington nursery located near Bellingham, Washington. Such agreements shall provide for payment of reasonable fees to cover the cost of such growing and/or testing of plant materials and other types of plant vegetation having value for soil conservation and proper land use for agriculture.

15.69.020 Northwest nursery fund. There is created a fund to be known as the northwest nursery fund into which shall be paid all moneys received as payment to cover the costs of production for growing and/or testing plant materials and other types of

plant vegetation having value for soil conservation and proper land use for agriculture in this state and such other money as shall be received from services rendered on such premises not otherwise provided for by law. None of the provisions of RCW 43.01.050 shall be applicable to the northwest nursery fund, nor to any of the moneys received and collected.

15.69.030 ————**Depositary.** The northwest nursery fund shall be deposited by the director in such banks and financial institutions as may be selected which shall give to the director surety bonds executed by surety companies authorized to do business in this state, or collateral eligible as security for deposit of state funds, in at least the full amount of the deposit in each such bank or financial institution.

All moneys received by the director or any employee, shall be deposited each day, and as often during the day as advisable, in the authorized depositary selected by the director under the terms of this section.

15.69.040 ————**Expenditures.** Moneys in the northwest nursery fund shall be expended by the director for defraying expenses of carrying out the agreements for the growing and/or testing of plant materials and other types of plant vegetation having value for soil conservation and proper land use for agriculture and necessary expenses of operation and administration.

Chapter 15.70

RURAL REHABILITATION

15.70.010 Director may receive federal funds for rural rehabilitation corporation. The director of the state department of agriculture is hereby designated as the state official of the state of Washington to make application to and receive from the secretary of agriculture of the United States, or any other proper federal official, pursuant and subject to the provisions of public law 499, 81st congress, approved May 3, 1950, the trust assets, either funds or property, held by the United States as trustee in behalf of the Washington rural rehabilitation corporation.

15.70.020 Director may delegate certain powers to secretary of agriculture. The director of agriculture is authorized, in his discretion, to enter into agreements with the secretary of agriculture of the United States pursuant to section 2(f) of the aforesaid act of the congress of the United States, upon such terms and conditions and for such periods of time as may be mutually agreeable, authorizing the secretary of agriculture of the United States to accept, administer, expend and use in the state of Washington all or any part of such trust assets or any other funds of the state of Washington

which may be appropriated for such uses for carrying out the purposes of titles I and II of the Bankhead-Jones farm tenant act, in accordance with the applicable provisions of title IV thereof, as now or hereafter amended, and to do any and all things necessary to effectuate and carry out the purposes of said agreements.

15.70.030 Deposit and use of funds. Notwithstanding any other provisions of law, funds and the proceeds of the trust assets which are not authorized to be administered by the secretary of agriculture of the United States under the provisions of RCW 15.70.020 shall be received by the director of agriculture and by him deposited with the treasurer of the state. Such funds are hereby appropriated and may be expended or obligated by the director of agriculture for the purposes of RCW 15.70.020 or for use by the director of agriculture for such of the rural rehabilitation purposes permissible under the charter of the now dissolved Washington rural rehabilitation corporation as may from time to time be agreed upon by the director of agriculture and the secretary of agriculture of the United States, subject to the applicable provisions of said public law 499.

15.70.040 Powers of director—In general. The director of agriculture is authorized and empowered to:

(1) Collect, compromise, adjust or cancel claims and obligations arising out of or administered under this chapter or under any mortgage, lease, contract or agreement entered into or administered pursuant to this chapter and if, in his judgment, necessary and advisable, pursue the same to final collection in any court having jurisdiction.

(2) Bid for and purchase at any execution, foreclosure or other sale, or otherwise to acquire property upon which the director of agriculture has a lien by reason of judgment or execution, or which is pledged, mortgaged, conveyed or which otherwise secures any loan or other indebtedness owing to or acquired by the director of agriculture under this chapter, and

(3) Accept title to any property so purchased or acquired; to operate or lease such property for such period as may be deemed necessary to protect the investment therein; and to sell or otherwise dispose of such property in a manner consistent with the provisions of this chapter.

The authority herein contained may be delegated to the secretary of agriculture of the United States with respect to funds or assets authorized to be administered and used by him under agreements entered into pursuant to RCW 15.70.020.

15.70.050 No liability as to United States. The United States and the secretary of agriculture thereof, shall be held free from liability by virtue of the transfer of the assets to the director of agriculture of the state of Washington pursuant to this chapter.

Chapter 15.73

STATE TRADE FAIRS

15.73.010 Definitions. "Director" means the director of agriculture of the state of Washington.

15.73.020 State aid eligibility requirements. For the purpose of RCW 15.73.010 through 15.73.040 and 67.16.100, state trade fairs held in this state to be eligible for state financial aid shall have been in existence for two or more years and have been in participation with and general competition among persons from five or more countries during such period.

15.73.030 Development and operation—Allotments, qualifications and limitation. The board of trustees of any state trade fair sponsored by any public agency, that qualifies hereunder, may apply to the director for moneys to carry on the continued development and operation of said fair. It shall be the duty of the director of agriculture to make annual allotments to participating state trade fairs and to issue vouchers for such purpose to be paid by the state treasurer out of the state trade fair fund. The division in payment of said fund shall occur at such times as the director shall fix, but in no event shall payment to any one state trade fair exceed thirty thousand dollars during any one year. Any state trade fair, before being able to qualify and participate in allocation herein provided must be able to match the amount of such allocation from its own local state trade fair resources derived either from general admission or otherwise.

15.73.040 Rules and regulations. The director shall establish rules and regulations by which the state trade fair fund is prorated.

Chapter 15.76

AGRICULTURAL FAIRS, 4-H CLUB AND STUDENT EXHIBITIONS

15.76.011 Agricultural fairs classified. For the purpose of this chapter all agricultural fairs held in the state of Washington wherein 4-H clubs or Smith-Hughes students participate and which may become eligible for state financial aid, shall be divided into classes, to wit:

Special youth shows, A, B and C fairs.

Note: See also section 10, chapter 61, Laws of 1961.

15.76.021 Special youth shows designated. There is hereby created four special youth shows, to wit:

- (1) A junior livestock show;
- (2) A Washington state 4-H fair;
- (3) A Washington state junior poultry exposition; and
- (4) A Washington state junior dairy show.

The director of agriculture may designate any additional special youth show not herein designated.

Note: See also section 10, chapter 61, Laws of 1961.

15.76.031 Class A fairs—Qualifications. There may ten class A fairs to be allocated by the director of agriculture and before any fair may be eligible for such classification it must have been in existence for two or more years and have had 4-H or Smith-Hughes students and general competition among persons from two or more counties during such period.

Note: See also section 10, chapter 61, Laws of 1961.

15.76.041 Class B fairs—Qualifications. Any county not holding a class A fair may hold a class B fair and qualify hereunder for state aid: *Provided*, That such fair is open to all exhibitors in the county and has sponsored classifications for 4-H club work or Smith-Hughes vocational work for two or more years.

Note: See also section 10, chapter 61, Laws of 1961.

15.76.050 Class C fairs—Qualifications. Class C fair is one which has held open competitions, 4-H or Smith-Hughes vocational competition or all of these, but wherein said competition is restricted to an area smaller than a county, or restricts its classes to less than those of a class A or B fair. There may be more than one class C fair in a county.

Note: See also section 10, chapter 61, Laws of 1961.

15.76.060 Class C fair not to conflict with class A or B fair. It shall be a condition precedent before any class C fair may qualify for state aid hereunder that such class C fair must not be held at a time to conflict with any class A or B fair held in such county or at a time which does not give exhibitors at its show ample time to attend and exhibit at such class A and B fairs.

Note: See also section 10, chapter 61, Laws of 1961.

15.76.070 State aid to fairs—Allocation—Matching funds. For the purpose of encouraging 4-H club and Smith-Hughes work in county, community and other fairs or youth shows where such competition is permitted, the board of trustees of any fair or youth show that qualifies hereunder may apply to the director of agriculture of the state of Washington for an amount of money as hereinafter set out. It shall be the duty of the director of agriculture to allot annually to participating fairs and to issue vouchers to be paid by the state treasurer out of the state fair fund the following amounts: Fifteen percent of such fund to be paid pro rata to the

special youth shows; thirty-five percent of the amount of such fund to be paid pro rata to class A fairs; thirty-five percent of said fund to be paid pro rata to class B fairs; ten percent of said amount to be available for class C fairs, but no allocation to class C fairs shall exceed fifty percent of the total value of premiums or prizes awarded by any such class C fair. Five percent of such fair fund is to be available for administrative costs, including expenditures incurred by the fair commission and approved by the director of agriculture. Any money remaining in such fund shall be disbursed by the director of agriculture by making an additional payment to the special or class A, B and C fairs as he may deem necessary and appropriate for continued development and operation of said fairs. The division and payment of said fund shall occur at such times as the director of agriculture shall fix. Any class A, B or C fairs, before being able to qualify and participate in any allocation herein provided must be able to match the amount of such allocation from its own local fair resources, derived either from general admission or otherwise.

Note: See also section 10, chapter 61, Laws of 1961.

15.76.080 Proration of state aid fund—Rules and regulations. The director of agriculture, with the advice of the commission, shall set up rules and regulations by which this fund is prorated.

Note: See also section 10, chapter 61, Laws of 1961.

15.76.090 Fair commission created—Members—Expenses—Duties. There is hereby created a fair commission to consist of five members to be appointed by the director of agriculture to be persons who are interested in fair activities, at least two of whom shall be from opposite sides of the Cascade mountains. The first appointments shall be two for a one year term; two for a two year term, and one for a three year term and thereafter the appointments shall be for a three year term. The director of agriculture shall at all times be an ex officio member thereof and chairman of the commission. Members of the commission shall serve without pay except reimbursement for actual expenses payable upon voucher submitted and approved by the director of agriculture payable from the five percent allocation fund referred to herein, and shall meet at the call of the chairman, but shall meet at least once a year. It shall be the duty of such commission to act as an advisory committee, to counsel with and make recommendations to the director of agriculture and perform such other duties from time to time as may be required by the director.

Note: See also section 10, chapter 61, Laws of 1961.

Chapter 15.80**WEIGHING COMMODITIES IN HIGHWAY
TRANSPORT—WEIGHMASTERS**

15.80.010 “Director.” The term “director” as used in this chapter means the director of agriculture or his authorized representative.

15.80.020 “Retail merchant.” “Retail merchant” as used in this chapter means and includes any person operating from a bona fide fixed or permanent location at which place all of the retail business of said merchant is transacted, and whose business is exclusively retail except for the occasional wholesaling of small quantities of surplus commodities which have been taken in exchange for merchandise from the producers thereof at the bona fide fixed or permanent location.

15.80.030 “Bona fide fixed or permanent location.” “Bona fide fixed or permanent location” as used in this chapter shall mean any permanent warehouse, building, or structure, at which a permanent business is carried on as such throughout the year in good faith, and at which stocks of the property being transported are produced, stored, or kept in quantities reasonably adequate for, and usually carried for the requirements of such business, and shall not mean residences or premises or buildings appurtenant thereto, tents, temporary stands or other temporary quarters, nor permanent quarters, occupied pursuant to any temporary arrangement.

15.80.040 Application of chapter—Exceptions. This chapter shall not apply to the following:

- (1) The transportation or sale of produce by the producer thereof;
- (2) An agriculturist hauling hay, straw or grain for use in his own growing, or animal or poultry husbandry endeavors;
- (3) Warehousemen or grain dealers licensed under the grain warehouse laws with respect to their operations as such licensee;
- (4) Retail merchants as defined herein, except for the provisions of RCW 15.80.180, 15.80.190, 15.80.250, and 15.80.260, which apply to retail merchants;
- (5) Shipments of grain from a warehouse licensed under the grain warehouse laws when consigned directly to a public terminal warehouse.

15.80.050 Highway transport of commodities sold by weight—Weighing required. It is unlawful to transport by highway any hay, straw or grain which is sold by weight unless it is weighed by, and a weight certificate certifying the correct gross and net weight is issued by, a licensed weighmaster at the first motor truck

scale maintained by a licensed weighmaster encountered on the ordinary route to its destination where it is to be unloaded.

15.80.060 Administration of chapter—Regulations—Weighing fees. The director shall adopt and publish reasonable rules and regulations necessary for the administration of this chapter, and may, in his discretion, establish reasonable fees for weighing.

15.80.070 Weighmaster's license—Applications—Fee—Qualifications. Any person may make application to the director for a weighmaster's license. Application for a weighmaster's license shall be in writing on a form prescribed by the director. Each applicant shall furnish satisfactory evidence of good moral character, ability to weigh accurately and to make correct weight tickets. Upon receipt of the application together with satisfactory evidence of qualifications, on or before July 1st of any year, accompanied by a fee of fifteen dollars, the director shall issue an annual weighmaster's license. No weighmaster's license shall be issued to any applicant unless he owns or has under lease a motor truck scale of at least fifteen tons capacity, or to any applicant under the age of eighteen years, or to any person whose license issued under this chapter has been revoked: *Provided*, That a weighmaster's license shall be issued to any licensed renderer who meets all the requirements set out in this section except that of having a fifteen ton motor truck scale, whose business is the wholesaling of grease and tallow and by necessity must have a certified weight on each fifty gallon drum of grease or tallow sold or shipped. For this exception only, a one thousand pound scale shall be deemed sufficient.

15.80.080 Surety bond. Each application shall be accompanied by a bond in the penal sum of one thousand dollars executed by the applicant as principal and a surety company authorized to do business in this state as a surety. The bond shall run for a period of one year and shall be conditioned upon the faithful performance by the principal of his duties under the provisions of this chapter. Upon approval, the bond shall be filed in the office of the director. Any person who may suffer loss or damage from any wrongful acts of the weighmaster in his capacity as such, shall in addition to other legal remedies, have a right of action in his own name on such bond for all damages not exceeding one thousand dollars suffered by such person by reason of such loss or damage; however, the aggregate liability of the surety to all such persons shall, in no event, exceed the sum of such bond.

15.80.090 Report of change of business organization—License nontransferable. Any change in the organization of any firm, association, exchange, corporation or copartnership licensed under

this chapter shall be reported immediately to the director. Licenses issued under this chapter shall not be transferable.

15.80.100 License to be posted. All weighmasters licensed under the provisions of this chapter shall post the original or certified copy of the weighmaster's license in a conspicuous place on the premises where the weighmaster is engaged in weighing.

15.80.110 Certified copy of license—Fee. A certified copy of a weighmaster's license may be procured by the holder of the original upon payment of a fee of one dollar.

15.80.120 Licenses, revocation, suspension, etc.—Hearing—Subpoenas—Oaths. A license issued under the provisions of this chapter may be revoked, suspended or the renewal thereof refused by the director for dishonesty, incompetency, inaccuracy, for any false statement made in any part of the application for a weighmaster's license, or for violation of any of the provisions of this chapter. If the director refuses to grant any license provided for herein, or refuses to grant a renewal thereof to any applicant, or revokes any license previously granted by him, he shall give the applicant, or licensee, fifteen days' notice of his intended action in writing by registered mail, giving reasons therefor. Upon the request of the applicant or licensee he shall afford him an opportunity for a hearing as early as practicable within not to exceed twenty days after receipt of such request. Upon such hearing, the director may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the license.

15.80.130 Appeal from order of revocation. From an order of the director revoking any license issued under this chapter, the licensee has the right to appeal to the superior court of the county of his residence, in which case the procedure shall as nearly as practicable conform to that upon civil appeals from justice courts.

15.80.140 Duties of weighmaster. A licensed weighmaster shall:

(1) Keep the scale or scales upon which he weighs any truck, trailer, wagon, commodity, hay, straw, grain or thing, in conformity with the standards of weights and measures authorized and established by the laws of the state relating to weights and measures;

(2) Carefully and correctly weigh and certify the gross, tare and net weights of any load of any commodity or thing required to be weighed; and

(3) Without charge, weigh any truck, trailer, wagon, commodity, hay, straw, grain or thing brought to his scale by any inspector authorized by the director, and issue a certificate of the weights thereof.

15.80.150 Certification of weights—Impression seal—Records. Certification of weights shall be made by means of an impression seal, the impress of which shall be placed by the licensed weighmaster upon the weights shown on the weight ticket. The weighmaster shall keep a record of each certificate of weight issued by him, which record shall be open at all times to inspection by any inspector authorized by the director. The impression seal shall be of a form and design prescribed by the director. It shall be procured from the director upon payment of an annual rental equal to the cost of the press and seal. It shall remain the property of the state, and shall be returned to the director upon the termination or revocation of the weighmaster's license.

15.80.160 Empty weight of vehicle—Certificate. Certificates shall be issued by licensed weighmasters for empty weights of vehicles, trucks or trailers which shall be valid for a period not exceeding ninety days. The empty weight shall be determined when the vehicle, truck or trailer is fully equipped to operate and with fuel tanks not less than one-half full. Vehicles, trucks, or trailers transporting loads, for which certificates of empty weights have been issued, shall carry such certificate at all times. The empty weight of a vehicle, truck or trailer shall not vary more than three percent from the certified empty weight.

15.80.170 Weight certification tickets—Form—Distribution of copies. Weight certification tickets shall be of a form and design approved by the director. They shall be made in triplicate, one copy of which shall be delivered to the consignee, purchaser or person receiving the load at the time of delivery, one copy shall be retained by the person, driver or owner of the vehicle making the delivery, and one copy shall be retained by the licensed weighmaster to be kept as his record.

15.80.180 Certificates and invoices to be carried with load. Certificates of weight issued by licensed weighmasters and invoices for sales by retailers, if the commodity is being hauled by or for a retailer, shall be carried with all loads of hay, straw or grain when in transit.

15.80.190 Reweighing—Weighing—Variance from invoiced weight. The driver of any vehicle previously weighed by a licensed weighmaster may be required to reweigh the vehicle and load at the nearest scale. The driver of any vehicle operated by or for a retailer which contains hay, straw, commercial feed or grain may be required to weigh the vehicle and load at the nearest scale, and if the weight is found to be less than the amount appearing on the invoice, a copy of which is required to be carried on the truck, the director shall report the finding to the consignee and may cause the

retailer to be prosecuted in accordance with the provisions of this chapter.

15.80.200 Alteration of weight unlawful—Carriage, delivery, of certificate—Multiple deliveries from load. It is unlawful to alter, vary or lessen the weight of any load of any commodity after the weight of such load has been certified by a licensed weighmaster before the load has been delivered to the person, consignee, or buyer of a load. The certificate of weight issued by a licensed weighmaster shall be carried with the vehicle until delivery, and shall be delivered to the person, consignee or buyer at the time of delivery: *Provided*, That when two or more deliveries are made from one load for which a certificate of weight has been issued, the driver or person in charge of the load shall issue, at the time of delivery to each vendee an invoice containing the vendor's name and address, date, and a true statement of the quantity and weight delivered and the kind or commodity delivered.

15.80.210 Unauthorized signing of weighmaster's name. No person shall sign the name of a weighmaster licensed under the provisions of this chapter except the person to whom the weighmaster's license is issued, or his employee.

15.80.220 Writing, etc., false ticket or certificate—Influence—Penalty. Any person who shall mark, stamp, or write any false weight ticket, scale ticket, or weight certificate, knowing it to be false, and any person who influences, or attempts to influence any licensed weighmaster in the performance of his official duties shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment of not less than thirty days nor more than one year in the county jail, or both such fine and imprisonment.

15.80.230 Unauthorized use, etc., of name of state, department, or officer. It is unlawful to use, exhibit, issue or deliver any weight ticket, certificate of weight or measure, or statement of weight or measure of any kind upon which in whole or in part is impressed or stamped by a seal, or otherwise, or printed or written, or set forth in any manner, the words "State of Washington" or the name of any department or division, office or officer or employee of the state unless issued pursuant to the provisions of this chapter.

15.80.240 Assuming to act as licensed weighmaster—Penalty. Any person not licensed and qualified who assumes to act as a licensed weighmaster, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars or more than two hundred and fifty dollars, or by imprisonment for

not less than fifteen days nor more than ninety days in the county jail or both such fine and imprisonment.

15.80.250 Prosecutions—Venue. Prosecutions brought under this chapter shall be instituted in the county wherein the alleged violation occurred.

15.80.260 Retailers—Weight less than invoice—Penalty. General Penalty. Any retailer whose load of hay, grain, commercial feed or straw weighs less than that shown on the invoice is guilty of a misdemeanor. Any person violating any provisions of this chapter for which no other penalty is herein prescribed shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars. Each day's violation of this chapter shall constitute a separate offense.

Chapter 15.98

CONSTRUCTION

15.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

15.98.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

15.98.030 Invalidity of part of title not to affect remainder. If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

15.98.040 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Sections 1, 2 and 3, page 328, Laws of 1869;
- (2) Chapter 9, Laws of 1891;
- (3) Chapter 134, Laws of 1893;
- (4) Chapter 45, Laws of 1895;
- (5) Chapter 51, Laws of 1895;
- (6) Chapter 104, Laws of 1895;
- (7) Chapter 12, Laws of 1897;
- (8) Chapter 15, Laws of 1897;
- (9) Chapter 109, Laws of 1897;
- (10) Chapter 43, Laws of 1899;
- (11) Chapter 50, Laws of 1899;
- (12) Chapter 113, Laws of 1899;

- (13) Chapter 127, Laws of 1899;
- (14) Chapter 22, Laws of 1901;
- (15) Chapter 94, Laws of 1901;
- (16) Chapter 160, Laws of 1901;
- (17) Chapter 54, Laws of 1903;
- (18) Chapter 133, Laws of 1903;
- (19) Chapter 174, Laws of 1903;
- (20) Chapter 51, Laws of 1905;
- (21) Chapter 92, Laws of 1905;
- (22) Chapter 111, Laws of 1905;
- (23) Chapter 176, Laws of 1905;
- (24) Chapter 162, Laws of 1907;
- (25) Chapter 211, Laws of 1907;
- (26) Chapter 234, Laws of 1907;
- (27) Chapter 62, Laws of 1909;
- (28) Chapter 135, Laws of 1909;
- (29) Chapter 152, Laws of 1909;
- (30) Chapter 175, Laws of 1909;
- (31) Chapter 201, Laws of 1909;
- (32) Chapter 237, Laws of 1909;
- (33) Chapter 39, Laws of 1911;
- (34) Chapter 112, Laws of 1911;
- (35) Section 11, chapter 60, Laws of 1913;
- (36) Chapter 18, Laws of 1913;
- (37) Chapter 101, Laws of 1915;
- (38) Chapter 102, Laws of 1915;
- (39) Chapter 166, Laws of 1915;
- (40) Chapter 119, Laws of 1917;
- (41) Chapter 65, Laws of 1919;
- (42) Chapter 101, Laws of 1919;
- (43) Chapter 116, Laws of 1919;
- (44) Chapter 145, Laws of 1919;
- (45) Chapter 183, Laws of 1919;
- (46) Chapter 192, Laws of 1919;
- (47) Chapter 193, Laws of 1919;
- (48) Chapter 195, Laws of 1919;
- (49) Chapter 104, Laws of 1921;
- (50) Chapter 141, Laws of 1921;
- (51) Chapter 153, Laws of 1921;
- (52) Chapter 27, Laws of 1923;
- (53) Chapter 37, Laws of 1923;
- (54) Chapter 55, Laws of 1923;
- (55) Chapter 137, Laws of 1923;
- (56) Chapter 49, Laws of 1925, extraordinary session;
- (57) Chapter 67, Laws of 1925, extraordinary session;

- (58) Chapter 108, Laws of 1925, extraordinary session;
- (59) Chapter 175, Laws of 1925, extraordinary session;
- (60) Chapter 176, Laws of 1925, extraordinary session;
- (61) Chapter 151, Laws of 1927;
- (62) Chapter 164, Laws of 1927;
- (63) Chapter 192, Laws of 1927;
- (64) Chapter 311, Laws of 1927;
- (65) Chapter 150, Laws of 1929;
- (66) Chapter 166, Laws of 1929;
- (67) Chapter 175, Laws of 1929;
- (68) Chapter 213, Laws of 1929;
- (69) Chapter 23, Laws of 1931;
- (70) Chapter 27, Laws of 1931;
- (71) Chapter 23, Laws of 1933;
- (72) Chapter 84, Laws of 1933;
- (73) Chapter 188, Laws of 1933;
- (74) Chapter 46, Laws of 1933, extraordinary session;
- (75) Chapter 59, Laws of 1933, extraordinary session;
- (76) Chapter 140, Laws of 1935;
- (77) Chapter 168, Laws of 1935;
- (78) Chapter 37, Laws of 1937;
- (79) Chapter 49, Laws of 1937;
- (80) Chapter 71, Laws of 1937;
- (81) Chapter 136, Laws of 1937;
- (82) Chapter 148, Laws of 1937;
- (83) Chapter 175, Laws of 1937;
- (84) Chapter 195, Laws of 1937;
- (85) Chapter 204, Laws of 1937;
- (86) Chapter 43, Laws of 1939;
- (87) Chapter 211, Laws of 1939;
- (88) Chapter 219, Laws of 1939;
- (89) Chapter 222, Laws of 1939;
- (90) Chapter 224, Laws of 1939;
- (91) Chapter 20, Laws of 1941;
- (92) Chapter 56, Laws of 1941;
- (93) Chapter 130, Laws of 1941;
- (94) Chapter 189, Laws of 1941;
- (95) Chapter 230, Laws of 1941;
- (96) Chapter 64, Laws of 1943;
- (97) Chapter 90, Laws of 1943;
- (98) Chapter 150, Laws of 1943;
- (99) Chapter 248, Laws of 1943;
- (100) Chapter 263, Laws of 1943;
- (101) Chapter 113, Laws of 1945;
- (102) Chapter 63, Laws of 1947;

- (103) Chapter 73, Laws of 1947;
- (104) Chapter 280, Laws of 1947;
- (105) Chapter 13, Laws of 1949;
- (106) Chapter 40, Laws of 1949;
- (107) Chapter 89, Laws of 1949;
- (108) Sections 1 through 5, and section 7, chapter 105, Laws of 1949;
- (109) Chapter 167, Laws of 1949;
- (110) Chapter 168, Laws of 1949;
- (111) Chapter 185, Laws of 1949;
- (112) Chapter 191, Laws of 1949;
- (113) Chapter 193, Laws of 1949;
- (114) Chapter 20, Laws of 1951;
- (115) Chapter 60, Laws of 1951;
- (116) Chapter 169, Laws of 1951;
- (117) Chapter 1, Laws of 1953;
- (118) Chapter 43, Laws of 1953;
- (119) Chapter 80, Laws of 1953;
- (120) Chapter 85, Laws of 1953;
- (121) Chapter 98, Laws of 1953;
- (122) Chapter 119, Laws of 1953;
- (123) Chapter 146, Laws of 1953;
- (124) Chapter 153, Laws of 1953;
- (125) Chapter 170, Laws of 1953;
- (126) Chapter 204, Laws of 1953;
- (127) Chapter 222, Laws of 1953;
- (128) Chapter 246, Laws of 1953;
- (129) Chapter 263, Laws of 1953;
- (130) Chapter 47, Laws of 1955;
- (131) Sections 1 through 4, chapter 106, laws of 1955;
- (132) Chapter 191, Laws of 1955;
- (133) Chapter 227, Laws of 1955;
- (134) Chapter 233, Laws of 1955;
- (135) Chapter 238, Laws of 1955;
- (136) Chapter 271, Laws of 1955;
- (137) Chapter 306, Laws of 1955;
- (138) Chapter 308, Laws of 1955;
- (139) Chapter 343, Laws of 1955;
- (140) Chapter 368, Laws of 1955;
- (141) Chapter 122, Laws of 1957;
- (142) Chapter 133, Laws of 1957;
- (143) Chapter 151, Laws of 1957;
- (144) Chapter 163, Laws of 1957;
- (145) Chapter 192, Laws of 1957;
- (146) Chapter 65, Laws of 1959;

- (147) Chapter 152, Laws of 1959;
- (148) Chapter 163, Laws of 1959;
- (149) Chapter 174, Laws of 1959;
- (150) Chapter 222, Laws of 1959;
- (151) Chapter 223, Laws of 1959;
- (152) Chapter 230, Laws of 1959.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

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

EXPLANATORY NOTE

Explanatory
note.

I. Introductory

As a part of the program to restore session law language to the Revised Code of Washington, the code reviser's office and codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 15. Pursuant to such study it was determined that the confused statutory history of the subject matter contained therein, the division and combining of session law sections by the 1941 Code Committee to create the present Title 15, and the subsequent ratification by the legislature of parts of the Title by the amendment of many of the RCW sections, have all combined to make any general restoration of the session law text an impossibility. In view of the foregoing and in view of the fact that the present RCW Title 15 has been in use for a period of eleven years, the codifications subcommittee of the Statute Law Committee, upon conferring with representatives of the Department of Agriculture and of the various boards and commissions affected thereby, herewith presents for enactment as primary law the provisions of RCW Title 15, incorporating therein such corrections as may be made without changing the substance of the law.

Except as otherwise noted, the translations of the term "this act" into "this chapter", and other similar translations which appear in the 1941 revision, have been accepted without comment.

II. Section Comment

Chapter 15.04 General provisions.

Chapter 15.04 General provisions.

- 15.04.010 Source—RCW 15.04.010 [(i) 1941 c 56 § 3; Rem. Supp. 1941 § 2828-4. (ii) 1941 c 56 § 4; Rem. Supp. 1941 § 2828-5. (iii) 1943 c 150 § 1, part, last am'ds 1915 c 166 § 1; Rem. Supp. 1943 § 2839, part.]
"As used in this title" changed to "As used in this title except where otherwise defined".
- 15.04.020 Source—RCW 15.04.020 [(i) 1943 c 150 § 2, part, last am'ds 1919 c 195 § 1; Rem. Supp. 1943 § 2840, part. (ii) 1941 c 20 § 15; Rem. Supp. 1941 § 2849-2f.]
- 15.04.030 Source—RCW 15.04.030 [1943 c 150 § 2, part, last am'ds 1919 c 195 § 1; Rem. Supp. 1943 § 2840, part.]

Explanatory
note.

- 15.04.040 Source—RCW 15.04.040 [1957 c 163 § 3. Prior: 1949 c 89 § 1, part, last am'ds 1915 c 166 § 3; Rem. Supp. 1949 § 2841, part.]
- 15.04.050 Source—RCW 15.04.050 [1921 c 141 § 14; RRS § 2873.]
c 166 § 10; Rem. Supp. 1943 § 2848, part.]
- 15.04.060 Source—RCW 15.04.060 [1957 c 163 § 4. Prior: 1949 c 89 § 1, part, last am'ds 1915 c 166 § 3; Rem. Supp. 1949 § 2841, part.]
- 15.04.070 Source—RCW 15.04.070 [1957 c 163 § 5. Prior: 1949 c 89 § 1, part, last am'ds 1915 c 166 § 3; Rem. Supp. 1949 § 2841, part.]
- 15.04.080 Source—RCW 15.04.080 [1957 c 163 § 6. Prior: 1949 c 89 § 1, part, last am'ds 1915 c 166 § 3; Rem. Supp. 1949 § 2841, part.]
- 15.04.090 Source—RCW 15.04.090 [1953 c 119 § 1.] “special trust fund provided in RCW 15.72.050” changed to “‘fair fund’ provided in RCW 67.16.100”.
- RCW 15.04.090 is a codification of 1953 c 119 § 1. 1955 c 257 § 2 repealed all of chapter 15.72 providing for a state fair, including RCW 15.72.050, which provided for a special fund for receipts from or appropriations for the fair. The existing fund which supports such fairs as are provided for in Title 15 (through the administration of the director of agriculture) is set up in RCW 67.16.100 [1955 c 106 § 5].
- 15.04.100 Source—RCW 15.04.100 [1959 c 152 § 1; 1957 c 163 § 1.]

Chapter 15.08 Horticultural pests and diseases

- 15.08.010 Source—RCW 15.08.010 [(i) 1943 c 150 § 1; part, last am'ds 1915 c 166 § 1; Rem. Supp. 1943 § 2839, part. (ii) 1941 c 20 § 2; Rem. Supp. 1941 § 2849-1b. (iii) 1941 c 20 § 3; Rem. Supp. 1941 § 2849-1c. (iv) 1941 c 20 § 4; Rem. Supp. 1941 § 2849-1d. (v) 1923 c 37 § 3, part, last am'ds 1915 c 166 § 5; RRS § 2843, part.]
- 15.08.020 Source—RCW 15.08.020 [1923 c 37 § 3, part, last am'ds 1915 c 166 § 5; RRS § 2843, part.]
- 15.08.030 Source—RCW 15.08.030 [(i) 1927 c 311 § 3, part, last am'ds 1915 c 166 § 4; RRS § 2842. (ii) 1921 c 141 § 8; 1915 c 166 § 18; RRS § 2856.]
- In the second sentence, “this title” changed to “this chapter” as “disinfection” is defined herein.
- 15.08.040 Source—RCW 15.08.040 [1915 c 166 § 9; RRS § 2847.]
- 15.08.050 Source—RCW 15.08.050 [1943 c 150 § 4, part, last am'ds 1915 c 166 § 10; Rem. Supp. 1943 § 2848, part.]
- 15.08.060 Source—RCW 15.08.060 [1943 c 150 § 4, part, last am'ds 1915 c 166 § 10; Rem. Supp. 1943 § 2848, part.]
- 15.08.070 Source—RCW 15.08.070 [1943 c 150 § 4, part, last am'ds 1915 c 166 § 10; Rem. Supp. 1943 § 2848, part.]
- 15.08.080 Source—RCW 15.08.080 [1943 c 150 § 4, part, last am'ds 1915 c 166 § 10; Rem. Supp. 1943 § 2848, part.]
- 15.08.090 Source—RCW 15.08.090 [(i) 1943 c 150 § 4, part, last am'ds 1915 c 166 § 10; Rem. Supp. 1943 § 2848, part. (ii) 1943 c 150 § 5, last am'ds 1915 c 166 § 11; Rem. Supp. 1943 § 2849.]
- 15.08.100 Source—RCW 15.08.100 [1915 c 166 § 12, part; RRS § 2850, part.]
- 15.08.110 Source—RCW 15.08.110 [1915 c 166 § 12, part; RRS § 2850, part.]
- 15.08.120 Source—RCW 15.08.120 [1915 c 166 § 12, part; RRS § 2850, part.]
- 15.08.130 Source—RCW 15.08.130 [1927 c 311 § 5, part, last am'ds 1915 c 166 § 14; RRS § 2852, part.]
- 15.08.140 Source—RCW 15.08.140 [1927 c 311 § 5, part, last am'ds 1915 c 166 § 14; RRS § 2852, part.]
- 15.08.150 Source—RCW 15.08.150 [1927 c 311 § 5, part, last am'ds 1915 c 166 § 14; RRS § 2852, part.]
- 15.08.160 Source—RCW 15.08.160 [1927 c 311 § 5, part, last am'ds 1915 c 166 § 14; RRS § 2852, part.]
- 15.08.170 Source—RCW 15.08.170 [1927 c 311 § 5, part, last am'ds 1915 c 166 § 14; RRS § 2852, part.]
- 15.08.180 Source—RCW 15.08.180 [(i) 1941 c 20 § 5; Rem. Supp. 1941

- § 2849-1e. (ii) 1941 c 20 § 7, part; Rem. Supp. 1941 § 2849-1g, part.] Explanatory note.
- 15.08.190 Source—RCW 15.08.190 [(i) 1941 c 20 § 6; Rem. Supp. 1941 § 2849-1g, part. (iii) 1941 c 20 § 8; Rem. Supp. 1941 § 2849-1h.] “RCW 15.08.050, 15.08.60, 15.08.070, 15.08.080 and 15.08.090” changed to “RCW 15.08.050, 15.08.060, 15.08.070, 15.08.080, 15.08.090 and 15.08.180”.
- The session law [1941 c 20 § 8], basis for the RCW section reads in part as follows: “proceedings had under section 5 of this act; sections 10 and 11, chapter 166, Laws of 1915, as amended (sections 2847 and 2849 of Remington’s Revised Statutes; sections 2715 and 2717 of Pierce’s Code),”
- Sections 10 and 11, chapter 166, Laws of 1915 are codified as divided and combined in RCW sections 15.08.050 through 15.08.090.
- It appears the 1941 Code Committee inadvertently overlooked the reference to section 5 of the 1941 act (codified in RCW 15.08.180)
- 15.08.200 Source—RCW 15.08.200 [(i) 1941 c 20 § 9; 1937 c 71 § 2; Rem. Supp. 1941 § 2849-2. (ii) 1937 c 71 § 3; RRS § 2849-3.]
- 15.08.210 Source—RCW 15.08.210 [(i) 1941 c 20 § 10; Rem. Supp. 1941 § 2849-2a. (ii) 1937 c 71 § 4; RRS § 2849-4.] “RCW 15.08.050, 15.08.060, 15.08.070, 15.08.080 and 15.08.090” changed to “15.08.050, 15.08.060, 15.08.070, 15.08.080, 15.08.090 and 15.08.180”, to conform to 15.08.190.
- 15.08.220 Source—RCW 15.08.220 [(i) 1941 c 20 § 11; Rem. Supp. 1941 § 2849-2b. (ii) 1941 c 20 § 12; Rem. Supp. 1941 § 2849-2c.]
- 15.08.230 Source—RCW 15.08.230 [1915 c 166 § 19; RRS § 2857.]
- 15.08.240 Source—RCW 15.08.240 [1943 c 150 § 6; 1941 c 20 § 14; Rem. Supp. 1943 § 2849-2e.]
- 15.08.250 Source—RCW 15.08.250 [1941 c 20 § 13; Rem. Supp. 1941 § 2849-2d.]
- 15.08.260 Source—RCW 15.08.260 [1919 c 195 § 3, part; 1915 c 166 § 13; RRS § 2851, part.]
- 15.08.270 Source—RCW 15.08.270 [1919 c 195 § 3, part; 1915 c 166 § 13; RRS § 2851, part.]
- Chapter 15.12 Nursery stock inspection and licensing
- 15.12.010 Source—RCW 15.12.010 [1939 c 43 § 1, part, last am’d’s 1915 c 166 § 20; RRS § 2858, part.] “No person shall sell, deal in or import into the state for sale or distribution any nursery stock, or act as agent” changed to “It shall be unlawful for any person to sell, deal in or import into the state for sale or distribution any nursery stock, or to act as agent”, to reflect session law language.
- 15.12.020 Source—RCW 15.12.020 [1939 c 43 § 1, part, last am’d’s 1915 c 166 § 20; RRS § 2858, part.] “special fund of the state treasury known as the nursery inspection fund” changed to “special account of the general fund of the state treasury known as the nursery inspection account”. See RCW 43.79.330. [1957 c 115 § 6; 1955 c 370 § 1.]
- 15.12.030 Source—RCW 15.12.030 [1939 c 43 § 1, part, last am’d’s 1915 c 166 § 20; RRS § 2858, part.]
- 15.12.040 Source—RCW 15.12.040 [(i) 1939 c 43 § 1, part, last am’d’s 1915 c 166 § 20; RRS § 2858, part. (ii) 1927 c 311 § 10; 1915 c 166 § 23; RRS § 2861.] “No person shall” to “It shall be unlawful for any person to”, to reflect session law language.
- 15.12.045 Source—RCW 15.12.045 [1957 c 122 § 1.]
- 15.12.050 Source—RCW 15.12.050 [1915 c 166 § 22, part; RRS § 2860, part.]
- 15.12.060 Source—RCW 15.12.060 [1915 c 166 § 22, part; RRS § 2860, part.]
- 15.12.070 Source—RCW 15.12.070 [(i) 1943 c 150 § 7, last am’d’s 1915 c

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note.

- 166 § 25; Rem. Supp. 1943 § 2863. (ii) 1943 c 150 § 8; 1915 c 166 § 26; Rem. Supp. 1943 § 2864.]
- 15.12.080 Source—RCW 15.12.080 [1943 c 150 § 9, part; 1915 c 166 § 27; Rem. Supp. 1943 § 2865, part.]
- 15.12.090 Source—RCW 15.12.090 [1943 c 150 § 9, part; 1915 c 166 § 27; Rem. Supp. 1943 § 2865, part.]
- 15.12.100 Source—RCW 15.12.100 [1943 c 150 § 9, part; 1915 c 166 § 27; Rem. Supp. 1943 § 2865, part.]
- 15.12.110 Source—RCW 15.12.110 [1955 c 308 § 1.]

Chapter 15.16 Standards of grades and packs

- 15.16.010 Source—RCW 15.16.010 [(i) 1943 c 150 § 2, part, last am'ds 1915 c 166 § 2; Rem. Supp. 1943 § 2840, part. (ii) 1931 c 27 § 4, part, last am'ds 1915 c 166 § 17; RRS § 2855, part.]
In second paragraph, "properties" to "proprieties" to correct manifest clerical error.
- 15.16.020 Source—RCW 15.16.020 [1931 c 27 § 4, part, last am'ds 1915 c 166 § 17; RRS § 2855, part.]
- 15.16.030 Source—RCW 15.16.030 [1931 c 27 § 4, part; last am'ds 1915 c 166 § 17; RRS § 2855, part.]
- 15.16.035 Source—RCW 15.16.035 [1959 c 152 § 2; 1957 c 163 § 13.]
- 15.16.040 Source—RCW 15.16.040 [1959 c 152 § 3; 1957 c 163 § 9. Prior: 1949 c 193 § 1, part, last am'ds 1921 c 141 § 13; Rem. Supp. 1949 § 2872, part.]
- 15.16.050 Source—RCW 15.16.050 [1959 c 152 § 4; 1957 c 163 § 10. Prior: 1949 c 193 § 1, part, last am'ds 1921 c 141 § 13; Rem. Supp. 1949 § 2872, part.]
"RCW 15.16.035" changed to "RCW 15.04.100" to correct error in translation.
- 15.16.060 Source—RCW 15.16.060 [1959 c 152 § 5; 1957 c 163 § 11. Prior: 1949 c 193 § 1, part, last am'ds 1921 c 141 § 13; Rem. Supp. 1949 § 2872, part.]
- 15.16.070 Source—RCW 15.16.070 [1957 c 163 § 12. Prior: 1949 c 193 § 1, part, last am'ds 1921 c 141 § 13; Rem. Supp. 1949 § 2872, part.]
- 15.16.080 Source—RCW 15.16.080 [1959 c 230 § 1; 1939 c 222 § 1; RRS § 2867-1.]
- 15.16.085 Source—RCW 15.16.085 [1959 c 230 § 2.]
- 15.16.090 Source—RCW 15.16.090 [1953 c 263 § 1. Prior: (i) 1915 c 166 § 15; RRS § 2853. (ii) 1931 c 27 § 3, part, last am'ds 1915 c 166 § 16; RRS § 2854, part. (iii) 1931 c 27 § 4, part, last am'ds 1915 c 166 § 17, part; RRS § 2855, part.]
- 15.16.100 Source—RCW 15.16.100 [(i) 1931 c 27 § 3, part, last am'ds 1915 c 166 § 16; RRS § 2854, part. (ii) 1931 c 27 § 4, part, last am'ds 1915 c 166 § 17; RRS § 2855, part.]
- 15.16.110 Source—RCW 15.16.110 [1931 c 27 § 4, part, last am'ds 1915 c 166 § 17; RRS § 2855, part.]
- 15.16.120 Source—RCW 15.16.120 [1927 c 311 § 11; 1915 c 166 § 24; RRS § 2862.]
- 15.16.130 Source—RCW 15.16.130 [(i) 1937 c 204 § 2, part, last am'ds 1915 c 166 § 29; RRS § 2867, part. (ii) 1941 c 189 § 2; Rem. Supp. 1941 § 2867b. (iii) 1943 c 150 § 11; 1941 c 189 § 3; Rem. Supp. 1943 § 2867c. (iv) 1941 c 189 § 5; Rem. Supp. 1941 § 2867e. (v) 1921 c 141 § 11; 1915 c 166 § 30; RRS § 2868.]
- 15.16.140 Source—RCW 15.16.140 [(i) 1937 c 204 § 2, part, last am'ds 1915 c 166 § 29; RRS § 2867, part. (ii) 1941 c 189 § 1; Rem. Supp. 1941 § 2867a. (iii) 1939 c 222 § 3; RRS § 2867-3. (iv) 1939 c 222 § 4; RRS § 2867-4.]
- 15.16.150 Source—RCW 15.16.150 [(i) 1937 c 204 § 2, part, last am'ds 1915 c 166 § 29; RRS § 2867, part. (ii) 1941 c 189 § 4; Rem. Supp. 1941 § 2867d.]
- 15.16.160 Source—RCW 15.16.160 [(i) 1939 c 222 § 2; RRS § 2867-2. (ii) 1939 c 222 § 6; RRS § 2867-6.]

- 15.16.170 Source—RCW 15.16.170 [1943 c 150 § 9, part, last am'ds 1915 c 166 § 27; Rem. Supp. 1943 § 2865, part.] Explanatory note.
- 15.16.180 Source—RCW 15.16.180 [1943 c 150 § 4, part, last am'ds 1915 c 166 § 10; Rem. Supp. 1943 § 2848, part.]
- 15.16.190 Source—RCW 15.16.190 [1939 c 222 § 5; RRS § 2867-5.]
 “RCW 15.16.130” changed to “RCW 15.16.140” throughout, as 15.16.140 is the section which provides for the issuance of permits and certificates.
 “RCW 15.24.100” to “chapter 15.24” as a more appropriate translation of “chapter 195 of the Laws of 1937”.
 “in addition thereto” added to conform to session law text.
- 15.16.200 Source—RCW 15.16.200 [1939 c 222 § 7; RRS § 2867-7.]
- 15.16.210 Source—RCW 15.16.210 [1939 c 222 § 7a; RRS § 2867-7a.]
 “this chapter” changed to “RCW 15.16.080, 15.16.140, 15.16.160, 15.16.190, 15.16.200 and 15.16.250” which is a specific translation of the sections contained in 1939 c 222. The session law used “this act”.
- 15.16.220 Source—RCW 15.16.220 [1921 c 141 § 12; 1915 c 166 § 31; RRS § 2869.]
- 15.16.230 Source—RCW 15.16.230 [1915 c 166 § 32; RRS § 2870.]
- 15.16.240 Source—RCW 15.16.240 [1915 c 166 § 33; RRS § 2871.]
- 15.16.250 Source—RCW 15.16.250 [1939 c 222 § 8; RRS § 2867-8.]
 “this chapter” changed to “RCW 15.16.080, 15.16.140, 15.16.160, 15.16.190, 15.16.200 or 15.16.210, insofar as the contents thereof relate to apples.”. The session law language is “this act”. The 1941 Code Committee translation to “this chapter” appears to be too broad, especially since this is a penalty section.
- 15.16.260 Source—RCW 15.16.260 [1953 c 98 § 1.]
- 15.16.270 Source—RCW 15.16.270 [1953 c 98 § 2.]
- 15.16.280 Source—RCW 15.16.280 [1953 c 98 § 3.]
- 15.16.290 Source—RCW 15.16.290 [1953 c 98 § 4.]
- 15.16.300 Source—RCW 15.16.300 [1953 c 98 § 5.]
- 15.16.310 Source—RCW 15.16.310 [1953 c 170 § 1.]
- 15.16.320 Source—RCW 15.16.320 [1953 c 170 § 2.]
- 15.16.330 Source—RCW 15.16.330 [1953 c 170 § 3.]
- 15.16.340 Source—RCW 15.16.340 [1953 c 170 § 4.]
 “RCW 15.16.310 through 15.16.340” changed to “RCW 15.16.310 through 15.16.330”.
- 15.16.350 Source—RCW 15.16.350 [1953 c 204 § 1.]
 “and other documents” changed to “or other document”.
- 15.16.360 Source—RCW 15.16.360 [1953 c 204 § 2.]
- 15.16.370 Source—RCW 15.16.370 [1953 c 204 § 3.]
- 15.16.380 Source—RCW 15.16.380 [1953 c 204 § 4.]
- 15.16.390 Source—RCW 15.16.390 [1953 c 204 § 6.]
 “RCW 15.16.350 through 15.16.390” changed to “RCW 15.16.350 through 15.16.380”.
- 15.16.400 Source—RCW 15.16.400 [1953 c 246 § 1.]
- 15.16.410 Source—RCW 15.16.410 [1953 c 246 § 2.]
- 15.16.420 Source—RCW 15.16.420 [1955 c 227 § 1.]
- 15.16.430 Source—RCW 15.16.430 [1955 c 227 § 2.]
- 15.16.440 Source—RCW 15.16.440 [1955 c 227 § 3.]
- 15.16.450 Source—RCW 15.16.450 [1957 c 192 § 1.]
- 15.16.460 Source—RCW 15.16.460 [1957 c 192 § 2.]
- 15.16.470 Source—RCW 15.16.470 [1957 c 192 § 3.]
- 15.16.480 Source—RCW 15.16.480 [1957 c 192 § 4.]
- 15.16.490 Source—RCW 15.16.490 [1957 c 192 § 5.]
 “RCW 15.16.450 through 15.16.490” changed to “RCW 15.16.450 through 15.16.480”.
- Chapter 15.24 Apple advertising commission
- 15.24.010 Source—RCW 15.24.010 [1937 c 195 § 2; RRS § 2874-2.]
- 15.24.020 Source—RCW 15.24.020 [1949 c 191 § 1, part; 1937 c 195 § 3; Rem. Supp. 1949 § 2874-3, part.]

- Explanatory note.
- 15.24.030 Source—RCW 15.24.030 [1949 c 191 § 1, part; 1937 c 195 § 3; Rem. Supp. 1949 § 2874-3, part.]
- 15.24.040 Source—RCW 15.24.040 [1949 c 191 § 1, part; 1937 c 195 § 3; Rem. Supp. 1949 § 2874-3, part.]
- 15.24.050 Source—RCW 15.24.050 [1949 c 191 § 1, part; 1937 c 195 § 3; Rem. Supp. 1949 § 2874-3, part.]
- 15.24.060 Source—RCW 15.24.060 [1937 c 195 § 4, part; RRS § 2874-4, part.]
- 15.24.070 Source—RCW 15.24.070 [(I) 1937 c 195 § 8; RRS § 2874-8. (II) 1937 c 195 § 5; RRS § 2874-5. (III) 1937 c 195 § 4, part; RRS § 2874-4, part.]
 In first paragraph: "The Washington state apple advertising commission is hereby declared and created a corporate body". Also "include" to "shall include the following"; added to supply omitted session law language.
 In subdivision (3): "Their pleasure" to "its pleasure"; to harmonize with use of "it" in rest of section.
 In subdivision (4): "and to create such liabilities as may be reasonable"; added to supply omitted session law language.
 Subdivision (8) added to supply omitted session law language.
- 15.24.080 Source—RCW 15.24.080 [1937 c 195 § 13, part; RRS § 2874-13, part.]
- 15.24.085 Source—RCW 15.24.085 [1953 c 222 § 1.]
- 15.24.086 Source—RCW 15.24.086 [1953 c 222 § 2.]
- 15.24.090 Source—RCW 15.24.090 [1953 c 43 § 1; 1937 c 195 § 13, part; RRS § 2874-13, part.]
- 15.24.100 Source—RCW 15.24.100 [1937 c 195 § 9; RRS § 2874-9.]
 "purpose" to "purpose and objects" to reflect session law language.
- 15.24.110 Source—RCW 15.24.110 [1937 c 195 § 12; RRS § 2874-12.]
 In first sentence: "transported" and "by any person or by any carrier, railroad, truck or other conveyance" added to supply omitted session law language.
- 15.24.120 Source—RCW 15.24.120 [1937 c 195 § 10; RRS § 2874-10.]
- 15.24.130 Source—RCW 15.24.130 [1937 c 195 § 11; RRS § 2874-11.]
- 15.24.140 Source—RCW 15.24.140 [1937 c 195 § 19; RRS § 2874-19.]
- 15.24.150 Source—RCW 15.24.150 [1937 c 195 § 6; RRS § 2874-6.]
 "None of the provisions of RCW 43.01.050 shall apply to money collected under this chapter." Added to reflect session law language.
- 15.24.160 Source—RCW 15.24.160 [1947 c 280 § 3; Rem. Supp. 1947 § 2909-3.]
- 15.24.170 Source—RCW 15.24.170 [1937 c 195 § 18; RRS § 2874-18.]
- 15.24.180 Source—RCW 15.24.180 [1937 c 195 § 16; RRS § 2874-16.]
- 15.24.190 Source—RCW 15.24.190 [1937 c 195 § 7; RRS § 2874-7.]
- 15.24.200 Source—RCW 15.24.200 [1937 c 195 § 14; RRS § 2874-14.]
- 15.24.210 Source—RCW 15.24.210 [1937 c 195 § 15; RRS § 2874-15.]
- 15.24.900 Source—[1937 c 195 § 1; RRS § 2874-1.]
- 15.24.910 Purpose section, carried in RCW as footnote to RCW 15.24.010.
 Source—[1937 c 195 § 17, part; RRS § 2874-17, part.]
 Liberal construction, carried in RCW as footnote to RCW 15.24.010. Severability portion omitted as covered herein by Sec. 15.98.030.

Chapter 15.28 Soft tree fruits

- 15.28.010 Source—RCW 15.28.010 [1955 c 47 § 1; 1947 c 73 § 1; Rem. Supp. 1947 § 2909-10.]
- 15.28.020 Source—RCW 15.28.020 [(i) 1947 c 73 § 2; Rem. Supp. 1947 § 2909-11. (ii) 1947 c 73 § 9; Rem. Supp. 1947 § 2909-18. (iii) 1947 c 73 § 13, part; Rem. Supp. 1947 § 2909-22, part.]
- 15.28.030 Source—RCW 15.28.030 [1947 c 73 § 3; Rem. Supp. 1947 § 2909-12.]
- 15.28.040 Source—RCW 15.28.040 [1947 c 73 § 4; Rem. Supp. 1947 § 2909-13.]

- 15.28.050 Source—RCW 15.28.050 [1947 c 73 § 5; Rem. Supp. 1947 § 2909-14.] note. Explanatory
- 15.28.060 Source—RCW 15.28.060 [1947 c 73 § 6; Rem. Supp. 1947 § 2909-15.]
- 15.28.070 Source—RCW 15.28.070 [1947 c 73 § 7; Rem. Supp. 1947 § 2909-16.]
- 15.28.080 Source—RCW 15.28.080 [1947 c 73 § 8; Rem. Supp. 1947 § 2909-17.]
- 15.28.090 Source—RCW 15.28.090 [1947 c 73 § 10; Rem. Supp. 1947 § 2909-19.]
- 15.28.100 Source—RCW 15.28.100 [(i) 1947 c 73 § 13, part; Rem. Supp. 1947 § 2909-22, part. (ii) 1947 c 73 § 15, part; Rem. Supp. 1947 § 2909-24, part. (iii) 1947 c 73 § 17, part; Rem. Supp. 1947 § 2909-26, part.]
In first paragraph: "The Washington state fruit commission is hereby declared and created a corporate body."; added to supply omitted session law language.
Subdivisions (7) and (8) added to supply omitted session law language.
- 15.28.110 Source—RCW 15.28.110 [(i) 1947 c 73 § 13, part; Rem. Supp. 1947 § 2909-22, part. (ii) 1947 c 73 § 14; Rem. Supp. 1947 § 2909-23. (iii) 1947 c 73 § 15, part; Rem. Supp. 1947 § 2909-24, part. (iv) 1947 c 73 § 17, part; Rem. Supp. 1947 § 2909-26, part.]
In subdivision (7) "and quality" added to reflect session law language.
- 15.28.120 Source—RCW 15.28.120 [1947 c 73 § 13, part; Rem. Supp. 1947 § 2909-22, part.]
- 15.28.130 Source—RCW 15.28.130 [1947 c 73 § 16; Rem. Supp. 1947 § 2909-25.]
- 15.28.140 Source—RCW 15.28.140 [1947 c 73 § 11; Rem. Supp. 1947 § 2909-20.]
- 15.28.150 Source—RCW 15.28.150 [1947 c 73 § 12; Rem. Supp. 1947 § 2909-21.]
- 15.28.160 Source—RCW 15.28.160 [1947 c 73 § 18; Rem. Supp. 1947 § 2909-27.]
- 15.28.170 Source—RCW 15.28.170 [1947 c 73 § 25; Rem. Supp. 1947 § 2909-34.]
- 15.28.180 Source—RCW 15.28.180 [1947 c 73 § 26; Rem. Supp. 1947 § 2909-35.]
- 15.28.190 Source—RCW 15.28.190 [1947 c 73 § 15, part; Rem. Supp. 1947 § 2909-24, part.]
- 15.28.200 Source—RCW 15.28.200 [1947 c 73 § 19; Rem. Supp. 1947 § 2909-28.]
- 15.28.210 Source—RCW 15.28.210 [1947 c 73 § 20; Rem. Supp. 1947 § 2909-29.]
- 15.28.220 Source—RCW 15.28.220 [1947 c 73 § 21; Rem. Supp. 1947 § 2909-30.]
- 15.28.230 Source—RCW 15.28.230 [1955 c 47 § 2; 1947 c 73 § 22; Rem. Supp. 1947 § 2909-31.]
- 15.28.240 Source—RCW 15.28.240 [1947 c 73 § 23; Rem. Supp. 1947 § 2909-32.]
- 15.28.250 Source—RCW 15.28.250 [1947 c 73 § 24; Rem. Supp. 1947 § 2909-33.]
- 15.28.260 Source—RCW 15.28.260 [1947 c 73 § 27; Rem. Supp. 1947 § 2909-36.]
- 15.28.270 Source—RCW 15.28.270 [1947 c 73 § 28; Rem. Supp. 1947 § 2909-37.]
- 15.28.280 Source—RCW 15.28.280 [1947 c 73 § 29; Rem. Supp. 1947 § 2909-38.]
- 15.28.290 Source—RCW 15.28.290 [1947 c 73 § 30; Rem. Supp. 1947 § 2909-39.]
- 15.28.300 Source—RCW 15.28.300 [1947 c 73 § 31; Rem. Supp. 1947 § 2909-40.]

- Explanatory
note.
- 15.28.310 Source—RCW 15.28.310 [1947 c 73 § 32; Rem. Supp. 1947 § 2909-41.]
- 15.28.900 Source—[1947 c 73 Preamble.]
Omitted from RCW.
- 15.28.910 Source—[1947 c 73 § 33, part; Rem. Supp. 1947 § 2909-42, part.]
Liberal construction, carried in RCW as footnote to RCW 15.28.010.
Severability portion omitted as covered herein by Sec. 15-98.030.

Chapter 15.32 Dairies and dairy products

- 15.32.010 Source—RCW 15.32.010 [1955 c 238 § 71. Prior: (i) 1943 c 90 § 1, last am'ds 1919 c 192 § 1; Rem. Supp. 1943 § 6164, part. (ii) 1929 c 213 § 6, part, last am'ds 1919 c 192 § 41; RRS § 6203, part.]
- 15.32.020 Source—RCW 15.32.020 [1955 c 238 § 72. Prior: 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1; Rem. Supp. 1943 § 6164, part.]
- 15.32.030 Source—RCW 15.32.030 [1955 c 238 § 73. Prior: 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1; Rem. Supp. 1943 § 6164, part.]
- 15.32.040 Source—RCW 15.32.040 [1955 c 238 § 74. Prior: 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1, part; Rem. Supp. 1943 § 6164, part.]
- 15.32.050 Source—RCW 15.32.050 [1955 c 238 § 75. Prior: 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1; Rem. Supp. 1943 § 6164, part.]
- 15.32.060 Source—RCW 15.32.060 [(i) 1943 c 90 § 2, part, last am'ds 1919 c 192 § 2; Rem. Supp. 1943 § 6165, part. (ii) 1927 c 192 § 20; 1919 c 192 § 73; RRS § 6235.]
- 15.32.070 Source—RCW 15.32.070 [1943 c 90 § 2, part, last am'ds 1919 c 192 § 2; Rem. Supp. 1943 § 6165, part.]
- 15.32.080 Source—RCW 15.32.080 [1923 c 27 § 1; 1919 c 192 § 3; RRS § 6166.]
- 15.32.090 Source—RCW 15.32.090 [(i) 1919 c 192 § 34; RRS § 6196. (ii) 1919 c 192 § 35; RRS § 6197. (iii) 1919 c 192 § 36; RRS § 6198. (iv) 1927 c 192 § 13; 1919 c 192 § 37; RRS § 6199. (v) 1927 c 192 § 14; 1919 c 192 § 38; RRS § 6200. (vi) 1927 c 192 § 15, part; 1919 c 192 § 39; RRS § 6201, part. (vii) 1919 c 192 § 75; RRS § 6237. (viii) 1919 c 192 § 81; RRS § 6243. (ix) 1899 c 43 § 10; 1895 c 45 § 10; RRS § 6255.]
- 15.32.100 Source—RCW 15.32.100 [(i) 1929 c 213 § 5, last am'ds 1919 c 192 § 31; RRS § 6193. (ii) 1923 c 27 § 9; 1919 c 192 § 32; RRS § 6194.]
- 15.32.110 Source—RCW 15.32.110 [(i) 1927 c 192 § 11, last am'ds 1919 c 192 § 29; RRS § 6192. (ii) 1919 c 192 § 33; RRS § 6195.]
- 15.32.120 Source—RCW 15.32.120 [(i) 1919 c 192 § 67; RRS § 6229. (ii) 1919 c 192 § 69; RRS § 6231.]
- 15.32.130 Source—RCW 15.32.130 [(i) 1919 c 192 § 47; RRS § 6209. (ii) 1919 c 192 § 58; RRS § 6220. (iii) 1919 c 192 § 62; RRS § 6224. (iv) 1919 c 192 § 66; RRS § 6228. (v) 1919 c 192 § 68; RRS § 6230.]
- 15.32.140 Source—RCW 15.32.140 [(i) 1929 c 213 § 12, last am'ds 1919 c 192 § 70; RRS § 6232.]
- 15.32.150 Source—RCW 15.32.150 [(i) 1929 c 213 § 8, last am'ds 1919 c 192 § 48; RRS § 6210.]
- 15.32.160 Source—RCW 15.32.160 [1929 c 213 § 9; 1919 c 192 § 49; RRS § 6211.]
- 15.32.170 Source—RCW 15.32.170 [1919 c 192 § 51; RRS § 6213. (ii) 1919 c 192 § 52; RRS § 6214.]
- 15.32.180 Source—RCW 15.32.180 [1949 c 168 § 21, last am'ds 1919 c 192 § 53; Rem. Supp. 1949 § 6215.]
- 15.32.190 Source—RCW 15.32.190 [1933 c 188 § 4; 1919 c 192 § 54; RRS § 6216.]
- 15.32.200 Source—RCW 15.32.200 [(i) 1919 c 192 § 5; RRS § 6168. (ii) 1919 c 192 § 6; RRS § 6169.]
- 15.32.210 Source—RCW 15.32.210 [1933 c 188 § 7; 1929 c 213 § 15; RRS § 6268-1.]

- 15.32.220 Source—RCW 15.32.220 [(i) 1929 c 213 § 17; 1911 c 39 § 1; RRS § 6282. (ii) 1911 c 39 § 2; RRS § 6283. (iii) 1911 c 39 § 3; RRS § 6284.] Explanatory note.
- 15.32.230 Source—RCW 15.32.230 [(i) 1919 c 192 § 8; RRS § 6171. (ii) 1923 c 27 § 2, part; 1919 c 192 § 9; RRS § 6172, part.]
- 15.32.240 Source—RCW 15.32.240 [1923 c 27 § 2, part; 1919 c 192 § 9; RRS § 6172, part.]
- 15.32.250 Source—RCW 15.32.250 [1919 c 192 § 4; RRS § 6167.]
- 15.32.260 Source—RCW 15.32.260 [1919 c 192 § 7; RRS § 6170.]
- 15.32.270 Source—RCW 15.32.270 [(i) 1919 c 192 § 55; RRS § 6217. (ii) 1919 c 192 § 61; RRS § 6223.]
- 15.32.280 Source—RCW 15.32.280 [1919 c 192 § 57; RRS § 6219.]
- 15.32.290 Source—RCW 15.32.290 [1955 c 238 § 76. Prior: 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1; Rem. Supp. 1943 § 6164, part.]
- 15.32.300 Source—RCW 15.32.300 [1955 c 238 § 77. Prior: 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1, part; Rem. Supp. 1943 § 6164, part.]
- 15.32.310 Source—RCW 15.32.310 [1919 c 192 § 50; RRS § 6212.]
- 15.32.330 Source—RCW 15.32.330 [1933 c 188 § 5; RRS § 6225-1.]
- 15.32.340 Source—RCW 15.32.340 [1919 c 192 § 45; RRS § 6207.]
- 15.32.360 Source—RCW 15.32.360 [1899 c 43 § 30; RRS § 6251.]
- 15.32.370 Source—RCW 15.32.370 [1929 c 213 § 7; 1919 c 192 § 44; RRS § 6206.]
Session law language restored.
- 15.32.380 Source—RCW 15.32.380 [1921 c 104 § 5; 1919 c 192 § 63; RRS § 6225.]
- 15.32.390 Source—RCW 15.32.390 [1955 c 238 § 81. Prior: (i) 1949 c 168 § 20, last am'ds 1919 c 192 § 11; Rem. Supp. 1949 § 6174. (ii) 1919 c 192 § 13; RRS § 6176.]
- 15.32.400 Source—RCW 15.32.400 [(i) 1919 c 192 § 14; RRS § 6177. (ii) 1933 c 188 § 3, last am'ds 1919 c 192 § 15; RRS § 6178. (iii) 1919 c 192 § 16; RRS § 6179. (iv) 1919 c 192 § 40; RRS § 6202.]
- 15.32.410 Source—RCW 15.32.410 [1919 c 192 § 12; RRS § 6175.]
- 15.32.420 Source—RCW 15.32.420 [1919 c 192 § 71; RRS § 6233.]
- 15.32.430 Source—RCW 15.32.430 [1933 c 23 § 1; RRS § 6260-1. (ii) 1933 c 23 § 2; RRS § 6260-2. (iii) 1933 c 23 § 3; RRS § 6260-3.]
- 15.32.440 Source—RCW 15.32.440 [(i) 1927 c 192 § 22, part, last am'ds 1915 c 101 § 1; RRS § 6259, part. (ii) 1915 c 101 § 2; RRS § 6260.]
- 15.32.450 Source—RCW 15.32.450 [(i) 1927 c 192 § 22, part, last am'ds 1915 c 101 § 1; RRS § 6259, part. (ii) 1915 c 101 § 3; RRS § 6261. (iii) 1927 c 192 § 22a; 1915 c 101 § 4; RRS § 6262. (iv) 1927 c 192 § 22b; 1915 c 101 § 5; RRS § 6263.]
- 15.32.460 Source—RCW 15.32.460 [1927 c 192 § 23, last am'ds 1915 c 101 § 6; RRS § 6264.]
- 15.32.470 Source—RCW 15.32.470 [(i) 1905 c 92 § 2; RRS § 6252. (ii) 1905 c 92 § 3; RRS § 6253.]
- 15.32.480 Source—RCW 15.32.480 [1927 c 192 § 17; 1919 c 192 § 64; RRS § 6226.]
- 15.32.490 Source—RCW 15.32.490 [1919 c 192 § 46, part; RRS § 6208, part.]
- 15.32.500 Source—RCW 15.32.500 [(i) 1919 c 192 § 46, part; RRS § 6208, part. (ii) 1927 c 192 § 17, part; 1919 c 192 § 64; RRS § 6226, part. (iii) 1927 c 192 § 18; 1919 c 192 § 65; RRS § 6227.]
- 15.32.510 Source—RCW 15.32.510 [(i) 1929 c 213 § 13; 1907 c 234 § 1; RRS § 6267. (ii) 1929 c 213 § 14; 1907 c 234 § 2; RRS § 6268.]
- 15.32.520 Source—RCW 15.32.520 [1907 c 234 § 14; RRS § 6280.]
- 15.32.530 Source—RCW 15.32.530 [1907 c 234 § 12; RRS § 6278.]
- 15.32.540 Source—RCW 15.32.540 [1907 c 234 § 11; RRS § 6277.]
- 15.32.550 Source—RCW 15.32.550 [1907 c 234 § 9; RRS § 6275.]
- 15.32.560 Source—RCW 15.32.560 [1907 c 234 § 10; RRS § 6276.]
- 15.32.570 Source—RCW 15.32.570 [1919 c 192 § 56; RRS § 6218.]
- 15.32.580 Source—RCW 15.32.580 [(i) 1943 c 90 § 4, last am'ds 1919 c 192 § 26; Rem. Supp. 1943 § 6189.]
Restored to session law language.

Explanatory
note.

- 15.32.582 Source—[1943 c 90 § 5, last am'ds 1919 c 192 § 27; Rem. Supp. 1943 § 6190.]
Part of this section is presently included in RCW 15.32.580 and part was omitted from RCW.
- 15.32.584 Source—[1943 c 90 § 6, last am'ds 1919 c 192 § 28; Rem. Supp. 1943 § 6191.]
Presently omitted from RCW. Old dates retained for continuity. Prior to the 1943 amendment such licenses were issued for life.
- 15.32.590 Source—RCW 15.32.590 [1927 c 192 § 7, part, last am'ds 1919 c 192 § 25; RRS § 6188, part.]
- 15.32.600 Source—RCW 15.32.600 [1927 c 192 § 7, part, last am'ds 1919 c 192 § 25; RRS § 6188, part.]
- 15.32.610 Source—RCW 15.32.610 [1927 c 192 § 7, part, last am'ds 1919 c 192 § 25; RRS § 6188, part.]
- 15.32.620 Source—RCW 15.32.620 [(i) 1927 c 192 § 5; 1919 c 192 § 21; RRS § 6184. (ii) 1929 c 213 § 4; 1919 c 192 § 23; RRS § 6186.]
- 15.32.630 Source—RCW 15.32.630 [1927 c 192 § 4; 1919 c 192 § 17; RRS § 6180.]
- 15.32.640 Source—RCW 15.32.640 [(i) 1919 c 192 § 18; RRS § 6181. (ii) 1921 c 104 § 1, part; 1919 c 192 § 19; RRS § 6182, part.]
- 15.32.650 Source—RCW 15.32.650 [(i) 1921 c 104 § 1, part; 1919 c 192 § 19; RRS § 6182, part. (ii) 1919 c 192 § 20; RRS § 6183.]
- 15.32.660 Source—RCW 15.32.660 [1927 c 192 § 15, part; 1919 c 192 § 39; RRS § 6201, part.]
- 15.32.670 Source—RCW 15.32.670 [1899 c 43 § 12; RRS § 6257.]
- 15.32.680 Source—RCW 15.32.680 [1899 c 43 § 28; RRS § 6250.]
- 15.32.690 Source—RCW 15.32.690 [1955 c 238 § 78. Prior: (i) 1943 c 90 § 1, part, last am'ds 1919 c 192 § 1; Rem. Supp. 1943 § 6164, part. (ii) 1929 c 213 § 6, part, last am'ds 1919 c 192 § 41; RRS § 6203.]
- 15.32.692 Source—RCW 15.34.010 [1955 c 343 § 1.]
- 15.32.694 Source—RCW 15.34.020 [1955 c 343 § 2.]
- 15.32.696 Source—RCW 15.34.030 [1955 c 343 § 3.]
- 15.32.698 Source—RCW 15.34.040 [1955 c 343 § 4.]
- 15.32.700 Source—RCW 15.32.700 [1919 c 192 § 72; RRS § 6234.]
- 15.32.710 Source—RCW 15.32.710 [1899 c 43 § 27; RRS § 6249.]
- 15.32.720 Source—RCW 15.32.720 [1919 c 192 § 82; RRS § 6244.]
- 15.32.730 Source—RCW 15.32.730 [1919 c 192 § 76; RRS § 6238.]
- 15.32.740 Source—RCW 15.32.740 [(i) 1919 c 192 § 43; RRS § 6205. (ii) 1919 c 192 § 77; RRS § 6239. (iii) 1915 c 101 § 7; RRS § 6265.]
- 15.32.750 Source—RCW 15.32.750 [1919 c 192 § 78; RRS § 6240.]
- 15.32.760 Source—RCW 15.32.760 [1899 c 43 § 22; RRS § 6258.]
- 15.32.770 Source—RCW 15.32.770 [1919 c 192 § 79; RRS § 6241.]
- 15.32.780 Source—RCW 15.32.780 [1919 c 192 § 80; RRS § 6242.]
- 15.32.790 Source—RCW 15.32.790 [1927 c 192 § 6; 1919 c 192 § 22; RRS § 6185.]
- 15.32.900 Source—[1919 c 192 § 83; RRS 6245.] Presently omitted from RCW.
- 15.32.910 Source—[1919 c 192 § 88; RRS 6266.] Presently omitted from RCW.
“sections 5449 to 5466, both inclusive, of Remington and Ballinger’s Annotated Codes and Statutes of Washington,” to “chapter 6904 or RCW 69.40.010 through 69.40.025”.
Rem. & Bal. §§ 5449 through 5452 are codified as RCW 69.40.010 through 69.40.030 and Rem. & Bal. §§ 5453 through 5466 were repealed and superseded by 1945 c 257, the Uniform Washington Food, Drug and Cosmetic act, codified in RCW as chapter 69.04.

Chapter 15.34 Milk and milk products

RCW 15.34.010—15.34.040 [1955 c 343 §§ 1-4] Herein Secs. 15.32.692, 15.32.694, 15.32.696 and 15.32.698.

Chapter 15.36 Fluid milk

- 15.36.010 Source—RCW 15.36.010 [1955 c 238 § 2. Prior: 1949 c 168 § 1 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l); Rem. Supp. 1949 § 6266-30 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), and (l).] Explanatory note.
 “other culture, or pasteurized” changed to “other culture, of pasteurized” in definition of “cultured milk”.
- 15.36.020 Source—RCW 15.36.020 [1955 c 238 § 3. Prior: 1949 c 168 § 1 (m); Rem. Supp. 1949 § 6266-30 (m).]
- 15.36.030 Source—RCW 15.36.030 [1955 c 238 § 4. Prior: 1949 c 168 § 1 (n); Rem. Supp. 1949 § 6266-30 (n).]
- 15.36.040 Source—RCW 15.36.040 [1955 c 238 § 5. Prior: 1949 c 168 § 1(o), (p), (q), and (r). Rem. Supp. 1949 § 6266-30(o), (p), (q), and (r).]
- 15.36.050 Source—RCW 15.36.050 [1955 c 238 § 6. Prior: 1949 c 168 § 1 (t); Rem. Supp. 1949 § 6266-30(t).]
- 15.36.060 Source—RCW 15.36.060 [1955 c 238 § 7. Prior: 1949 c 168 § 1 (s), (u), (v), and (w); Rem. Supp. 1949 § 6266-30(s), (u), (v), and (w).]
- 15.36.070 Source—RCW 15.36.070 [1949 c 168 § 2; Rem. Supp. 1949 § 6266-31.]
- 15.36.080 Source—RCW 15.36.080 [1955 c 238 § 8; 1949 c 168 § 3; Rem. Supp. 1949 § 6266-32.]
- 15.36.090 Source—RCW 15.36.090 [1955 c 238 § 9; 1949 c 168 § 4; Rem. Supp. 1949 § 6266-33.]
- 15.36.100 Source—RCW 15.36.100 [1949 c 168 § 5; Rem. Supp. 1949 § 6266-34.]
- 15.36.110 Source—RCW 15.36.110 [1955 c 238 § 10; 1949 c 168 § 6; Rem. Supp. 1949 § 6266-35.]
- 15.36.120 Source—RCW 15.36.120 [1955 c 238 § 12. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
- 15.36.130 Source—RCW 15.36.130 [1955 c 238 § 13. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
- 15.36.140 Source—RCW 15.36.140 [1955 c 238 § 14. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
- 15.36.150 Source—RCW 15.36.150 [1955 c 238 § 15. Prior: 1949 c 168 § 7(1r); Rem. Supp. 1949 § 6266-36(1r).]
- 15.36.155 Source—RCW 15.36.155 [1955 c 238 § 16. Prior: 1949 c 168 § 7(2r); Rem. Supp. 1949 § 6266-36(2r).]
- 15.36.160 Source—RCW 15.36.160 [1955 c 238 § 17. Prior: 1949 c 168 § 7(3r); Rem. Supp. 1949 § 6266-36(3r).]
- 15.36.165 Source—RCW 15.36.165 [1955 c 238 § 18. Prior: 1949 c 168 § 7(4r); Rem. Supp. 1949 § 6266-36(4r).]
- 15.36.170 Source—RCW 15.36.170 [1955 c 238 § 19. Prior: 1949 c 168 § 7(5r); Rem. Supp. 1949 § 6266-36(5r).]
- 15.36.175 Source—RCW 15.36.175 [1955 c 238 § 20. Prior: 1949 c 168 § 7(6r); Rem. Supp. 1949 § 6266-36(6r).]
- 15.36.180 Source—RCW 15.36.180 [1955 c 238 § 21. Prior: 1949 c 168 § 7(7r); Rem. Supp. 1949 § 6266-36(7r).]
- 15.36.185 Source—RCW 15.36.185 [1955 c 238 § 22. Prior: 1949 c 168 § 7(8r); Rem. Supp. 1949 § 6266-36(8r).]
- 15.36.190 Source—RCW 15.36.190 [1955 c 238 § 23. Prior: 1949 c 168 § 7(9r); Rem. Supp. 1949 § 6266-36(9r).]
- 15.36.195 Source—RCW 15.36.195 [1955 c 238 § 24. Prior: 1949 c 168 § 7(10r); Rem. Supp. 1949 § 6266-36(10r).]
- 15.36.200 Source—RCW 15.36.200 [1955 c 238 § 25. Prior: 1949 c 168 § 7(11r); Rem. Supp. 1949 § 6266-36(11r).]
- 15.36.205 Source—RCW 15.36.205 [1955 c 238 § 26. Prior: 1949 c 168 § 7(12r); Rem. Supp. 1949 § 6266-36(12r).]
- 15.36.210 Source—RCW 15.36.210 [1955 c 238 § 27. Prior: 1949 c 168 § 7(13r); Rem. Supp. 1949 § 6266-36(13r).]

Explanatory note.	15.36.215	Source—RCW 15.36.215 [1955 c 238 § 28. Prior: 1949 c 168 § 7(14r); Rem. Supp. 1949 § 6266-36(14r).]
	15.36.220	Source—RCW 15.36.220 [1955 c 238 § 29. Prior: 1949 c 168 § 7(15r); Rem. Supp. 1949 § 6266-36(15r).]
	15.36.225	Source—RCW 15.36.225 [1955 c 238 § 30. Prior: 1949 c 168 § 7(16r); Rem. Supp. 1949 § 6266-36(16r).]
	15.36.230	Source—RCW 15.36.230 [1955 c 238 § 31. Prior: 1949 c 168 § 7(17r); Rem. Supp. 1949 § 6266-36(17r).]
	15.36.235	Source—RCW 15.36.235 [1955 c 238 § 32. Prior: 1949 c 168 § 7(18r); Rem. Supp. 1949 § 6266-36(18r).]
	15.36.240	Source—RCW 15.36.240 [1955 c 238 § 33. Prior: 1949 c 168 § 7(19r); Rem. Supp. 1949 § 6266-36(19r).]
	15.36.245	Source—RCW 15.36.245 [1955 c 238 § 34. Prior: 1949 c 168 § 7(20r); Rem. Supp. 1949 § 6266-36(20r).]
	15.36.250	Source—RCW 15.36.250 [1955 c 238 § 35. Prior: 1949 c 168 § 7(21r); Rem. Supp. 1949 § 6266-36(21r).]
	15.36.255	Source—RCW 15.36.255 [1955 c 238 § 36. Prior: 1949 c 168 § 7(22r); Rem. Supp. 1949 § 6266-36(22r).]
	15.36.260	Source—RCW 15.36.260 [1955 c 238 § 37. Prior: 1949 c 168 § 7(23r); Rem. Supp. 1949 § 6266-36(23r).]
	15.36.265	Source—RCW 15.36.265 [1955 c 238 § 38. Prior: 1949 c 168 § 7(24r); Rem. Supp. 1949 § 6266-36(24r).]
	15.36.270	Source—RCW 15.36.270 [1955 c 238 § 39. Prior: 1949 c 168 § 7(25r); Rem. Supp. 1949 § 6266-36(25r).]
	15.36.280	Source—RCW 15.36.280 [1955 c 238 § 40. Prior: 1949 c 168 § 7(26r, part); Rem. Supp. 1949 § 6266-36(26r, part).]
	15.36.290	Source—RCW 15.36.290 [1955 c 238 § 41. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
	15.36.300	Source—RCW 15.36.300 [1955 c 238 § 42. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
	15.36.310	Source—RCW 15.36.310 [1955 c 238 § 43. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
	15.36.320	Source—RCW 15.36.320 [1955 c 238 § 44. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
	15.36.325	Source—RCW 15.36.325 [1955 c 238 § 45. Prior: 1949 c 168 § 7(1p); Rem. Supp. 1949 § 6266-36(1p).]
	15.36.330	Source—RCW 15.36.330 [1955 c 238 § 46. Prior: 1949 c 168 § 7(2p); Rem. Supp. 1949 § 6266-36(2p).]
	15.36.335	Source—RCW 15.36.335 [1955 c 238 § 47. Prior: 1949 c 168 § 7(3p); Rem. Supp. 1949 § 6266-36(3p).]
	15.36.340	Source—RCW 15.36.340 [1955 c 238 § 48. Prior: 1949 c 168 § 7(4p); Rem. Supp. 1949 § 6266-36(4p).]
	15.36.345	Source—RCW 15.36.345 [1955 c 238 § 49. Prior: 1949 c 168 § 7(5p); Rem. Supp. 1949 § 6266-36(5p).]
	15.36.350	Source—RCW 15.36.350 [1955 c 238 § 50. Prior: 1949 c 168 § 7(6p); Rem. Supp. 1949 § 6266-36(6p).]
	15.36.355	Source—RCW 15.36.355 [1955 c 238 § 51. Prior: 1949 c 168 § 7(7p); Rem. Supp. 1949 § 6266-36(7p).] “by state board of health” changed to “by the state board of health” to conform to session law language.
	15.36.360	Source—RCW 15.36.360 [1955 c 238 § 52. Prior: 1949 c 168 § 7(8p); Rem. Supp. 1949 § 6266-36(8p).]
	15.36.365	Source—RCW 15.36.365 [1955 c 238 § 53. Prior: 1949 c 168 § 7(9p); Rem. Supp. 1949 § 6266-36(9p).]
	15.36.370	Source—RCW 15.36.370 [1955 c 238 § 54. Prior: 1949 c 168 § 7(10p); Rem. Supp. 1949 § 6266-36(10p).]
	15.36.375	Source—RCW 15.36.375 [1955 c 238 § 55. Prior: 1949 c 168 § 7(11p); Rem. Supp. 1949 § 6266-36(11p).]
	15.36.380	Source—RCW 15.36.380 [1955 c 238 § 56. Prior: 1949 c 168 § 7(12p); Rem. Supp. 1949 § 6266-36(12p).]
	15.36.385	Source—RCW 15.36.385 [1955 c 238 § 57. Prior: 1949 c 168 § 7(13p); Rem. Supp. 1949 § 6266-36(13p).]

- 15.36.390 Source—RCW 15.36.390 [1955 c 238 § 58. Prior: 1949 c 168 § 7(14p); Rem. Supp. 1949 § 6266-36(14p).] Explanatory note.
- 15.36.395 Source—RCW 15.36.395 [1955 c 238 § 59. Prior: 1949 c 168 § 7(15p); Rem. Supp. 1949 § 6266-36(15p).]
- 15.36.400 Source—RCW 15.36.400 [1955 c 238 § 60. Prior: 1949 c 168 § 7(16p); Rem. Supp. 1949 § 6266-36(16p).]
- 15.36.405 Source—RCW 15.36.405 [1955 c 238 § 61. Prior: 1949 c 168 § 7(17p); Rem. Supp. 1949 § 6266-36(17p).]
- 15.36.410 Source—RCW 15.36.410 [1955 c 238 § 62. Prior: 1949 c 168 § 7(18p); Rem. Supp. 1949 § 6266-36(18p).]
- 15.36.415 Source—RCW 15.36.415 [1955 c 238 § 63. Prior: 1949 c 168 § 7(19p); Rem. Supp. 1949 § 6266-36(19p).]
- 15.36.420 Source—RCW 15.36.420 [1955 c 238 § 64. Prior: 1949 c 168 § 7(20p); Rem. Supp. 1949 § 6266-36(20p).]
- 15.36.425 Source—RCW 15.36.425 [1955 c 238 § 65. Prior: 1949 c 168 § 7(21p); Rem. Supp. 1949 § 6266-36(21p).]
“or the state department of health for” changed to “or by the state department of health for”.
- 15.36.430 Source—RCW 15.36.430 [1955 c 238 § 66. Prior: 1949 c 168 § 7(22p); Rem. Supp. 1949 § 6266-36(22p).]
- 15.36.440 Source—RCW 15.36.440 [1955 c 238 § 67. Prior: 1949 c 168 § 7(23p); Rem. Supp. 1949 § 6266-36(23p).]
- 15.36.450 Source—RCW 15.36.450 [1955 c 238 § 68. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
- 15.36.460 Source—RCW 15.36.460 [1955 c 238 § 69. Prior: 1949 c 168 § 7, part; Rem. Supp. 1949 § 6266-36, part.]
- 15.36.470 Source—RCW 15.36.470 [1949 c 168 § 8; Rem. Supp. 1949 § 6266-37.]
- 15.36.480 Source—RCW 15.36.480 [1949 c 168 § 9; Rem. Supp. 1949 § 6266-37a.]
- 15.36.490 Source—RCW 15.36.490 [1949 c 168 § 10; Rem. Supp. 1949 § 6266-38.]
- 15.36.500 Source—RCW 15.36.500 [1949 c 168 § 11; Rem. Supp. 1949 § 6266-39.]
- 15.36.510 Source—RCW 15.36.510 [1949 c 168 § 12; Rem. Supp. 1949 § 6266-40.]
In first sentence: “are hereafter constructed, reconstructed, or extensively altered” to “are constructed, reconstructed, or extensively altered after June 8, 1949” to preserve time context of original 1949 enactment.
In second sentence: “hereafter” to “thereafter”.
- 15.36.520 Source—RCW 15.36.520 [1949 c 168 § 13; Rem. Supp. 1949 § 6266-41.]
- 15.36.530 Source—RCW 15.36.530 [1949 c 168 § 14; Rem. Supp. 1949 § 6266-42.]
- 15.36.540 Source—RCW 15.36.540 [1949 c 168 § 15; Rem. Supp. 1949 § 6266-43.]
- 15.36.550 Source—RCW 15.36.550 [1949 c 168 § 16; Rem. Supp. 1949 § 6266-44.]
- 15.36.560 Source—RCW 15.36.560 [1949 c 168 § 17; Rem. Supp. 1949 § 6266-45.]
- 15.36.570 Source—RCW 15.36.570 [1949 c 168 § 18(a); Rem. Supp. 1949 § 6266-46(a).]
- 15.36.580 Source—RCW 15.36.580 [1949 c 168 § 18(b); Rem. Supp. 1949 § 6266-46(b).]
- 15.36.590 Source—RCW 15.36.590 [1949 c 168 § 19; Rem. Supp. 1949 § 6266-48.]
- 15.36.600 Source—RCW 15.36.600 [1949 c 168 § 23; Rem. Supp. 1949 § 6266-49.]
Decodified and redecodified as 15.36.900, present RCW codification for construction sections.

Explanatory
note.

- 15.36.900 Source—RCW 15.36.600 [1949 c 168 § 23; Rem. Supp. 1949 § 6266-49.]
See 15.36.600 above.

Chapter 15.38 Filled dairy products

- 15.38.001 Source—RCW 15.38.001 [1951 c 20 § 1.]
15.38.010 Source—RCW 15.38.010 [1951 c 20 § 2.]
15.38.020 Source—RCW 15.38.020 [1951 c 20 § 3.]
15.38.030 Source—RCW 15.38.030 [1951 c 20 § 5.]
15.38.040 Source—RCW 15.38.040 [1951 c 20 § 6.]
“to 69.04.850” changed to “to 69.04.870” to conform to organization of chapter 69.04 as restored to session law language.
15.38.050 Source—RCW 15.38.050 [1951 c 20 § 4.]

Chapter 15.40 Oleomargarine—1949 Act

- 15.40.010 Source—RCW 15.40.010 [1949 c 13 § 1; Rem. Supp. 1949 § 6248-1.]
15.40.030 Source—RCW 15.40.030 [1949 c 13 § 2(b); Rem. Supp. 1949 § 6248-2(b).]
15.40.040 Source—RCW 15.40.040 [1949 c 13 § 3; Rem. Supp. 1949 § 6248-3.]
15.40.050 Source—RCW 15.40.050 [1949 c 13 § 4; Rem. Supp. 1949 § 6248-4.]
15.40.900 Source—[1949 c 13 Preamble.]
Presently footnoted to RCW 15.40.010.

Chapter 15.41 Oleomargarine—1953 Act

- 15.41.010 Source—[1953 c 1 § 1; Initiative measure No. 180 § 1.]
Presently footnoted to RCW 15.41.020 Memorial.
15.41.020 Source—[1953 c 1 § 2; Initiative measure No. 180 § 2.]
The section repealed [1949 c 13 § 2(a); RCW 15.40.020], provided as follows:
“The manufacture, transportation, handling, possession, sale, use or serving of yellow oleomargarine is hereby prohibited: PROVIDED, HOWEVER, That nothing herein contained shall be construed to prohibit the use of yellow oleomargarine in private homes.”

Chapter 15.44 Dairy products commission

- 15.44.010 Source—RCW 15.44.010 [1939 c 219 § 2; RRS § 6266-2.]
15.44.020 Source—RCW 15.44.020 [1959 c 163 § 2. Prior: (i) 1939 c 219 § 3, part; RRS § 6266-3, part. (ii) 1939 c 219 § 4, part; RRS § 6266-4, part.]
15.44.025 Source—RCW 15.44.025 [1959 c 163 § 3.]
15.44.030 Source—RCW 15.44.030 [1959 c 163 § 4. Prior: 1939 c 219 § 3, part; RRS § 6266-3, part.]
15.44.032 Source—RCW 15.44.032 [1959 c 163 § 5.]
“after the effective date of this act” changed to “after December 1, 1959”.
15.44.034 Source—RCW 15.44.034 [1959 c 163 § 6.]
15.44.036 Source—RCW 15.44.036 [1959 c 163 § 7.]
15.44.038 Source—RCW 15.44.038 [1959 c 163 § 8.]
15.44.040 Source—RCW 15.44.040 [1959 c 163 § 9. Prior: 1939 c 219 § 4, part; RRS § 6266-4, part.]
15.44.050 Source—RCW 15.44.050 [(i) 1939 c 219 § 5; RRS § 6266-5. (ii) 1939 c 219 § 6; RRS § 6266-6.]
“shall appoint” added to reflect session law language.
15.44.060 Source—RCW 15.44.060 [1959 c 163 § 13; 1939 c 219 § 8; RRS § 6266-8.]
15.44.070 Source—RCW 15.44.070 [1939 c 219 § 18; RRS § 6266-18.]
15.44.080 Source—RCW 15.44.080 [1959 c 163 § 11. Prior: 1949 c 185 § 1; 1939 c 219 § 9(a); Rem. Supp. 1949 § 6266-9(a).]

- 15.44.090 Source—RCW 15.44.090 [1959 c 163 § 12. Prior: 1949 c 185 § 1; 1939 c 219 § 9(b); Rem. Supp. 1949 § 6266-9(b).] Explanatory note.
- 15.44.100 Source—RCW 15.44.100 [1959 c 163 § 14; 1939 c 219 § 10; RRS § 6266-10.]
- 15.44.110 Source—RCW 15.44.110 [1959 c 163 § 15; 1939 c 219 § 11; RRS § 6266-11.]
- 15.44.120 Source—RCW 15.44.120 [1959 c 163 § 16; 1939 c 219 § 12; RRS § 6266-12.]
- 15.44.130 Source—RCW 15.44.130 [1959 c 163 § 17, last am'ds 1939 c 219 § 13; Rem. Supp. 1949 § 6266-13.]
- 15.44.140 Source—RCW 15.44.140 [1939 c 219 § 19; RRS § 6266-19.]
- 15.44.150 Source—RCW 15.44.150 [1939 c 219 § 7; RRS § 6266-7.]
- 15.44.160 Source—RCW 15.44.160 [1939 c 219 § 16; RRS § 6266-16.]
- 15.44.170 Source—RCW 15.44.170 [1939 c 219 § 14; RRS § 6266-14.]
- 15.44.180 Source—RCW 15.44.180 [1939 c 219 § 15; RRS § 6266-15.]
- 15.44.900 Source—[1939 c 219 § 1; Rem. Supp. § 6266-1.]
Not codified in RCW.
- 15.44.910 Source—[1939 c 219 § 17, part; Rem. Supp. § 6266-17, part.]
Declaration of liberal construction. Severability portion omitted as covered herein by Sec. 15.98.030.

Chapter 15.48 Agricultural and vegetable seeds

- 15.48.010 Source—RCW 15.48.010 [1959 c 222 § 1; 1955 c 233 § 2. Prior: (i) 1941 c 56 § 5, last am'ds 1919 c 183 § 1, part; Rem. Supp. 1941 § 2828-6. (ii) 1941 c 56 § 6, last am'ds 1919 c 183 § 1, part; Rem. Supp. 1941 § 2828-7. (iii) 1941 c 56 § 7; Rem. Supp. 1941 § 2828-8. (iv) 1941 c 56 § 10; Rem. Supp. 1941 § 2828-11. (v) 1941 c 56 § 11; Rem. Supp. 1941 § 2828-12. (vi) 1941 c 56 § 13; Rem. Supp. 1941 § 2828-14. (vii) 1943 c 248 § 3; Rem. Supp. 1943 § 2828-52.]
- 15.48.020 Source—RCW 15.48.020 [1955 c 233 § 3. Prior: 1941 c 56 § 12; Rem. Supp. 1941 § 2828-13.]
- 15.48.030 Source—RCW 15.48.030 [1955 c 233 § 4. Prior: 1941 c 56 § 15; Rem. Supp. 1941 § 2828-16.]
- 15.48.040 Source—RCW 15.48.040 [1959 c 222 § 2; 1955 c 233 § 5. Prior: 1941 c 56 § 16, last am'ds 1919 c 183 § 5; Rem. Supp. 1941 § 2828-17.]
- 15.48.050 Source—RCW 15.48.050 [1955 c 233 § 6. Prior: 1941 c 56 § 17; Rem. Supp. 1941 § 2828-18.]
- 15.48.060 Source—RCW 15.48.060 [1959 c 222 § 3; 1955 c 233 § 7. Prior: 1941 c 56 § 18, last am'ds 1919 c 183 § 2; Rem. Supp. 1941 § 2828-19.]
- 15.48.070 Source—RCW 15.48.070 [1955 c 233 § 8. Prior: 1941 c 56 § 19; Rem. Supp. 1941 § 2828-20.]
- 15.48.080 Source—RCW 15.48.080 [1955 c 233 § 9. Prior: 1941 c 56 § 20; Rem. Supp. 1941 § 2828-21.]
- 15.48.090 Source—RCW 15.48.090 [1955 c 233 § 10. Prior: 1941 c 56 § 22; Rem. Supp. 1941 § 2828-23.]
- 15.48.100 Source—RCW 15.48.100 [1955 c 233 § 11. Prior: 1941 c 56 § 23; Rem. Supp. 1941 § 2828-24.]
- 15.48.110 Source—RCW 15.48.110 [1955 c 233 § 12. Prior: (i) 1941 c 56 § 24; Rem. Supp. 1941 § 2828-25. (ii) 1941 c 56 § 25; Rem. Supp. 1941 § 2828-26.]
- 15.48.120 Source—RCW 15.48.120 [1955 c 233 § 13. Prior: 1941 c 56 § 26; Rem. Supp. 1941 § 2828-27.]
- 15.48.130 Source—RCW 15.48.130 [1955 c 233 § 14. Prior: 1941 c 56 § 29; Rem. Supp. 1941 § 2828-30.]
- 15.48.132 Source—RCW 15.48.132 [1955 c 233 § 15.]
- 15.48.134 Source—RCW 15.48.134 [1955 c 233 § 16.]
- 15.48.136 Source—RCW 15.48.136 [1955 c 233 § 17.]
- 15.48.138 Source—RCW 15.48.138 [1955 c 233 § 18.]

Explanatory note.

- 15.48.140 Source—RCW 15.48.140 [1955 c 233 § 19. Prior: 1941 c 56 § 37; Rem. Supp. 1941 § 2828-38.]
- 15.48.150 Source—RCW 15.48.150 [1955 c 233 § 20. Prior: (i) 1941 c 56 § 27; Rem. Supp. 1941 § 2828-28. (ii) 1941 c 56 § 28; Rem. Supp. 1941 § 2828-29.]
- 15.48.160 Source—RCW 15.48.160 [1955 c 233 § 21. Prior: 1943 c 64 § 1; 1941 c 56 § 36; Rem. Supp. 1943 § 2828-37.]
- 15.48.165 Source—RCW 15.48.165 [1955 c 233 § 22.]
- 15.48.170 Source—RCW 15.48.170 [1955 c 233 § 23. Prior: (i) 1941 c 56 § 34; Rem. Supp. 1941 § 2828-35. (ii) 1941 c 56 § 35; Rem. Supp. 1941 § 2828-36.]
- 15.48.175 Source—RCW 15.48.175 [1955 c 233 § 24.]
- 15.48.180 Source—RCW 15.48.180 [1955 c 233 § 25. Prior: (i) 1943 c 248 § 1; Rem. Supp. 1943 § 2828-50. (ii) 1943 c 248 § 2; Rem. Supp. 1943 § 2828-51.]
- 15.48.190 Source—RCW 15.48.190 [1955 c 233 § 26. Prior: (i) 1943 c 248 § 4; Rem. Supp. 1943 § 2828-53. (ii) 1943 c 248 § 6; Rem. Supp. 1943 § 2828-55.]
- 15.48.200 Source—RCW 15.48.200 [1955 c 233 § 27. Prior: 1943 c 248 § 5; Rem. Supp. 1943 § 2828-54.]
- 15.48.205 Source—RCW 15.48.205 [1955 c 233 § 28.]
- 15.48.210 Source—RCW 15.48.210 [1955 c 233 § 29. Prior: 1941 c 56 § 30; Rem. Supp. 1941 § 2828-31.]
- 15.48.220 Source—RCW 15.48.220 [1955 c 233 § 30. Prior: 1941 c 56 § 21; Rem. Supp. 1941 § 2828-22.]
- 15.48.230 Source—RCW 15.48.230 [1955 c 233 § 31. Prior: 1943 c 64 § 2; 1941 c 56 § 38; Rem. Supp. 1943 § 2828-39.]
- “a special fund which is hereby created in the state treasury and designated the ‘seed fund’, which” to “the seed account of the state general fund and” to harmonize with chapter 43.79 RCW which abolished the seed fund and transferred its moneys to the seed account.
- Last sentence omitted as obsolete, see also chapter 43.79 RCW.
- 15.48.240 Source—RCW 15.48.240 [1955 c 233 § 32. Prior: 1941 c 56 § 31; Rem. Supp. 1941 § 2828-32.]
- 15.48.250 Source—RCW 15.48.250 [1955 c 233 § 33. Prior: 1941 c 56 § 32; Rem. Supp. 1941 § 2828-33.]
- 15.48.260 Source—RCW 15.48.260 [1955 c 233 § 34. Prior: 1941 c 56 § 33; Rem. Supp. 1941 § 2828-34.]
- 15.48.900 Source—RCW 15.48.900 [1955 c 233 § 1.]
- “act” changed to “chapter”.

Chapter 15.50 Irish seed potatoes

- 15.50.010 Source—RCW 15.50.010 [1959 c 65 § 1.]
- 15.50.020 Source—RCW 15.50.020 [1959 c 65 § 2.]
- 15.50.030 Source—RCW 15.50.030 [1959 c 65 § 3.]
- 15.50.040 Source—RCW 15.50.040 [1959 c 65 § 4.]
- 15.50.050 Source—RCW 15.50.050 [1959 c 65 § 5.]
- “State College of Washington” changed to “Washington State University” (see RCW 28.80.010 as amended by 1959 c 77).
- 15.50.060 Source—RCW 15.50.060 [1959 c 65 § 6.]
- 15.50.070 Source—RCW 15.50.070 [1959 c 65 § 7.]
- 15.50.080 Source—RCW 15.50.080 [1959 c 65 § 8.]

Chapter 15.52 Washington animal remedy act
(Formerly Feed, fertilizers and livestock remedies)

Note 1: Laws of 1939 c 211, session law basis for chapter 15.52, originally pertained to feed, fertilizers and livestock remedies (see former chapter designation); chapter 80, Laws of 1953 (chapter 15.53 RCW) supersedes this chapter as it relates to commercial feeds (see 1953 c 80 § 32); chapter 85, Laws of 1953

- (chapter 15.54 RCW) supersedes this chapter insofar as it relates to fertilizers, agricultural minerals and limes (see 1953 c 85 § 27); herein chapter 15.52 RCW has been edited by removing portions thereof superseded by the 1953 acts mentioned above, and retaining only the provisions relating to livestock remedies, thus rendering the chapter an animal remedy act, in accordance with the short title enacted by 1959 c 223 § 1 (RCW 15.52.900).
- 15.52.010 Source—RCW 15.52.010 [(i) 1939 c 211 § 5; RRS § 7016-5. (iii) 1949 c 167 § 1, part; 1939 c 211 § 9; Rem. Supp. 1949 § 7016-9, part. (v) 1939 c 211 § 39, part; RRS § 7016-39, part. Omitted in reenactment: (ii) 1939 c 211 § 6; RRS § 7016-6. (iii) 1949 c 167 § 1, part; 1939 c 211 § 9; Rem. Supp. 1949 § 7016-9, part. (iv) 1949 c 167 § 2, part; 1939 c 211 § 33; Rem. Supp. 1949 § 7016-33, part. (vi) 1939 c 211 § 42; RRS § 7016-42. (vii) 1939 c 211 § 43; RRS § 7016-43. (viii) 1939 c 211 § 44; RRS § 7016-44.]
Substantial omissions as noted above. The definition of "label" is presently omitted from RCW.
- 15.52.020 Source—RCW 15.52.020 [1939 c 211 § 16; RRS § 7016-16.]
"the state college" changed to "Washington State University".
- 15.52.030 Source—RCW 15.52.030 [1939 c 211 § 17; RRS § 7016-17.]
- 15.52.040 Source—RCW 15.52.040 [1939 c 211 § 18; RRS § 7016-18.]
Substantial omissions as noted above.
- 15.52.050 Source—RCW 15.52.050 [(i) 1939 c 211 § 19; RRS § 7016-19. (ii) 1939 c 211 § 20, part; RRS § 7016-20, part.]
"distributing any concentrated commercial feeding stuff, fertilizer, or livestock remedy," changed to "distributing any livestock remedy."
- 15.52.060 Source—RCW 15.52.060 [1939 c 211 § 21, part; RRS § 7016-21, part.]
"samples of commercial feeding stuffs, fertilizers, or livestock remedies" changed to "samples of livestock remedies".
- 15.52.070 Source—RCW 15.52.070 [1939 c 211 § 21, part; RRS § 7016-21, part.]
- 15.52.080 Source—RCW 15.52.080 [1939 c 211 § 10; RRS § 7016-10.]
"Concentrated commercial feeding stuff, fertilizer, and livestock remedies shall" changed to "Livestock remedies shall".
- 15.52.090 Source—RCW 15.52.090 [(i) 1939 c 211 § 12; RRS § 7016-12. (ii) 1939 c 211 § 13; RRS § 7016-13.]
- 15.52.100 Source—RCW 15.52.100 [(i) 1939 c 211 § 11; RRS § 7016-11. (ii) 1939 c 211 § 14; RRS § 7016-14. Omitted in reenactment: (iii) 1949 c 167 § 4; 1939 c 211 § 37; Rem. Supp. 1949 § 7016-37.]
Substantial omissions as noted above.
- 15.52.110 Source—RCW 15.52.110 [1943 c 263 § 1, part; 1939 c 211 § 23; Rem. Supp. 1943 § 7016-23, part.]
"any brand of concentrated commercial feeding stuff, fertilizer or livestock remedy" changed to "any brand of livestock remedy".
- 15.52.120 Source—RCW 15.52.120 [(i) 1939 c 211 § 39, part; RRS § 7016-39, part. (ii) 1939 c 211 § 40; RRS § 7016-40.]
- 15.52.130 Source—RCW 15.52.130 [1939 c 211 § 41; RRS § 7016-41.]
- 15.52.140 Source—RCW 15.52.140 [1939 c 211 § 15, part; RRS § 7016-15, part.]
"relating to concentrated commercial feeding stuffs, fertilizers, and livestock remedies." changed to "relating to livestock remedies."
- 15.52.150 Source—RCW 15.52.150 [(i) 1939 c 211 § 15, part; RRS § 7016-15, part. (ii) 1939 c 211 § 28, part; RRS § 7016-28, part.]
"prescribed by him; or which contains noxious weed seeds or other materials which may contaminate the soil" changed to "prescribed by him."

Explanatory
note.

Explanatory
note.

- 15.52.160 Source—RCW 15.52.160 [1939 c 211 § 28, part; RRS § 7016-28, part.]
- 15.52.170 Source—RCW 15.52.170 [1939 c 211 § 22, part; RRS § 7016-22, part.]
- 15.52.180 Source—RCW 15.52.180 [1939 c 211 § 22, part; RRS § 7016-22, part.]
- 15.52.320 Source—RCW 15.52.320 [(i) 1943 c 263 § 1, part; 1939 c 211 § 23; Rem. Supp. 1943 § 7016-23, part. (iii) 1939 c 211 § 27; RRS § 7016-27.]
Omitted in reenactment: (ii) 1939 c 211 § 25, part; RRS § 7016-25, part.
“licenses and brand registrations” to “brand registrations” as the only license provisions related to retail sale of feeds which is no longer covered by this chapter.
“special fund of the state treasury known as the feed and fertilizer fund” changed to “special account of the general fund of the state treasury known as the feed and fertilizer account”.
- 15.52.330 Source—RCW 15.52.330 [1939 c 211 § 56; RRS § 7016-56.]
- 15.52.340 Source—RCW 15.52.340 [1939 c 211 § 57; RRS § 7016-57.]
- 15.52.900 Source—RCW 15.52.900 [1959 c 223 § 1.]
- Note 2: The following RCW sections, formerly a part of chapter 15.52, are omitted herefrom as superseded by chapter 80, Laws of 1953 or chapter 85, Laws of 1953; see Note 1 above.
- 15.52.190 Source—[1949 c 167 § 2, part; 1939 c 211 § 33; Rem. Supp. 1949 § 7016-33, part.]
- 15.52.200 Source—[1939 c 211 § 24, part; RRS § 7016-24, part.]
- 15.52.210 Source—[(i) 1939 c 211 § 24, part; RRS § 7016-24, part. (ii) 1939 c 211 § 25, part; RRS § 7016-25, part. (iii) 1939 c 211 § 26; RRS § 7016-26.]
- 15.52.220 Source—[1949 c 167 § 3; 1939 c 211 § 36; Rem. Supp. 1949 § 7016-36.]
- 15.52.230 Source—[1939 c 211 § 35; RRS § 7016-35.]
- 15.52.240 Source—[1939 c 211 § 38; RRS § 7016-38.]
- 15.52.250 Source—[(i) 1939 c 211 § 45; RRS § 7016-45. (ii) 1939 c 211 § 46; RRS § 7016-46. (iii) 1939 c 211 § 47; RRS § 7016-47.]
- 15.52.260 Source—[1939 c 211 § 48; RRS § 7016-48.]
- 15.52.270 Source—[1939 c 211 § 49; RRS § 7016-49.]
- 15.52.280 Source—[1939 c 211 § 50; RRS § 7016-50.]
- 15.52.290 Source—[1939 c 211 § 53; RRS § 7016-53.]
- 15.52.300 Source—[1939 c 211 § 55; RRS § 7016-55.]
- 15.52.310 Source—[1939 c 211 § 54; RRS § 7016-54.]

Chapter 15.53 Commercial Feed

(Washington Commercial Feed Law of 1953)

- 15.53.010 Source—RCW 15.53.010 [1953 c 80 § 1.]
“the State College of Washington” to “Washington State University” throughout this chapter.
- 15.53.020 Source—RCW 15.53.020 [1953 c 80 § 2.]
- 15.53.030 Source—RCW 15.53.030 [1953 c 80 § 2.]
- 15.53.040 Source—RCW 15.53.040 [1953 c 80 § 3.]
- 15.53.050 Source—RCW 15.53.050 [1953 c 80 § 4.]
- 15.53.060 Source—RCW 15.53.060 [1953 c 80 § 5.]
- 15.53.070 Source—RCW 15.53.070 [1953 c 80 § 6.]
- 15.53.080 Source—RCW 15.53.080 [1953 c 80 § 8.]
- 15.53.090 Source—RCW 15.53.090 [1953 c 80 § 7.]
- 15.53.100 Source—RCW 15.53.100 [1953 c 80 § 9.]
- 15.53.110 Source—RCW 15.53.110 [1953 c 80 § 10.]
- 15.53.120 Source—RCW 15.53.120 [1953 c 80 § 11.]
- 15.53.130 Source—RCW 15.53.130 [1953 c 80 § 31.]
“treasury a special fund to be known as the commercial fund in” changed to “treasury in the general fund a special ac-

- count to be known as the commercial feed account in" in Explanatory
accordance with RCW 43.79.330-43.79.334. note.
- 15.53.140 Source—RCW 15.53.140 [1953 c 80 § 12.]
 15.53.150 Source—RCW 15.53.150 [1953 c 80 § 13.]
 15.53.160 Source—RCW 15.53.160 [1953 c 80 § 14.]
 15.53.170 Source—RCW 15.53.170 [1953 c 80 § 15.]
 15.53.180 Source—RCW 15.53.180 [1953 c 80 § 16.]
 15.53.190 Source—RCW 15.53.190 [1953 c 80 § 17.]
 15.53.200 Source—RCW 15.53.200 [1953 c 80 § 18.]
 15.53.210 Source—RCW 15.53.210 [1953 c 80 § 19.]
 15.53.220 Source—RCW 15.53.220 [1953 c 80 § 20.]
 15.53.230 Source—RCW 15.53.230 [1953 c 80 § 23.]
 15.53.240 Source—RCW 15.53.240 [1953 c 80 § 24.]
 15.53.250 Source—RCW 15.53.250 [1953 c 80 § 28.]
 15.53.260 Source—RCW 15.53.260 [1953 c 80 § 26.]
 15.53.270 Source—RCW 15.53.270 [1953 c 80 § 27.]
 15.53.280 Source—RCW 15.53.280 [1953 c 80 § 20.]
 15.53.290 Source—RCW 15.53.290 [1953 c 80 § 25.]
 15.53.300 Source—RCW 15.53.300 [1953 c 80 § 33.]
 15.53.310 Source—RCW 15.53.310 [1953 c 80 § 29.]
 15.53.900 Source—[1953 c 80 § 34], presently footnoted to RCW 15.53.010.
 "act" changed to "chapter".

Note: RCW sections, formerly a part of chapter 15.53, omitted in re-enactment.

(1) 15.53.320—Source—[1953 c 80 § 32.]

This section repeals 1939 c 211 as amended by 1949 c 167 [chapter 15.52 RCW] insofar as it relates to commercial feeds. Chapter 15.52 RCW, with reenactment, having been edited to omit material referring to commercial feeds therein, this RCW section is now superfluous.

Chapter 15.54 Fertilizers, agricultural minerals and limes.
(Washington Fertilizer Act)

- 15.54.010 Source—RCW 15.54.010 [1957 c 151 § 1; 1953 c 85 § 2.]
 15.54.020 Source—RCW 15.54.020 [1953 c 85 § 19.]
 15.54.030 Source—RCW 15.54.030 [1953 c 85 § 3.]
 15.54.040 Source—RCW 15.54.040 [1953 c 85 § 4.]
 15.54.050 Source—RCW 15.54.050 [1953 c 85 § 5.]
 15.54.060 Source—RCW 15.54.060 [1953 c 85 § 6.]
 15.54.070 Source—RCW 15.54.070 [1953 c 85 § 7.]
 15.54.080 Source—RCW 15.54.080 [1953 c 85 § 8.]
 "dolomitic of [or] calcic" changed to "dolomitic or calcic"
 15.54.090 Source—RCW 15.54.090 [1953 c 85 § 9.]
 15.54.100 Source—RCW 15.54.100 [1953 c 85 § 24.]
 15.54.110 Source—RCW 15.54.110 [1953 c 85 § 10.]
 15.54.120 Source—RCW 15.54.120 [1953 c 85 § 11.]
 15.54.130 Source—RCW 15.54.130 [1953 c 85 § 12.]
 "manufactures" changed to "manufacturers".
 15.54.140 Source—RCW 15.54.140 [1953 c 85 § 13.]
 15.54.150 Source—RCW 15.54.150 [1953 c 85 § 14.]
 15.54.160 Source—RCW 15.54.160 [1953 c 85 § 15.]
 15.54.170 Source—RCW 15.54.170 [1953 c 85 § 16.]
 15.54.180 Source—RCW 15.54.180 [1953 c 85 § 17.]
 15.54.190 Source—RCW 15.54.190 [1953 c 85 § 18.]
 15.54.200 Source—RCW 15.54.200 [1953 c 85 § 20.]
 15.54.210 Source—RCW 15.54.210 [1953 c 85 § 21.]
 "delay in" changed to "delay, in"
 15.54.220 Source—RCW 15.54.220 [1953 c 85 § 22.]
 15.54.230 Source—RCW 15.54.230 [1953 c 85 § 23.]
 15.54.240 Source—RCW 15.54.240 [1953 c 85 § 25.]
 15.54.250 Source—RCW 15.54.250 [1953 c 85 § 26.]

Explanatory note.

“the state treasury a special fund to be known as the fertilizer, agricultural mineral and lime fund” changed to “the general fund of the state treasury a special account to be known as the fertilizer, agricultural mineral and lime account”.

15.54.900 Source—[1953 c 85 § 27.]
Formerly footnoted to 15.54.010.
“act” changed to “chapter”.

Note: RCW section, formerly a part of chapter 15.54, omitted in reenactment.
(1) 15.54.260—Source—[1953 c 85 § 27.]
This section repeals 1939 c 211 as amended by 1949 c 167 [chapter 15.52 RCW] insofar as it relates to fertilizers, agricultural minerals and limes, chapter 15.52 RCW, with reenactment, having been edited to omit material referring to fertilizers, agricultural minerals and limes therein.
This RCW section is now superfluous.

Chapter 15.56 Economic poisons

15.56.010 Source—RCW 15.56.010 [1941 c 230 § 1; Rem. Supp. 1941 § 2787-4.]
15.56.020 Source—RCW 15.56.020 [1941 c 230 § 3; Rem. Supp. 1941 § 2787-6.]
15.56.030 Source—RCW 15.56.030 [1941 c 230 § 4; Rem. Supp. 1941 § 2787-7.]
15.56.040 Source—RCW 15.56.040 [(i) 1941 c 230 § 6; Rem. Supp. 1941 § 2787-9. (ii) 1941 c 230 § 7; Rem. Supp. 1941 § 2787-10.]
15.56.050 Source—RCW 15.56.050 [1941 c 230 § 8; Rem. Supp. 1941 § 2787-11.]
“the state college” changed to “Washington State University”, see RCW 28.80.010, 1959 amendment.

15.56.060 Source—RCW 15.56.060 [(i) 1941 c 230 § 11, part; Rem. Supp. 1941 § 2787-14, part. (ii) 1941 c 230 § 13, part; Rem. Supp. 1941 § 2787-15, part.]
15.56.070 Source—RCW 15.56.070 [(i) 1941 c 230 § 11, part; Rem. Supp. 1941 § 2787-14, part. (ii) 1941 c 230 § 13, part; Rem. Supp. 1941 § 2787-15, part.]
15.56.080 Source—RCW 15.56.080 [1941 c 230 § 13, part; Rem. Supp. 1941 § 2787-15, part.]
15.56.090 Source—RCW 15.56.090 [1941 c 230 § 14, part; Rem. Supp. 1941 § 2787-16, part.]
15.56.100 Source—RCW 15.56.100 [1941 c 230 § 14, part; Rem. Supp. 1941 § 2787-16, part.]
15.56.110 Source—RCW 15.56.110 [1941 c 230 § 5; Rem. Supp. 1941 § 2787-8.]
15.56.120 Source—RCW 15.56.120 [1941 c 230 § 9; Rem. Supp. 1941 § 2787-12.]
15.56.130 Source—RCW 15.56.130 [1941 c 230 § 10; Rem. Supp. 1941 § 2787-13.]
15.56.140 Source—RCW 15.56.140 [1941 c 230 § 15; Rem. Supp. 1941 § 2787-17.]
15.56.150 Source—RCW 15.56.150 [1941 c 230 § 16; Rem. Supp. 1941 § 2787-18.]
15.56.160 Source—RCW 15.56.160 [1941 c 230 § 17; Rem. Supp. 1941 § 2787-19.]
15.56.170 Source—RCW 15.56.170 [1941 c 230 § 19; Rem. Supp. 1941 § 2787-21.]
15.56.180 Source—RCW 15.56.180 [1941 c 230 § 18; Rem. Supp. 1941 § 2787-20.]
15.56.190 Source—RCW 15.56.190 [1941 c 230 § 2; Rem. Supp. 1941 § 2787-5.]

Chapter 15.60 Apiaries

15.60.005 Source—RCW 15.60.005 [1955 c 271 § 1.]
15.60.010 Source—RCW 15.60.010 [1933 ex.s. c 59 § 1; RRS § 3170-1.]
15.60.015 Source—RCW 15.60.015 [1955 c 271 § 2.]

- 15.60.020 Source—RCW 15.60.020 [1955 c 271 § 4. Prior: 1949 c 105 § 1, part, last am'ds 1919 c 116 § 3; Rem. Supp. 1949 § 3170-2, part.] Explanatory note.
- 15.60.030 Source—RCW 15.60.030 [1955 c 271 § 5. Prior: 1949 c 105 § 1, part, last am'ds 1919 c 116 § 3; Rem. Supp. 1949 § 3170-2, part.]
- 15.60.040 Source—RCW 15.60.040 [1959 c 174 § 1; 1955 c 271 § 6. Prior: (i) 1949 c 105 § 2; 1933 ex.s. c 59 § 3; Rem. Supp. 1949 § 3170-3. (ii) 1933 ex.s. c 59 § 4; RRS § 3170-4.]
- 15.60.050 Source—RCW 15.60.050 [1933 ex.s. c 59 § 6; RRS § 3170-6.]
- 15.60.060 Source—RCW 15.60.060 [1933 ex.s. c 59 § 7; RRS § 3170-7.]
- 15.60.080 Source—RCW 15.60.080 [1955 c 271 § 7; 1933 ex.s. c 59 § 11; RRS § 3170-11.]
- 15.60.100 Source—RCW 15.60.100 [1955 c 271 § 9. Prior: (i) 1941 c 130 § 2; Rem. Supp. 1941 § 3183-2. (ii) 1941 c 130 § 3, part; Rem. Supp. 1941 § 3183-3, part. (iii) 1949 c 105 § 5; 1941 c 130 § 5; Rem. Supp. 1949 § 3183-5. (iv) 1949 c 105 § 3; Rem. Supp. 1949 § 3170-10.]
- 15.60.110 Source—RCW 15.60.110 [1955 c 271 § 10. Prior: 1941 c 130 § 3, part; Rem. Supp. 1941 § 3183-3, part.]
- 15.60.115 Source—RCW 15.60.115 [1955 c 271 § 11.]
- 15.60.120 Source—RCW 15.60.120 [1933 ex.s. c 59 § 8, part; RRS § 3170-8, part.]
- 15.60.130 Source—RCW 15.60.130 [1933 ex.s. c 59 § 8, part; RRS § 3170-8, part.]
- 15.60.140 Source—RCW 15.60.140 [(i) 1949 c 105 § 4; 1933 ex.s. c 59 § 12; Rem. Supp. 1949 § 3170-12. (ii) 1941 c 130 § 6; Rem. Supp. 1941 § 3183-6.]
- 15.60.150 Source—RCW 15.60.150 [1897 c 12 §§ 1, 2; No RRS.]
- 15.60.160 Source—RCW 15.60.160 [1933 ex.s. c 59 § 9; RRS § 3170-9.]

Chapter 15.64 Farm marketing

- 15.64.010 Source—RCW 15.64.010 [1917 c 119 § 3; RRS § 2876.]
- 15.64.020 Source—RCW 15.64.020 [1917 c 119 § 4; RRS § 2877.]
- 15.64.030 Source—RCW 15.64.030 [1947 c 280 § 2; Rem. Supp. 1947 § 2909-2.]
“the state college” changed to “Washington State University” throughout (see RCW 28.80.010 as amended by 1959 c 77 § 1).
- 15.64.040 Source—RCW 15.64.040 [1947 c 280 § 1; Rem. Supp. 1947 § 2909-1.]
“the state college” changed to “Washington State University” throughout (see RCW 28.80.010 as amended by 1959 c 77 § 1).

Chapter 15.66 Washington Agricultural Enabling Act

- 15.66.010 Source—RCW 15.66.010 [1955 c 191 § 1.]
“RCW 15.66.050” changed to “RCW 15.66.060” in subsection (7) to rectify clerical mistake.
Session law [1955 c 191 § 1.] subsection (7) reads in RCW, “. . . for which the director has established a list of producers pursuant to RCW 15.66.050.” The session law reads, as published, “. . . pursuant to section 5 [6] of this act.”
Section 5, present RCW 15.66.050, deals with initiating a petition for a marketing order and does not mention producers lists, while section 6, appropriately captioned as RCW 15.66.060, “Lists of affected producers—Notice—Hearing notice.” does deal with lists of affected producers.
In subdivision (10) “19.77” added as portion of 19.76 was repealed and superseded by 1955 c 211, codified as chapter 19.77 RCW. Also, “19.88” changed to “19.89 and 19.90” as the subject matter formerly codified in 19.88 is now codified therein.
- 15.66.020 Source—RCW 15.66.020 [1955 c 191 § 2.]
- 15.66.030 Source—RCW 15.66.030 [1955 c 191 § 3.]
- 15.66.040 Source—RCW 15.66.040 [1955 c 191 § 4.]
- 15.66.050 Source—RCW 15.66.050 [1955 c 191 § 5.]
- 15.66.060 Source—RCW 15.66.060 [1955 c 191 § 6.]
- 15.66.070 Source—RCW 15.66.070 [1955 c 191 § 7.]
“Copy of the order shall be served upon the witness.”

Explanatory note.

changed to "A copy of the order shall be served upon the witness." for readability.

- 15.66.080 Source—RCW 15.66.080 [1955 c 191 § 8.]
- 15.66.090 Source—RCW 15.66.090 [1955 c 191 § 9.]
- 15.66.100 Source—RCW 15.66.100 [1955 c 191 § 10.]
- 15.66.110 Source—RCW 15.66.110 [1955 c 191 § 11.]
- 15.66.120 Source—RCW 15.66.120 [1955 c 191 § 12.]
- 15.66.130 Source—RCW 15.66.130 [1955 c 191 § 13.]
- 15.66.140 Source—RCW 15.66.140 [1955 c 191 § 14.]
- 15.66.150 Source—RCW 15.66.150 [1957 c 133 § 1; 1955 c 191 § 15.]
- 15.66.160 Source—RCW 15.66.160 [1955 c 191 § 16.]
- 15.66.170 Source—RCW 15.66.170 [1955 c 191 § 17.]
- 15.66.180 Source—RCW 15.66.180 [1955 c 191 § 18.]
- 15.66.190 Source—RCW 15.66.190 [1955 c 191 § 19.]
- 15.66.200 Source—RCW 15.66.200 [1955 c 191 § 20.]
- " . . . the director shall make its [his] ruling which shall be final." changed to "the director shall make his ruling which shall be final."
- 15.66.210 Source—RCW 15.66.210 [1955 c 191 § 21.]
- 15.66.220 Source—RCW 15.66.220 [1955 c 191 § 22.]
- 15.66.230 Source—RCW 15.66.230 [1955 c 191 § 23.]
- 15.66.240 Source—RCW 15.66.240 [1955 c 191 § 24.]
- 15.66.250 Source—RCW 15.66.250 [1955 c 191 § 25.]
- 15.66.260 Source—RCW 15.66.260 [1955 c 191 § 26.]
- 15.66.270 Source—RCW 15.66.270 [1955 c 191 § 27.]
- " . . . or to [the] dairy products commission (RCW 15.44.010-15.44.180 inclusive)." changed to "or to the dairy products commission (chapter 15.44 RCW)".
- "(RCW 15.24.010-15.24.210 inclusive)," changed to "(chapter 15.24 RCW)".
- "(RCW 15.28.210-15.28.310 inclusive)" changed to "(chapter 15.28 RCW)".
- 15.66.900 Source—RCW 15.66.900 [1955 c 191 § 29.]

Chapter 15.67 Agricultural Conservation Plans—1953 Act

Note: See notes for chapter 15.68.

- 15.67.010 Source—RCW 15.68.160 [1953 c 153 § 1.]
- 15.67.020 Source—RCW 15.68.170 [1953 c 153 § 2.]
- "which the designated agency finds will tend in conjunction with the operation of other plans which may be approved for other states by the secretary to diminish the wasteful and unscientific use of natural resources, to preserve and improve soil fertility, promote the economic use of land, and reestablish" changed to "which the designated agency finds will tend, in conjunction with the operation of other plans which may be approved for other states by the secretary, to diminish the wasteful and unscientific use of natural resources, to preserve and improve soil fertility, to promote the economical use of land, and to reestablish".
- 15.67.030 Source—RCW 15.68.180 [1953 c 153 § 3.]
- 15.67.040 Source—RCW 15.68.190 [1953 c 153 § 4.]
- 15.67.050 Source—RCW 15.68.200 [1953 c 153 § 5.]
- 15.67.060 Source—RCW 15.68.210 [1953 c 153 § 6.]
- 15.67.070 Source—RCW 15.68.220 [1953 c 153 § 7.]

Chapter 15.68 Agricultural Conservation Plans—1937 Act

Note: The 1953 act codified herein as chapter 15.67 appears to cover much the same subject matter as this 1937 act, but since it did not expressly repeal it, both acts are codified herein. We are unable to find any judicial expression of repeal by implication concerning these acts, and it in fact appears that neither act has been judicially construed. Although both acts

are included herein, it should be noted that Sec. 15.98.010 of this bill provides that the provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter shall be construed as continuations and not as new enactments.

Explanatory
note.

- 15.68.010 Source—RCW 15.68.010 [1937 c 175 § 2; RRS § 3040-2.]
- 15.68.020 Source—RCW 15.68.020 [1937 c 175 § 4; RRS § 3040-4.]
Throughout this chapter, "The State College of Washington" changed to "Washington State University", and "college" changed to "university".
- 15.68.030 Source—RCW 15.68.030 [1937 c 175 § 5(a), (b); RRS § 3040-5(a), (b).]
- 15.68.040 Source—RCW 15.68.040 [1937 c 175 § 5(c), (e); RRS § 3040-5(c), (e).]
- 15.68.050 Source—RCW 15.68.050 [1937 c 175 § 5(d); RRS § 3040-5(d).]
- 15.68.060 Source—RCW 15.68.060 [1937 c 175 § 5(f); RRS § 3040-5(f).]
- 15.68.070 Source—RCW 15.68.070 [1937 c 175 § 6(a); RRS § 3040-6(a).]
- 15.68.080 Source—RCW 15.68.080 [1937 c 175 § 6(b); RRS § 3040-6(b).]
- 15.68.090 Source—RCW 15.68.090 [1937 c 175 § 6(c); RRS § 3040-6(c).]
- 15.68.100 Source—RCW 15.68.100 [1937 c 175 § 7(a), (d); RRS § 3040-7(a), (d).]
- 15.68.110 Source—RCW 15.68.110 [1937 c 175 § 7(b), (c); RRS § 3040-7(b), (c).]
- 15.68.120 Source—RCW 15.68.120 [1937 c 175 § 8; RRS § 3040-8.]
- 15.68.130 Source—RCW 15.68.130 [1937 c 175 § 9; RRS § 3040-9.]
- 15.68.140 Source—RCW 15.68.140 [1937 c 175 § 10; RRS § 3040-10.]
- 15.68.150 Source—RCW 15.68.150 [1937 c 175 § 11; RRS § 3040-11.]
- 15.68.160 through 15.68.220 herein chapter 15.67.
- 15.68.900 Source—[1937 c 175 § 1; RRS § 3040-1.]
Presently footnoted to RCW 15.68.010.

Chapter 15.69 Conservation—Northwest Washington Nursery

- 15.69.010 Source—RCW 15.69.010 [1955 c 368 § 1.]
- 15.69.020 Source—RCW 15.69.020 [1955 c 368 § 2.]
- 15.69.030 Source—RCW 15.69.030 [1955 c 368 § 3.]
- 15.69.040 Source—RCW 15.69.040 [1955 c 368 § 4.]

Chapter 15.70 Rural Rehabilitation

- 15.70.010 Source—RCW 15.70.010 [1951 c 169 § 1.]
- 15.70.020 Source—RCW 15.70.020 [1951 c 169 § 2.]
- 15.70.030 Source—RCW 15.70.030 [1951 c 169 § 3.]
- 15.70.040 Source—RCW 15.70.040 [1951 c 169 § 4.]
- 15.70.050 Source—RCW 15.70.050 [1951 c 169 § 5.]

Chapter 15.73 State Trade Fairs

- 15.73.010 Source—RCW 15.73.010 [1955 c 106 § 1.]
- 15.73.020 Source—RCW 15.73.020 [1955 c 106 § 2.]
- 15.73.030 Source—RCW 15.73.030 [1955 c 106 § 3.]
- 15.73.040 Source—RCW 15.73.040 [1955 c 106 § 4.]

Chapter 15.76 Agricultural Fairs, 4-H Club and Student Exhibitions

- 15.76.011 Source—RCW 15.76.011 [1951 c 60 § 1.]
- 15.76.021 Source—RCW 15.76.021 [1951 c 60 § 2.]
- 15.76.031 Source—RCW 15.76.031 [1951 c 60 § 3.]
- 15.76.041 Source—RCW 15.76.041 [1951 c 60 § 4.]
"and which has" changed to "and has".
- 15.76.050 Source—RCW 15.76.050 [1951 c 60 § 5.]
- 15.76.060 Source—RCW 15.76.060 [1951 c 60 § 8, part.]
- 15.76.070 Source—RCW 15.76.070 [1951 c 60 § 6.]
- 15.76.080 Source—RCW 15.76.080 [1951 c 60 § 8, part.]
- 15.76.090 Source—RCW 15.76.090 [1951 c 60 § 7.]

Explanatory
note.

Chapter 15.80 Weighing Commodities in Highway
Transport—Weighmasters

- 15.80.010 Source—RCW 15.80.010 [1953 c 146 § 1.]
 - 15.80.020 Source—RCW 15.80.020 [1953 c 146 § 2.]
 - 15.80.030 Source—RCW 15.80.030 [1953 c 146 § 3.]
 - 15.80.040 Source—RCW 15.80.040 [1953 c 146 § 4.]
 - 15.80.050 Source—RCW 15.80.050 [1953 c 146 § 5.]
 - 15.80.060 Source—RCW 15.80.060 [1953 c 146 § 21.]
 - 15.80.070 Source—RCW 15.80.070 [1955 c 306 § 1; 1953 c 146 § 6.]
 - 15.80.080 Source—RCW 15.80.080 [1953 c 146 § 7.]
 - 15.80.090 Source—RCW 15.80.090 [1953 c 146 § 25.]
 - 15.80.100 Source—RCW 15.80.100 [1953 c 146 § 8.]
 - 15.80.110 Source—RCW 15.80.110 [1953 c 146 § 9.]
 - 15.80.120 Source—RCW 15.80.120 [1953 c 146 § 23.]
 - 15.80.130 Source—RCW 15.80.130 [1953 c 146 § 24.]
 - 15.80.140 Source—RCW 15.80.140 [1953 c 146 § 11.]
 - 15.80.150 Source—RCW 15.80.150 [1953 c 146 § 12.]
 - 15.80.160 Source—RCW 15.80.160 [1953 c 146 § 13.]
 - 15.80.170 Source—RCW 15.80.170 [1953 c 146 § 15.]
 - 15.80.180 Source—RCW 15.80.180 [1953 c 146 § 14.]
 - 15.80.190 Source—RCW 15.80.190 [1953 c 146 § 16.]
- “The driver of any vehicle operated by or for a retailer which contains hay, straw, commercial feed or grain may be required to be weighed at the nearest scale,” changed to “The driver of any vehicle operated by or for a retailer which contains hay, straw, commercial feed or grain may be required to weigh the vehicle and load at the nearest scale.”.
- 15.80.200 Source—RCW 15.80.200 [1953 c 146 § 20.]
 - 15.80.210 Source—RCW 15.80.210 [1953 c 146 § 10.]
 - 15.80.220 Source—RCW 15.80.220 [1953 c 146 § 17.]
 - 15.80.230 Source—RCW 15.80.230 [1953 c 146 § 18.]
 - 15.80.240 Source—RCW 15.80.240 [1953 c 146 § 19.]
 - 15.80.250 Source—RCW 15.80.250 [1953 c 146 § 22.]
 - 15.80.260 Source—RCW 15.80.260 [1953 c 146 § 26.]

Chapter 15.98 Construction

- 15.98.010 This section has been added to preserve continuity with the laws which this bill reenacts.
- 15.98.020 Provides that chapter, etc., headings are not part of the law.
- 15.98.030 Severability.
- 15.98.040 Repeals and saving.
Except as noted below, the laws set forth in the schedule of repeals were either repealed previously, or are substantially reenacted in this bill. The numbers in parentheses correspond with the like numbered subdivisions of the repealer schedule.
(4) Part of act repealed without reenactment as superseded by later laws.
(21) Section 5 of said act is repealed without reenactment as superseded by later laws.
(40) Section 1 of said act, a declaration of public purpose, was omitted from RCW as “preamble” and is herein repealed without reenactment.
Section 2 creating the office of director of farm marketing is likewise repealed without reenactment as the office was abolished and its powers devolved upon the director of agriculture by 1921 c 7 §§ 90 and 135.
(46) Section 42 of said act repealed without reenactment as superseded by RCW 15.32.690, and 15.34.696. See also chapter 15.44, RCW.
(50) Section 15 of said act devolved upon the director of agriculture certain powers and duties of the commissioner of agriculture relating to horticulture. As this section is

duplicate of the like section of the 1921 administrative code, and since the substantive sections have all been revised to reflect this devolution, it is here repealed without reenactment. Explanatory note.

(80) Section 1 of said act repealed without reenactment as superseded by RCW 15.08.190.

(83) Section 3 of said act defines "person" and "other states of the United States" and is here repealed without reenactment as the first definition is covered by RCW 15.04.010 and the second is not used in the act as revised by the 1941 Code Committee.

Subsection 5(g) was omitted from RCW as superfluous and is here repealed without reenactment.

(87) Substantial portions of this act have been superseded by chapters 15.53 and 15.54 RCW. Such portions, being sections 1, 2, 3, 4, 6, 7, 24, 25, 26, 29, 30 through 38, 42 through 55, 58 and 59, are accordingly repealed without reenactment.

(93) Section 4 of said act provides that nothing in said 1941 act which relates to the importation of bees shall be construed to prohibit the importation of honey for human consumption which complies with the Honey Act, chapter 69.28 RCW. This section was omitted from RCW as superfluous and is herein repealed without reenactment.

CHAPTER 12.

[H. B. 2.]

MOTOR VEHICLES—TITLE 46 RCW REENACTMENT.

AN ACT Relating to vehicles; providing for the regulation and licensing thereof and of persons in relation thereto; providing for the collection and disposition of moneys; enacting a vehicle code to be known as Title 46 of the Revised Code of Washington—"Motor Vehicles"; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

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

TITLE 46

MOTOR VEHICLES

Chapter 46.04

DEFINITIONS

46.04.010 Scope and construction of terms. Terms used in this title shall have the meaning given to them in this chapter except where otherwise defined, and unless where used the context thereof shall clearly indicate to the contrary.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

46.04.020 Alley. "Alley" means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments.

46.04.030 Arterial highway. "Arterial highway" means every public highway, or portion thereof, designed as such by proper authority.

46.04.040 Authorized emergency vehicle. "Authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state commission on equipment, or any other vehicle authorized in writing by the state commission on equipment.

46.04.050 Auto stage. "Auto stage" means any motor vehicle used for the purpose of carrying passengers together with incidental baggage and freight or either, on a regular schedule of time and rates: *Provided*, That no motor vehicle shall be considered to be an auto stage where substantially the entire route traveled by such vehicle is within the corporate limits of any city or town or the corporate limits of any adjoining cities or towns.

46.04.060 Axle. "Axle" means structure or structures in the same or approximately the same transverse plane with a vehicle supported by wheels and on which or with which such wheels revolve.

46.04.070 Bicycle. "Bicycle" means every vehicle having a saddle for the use of the rider, operated by human power, and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor.

46.04.080 Business district. "Business district" means the territory contiguous to and including the public highway when fifty percent or more of the frontage thereon on either side thereof for a continuous distance of three hundred feet or more is occupied by buildings in use for business.

46.04.090 Cancel. "Cancel," in all its forms, means the invalidation indefinitely and until successful application, but shall be for a period of not less than one year.

46.04.100 Center line. "Center line" means the line, marked or unmarked, parallel to and equidistant from the sides of the roadway of a public highway.

46.04.110 Center of intersection. "Center of intersection" means the point of intersection of the center lines of the roadway of intersecting public highways.

46.04.120 City street. "City street" means every public highway, or part thereof located within the limits of cities and towns, except alleys.

46.04.130 Combination of vehicles. "Combination of vehicles" means every combination of motor vehicle and trailer or motor vehicle and semitrailer the principal use of which is the transportation of commodities, merchandise, produce, freight, or animals.

46.04.140 Commercial vehicle. "Commercial vehicle" means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire.

46.04.150 County road. "County road" means every public highway or part thereof, outside the limits of cities and towns and which has not been designated as a state highway.

46.04.160 Crosswalk. "Crosswalk" means the portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk.

46.04.170 Explosives. "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing or combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb.

46.04.180 Farm Tractor. "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

46.04.190 For hire vehicle. "For hire vehicle" means any motor vehicle other than an auto stage used for the transportation of persons for compensation.

46.04.200 Hours of darkness. "Hours of darkness" means the hours from one-half hour after sunset to one-half hour before sunrise, and any other time when persons or objects may not be clearly discernible at a distance of five hundred feet.

46.04.210 Flammable liquid. "Flammable liquid" means any liquid which has a flash point of 70° Fahrenheit, or less, as determined by a Tagliabue or equivalent closed cup test device.

46.04.220 Intersection area. "Intersection area" means the area embraced within the prolongation of the lateral curb lines, or, if there are no curb lines, or, if there are no curbs, then the lateral roadway boundary lines, of two or more public highways which join one another at an angle, whether or not such highways cross one another.

46.04.230 Intersection center marker. "Intersection center marker" means any standard, button, flag, painted or raised marker, or other device located at and intended to designate the approximate center of intersection.

46.04.240 Intersection control area. "Intersection control area" means intersection area, together with such modification of the adjacent roadway area as results from the arc of curb corners and together with any marked or unmarked crosswalks adjacent to the intersection.

46.04.250 Intersection entrance marker. "Intersection entrance marker" means any standard, button, flag, caution sign, stop sign, or other device located at approximately the point of intersection of the center line of an intersecting public highway with the nearest line of the intersection control area on the approach thereto.

46.04.260 Laned highway. "Laned highway" means a highway the roadway of which is divided into clearly marked lanes for vehicular traffic.

46.04.270 Legal owner. "Legal owner" means a mortgagee or owner of the legal title to a vehicle.

46.04.280 Local authorities. "Local authorities" includes every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state.

46.04.290 Marked crosswalk. "Marked crosswalk" means any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof.

46.04.300 Metal tire. "Metal tire" includes every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

46.04.310 Motor truck. "Motor truck" means any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight, or animals.

46.04.320 Motor vehicle. "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

46.04.330 Motorcycle. "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor.

46.04.340 Muffler. "Muffler" means a device consisting of a series of chambers, or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise resulting therefrom.

46.04.350 Multiple lane highway. "Multiple lane highway" means any public highway the roadway of which is of sufficient width to reasonably accommodate four or more separate lanes of vehicular traffic, two or more lanes in each direction, each lane of which shall be not less than eight feet in width and whether or not such lanes are marked and whether or not the lanes of opposite bound traffic are separated by a neutral zone or other center line marking.

46.04.360 Nonresident. "Nonresident" means any person whose residence is outside this state and who is temporarily sojourning within this state.

46.04.370 Operator. "Operator" means every person who is in actual physical control of a motor vehicle upon a public highway.

46.04.380 Owner. "Owner" means a person who holds a title of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee, or mortgagor having a lawful right of possession or use and control for a period of ten or more successive days.

46.04.390 Peace officer. "Peace officer" includes any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the public highways of this state.

46.04.400 Pedestrian. "Pedestrian" means any person afoot.

46.04.405 Person. "Person" includes every natural person, firm, copartnership, corporation, association, or organization.

46.04.410 Pneumatic tires. "Pneumatic tires" includes every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon.

46.04.414 Pole trailer. "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, logs or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

46.04.420 Private road or driveway. "Private road or driveway" includes every way or place in private ownership and used for

travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons.

46.04.430 Public highway. "Public highway" includes every way, lane, road, street, boulevard, and every way or place in the state open as a matter of right to public vehicular travel both inside and outside the limits of cities and towns.

46.04.435 Public scale. "Public scale" means every scale under public or private ownership which is certified as to its accuracy and which is available for public weighing.

46.04.440 Railroad. "Railroad" means a carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside cities and towns.

46.04.450 Railroad sign or signal. "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

46.04.460 Registered owner. "Registered owner" means a person who holds a certificate of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee, or mortgagor having a lawful right of possession or use and control for a period of ten or more successive days.

46.04.470 Residence district. "Residence district" means the territory contiguous to and including a public highway not comprising a business district, when the property on such public highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business.

46.04.480 Revoke. "Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue.

46.04.490 Road tractor. "Road tractor" includes every motor vehicle designed and used primarily as a road building vehicle in drawing road building machinery and devices.

46.04.500 Roadway. "Roadway" means the paved, improved, or proper driving portion of a public highway designed, or ordinarily used for vehicular travel.

46.04.510 Safety zone. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise, so as to be plainly discernible.

46.04.520 School Bus. "School bus" means any motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or school activities or privately owned and operated for compensation for the transportation of children to or from school or school activities.

46.04.530 Semitrailer. "Semitrailer" includes every vehicle without motive power designed to be drawn by a motor vehicle or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such motor vehicle or truck tractor.

46.04.540 Sidewalk. "Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians.

46.04.550 Solid tire. "Solid tire" includes every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon.

46.04.560 State highway. "State highway" includes every primary and secondary state highway or part thereof.

46.04.570 Street car. "Street car" means a vehicle other than a train for transporting persons or property and operated upon stationary rails principally within cities and towns.

46.04.580 Suspend. "Suspend," in all its forms, means invalidation for any period less than one calendar year and thereafter until reinstatement.

46.04.585 Temporarily sojourning. "Temporarily sojourning," as the term is used in chapter 46.04, shall be construed to include any nonresident who is within this state for a period of not to exceed six months in any one year.

46.04.590 Traffic. "Traffic" includes pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together, while using any public highways for purposes of travel.

46.04.600 Traffic control signal. "Traffic control signal" means any traffic device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled.

46.04.610 Traffic devices. "Traffic devices" includes all signs, signals, markings, and devices placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

46.04.620 Trailer. "Trailer" means every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle.

46.04.630 Train. "Train" means a vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars.

46.04.640 Trolley vehicle. "Trolley vehicle" means a vehicle the motive power for which is supplied by means of a trolley line and which may or may not be confined in its operation to a certain portion of the roadway in order to maintain trolley line contact.

46.04.650 Truck tractor. "Truck tractor" means any motor truck designed and used primarily for drawing a semitrailer and not constructed to carry a load thereon other than a part of the weight of such semitrailer and load so drawn.

46.04.660 Used vehicle. "Used vehicle" means a vehicle which has been sold, bargained, exchanged, given away, or title transferred from the person who first took title to it from the manufacturer or first importer, dealer, or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second-hand" within the ordinary meaning thereof.

46.04.670 Vehicle. "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

46.04.680 Director—Department. "Director" means the director of licenses and "department" means the department of licenses.

Chapter 46.08

GENERAL PROVISIONS

46.08.010 State preempts licensing field. The provisions of this title relating to the certificate of ownership, certificate of license registration, vehicle license, vehicle license plates and vehicle operator's license shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or certificates for the same or a similar purpose, nor shall any city or town in this state impose a tax, license, or other fee upon vehicles operating ex-

clusively between points outside of such city or town limits, and to points therein.

46.08.020 Precedence over local vehicle and traffic regulations. The provisions of this title relating to vehicles shall be applicable and uniform throughout this state and in all incorporated cities and towns and all political subdivisions therein and no local authority shall enact or enforce any law, ordinance, rule or regulation in conflict with the provisions of this title except and unless expressly authorized by law to do so and any laws, ordinances, rules or regulations in conflict with the provisions of this title are hereby declared to be invalid and of no effect. Local authorities may, however, adopt additional vehicle and traffic regulations which are not in conflict with the provisions of this title.

46.08.030 Uniformity of application. The provisions of this title relating to the operation of vehicles shall be applicable and uniform upon all persons operating vehicles upon the public highways of this state, except as otherwise specifically provided.

46.08.040 Application to bicycle riding, animal drawn vehicle, etc. Every person riding a bicycle or an animal or driving any animal or operating any nature of conveyance or drawing any vehicle upon any public highway of this state shall be subject to the provisions of this title relating to the operation of vehicles and applicable to the operator of a vehicle except those provisions of the law which, by their nature, can have no application.

46.08.050 Exemption from vehicle operation provisions—Emergency vehicles, highway work, other. The provisions of this title relating to the operation of vehicles upon the public highways of this state shall not apply:

(1) To any authorized emergency vehicle properly equipped as required by law and actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law, within the purpose for which such emergency vehicle has been authorized, but this shall not relieve the operator of an authorized emergency vehicle of the duty to operate with due regard for the safety of all persons using the public highway, nor shall it protect the operator of any such emergency vehicle from the consequences of a reckless disregard for the safety of others: *Provided*, That the provisions of this section shall in no event extend any special privilege or immunity to operate an authorized emergency vehicle for any purpose other than that for which it has been authorized.

(2) To any person, teams, vehicles, or other equipment while actually engaged in authorized work upon the surface of a public highway insofar as suspension of the provisions of this title is reasonably necessary for the carrying on of such work, if reasonable

precautions are taken to apprise and protect the users of such public highway, but this exception shall not apply to such persons, teams, vehicles, and other equipment when traveling to and from such work.

(3) To any persons or vehicles, insofar as they may be specifically exempted from any provision or provisions of this title.

46.08.060 Classification as emergency vehicles — Approval of operators. Any person, firm, corporation or municipal corporation desiring to have a vehicle registered as an authorized emergency vehicle shall make application for such classification to the state commission on equipment. Following such inquiry as is considered necessary, the state commission on equipment may issue or refuse such authorization. The director of licenses shall further require that there be submitted information concerning any person or persons who will operate such authorized emergency vehicle and it shall be unlawful for any such person, firm, corporation or municipal corporation and the responsible officer thereof to permit the operation of such authorized emergency vehicle by any person not approved as operator thereof by the director of licenses.

46.08.065 Publicly owned vehicles to be marked—Exceptions. It shall be unlawful for any public officer having charge of any vehicle owned by the state of Washington or by any county, city, town or other public body in this state and used in public business to operate the same upon the public highways of this state unless and until there shall be painted upon such automobile or other motor vehicle in letters of contrasting color not less than two inches in height in a conspicuous place on the left side thereof, the words "State of Washington" or the name of such county, city, town or other public body, together with the name of the department or office upon the business of which the said vehicle is used: *Provided*, That this section shall not apply to vehicles of the Washington state patrol, sheriff's office, police department, or any vehicles used by peace officers under public authority for special or general purpose: *Provided further*, That it shall be lawful and constitute compliance with the provisions of this section for any department or office to adopt and use in lieu of the lettering required a distinctive insignia, approved by the state commission on equipment, and bearing substantially the same information as required herein.

46.08.070 Nonresidents, application to. Subject to a compliance with the motor vehicle laws of the state and acceptance of the provisions of this title, nonresident owners and operators of vehicles hereby are granted the privilege of using the public highways of this state, and use of such public highways shall be deemed and

construed to be an acceptance by such nonresident owners and operators of the provisions of this title.

46.08.080 Liability of host for injury to guest in motor vehicle. No person transported by the owner or operator of a motor vehicle as an invited guest or licensee, without payment for such transportation, shall have cause of action for damages against such owner or operator for injuries, death or loss, in case of accident, unless the accident was intentional on the part of the owner or operator, or the result of said owner's or operator's gross negligence or intoxication, and unless the proof of the cause of action is corroborated by competent evidence or testimony independent of, or in addition to, the testimony of the parties to the action: *Provided*, That this section shall not relieve any owner or operator of a motor vehicle from liability while it is being demonstrated to a prospective purchaser.

46.08.090 Powers of director of licenses. The director of licenses shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles; he shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and he shall have the power to appoint the county auditors of the several counties as his agents for the licensing of vehicles.

46.08.100 County auditors, others, as agents of director—Application fee. The county auditor, if appointed by the director, shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration or the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor or other agent a fee of fifty cents for each application in addition to any other fees required by law, which fee of fifty cents, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current ex-

pense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund.

46.08.110 Certified copies of records—Fee. The director of licenses shall have the power and it shall be his duty upon request and payment of the fee as provided herein to furnish under seal of the director of licenses certified copies of any records of the department of licenses, except those for confidential use only. The director of licenses shall charge and collect therefor the sum of one dollar, together with ten cents, for each separate sheet of certified copies. Any funds accruing to the director of licenses under this section shall be certified and sent to the state treasurer and by him deposited to the credit of the highway safety fund.

46.08.120 Destruction of records by director. The director, in his discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for vehicle operators' licenses, and copies of issued vehicle operators' licenses, after they have been on file in his office for a period of two years and certificates of title or registration or other documents, records or supporting papers, on file in his office which have been photographed or reproduced on film for a period of not less than thirty days: *Provided*, That there shall be retained and filed with the director, as a permanent record or otherwise, any records deemed necessary or convenient for use in completing the case record of any motor vehicle operator, or for any other purpose.

46.08.130 Destruction of records by county auditor. The county auditor may destroy applications for motor vehicle licenses, copies of motor vehicle licenses issued, applications for motor vehicle operator's licenses, and copies of issued motor vehicle operator's licenses, if any there be, after such records shall have been on file in his office for a period of three years, unless otherwise directed by the director of licenses.

46.08.140 Rules and regulations. The director of licenses is hereby authorized to adopt and enforce such reasonable rules and regulations as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and vehicle operator's licenses not in conflict with the provisions of this title.

46.08.150 Control of traffic on capitol grounds. The director of general administration shall have power to devise and promulgate rules and regulations for the control of vehicular and pedestrian

traffic and the parking of motor vehicles on the state capital grounds. Such rules and regulations shall be promulgated by publication in one issue of a newspaper published at the state capital and shall be given such further publicity as the director may deem proper.

46.08.160 ————**Enforcing officer.** The chief of the Washington state patrol shall be the chief enforcing officer to assure the proper enforcement of such rules and regulations.

46.08.170 ————**Violations, misdemeanors—Jurisdiction.** Any violation of a rule or regulation prescribed under RCW 46.08.150 shall be punishable as a misdemeanor, and the courts of justices of the peace in Thurston county shall have exclusive jurisdiction over such offenses.

46.08.180 **Control of traffic on ocean beach highways.** For the protection and conservation of natural resources, the county sheriffs, the state patrol and fish and game inspectors are given authority to regulate and control traffic on and along the ocean beach highways as designed and established under RCW 79.16.130, 79.16.160, 79.16.161, 79.16.170 and 79.16.171.

46.08.190 **Jurisdiction of justice of peace, police court and superior court.** Every justice of the peace and police court judge shall have concurrent jurisdiction with superior court judges of the state for all violations of the provisions of this title and may impose any punishment provided therefor.

Chapter 46.12

CERTIFICATES OF OWNERSHIP AND REGISTRATION

46.12.010 **Certificates required to operate and sell vehicles.** It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without securing and having in full force and effect a certificate of ownership therefor and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter relating to certificates of ownership and license registration of vehicles: *Provided*, That the provisions of this section relative to the sale of vehicles shall not apply to the first sale of vehicles by manufacturers and dealers: *Provided Further*, That nothing in this title shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of licenses, it is proper to do so.

46.12.020 Prerequisite to issuance of vehicle license and plates.

No vehicle license number plates or certificate of license registration, whether original issues or duplicates, shall be issued or furnished by the director of licenses unless the applicant therefor shall at the same time make satisfactory application for a certificate of ownership or shall present satisfactory evidence that such a certificate of ownership covering such vehicle has been previously issued.

46.12.030 Certificate of ownership. Application—Contents. The application for certificate of ownership shall be upon a blank form to be furnished by the director of licenses and shall contain:

(1) A full description of the vehicle, which said description shall contain the manufacturer's serial number if it be a trailer, the motor number or proper identification number if it be a motor vehicle, and any distinguishing marks of identification;

(2) A statement of the nature and character of the applicant's ownership, and the character of any and all encumbrances other than statutory liens upon said vehicle;

(3) Such other information as the director of licenses may require: *Provided*, That the director of licenses may in any instance, in addition to the information required on said application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either.

Such application shall be subscribed by the applicant and be sworn to by him before a notary public or other officer authorized by law to take acknowledgments of deeds, or other person authorized by the director of licenses to certify to the signature of the applicant upon such application.

46.12.040 —————Fee. The application accompanied by a draft, money order, or certified bank check for one dollar, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

46.12.050 Issuance of certificates—Contents. The director, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have the certificate of ownership thereof in his name, shall thereupon issue an appropriate certificate of ownership, over his signature, authenticated by seal, and a new certificate of license registration if certificate of license registration is required.

Both the certificate of ownership and the certificate of license

registration shall contain upon the face thereof, the date of issue, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the motor number or proper identification number, if the certificate is for a motor vehicle, or the serial number, if the certificate is for a trailer, and such other description of the vehicle and facts as the director shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it is less than four years old and has been rebuilt after having been totaled out by an insurance carrier, such fact shall be clearly shown thereon.

The reverse side of the certificate of ownership only shall contain forms for assignment and notice to the director of a transfer of the ownership or interest of the registered owner and legal owner. A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue thereof, the director shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner.

46.12.060 Procedure when motor or serial number altered or obliterated. Before the director shall issue a certificate of ownership, or reissue such a certificate, covering any vehicle, the motor number of which, in case of a motor vehicle, or the serial number of which, in case of a trailer, has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vehicle shall file an application with the director, accompanied by a fee of one dollar, upon a form provided, and containing such facts and information as shall be required by the director for the assignment of a special number for such vehicle. Upon receipt of such application, the director, if he is satisfied the applicant is entitled to the assignment of a motor number, identification number, or serial number, shall designate a special motor number, identification number, or serial number, as the case may be, together with a symbol indicative of this state, for such vehicle, which symbol followed by such number shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by and in the office of the director. The applicant for such assignment of number shall be, in case of a motor vehicle, promptly notified of the number assigned and the symbol to be prefixed thereto, and such applicant shall thereupon cause such symbol and motor number to be pressed or cut in a conspicuous position upon the motor, if the

assigned number is a motor number, or frame or other permanent part of the motor vehicle, if the number assigned is an identification number. The applicant for such assignment of number shall be, in case of a trailer, assigned a proper identification number which shall be placed or stamped in a conspicuous position upon the outside of the trailer in such manner and form as may be prescribed by the director. Upon receipt by the director of a certificate by an officer of the Washington state patrol, or other person authorized by the director, that he has inspected such vehicle and that the motor number, or identification number, together with the symbol so assigned, or the special serial number plate, have been legally pressed or cut in a conspicuous position upon the motor or upon the most permanent part of the motor vehicle most readily accessible for inspection, or stamped or securely attached in a conspicuous position upon the outside of the trailer, accompanied by an application for a certificate of ownership or application for reissue of such certificate and the required fee therefor, the director shall use such number and such symbol as the numerical identification marks for the vehicle in any certificate of license registration or certificate of ownership he may thereafter issue therefor.

46.12.070 Destruction of vehicle—Surrender of certificates, penalty—Notice of settlement by insurance company. Upon the destruction of any vehicle covered by certificates of license registration and ownership, the registered owner and the legal owner shall forthwith and within five days thereafter forward and surrender such certificate, together with the vehicle license plates therefor if available, to the director, together with a statement of the reason for such surrender and the time and place of destruction. Failure to notify the director or the possession by any person of any such certificate for a vehicle so destroyed, after five days following its destruction, shall be prima facie evidence of violation of the provisions of this chapter and shall constitute a gross misdemeanor.

Any insurance company settling any insurance claim on any such vehicle as a total loss, less salvage, shall notify the director thereof within five days after the settlement of any such claim under any policy of insurance carried by it on a vehicle covered by certificates of license registration and ownership issued by this state.

46.12.080 Procedure on installation of different motor—Penalty. Any person holding the certificate of license registration for a vehicle in which there has been installed a new or different motor than that with which it was issued certificates of ownership and license registration shall forthwith and within five days after such installation forward and surrender such certificates to the director, together with an application for issue of corrected cer-

tificates of ownership and license registration and a fee of one dollar, and a statement of the disposition which was made of the former motor. The possession by any person of any such certificates for a vehicle in which a new or different motor has been installed, after five days following such installation, shall be prima facie evidence of a violation of the provisions of this chapter and shall constitute a misdemeanor.

46.12.090 Procedure when motor or motor block removed—Unlawful acts. Whenever the motor or motor block carrying the identification number is removed from any motor vehicle and the vehicle has not been destroyed or dismantled in such a manner as to come under the provisions of RCW 46.12.070, and there has been issued and is outstanding a certificate of ownership for such vehicle, the registered owner or vehicle dealer having possession of the vehicle shall, within a period of five days after the removal thereof, notify the director in writing on forms to be prescribed by the director and furnished for that purpose, giving the description of the vehicle from which such motor or motor block has been removed, the date of the removal thereof, and the name and address of the purchaser or holder thereof, or in the event the motor or motor block is not in a condition to be used in a motor vehicle, the disposition made thereof. It shall be unlawful for any dealer or registered owner to fail, neglect, or refuse to comply with the provisions of this section.

46.12.100 Sale or transfer of vehicle—Assignment of certificate of ownership—Penalty. In the event of the sale or other transfer to a new registered owner of any vehicle for which a certificate of ownership and a certificate of license registration have been issued, the registered and legal owners shall endorse upon the back of the certificate of ownership an assignment thereof in form printed thereon, and shall record thereon name of purchaser and date of transaction and shall deliver the same to the purchaser or transferee at the time of the delivery to him of the vehicle. Delivery of a certificate of title to a purchaser or his agent without at the same time recording the name of the purchaser and the date of the transaction on the assignment form shall constitute a misdemeanor.

46.12.110 Duty of purchaser or transferee other than dealer—Penalty. The purchaser or transferee, unless such person is a dealer, shall within fifteen days thereafter apply to the director or his duly authorized agent for the reissue of such certificate of ownership and transfer of license registration. Such application shall be made on forms prescribed by the director and accompanied by a fee of one dollar. Upon receipt of such application, accompanied

by the endorsed certificate of ownership and such other documentary evidence as is deemed necessary, the director shall, if the application is in order and if all provisions relating to certificates of ownership and license registration have been complied with, issue a new certificate of ownership and new certificate of license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund. If the purchaser or transferee fails or neglects to transfer such certificate of ownership and license registration within fifteen days after date of delivery of the vehicle to him he shall be guilty of a misdemeanor and in addition thereto he shall on making application for transfer be assessed a five dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars: *Provided*, That the penalty shall not apply to a registered dealer who has purchased the vehicle for the purpose of resale.

46.12.120 Duty when purchaser or transferee is a dealer. If the purchaser or transferee is a dealer he shall, on selling or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe, and showing any lienholder holding a security interest created or reserved at the time of resale and the date of his security agreement, to which shall be attached the assigned certificates of ownership and license registration received by the dealer, and mail or deliver them to the department with the transferee's application for the issuance of new certificates of ownership and license registration.

46.12.130 Assigned certificate of ownership to be filed by director—Transfer by operation of law. Certificates of ownership when assigned and returned to the director, together with subsequently assigned reissues thereof, shall be retained by the director and appropriately filed and indexed so that at all times it will be possible to trace ownership to the vehicle designated therein.

When the ownership of a vehicle passes by operation of law, the person thus acquiring ownership shall upon furnishing satisfactory proof to the director of his ownership, procure the issuance of a certificate of ownership to the vehicle, regardless of whether a certificate of ownership has ever been issued: *Provided*, That in all cases of application for the reissue of certificates of ownership or certificates of license registration, or either, by reason of transfer of legal ownership or registered ownership by operation of law, the director shall give written notice thereof to both the legal owner and registered owner, by mail, postage prepaid, at his or their last given address, which notice shall require the sur-

render of certificates of ownership or license registration, or both, within ten days from the date of posting the letter. In the event that the certificates, or either of them, have not been surrendered to the director within ten days from and after the date of posting the letter, the certificates or either of them shall become void and the director shall pass upon the application without regard for the outstanding certificates or either of them, unless restrained from so doing.

46.12.140 Certificates of ownership for dealers' or manufacturers' used vehicles. In the case of dealers in vehicles, including manufacturers who sell to persons other than dealers, a separate certificate of ownership, either of the dealer's immediate vendor properly assigned or of the dealer himself, shall be required covering each used vehicle kept in his possession.

46.12.150 Procedure when new owner cannot present prior certificate. Whenever application is made to the director by a new legal or registered owner of a vehicle and the applicant is unable to present the certificate of ownership or license registration previously issued for the vehicle by reason of its being unlawfully withheld by one in possession or otherwise not available, the director may receive such application and examine into the circumstances of the case and may require the filing of affidavits or other information, and when the director is satisfied that the applicant is entitled thereto he may transfer the vehicle or reregister it and issue new certificates for the vehicle to the person found to be entitled thereto, if the required fee has been previously paid to the director.

46.12.160 Director may refuse or cancel certificate—Penalty. If the director determines at any time that an applicant for certificate of ownership or for a certificate of license registration for a vehicle is not entitled thereto, he may refuse to issue such certificate or to license the vehicle and he may, for like reason, after notice, and in the exercise of discretion, cancel license registration already acquired or any outstanding certificate of ownership. The notice shall be served personally or by registered mail. It shall then be unlawful for any person to remove, drive, or operate the vehicle until a proper certificate of ownership or license registration has been issued and any person removing, driving, or operating such vehicle after the refusal of the director to issue certificates or the revocation thereof shall be guilty of a gross misdemeanor.

46.12.170 Procedure when vehicle is mortgaged. If, after a certificate of ownership is issued, a mortgage is placed on the vehicle described therein, the registered owner shall, within ten days there-

after, present his application to the director, signed by the mortgagee, to which shall be attached the certificate of license registration and the certificate of ownership last issued covering the vehicle, which application shall be upon a form provided by the director and shall be accompanied by a money order, bank draft, or certified bank check for one dollar. The director, if he is satisfied that there should be a reissue of the certificates, shall note such change upon his records and issue to the registered owner a new certificate of license registration and to the mortgagee a new certificate of ownership.

Upon the payment in full of a contract or mortgage on a vehicle, the legal owner or mortgagee shall assign the certificate of ownership and deliver it to the registered owner, who shall within ten days thereafter present the certificate of ownership and certificate of license registration to the director accompanied by a fee of one dollar, together with an application for reissue thereof, which application shall be handled by the director as in the case of an original application for a certificate of license registration and certificate of ownership. Upon the payment in full of a contract or mortgage on a vehicle the legal owner or mortgagee shall immediately notify the director of such fact on a form to be provided by the director.

46.12.180 Duplicate for lost or mutilated certificate. In the event that a certificate of ownership or certificate of license registration is lost, mutilated, or has become illegible, the holder shall immediately file with the director an application for the issuance of a duplicate, the application to be on a form prescribed and furnished by the director, accompanied by a fee of one dollar. Upon receipt of such application and fee, the director shall issue a duplicate of the certificate if its loss or mutilation is established by satisfactory proof.

46.12.190 Legal owner not liable for acts of registered owner. The person, firm, copartnership, association or corporation to whom a certificate of ownership shall have been issued shall not thereby incur liability or be responsible for damage, or otherwise, resulting from any act or contract made by the registered owner or by any other person acting for, or by or under the authority of such registered owner.

46.12.200 State or director not liable for acts in administering chapter. No suit or action shall ever be commenced or prosecuted against the director of licenses or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director of licenses under this chapter.

46.12.210 Penalty for false statements or illegal transfers. Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of ownership or in any assignment thereof, or who with intent to procure or pass ownership to a vehicle which he knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another or who shall have in his possession any vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be guilty of a felony and upon conviction shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than ten years, or both such fine and imprisonment. This provision shall not exclude any other offenses or penalties prescribed by any existing or future law for the larceny or unauthorized taking of a motor vehicle.

46.12.220 Alteration or forgery—Penalty. Any person who shall alter or forge or cause to be altered or forged any certificate issued by the director of licenses pursuant to the provisions of this chapter, or any assignment thereof, or any release or notice of release of any encumbrance referred to therein, or who shall hold or use any such certificate or assignment, or release or notice of release, knowing the same to have been altered or forged, shall be guilty of a felony.

46.12.230 Permit to licensed wrecker to junk vehicle—Fee. Any licensed wrecker in possession of a motor vehicle ten years old or older, and ownership of which or whose owner's residence is unknown, may apply to the director of licenses for a permit to junk or wreck such motor vehicle, or any part thereof. Upon such application, a permit may be issued by the director, upon receipt of a fee of one dollar, in a form to be prescribed by the director to authorize such wrecker to wreck or junk such vehicle, or any part thereof.

Chapter 46.16

VEHICLE LICENSES

46.16.005 Rules and regulations. The director of licenses may make such rules and regulations as are necessary for the proper operation and enforcement of chapter 46.16.

46.16.010 License and plates required. It shall be unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided: *Pro-*

vided, That these provisions shall not apply to farm tractors and farm implements temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law.

Note: See also section 32, chapter 21, Laws of 1961 extraordinary session.

46.16.020 Exemption—State and publicly owned vehicles—Registration. Any vehicle owned, rented or leased by the state of Washington, or by any county, city, town, school district or other political subdivision of the state of Washington and used exclusively by them, and all vehicles owned by the United States government or by the government of foreign countries and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: *Provided, however*, That such vehicles shall be registered as prescribed for the license registration of vehicles and shall display upon the vehicles the vehicle license number plates assigned by the director of licenses and except in cases of the United States government and foreign government shall pay for such number plates a fee of one dollar: *Provided, further*, That no vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section for the transportation of school children unless and until such vehicle shall have been first personally inspected by the director of licenses or his duly authorized representative.

46.16.030 Nonresident exemption—Reciprocity. Except as is herein provided for foreign corporations, the provisions relative to the licensing of vehicles and display of vehicle license number plates and license registration certificates shall not apply to any vehicles owned by nonresidents of this state if the owner thereof has complied with the law requiring the licensing of vehicles in the names of the owners thereof in force in the state, foreign country, territory or federal district of his residence; and the vehicle license number plate showing the initial or abbreviation of the name of such state, foreign country, territory or federal district, is displayed on such vehicle substantially as is provided therefor in this state: *Provided*, That the provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, foreign country, territory or federal district of his residence, like exemptions and privileges are granted to vehicles duly licensed under the laws of and owned by residents of this state. If under the laws of such state, foreign country, territory or federal district, vehicles owned by residents of this state, operating upon the highways of such state, foreign country, territory or federal district, are required to pay the license fee and carry the vehicle license number plates of such state, foreign country, territory or federal district, the vehicles

owned by residents of such state, foreign country, territory or federal district, and operating upon the highways of this state, shall comply with the provisions of this state relating to the licensing of vehicles. Foreign corporations owning, maintaining, or operating places of business in this state and using vehicles in connection with such places of business, shall comply with the provisions relating to the licensing of vehicles insofar as vehicles used in connection with such places of business are concerned: *Provided, further,* That the director of licenses is empowered to make and enforce rules and regulations for the licensing of nonresident vehicles upon a reciprocal basis and with respect to any character or class of operation.

46.16.040 Form of application—Contents. Application for original vehicle license shall be made on form furnished for the purpose by the director of licenses. Such application shall be made by the owner of the vehicle or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the vehicle;
- (2) Trade name of the vehicle, model, year, type of body, the motor number or identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;
- (3) The power to be used—whether electric, steam, gas or other power;
- (4) The purpose for which said vehicle is to be used and the nature of the license required;
- (5) The maximum gross license for such vehicle which in case of for hire vehicles and auto stages shall be the maximum adult seating capacity thereof, exclusive of the operator, and in cases of motor trucks, trailers and semitrailers shall be the unladen weight of such vehicle to which shall be added the maximum gross load to be carried thereon as set by the applicant, which maximum gross license shall in no event be less than the unladen weight thereof or more than the legal limit for such vehicle as allowed by law;
- (6) The weight of such vehicle, if it be a motor truck or trailer, which shall be the shipping weight thereof as given by the manufacturer thereof unless another weight is shown by weight slip verified by a certified weighmaster, which slip shall be attached to the original application;
- (7) Such other information as shall be required upon such application by the director of licenses.

46.16.045 Temporary permits—Authorized. The department in its discretion may grant a temporary permit to operate a vehicle for which application for registration has been made, where such application is accompanied by the proper fee pending action upon said application by the department.

46.16.047 ———Form and Contents—Duration—Fees. Forms for such temporary permits shall be prescribed and furnished by the department. Temporary permits shall bear consecutive numbers, shall show the name and address of the applicant, trade name of the vehicle, model, year, type of body, identification number and date of application, and shall be such as may be affixed to the vehicle at the time of issuance, and remain on such vehicle only during the period of such registration and until the receipt of permanent license plates. The application shall be registered in the office of the person issuing the permit and shall be forwarded by him to the department each day together with the fee accompanying it.

A fee of fifty cents shall be charged by the person authorized to issue such permit which shall be accounted for in the same manner as the other fees collected by such officers, provided that such fees collected by county auditors or their agents shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund.

46.16.060 License fee, general—House moving dollies. Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each calendar year or fractional part thereof and upon each vehicle a license fee in the sum of six dollars and fifty cents: *Provided, however,* That the fee for licensing each house moving dolly which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44, shall be twenty-five dollars.

Note: See also section 9, chapter 7, Laws of 1961 extraordinary session.

46.16.065 Small trailer license fee—Conditions. In lieu of the fee provided in RCW 46.16.060, private passenger car one or two-wheel trailers of two thousand pounds gross weight or less, may be licensed for the sum of three dollars, but only if such trailers are to be operated upon the public highway by the owners thereof. It is the intention of the legislature that this reduced license shall be issued only as to trailers operated for personal use of the owners and not trailers held for rental to the public.

Note: See also section 10, chapter 7, Laws of 1961 extraordinary session.

46.16.067 House trailer license fee. In lieu of the fee provided in RCW 46.16.060 house trailers shall be licensed for the sum of three dollars.

Note: See also section 24, chapter 7, Laws of 1961 extraordinary session.

46.16.070 Gross weight fees on trucks. In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck and truck tractor based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: *Provided, however,* That all trucks or truck tractors having an unladen weight of more than four thousand pounds shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44-.040 in which event the vehicle shall be licensed for the maximum gross load specified for such a vehicle in RCW 46.44.040:

Up to 4,000 lbs.....	\$4.50
4,000 lbs. or more and less than 6,000 lbs.....	\$9.50
6,000 lbs. or more and less than 8,000 lbs.....	\$15.50
8,000 lbs. or more and less than 10,000 lbs.....	\$18.50
10,000 lbs. or more and less than 12,000 lbs.....	\$21.50
12,000 lbs. or more and less than 14,000 lbs.....	\$25.00
14,000 lbs. or more and less than 16,000 lbs.....	\$30.00
16,000 lbs. or more and less than 18,000 lbs.....	\$50.00
18,000 lbs. or more and less than 20,000 lbs.....	\$70.00
20,000 lbs. or more and less than 22,000 lbs.....	\$100.00
22,000 lbs. or more and less than 24,000 lbs.....	\$125.00
24,000 lbs. or more and less than 26,000 lbs.....	\$160.00
26,000 lbs. or more and less than 28,000 lbs.....	\$190.00
28,000 lbs. or more and less than 30,000 lbs.....	\$230.00
30,000 lbs. or more and less than 32,000 lbs.....	\$285.00
32,000 lbs. or more and less than 34,000 lbs.....	\$325.00
34,000 lbs. or more and less than 36,000 lbs.....	\$370.00

Note: See also section 11, chapter 7, Laws of 1961 extraordinary session.

46.16.072 Gross weight fees on trailers. In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each trailer, semitrailer and pole trailer based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: *Provided, however,* That all trailers, semitrailers and pole trailers having an unladen weight of more than four thousand pounds shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.040 in which event the vehicle shall be licensed for the maximum gross load specified for such a vehicle in RCW 46.44.040:

4,000 lbs. or more and less than 6,000 lbs.....	\$9.50
6,000 lbs. or more and less than 8,000 lbs.....	\$15.50
8,000 lbs. or more and less than 10,000 lbs.....	\$18.50
10,000 lbs. or more and less than 12,000 lbs.....	\$21.50
12,000 lbs. or more and less than 14,000 lbs.....	\$25.00

14,000 lbs. or more and less than 16,000 lbs.....	\$30.00
16,000 lbs. or more and less than 18,000 lbs.....	\$50.00
18,000 lbs. or more and less than 20,000 lbs.....	\$70.00
20,000 lbs. or more and less than 22,000 lbs.....	\$100.00
22,000 lbs. or more and less than 24,000 lbs.....	\$125.00
24,000 lbs. or more and less than 26,000 lbs.....	\$160.00
26,000 lbs. or more and less than 28,000 lbs.....	\$190.00
28,000 lbs. or more and less than 30,000 lbs.....	\$230.00
30,000 lbs. or more and less than 32,000 lbs.....	\$285.00
32,000 lbs. or more and less than 34,000 lbs.....	\$325.00
34,000 lbs. or more and less than 36,000 lbs.....	\$370.00

Note: See also section 12, chapter 7, Laws of 1961 extraordinary session; also section 33, chapter 21, Laws of 1961 extraordinary session.

46.16.074 Increased fees on trucks propelled other than by gasoline. As to any such motor truck or truck tractor propelled by steam, electricity, natural gas, diesel oil, butane, or propane the schedule of fees set forth in RCW 46.16.070 shall be increased in every instance by twenty-five percent thereof and paid in addition to any excise tax upon such substance other than motor vehicle fuel.

Note: See also section 24, chapter 7, Laws of 1961 extraordinary session.

46.16.080 Fixed load machines—Fee in lieu—Exception. In lieu of the additional fee provided in RCW 46.16.070 or 46.16.072 there shall be collected a fee of five dollars on any motor truck, truck tractor, trailer or semitrailer used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such motor truck, trailer, or semitrailer: *Provided*, That no additional fee shall be collected under this section or under RCW 46.16.070 or 46.16.072 on any house trailer.

46.16.082 Increased fees for converter gears. In addition to fees for licensing of vehicles, provided in RCW 46.16.070 and RCW 46.16.072, there shall be paid and collected annually for each converter gear used to convert semitrailers into trailers, and two-axle tractors into three-axle tractors, when licensed separately and not in combination with a semitrailer, or tractor, as provided in RCW 46.16.083, a fee based on the maximum gross weight thereof as follows:

	<i>Base Fee</i>	<i>Reserve Fee</i>	<i>Total Fee</i>
10,000 pounds or more and less than 12,000	\$180.00	\$20.00	\$200.00
12,000 pounds or more and less than 14,000	\$235.00	\$ 5.00	\$240.00
14,000 pounds or more and less than 16,000	\$275.00	\$ 5.00	\$280.00
16,000 pounds or more and less than 18,000	\$320.00	\$ 5.00	\$325.00

46.16.083 Converter gear—Optional methods of licensing. A converter gear used to convert a semitrailer into a trailer or a two-axle tractor into a three-axle tractor may, at the option of the owner, be licensed as a separate vehicle or the converter gear and a semitrailer or two-axle tractor may be licensed as a combination, in which event the combination of the two will be considered as a single vehicle for the purposes of this chapter.

46.16.090 Gross weight fees on farm trucks—Penalty. Motor trucks or trailers of less than twenty-six thousand pounds may be specially licensed based on the maximum gross weight thereof for fifty percent of the various amounts set forth in the schedule provided in RCW 46.16.070, when such trucks or trailers are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such trucks or trailers are to be used for the transportation of such farmer's own farm, orchard or dairy products from point of production to market or warehouse, and of supplies to be used on his farm; and/or

(2) When such trucks or trailers are to be used for the infrequent or seasonal transportation by one such farmer for another farmer in his neighborhood of products of the farm, orchard or dairy owned by such other farmer from point of production to market or warehouse, or supplies to be used on such other farm, but only if such transportation for another farmer is for compensation other than money: *Provided, however,* That farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on motor trucks or trailers, when used in the transportation of such farmer's own farm machinery between his own farm or farms and for a distance of not more than thirty-five miles from his farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to be signed by the farmer to the effect that the vehicle or trailer concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles or trailers to indicate that the vehicle or trailer is specially licensed, or may, in its discretion, substitute a special license plate for such vehicles or trailers for such designation.

Any person who operates such a specially licensed vehicle or trailer in transportation upon public highways in violation of the limitations of this section shall be guilty of a misdemeanor.

46.16.100 Special permits for single movement—Fee. When any vehicle subject to license is to be moved upon the public highways

of this state from one point to another, the director may issue a special permit therefor upon an application presented to him in such form as shall be approved by the director and upon payment therefor of a fee of five dollars. Such permit shall be for the transit of the vehicle only, and the vehicle shall not at the time of such transit be used for the transportation of any persons or property whatsoever for compensation or otherwise, and shall be for one transit only between the points of origin and destination as set forth in the application: *Provided*, That (1) when such vehicle is to be moved from one point in this state to another and when the owner of such vehicle desires to carry a load of passengers or commodities, or both, he may obtain a one-transit permit upon the payment to the director of a fee of ten dollars, and (2) for each vehicle used exclusively in the transportation of circus, carnival, and show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars: *Provided further*, That no special permit or one-transit permit shall be issued for movement of a house trailer as defined in chapter 82.50 unless the applicant therefor has a stamp issued thereunder.

46.16.110 Gross weight, how computed. The maximum gross weight in case of any motor truck, truck tractor, trailer or semitrailer shall be the scale weight of such motor truck, truck tractor, trailer or semitrailer unladen, to which shall be added the maximum load to be carried thereon, as set by the licensee in his application or otherwise.

46.16.120 Seating capacity fees on stages, for hire vehicles. In addition to other fees for the licensing of vehicles, there shall be paid and collected annually, for each auto stage and for hire vehicle, except taxicabs, with seating capacity of six or less the sum of fifteen dollars. For auto stages and for hire vehicles whose seating capacity is over six the following fees, in addition to any regular fees for licensing of vehicles, shall be collected upon the scale weight of each such auto stage and for hire vehicle, plus an average load factor of fifty percent of seating capacity figured at one hundred fifty pounds per seat:

Up to 6,000 lbs.....	\$9.50
6,000 lbs. or more and less than 8,000 lbs.....	\$15.50
8,000 lbs. or more and less than 10,000 lbs.....	\$18.50
10,000 lbs. or more and less than 12,000 lbs.....	\$21.50
12,000 lbs. or more and less than 14,000 lbs.....	\$25.00
14,000 lbs. or more and less than 16,000 lbs.....	\$30.00
16,000 lbs. or more and less than 18,000 lbs.....	\$50.00
18,000 lbs. or more and less than 20,000 lbs.....	\$70.00

20,000 lbs. or more and less than 22,000 lbs.....	\$100.00
22,000 lbs. or more and less than 24,000 lbs.....	\$125.00
24,000 lbs. or more and less than 26,000 lbs.....	\$160.00
26,000 lbs. or more and less than 28,000 lbs.....	\$190.00
28,000 lbs. or more and less than 30,000 lbs.....	\$230.00
30,000 lbs. or more and less than 32,000 lbs.....	\$285.00
32,000 lbs. or more and less than 34,000 lbs.....	\$325.00
34,000 lbs. or more and less than 36,000 lbs.....	\$370.00

Note: See also section 14, chapter 7, Laws of 1961 extraordinary session.

46.16.125 Mileage fees on stages—Penalty. In addition to the fees required by RCW 46.16.120, operators of auto stages with seating capacity over six shall pay quarterly, at the time they file gross earning returns with the public service commission, the sum of fifteen cents for each one hundred vehicle miles operated by each auto stage over the public highways of this state: *Provided*, That in the case of each auto stage propelled by steam, electricity, natural gas, diesel oil, butane or propane, the payment required hereunder shall be twenty cents per one hundred miles of such operation. The commission shall transmit all such sums so collected to the state treasurer, who shall deposit the same in the motor vehicle fund. Any person failing to make any payment required by this section shall be subject to a penalty of one hundred percent of the payment due hereunder, in addition to any penalty provided for failure to submit a quarterly report. Any penalties so collected shall be credited to the public service revolving fund.

46.16.130 Reduction of fees for fractional year. Whenever an application is made for a license on a motor truck, trailer, tractor, semi-trailer, for hire vehicle, bus or auto stage subsequent to March thirty-first of any calendar year, the license fees based on gross weight or seating capacity of such vehicles shall be computed as follows:

Upon motor vehicles above described licensed in this state after March thirty-first of any year, but before July first, the license fees imposed by this section for such year shall be reduced by one-fourth thereof; upon vehicles licensed in this state after June thirtieth of any year, but before October first, the license fees shall be reduced by one-half thereof; and upon vehicles licensed in this state after September thirtieth of any year the license fees shall be reduced by three-fourths thereof: *Provided*, That such reductions shall not apply to special permits.

46.16.135 Quarterly license—Penalty. When the gross weight license fee applied for on any vehicle exceeds twenty thousand pounds, licenses for motor trucks, trailers, tractors, pole trailers, or semitrailers may be purchased for a three-months period for one-fourth the regular fee at the beginning of any calendar month. For

each fee so paid other than at the time of payment of the basic license fee, an additional fee of one dollar shall be charged by the director. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia, which shall state the months by name for which the vehicle is licensed.

No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator thereof within ten days after the expiration of any such three-month period apply for, and pay the required fee for, a license for an additional three-month period, or for the remainder of the year. Any person who operates any such vehicle upon the public highways after the expiration of said ten days, shall be guilty of a misdemeanor, and in addition shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire year's license for operation thereof, less the fees for any period or periods of the year already paid. If, within five days thereafter, no license for a full year has been purchased as required aforesaid, the Washington state patrol, county sheriff or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

46.16.137 Monthly license for transportation of logs—Penalty. During the months of October, November, December, January, February and March the gross weight license fee of a three-axle truck, a three-axle truck tractor and a two-axle pole trailer used in combination, and a three-axle truck and two-axle trailer used in combination, when such vehicles or combinations of vehicles are licensed to the maximum gross weight provided by law and are used exclusively in the transportation of logs may be purchased for a monthly period. The fee for such a monthly license shall be one-twelfth the annual maximum gross weight fee provided for in RCW 46.16.070 or 46.16.074 in the case of trucks, and one-twelfth of the annual maximum gross weight fee provided for in RCW 46.16.072 in the case of pole trailers. For each fee so paid, other than at the time of the payment of the basic license fee, an additional fee of one dollar and fifty cents shall be charged by the director. The monthly license shall be effective from the first day of the month in which it is purchased, through the last day of that calendar month. The director or his authorized agent shall issue license tabs stating the month for which the vehicle is licensed, which tabs shall be attached by the owner or operator to the license plates of the vehicle and shall be displayed thereon throughout the month for which they are issued. The director is authorized to establish rules and regulations relative to the issuance and display of such tabs. No vehicle licensed under the provisions of this section shall be op-

erated over the public highways unless the owner or operator thereof within five days after the expiration of any such monthly period applies for, and pays the required fee for, a license for an additional monthly period, a three-month period, or for the remainder of the year. Any person who operates any such vehicle upon the public highways after the expiration of said five days, shall be guilty of a misdemeanor, and in addition shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire year's license for operation thereof, less the fees for any period or periods of the year already paid. If, within five days thereafter, no license for a full year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

46.16.138 ———Penalty for operating vehicle for other purpose. Any person who operates a vehicle, licensed under the provisions of RCW 46.16.137 for the transportation of logs exclusively, for the transportation of any cargo other than logs, shall be guilty of a misdemeanor, and in addition shall be ineligible for a period of two years from date of conviction for the purchase of a license under the provisions of RCW 46.16.137.

46.16.140 Overloading licensed capacity—Additional license—Penalties. Any person who operates, or causes, permits, or suffers to be operated upon a public highway of this state any auto stage, motor truck, trailer, pole trailer, or semitrailer, with passengers, or with a maximum gross weight, in excess of that for which the vehicle is licensed shall be guilty of a misdemeanor.

Any person who operates or causes to be operated upon a public highway of this state any motor truck, trailer, pole trailer, or semitrailer with a maximum gross weight in excess of the maximum gross weight for which the vehicle is licensed shall be deemed to have set a new maximum gross weight and shall, in addition to any penalties otherwise provided, be required to purchase a new license covering the new maximum gross weight and any such person who fails to secure such new license shall be guilty of a misdemeanor: *Provided*, That this section shall not apply to for hire vehicles or auto stages operating principally within cities and towns: *Provided further*, That upon surrender of the license originally purchased the director shall allow proper credit for the gross weight fee originally paid: *Provided further*, That no such person may be permitted or required to purchase the new license upon a gross weight which would exceed the maximum gross weight allowed by law.

46.16.145 ————Penalties. Any person violating any of the provisions of RCW 46.16.140 shall, upon a first conviction, pay a fine of not less than ten dollars nor more than twenty-five dollars; upon a second conviction pay a fine of not less than twenty-five dollars nor more than fifty dollars, and in addition the court may suspend the certificate of license registration of his vehicle for not more than thirty days; upon a third and subsequent conviction pay a fine of not less than fifty dollars nor more than one hundred dollars, and in addition the court shall suspend the certificate of license registration of the vehicle for not less than thirty days nor more than ninety days.

Upon ordering the suspension of any certificate of license registration, the court or judge shall forthwith secure such certificate and mail it to the director.

46.16.150 School buses exempt from load and seat capacity fees. No provision of the law of this state shall be construed to require for hire vehicle license or adult seating capacity fees, either directly or indirectly for the transportation of school children or teachers, or both, to and from school and other school activities, or either, whether the same be done in motor vehicles owned, leased, rented or used by the school authority or upon contract to furnish such transportation: *Provided*, That this section shall apply to vehicles used exclusively for the purpose set forth and in the event that any vehicle so used is also used for any other purpose, such vehicle shall be appropriately licensed for such other purpose, as required by this chapter.

46.16.160 Fees on out-of-state commercial vehicles—Reciprocity. Any commercial vehicle bearing valid license plates and registration certificate of another state or territory and not registered in this state and which under reciprocal relations with that state would be required to obtain a motor vehicle license in this state may, in lieu of a certificate of ownership and license registration, be issued a permit. Such permit shall be issued in such form and under such conditions as the director shall prescribe. Application for the permit shall be made to the director or his designated agent on forms provided by the director. On receiving such application, together with fees as provided herein, a permit may be issued for a period of not to exceed seventy-two consecutive hours.

The permit shall be valid for the conduct of interstate operations only: *Provided, however*, That the director, or his designated agent, shall be authorized to issue a further permit on the same vehicle or combination of vehicles upon the expiration of an existing permit.

For each permit issued the director or his designated agent shall assess an administrative charge of two dollars plus the following fees:

Vehicles with gross loads of		
0	9,999 lbs.....	\$2.50
10,000.....	19,999 lbs.....	\$3.75
20,000.....	29,999 lbs.....	\$5.00
30,000.....	36,000 lbs.....	\$7.50

Provided further, That these fees shall not be subject to quarterly reduction as provided in RCW 46.16.130. Such vehicles will be subject to all of the laws, rules and regulations affecting the operation of like motor vehicles in this state. The permit shall be displayed at all times in a prominent place on the vehicle, or if vehicle is a trailer, then the permit shall be at all times in vehicle operator's possession. All fees collected under the provisions of this chapter shall be forwarded by the director with a proper identifying detailed report to the state treasurer who shall deposit such fees to the credit of the motor vehicle fund: *Provided*, The imposition of the capacity fees set forth in this section shall be considered reciprocal and shall apply only to vehicles licensed in other states, which states charge their full fees or approximately full fees, or charge upon a basis similar to the one set up in this section, for vehicles licensed in this state and operating in such other states, and in the event reciprocity is accorded by other states, the capacity fee charged for vehicles licensed in such other state or states, shall be on the same basis as charged by such other respective state.

Note: See also section 1, chapter 306, Laws of 1961.

46.16.170 Gross weight to be marked on vehicle. Every motor truck, trailer and semitrailer shall have painted or stenciled upon the outside thereof, in a conspicuous place, in letters not less than two inches high, the maximum gross weight for which the same is licensed, as provided in this chapter, and it shall be unlawful for the owner and operator of any such vehicle to display a maximum gross weight for which such vehicle is licensed other than that shown on the certificate of license registration of such vehicle.

46.16.180 Unlawful to carry passengers for hire without license. It shall be unlawful for the owner or operator of any vehicle not licensed annually for hire or as an auto stage and for which additional seating capacity fee as required by this chapter has not been paid, to carry passengers therein for hire.

46.16.200 Applications to agents—Transmittal to director. Upon receipt by agents of the director, including county auditors, of original applications for vehicle license accompanied by the proper fees, such agents shall, if the applications are in proper form and accompanied by such information as may be required by the director, immediately forward them, together with the fees to the director.

46.16.210 Original applications—Renewals—Fees. (1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington unless the applicant submits a preprinted application mailed from Olympia, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

46.16.220 Time of issuance of licenses—Duration. Vehicle licenses and vehicle license number plates may be issued for the current registration licensing period on and after the first day thereof and must be used and displayed from the date of issue or from the thirtieth day after the expiration of the preceding licensing period whichever date is later.

46.16.230 License plates to be furnished. The director shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required: *Provided*, That if the vehicle to be licensed is a trailer, semitrailer or motorcycle only one vehicle license number plate shall be issued for each thereof. The number and plate shall be of such size and color and shall contain such symbols indicative of the registration period for which the same is issued and of the state of Washington, as shall be determined and prescribed by the director. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles. All vehicle license number plates shall be obtained by the director from the metal working plant of the state penitentiary at Walla Walla, if available therefrom.

Notwithstanding the foregoing provisions of this section, the director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of vehicle license number plates

whereby the same shall be used as long as legible on the vehicle for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the vehicle to signify renewals, in which event the term "vehicle license number plate" as used in any enactment shall be deemed to include in addition to such plate the tab or emblem signifying renewal except when such plate contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

46.16.240 Attachment of plates to vehicles—Violations enumerated. The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read at all times: *Provided, however,* That in cases where the body construction of the vehicle is such that compliance with this section is impossible, permission to deviate therefrom may be granted by the state commission on equipment. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate or plates other than those furnished by the director of licenses for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed upon such vehicle two valid vehicle license number plates attached as herein provided.

46.16.260 License registration certificate — Endorsement — Attachment to vehicle. A certificate of license registration to be valid must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or other duly authorized agent), and must be enclosed in a suitable container and attached to the vehicle for which it is issued, at all times in the manner prescribed by the director. When the nature of the vehicle will not permit display in the place prescribed by the director, then such container with certificate therein shall be securely affixed at some conspicuous position upon the vehicle where it can be easily found, read, and inspected at all times by a person on the outside of the vehicle. The container shall have a cover of transparent material through which the certificate may be inspected as to the information shown thereon, including the signature of the registered owner, and it shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license registration as herein provided. Any person in

charge of such vehicle shall, upon demand of any of the local authorities or of any peace officer or of any representative of the department, permit an inspection of such certificate of license registration.

46.16.270 Loss or defacement of plates—Duplicates. Upon the loss, defacement, or destruction of both of the vehicle license number plates issued for any vehicle or where they have become so illegible or in such a condition as to be difficult to distinguish, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director, upon which form it shall be required that the owner, in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original plates, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vehicle license applications. Such application shall be filed with the director or his authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of four dollars, whereupon the director, or his authorized agent, shall issue new vehicle license number plates to the applicant. Upon the loss, defacement, or destruction of one of the vehicle license number plates issued for any vehicle, application shall be made on a form provided by the director and in the manner above prescribed, except that it shall be accompanied by a fee of two dollars for a vehicle plate and one dollar for a motorcycle plate. Upon the receipt of such application and fee by the director, he shall issue to the applicant a duplicate plate or plates of those lost, defaced, or destroyed. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement or destruction of said tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs or a windshield emblem to replace those lost, defaced or destroyed.

46.16.280 Sale, loss, or destruction of commercial vehicle—Procedure on change in license classification. In case of loss or destruction, sale or transfer of any for hire vehicle, auto stage, motor truck, trailer, or semitrailer, the registered owner thereof may retain the right to the load license or seat license to apply in licensing such vehicle as may be procured in replacement thereof and in any case of sale or transfer where load or seat license has not been assigned on the certificate of license registration it will be presumed that the same was intended to be retained by the previous registered owner thereof. Whenever during the calendar year any vehicle has been

so altered as to change its license classification, in such a manner that the vehicle license number plates are rendered improper therefor, the current vehicle license number plates shall be surrendered to the director of licenses and new and proper vehicle license number plates issued on application therefor accompanied by a fee therefor in the amount of one dollar in addition to any other or different charge by reason of licensing under a new classification. Such application shall be on forms prescribed by the director of licenses and forwarded with proper fee to his office or the office of his duly authorized agent.

46.16.290 License certificate and plates follow vehicle on transfer—Exception. In any case of valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith and to the vehicle license number plates shall pass to the purchaser or transferee and it shall be unlawful for the holder of such certificates or vehicle license number plates to fail, neglect or refuse to endorse such certificates and deliver such vehicle license number plates to such purchaser or transferee: *Provided*, That if such sale or transfer be of a vehicle licensed by the state or any county, city, town, school district or other political subdivision entitled to exemption as provided by law, the vehicle license number plates therefor shall be retained and may be displayed upon such vehicle as may be procured in replacement of the vehicle so sold or transferred.

46.16.310 Antique vehicles—“Horseless carriage” licenses. Notwithstanding any other provisions of this chapter, any motor vehicle, more than thirty years old, and owned and operated primarily as a collector's item shall, upon application and acceptance in the manner and at the time prescribed by the department, be issued a special commemorative license plate in lieu of the regular license plates. Any vehicles to be so licensed must be in good running order. In addition to paying all other initial fees required by law, each applicant shall pay a fee of twenty-five dollars, which fee shall entitle him to one permanent license plate valid for the life of the vehicle.

The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with “Horseless Carriage No. 1.” The plates shall be of a distinguishing color.

In the event of defacement, loss or destruction of such special plate, the owner shall apply for a replacement plate in the same manner as prescribed by law for the replacement of regular plates.

All fees collected under this section shall be deposited in the state treasury and credited to the motor vehicle fund.

46.16.320 License plates for amateur radio operators—Fees—Renewal. Every person having a valid official amateur radio operator's license issued for a term of five years by the federal communications commission, is entitled to apply to the state director of licenses for, and upon satisfactory showing, to receive, in lieu of the regular motor vehicle license plates similar plates bearing the official amateur radio call letters of the applicant assigned by the federal communications commission instead of numbers. In addition to the annual license fee collected under chapter 46.16 and chapter 82.44, there shall be collected from each applicant for such special license plates an additional license fee of five dollars upon the issue of a state plate but shall not apply on those years that a yearly tab is issued. Application for renewal of the amateur radio operator's call license plate must be made by January 10th of each renewal year and all such applications shall be accompanied by a notarized statement of facts included on the amateur's valid FCC license.

46.16.330 ———Disposition of plates upon transfer of interest in vehicle. Whenever the owner of a registered vehicle transfers or assigns his title or interest thereto, the license plates issued under RCW 46.16.320 through 46.16.360 shall be removed from the motor vehicle and, if another vehicle is acquired, attached thereto and the director of licenses shall be immediately notified of such transfer of plates; otherwise the removed plates shall be immediately forwarded to the director of licenses to be reissued later upon payment of the regular license fee.

46.16.340 ———Civil defense, state patrol, county sheriffs to be furnished information. The director of licenses, from time to time, shall furnish the state department of civil defense, the Washington state patrol and all county sheriffs a list of the names, addresses and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies.

46.16.350 ———Duties of holder when radio license expires or is revoked—Penalty. Any radio amateur operator who holds a special call letter license plate as issued under the provisions of RCW 46.16.320 through 46.16.360, and who has allowed his federal communications commission license to expire, or has had it revoked, must notify the director of licenses in writing within thirty days and surrender his call letter license plate. Failure to do so will constitute a gross misdemeanor.

46.16.400 Staggered registration. Vehicles subject to—Registration periods established. On or after January 1, 1962, all vehicles as

defined in RCW 46.04.670, except motor trucks, truck tractors, trailers, semitrailers, motor buses and bus trailers, taxicabs, motor bicycles, motorcycles, electric vehicles, armored cars, wreckers, tow cars, dealer vehicles, and vehicles owned by the state or political subdivisions thereof, the United States and branches thereof, and consuls of foreign countries, shall be registered for a period of twelve consecutive calendar months. There are established twelve registration periods, each of which shall start on the first day of each calendar month of the year and shall end on the last day of the twelfth month from date of beginning. The period beginning January 1st shall be designated the first period, and the subsequent periods shall be numbered consecutively thereafter.

Note: See also section 1, chapter 163, Laws of 1961.

46.16.410 ————**Vehicles operated for first time on and after January 1, 1962.** All motor vehicles, other than those exempted by RCW 46.16.400, which are operated for the first time on or after January 1, 1962 upon the public highways of this state, shall be subject to registration and payment of fee for the twelve-month period commencing with the first day of the month of operation.

Note: See also section 2, chapter 163, Laws of 1961.

46.16.420 ————**Fractional Registration Periods—Fees— Rules.**

In order to allow an orderly change over from the system of calendar year registration to the staggered registration system, the director of licenses may register such motor vehicles as are defined in RCW 46.16.400 for less than a twelve-month period. This may be done at any time or times during the ten-year period beginning January 1, 1962 when the director of licenses determines that such fractional registration tends to fulfill the purpose of the staggered registration system. For such fractional registration periods the registration fee shall be computed and imposed on the basis of the ratio that such fractional registration periods bear to a full twelve months registration period. The director of licenses shall prescribe reasonable rules to govern such fractional registration. The allocation of motor vehicles to said new monthly intervals by this fractional registration shall be such as will result, in the judgment of the director, in a uniform distribution of the clerical work of registration throughout the year.

Note: See also section 3, chapter 163, Laws of 1961.

46.16.430 ————**Vehicles not previously registered and operated first after January 1, 1962.** Motor vehicles, other than those exempted by RCW 46.16.400, not previously registered in this state and operated upon the public highways of this state for the first time on or after January 1, 1962, shall be registered for a full twelve-months period commencing the first day of the month of operation.

Note: See also section 4, chapter 163, Laws of 1961.

46.16.440 ————**Director may execute regulations.** On and after January 1, 1962 the director is empowered and authorized to make and execute all administrative regulations necessary to accomplish an enforcement of the provisions of RCW 46.16.220, 46.16.230, 46.16.400 through 46.16.440 and 82.44.020.

Note: See also section 5, chapter 163, Laws of 1961.

Chapter 46.20

OPERATORS' LICENSES

46.20.010 Authority of director. The director of licenses shall have the general supervision and control of the issuing of vehicle operators' licenses and shall have the full power to do all things necessary and proper to carry out the provisions of this chapter relating to the licensing of vehicle operators; he shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as shall be required from time to time, and to provide for their operation in different parts of the state and shall have the power to appoint the county auditors or county sheriffs of the several counties or the officers of the Washington state patrol as his agents for the taking of applications for vehicle operators' licenses and to supervise, control and direct their conduct as such agents. Any county auditor or county sheriff so appointed shall act as directed by the director of licenses in the receiving of applications and fees for vehicle operators' licenses or otherwise.

46.20.020 Operator's license required—Exceptions. It shall be unlawful for any person to operate a motor vehicle upon any of the public highways of this state unless such person shall have in his possession a current and valid vehicle operator's license issued on his own application as provided in this chapter: *Provided*, That no person shall be required to obtain an operator's license for the purpose of driving or operating road machinery, or any farm tractor or implement of husbandry temporarily drawn, moved or propelled on a public highway: *Provided further*, That no person in the service of the army, navy, or marine corps or coast guard of the United States or in the service of the national guard of this state or any other state when furnished with their operator's permit and when operating an official motor vehicle in such service shall be required to obtain a vehicle operator's license.

Note: See also section 1, chapter 134, Laws of 1961.

46.20.030 Persons ineligible, generally — Procedure as to disabled—Restricted licenses. (1) The director of licenses shall not issue a vehicle operator's license to any person under the age of sixteen years: *Provided*, That any person over the age of fifteen years, who is enrolled in a course of driver's training accredited by the state department of public instruction, may drive a motor

vehicle upon the public highways of this state while accompanied by a qualified instructor of such course who occupies the seat beside the driver. Such operation of a motor vehicle as described in this subsection need not be supported by a temporary instruction permit otherwise required;

(2) The director of licenses shall not issue a vehicle operator's license to any person whose vehicle operator's license has been suspended, during the period for which such license was suspended, nor shall the director issue a vehicle operator's license to any person whose vehicle operator's license has been revoked until the expiration of one year from the revocation of such license, nor shall the director issue a vehicle operator's license to any person whose vehicle operator's license has been canceled until he shall determine that it is proper to do so and the applicant is otherwise entitled thereto;

(3) The director of licenses shall not issue a vehicle operator's license to any person whom he has determined is an habitual drunkard or is addicted to the use of narcotic drugs;

(4) The director of licenses shall not issue a vehicle operator's license to any person who has previously been adjudged insane or an idiot, epileptic, imbecile or feeble-minded, and who has not at the time of application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent; nor shall the director then issue a vehicle operator's license to such person unless he is satisfied that such person is competent to operate a motor vehicle with safety to persons and property;

(5) The director of licenses shall not issue a vehicle operator's license to any person when in the opinion of the director such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising a reasonable and ordinary control of a motor vehicle while operating the same upon the public highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs in the English language: *Provided, however,* That the director of licenses may permit any such person to demonstrate personally that notwithstanding such disability or disease he is a proper person to operate a motor vehicle and may further require a certificate of such person's condition signed by a proper authority designated by the director and the director in his discretion may cause to be issued to such person a restricted vehicle operator's license containing such restriction as he may deem advisable under all the circumstances and such restriction shall be endorsed on such restricted vehicle operator's license. A person holding such a restricted vehicle operator's license shall not operate a motor vehicle

except as, when and where permitted under such restriction and the director of licenses may at any time with or without further cause cancel or revoke such restricted license: *Provided further*, That this subsection shall not be construed to prevent the director from refusing a vehicle operator's license, either restricted or unrestricted, to any person whom he shall determine incapable of operating a motor vehicle with safety to himself and to persons and property.

46.20.050 Procedure as to visually defective persons. The director of licenses shall not issue a vehicle operator's license to any person whose vision is not twenty-fifty or better, with either eye or both eyes according to test for vision as in this chapter provided: *Provided*, That any person whose naked vision is less than twenty-fifty with either or both eyes but whose vision has been corrected to twenty-fifty or better by the use of glasses may be issued a conditional vehicle operator's license, conditioned that such person may operate a motor vehicle only when wearing glasses which will correct his vision to meet the requirements of this section, which condition shall be noted on the vehicle operator's license of such person and it shall be unlawful for such person to operate a motor vehicle upon any public highway of this state unless such person is at the time complying with such condition: *Provided further*, That whenever a person whose naked vision is less than twenty-fifty is unable to accomplish the correction of this condition by artificial means and shall produce a statement from a registered oculist to that effect, the director may, in his discretion, conduct an examination to determine such person's ability to operate a motor vehicle upon the public highways of this state with safety in spite of such infirmity. If the director of licenses be satisfied that such person can operate a motor vehicle upon the public highways of this state with safety in spite of such infirmity, then the director may issue to such person a conditional vehicle operator's license permitting such person to operate a motor vehicle upon the public highways under such conditions, limitations and restrictions as to speed, points of operation, and time or times of operation, or any other conditions, limitations or restrictions as he shall deem advisable.

Note: See also section 1, chapter 119, Laws of 1961.

46.20.060 Procedure as to legless or armless persons. The director of licenses shall not issue a vehicle operator's license to any person lacking a hand, arm or leg nor to any such person using an artificial member unless such person is otherwise entitled to the issuance thereof and shall demonstrate to the satisfaction of the director that despite such infirmity he is capable of operating a motor vehicle with safety.

46.20.070 Juvenile agricultural driving permits. Upon receiving a written application on a form provided by the director of licenses

for permission for a person under the age of sixteen years to operate a motor vehicle under twenty thousand pounds gross weight over and upon the public highways of this state in connection with farm work, the director is hereby authorized to issue a limited driving permit to be known as a juvenile agricultural driving permit, such issuance to be governed by the following procedure:

(1) The application must be signed by the applicant and by the applicant's father, mother or legal guardian.

(2) Upon receipt of the application, the director shall cause an examination of the applicant to be made as by law provided for the issuance of a motor vehicle operator's license.

(3) The director shall cause an investigation to be made of the need for the issuance of such operation by the applicant.

Such permit shall authorize the holder to operate a motor vehicle over and upon the public highways of this state within a restricted farming locality which shall be described upon the face thereof.

A permit issued under this section shall expire one year from date of issue, except that upon reaching the age of sixteen years such person holding a juvenile agricultural driving permit shall be required to make application for a motor vehicle operator's license.

The director of licenses shall charge a fee of one dollar for each such permit and renewal thereof to be paid as by law provided for the payment of motor vehicle operator's licenses and deposited to the credit of the highway safety fund.

The director shall have authority to transfer this permit from one farming locality to another but this does not constitute a renewal of the permit.

The director shall have authority to deny the issuance of a juvenile agricultural driving permit to any person whom he shall determine incapable of operating a motor vehicle with safety to himself and to persons and property.

The director shall have authority to suspend, revoke or cancel the juvenile agricultural driving permit of any person when in his sound discretion he has cause to believe such person has committed any offense for which mandatory suspension or revocation of a motor vehicle operator's license is provided by law.

The director shall have authority to suspend, cancel or revoke a juvenile agricultural driving permit when in his sound discretion he is satisfied the restricted character of the permit has been violated.

46.20.080 Nonresident licensing. (1) A nonresident over the age of sixteen years who has been duly licensed as an operator under a law requiring the licensing of operators in his home state or country and who has in his immediate possession a valid vehicle operator's license issued to him in his home state or country shall be

permitted without examination or vehicle operator's license of this state to operate a motor vehicle upon the highways of this state;

(2) It shall be unlawful for any nonresident whose home state or country does not require the licensing of vehicle operators to operate any motor vehicle upon any public highway of this state without first making application for and obtaining a vehicle operator's license in this state, except that said unlicensed nonresident over the age of sixteen years and who is the registered or legal owner of a motor vehicle and has a valid vehicle license for the current calendar year in the state or country of which the owner is a resident, may operate such motor vehicle upon the public highways of this state for a period of not more than thirty days in any one calendar year without making application for or obtaining a vehicle operator's license in this state, upon the condition that the motor vehicle shall at all times display the vehicle license number plate or plates issued therefor in the home state or country of such owner and that the nonresident registered owner has in his immediate possession a license registration certificate or similar evidence showing his vehicle ownership or registration in his home state or country.

46.20.090 Application for license—Contents—Fee. Every application for a vehicle operator's license shall be made upon the form prescribed and furnished by the director and shall be verified by the applicant before a person authorized to administer oaths or before an officer of the Washington state patrol or other person authorized by the director to certify to the signature on such application and shall be forwarded to the director. A fee of four dollars shall be paid by each applicant. Whenever applications are received by the Washington state patrol, a county auditor or other agent of the director, the application together with the fee shall be forwarded to the director, who shall transmit the fees to the state treasurer on the day following their collection.

Every application shall state the name, date of birth, sex, and residence address of the applicant, and whether or not the applicant has heretofore been licensed as a vehicle operator and if so when and by what state, and whether or not such license has ever been suspended, revoked, canceled, or refused, and if so the date of and reason for such suspension, revocation, cancellation, or refusal.

46.20.100 Application of minor—Cosignature required. The director of licenses shall not consider the application of any minor under the age of twenty-one years for a vehicle operator's license unless the application is also signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event a minor under the age of twenty-one has no father, mother,

or guardian, then a vehicle operator's license shall not be issued to the minor unless his application is also signed by his employer.

46.20.102 Minor's license to be stamped "minor." Any motor vehicle operator's license issued to a person under the age of twenty-one years shall bear the word "minor" indelibly stamped thereon in red letters not less than one-half inch in height, such lettering to be stamped diagonally across the face of said license.

46.20.104 ———Deletion of word "minor" when majority attained. A minor attaining the age of twenty-one years prior to the expiration date of his motor vehicle operator's license may upon proper application to the licensing agent have issued to him without fee a substitute license from which the word "minor" shall be deleted.

46.20.106 Evidence of applicant's age may be required. Any officer authorized to issue motor vehicle operator's licenses in this state is empowered to require satisfactory evidence of the age of the applicant as a condition precedent to the issuance of any motor vehicle operator's license.

46.20.110 Temporary instruction permits—Fee. The director of licenses upon receiving from any person over the age of sixteen years an application for a temporary instruction permit may in his discretion issue such a permit entitling the applicant, while having such permit in his immediate possession, to operate a motor vehicle upon the public highways for a period of sixty days when accompanied by a licensed vehicle operator who is actually occupying a seat beside the operator and there is no other person in the vehicle. Temporary instruction permit shall be issued upon payment of a fee of fifty cents in the manner provided for the payment of fees for vehicle operator licenses.

Note: See also section 1, chapter 214, Laws of 1961.

46.20.120 Applicants for new license or renewal to be examined—Waiver on renewal—Fee—New license defined. No new vehicle operator's license shall be issued and no previously issued license shall be renewed until the applicant therefor has submitted to and qualified by a vehicle operator's examination: *Provided*, That the director may waive the examination of any person applying for the renewal of an operator's license issued under the laws of this state, except when the director has reason to believe that an applicant for an operator's license is not qualified to hold an operator's license under this title. For an original examination a fee of two dollars shall be paid by each applicant, in addition to the fee charged for issuance of his license. A new license shall be one issued to an operator who has not been previously licensed in this state or to an operator whose last previous Washington license expired over four years prior to date of application.

46.20.130 Content and conduct of examinations. The director shall prescribe the content of the vehicle operator's license examination and the manner of conducting the examination, which shall include:

(1) A test of the applicant's eyesight, his ability to understand highway signs regulating, warning, and directing traffic, and his knowledge of the traffic laws of this state;

(2) An actual demonstration of his ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property; and

(3) Such further examination as the director deems necessary (a) to determine whether any facts exist which would bar the issuance of a vehicle operator's license under chapters 46.20, 46.24, and 46.28, and (b) to determine the applicant's fitness to operate a motor vehicle safely on the highways.

46.20.140 Time and place of examinations—Examination as evidence. The vehicle operator's license examination provided in this chapter shall be conducted at places and time reasonably available to the people of this state. The results of each examination shall be forwarded with the application and shall be filed in the case record of the applicant as a permanent record in the office of the director of licenses. Such examination shall be without prejudice to the individual submitting the same and shall be for the confidential use of the director of licenses and Washington state patrol. No such examination or the result thereof shall be used as evidence in an action in any court except in an action by or against the director of licenses involving the revocation, suspension, cancellation or refusal of a vehicle operator's license and in which such examination shall be or become a material fact.

46.20.150 Reexamination may be required in certain cases—Delegation of reexamination authority—Appeal. Whenever the director has reasonable cause to believe, that the holder of a motor vehicle operator's license is or has become a faulty and unsafe driver of a motor vehicle or may become such because of physical, mental, or other defects, he may require the licensee to submit to a reexamination as to his qualifications to operate a motor vehicle. Reexamination authority may be delegated by the director to license examining officers at various examining stations of anyone deemed a faulty or unsafe driver as described above.

The director may require persons within certain age groups to be reexamined periodically if accident and violation reports in the department or in the state patrol indicate a disproportionate percentage of unsafe drivers in such age groups.

Subject to the provisions of RCW 46.20.120 and except as pro-

vided in this section, the holders of valid motor vehicle operators' licenses shall not be required to be reexamined.

Should any licensee be dissatisfied with any decision of the director or other officer specified in this section he shall have the right to appeal therefrom to the superior court of Thurston county, or at his option to the superior court of the county of his residence.

46.20.160 Issuance of license. The director upon receipt of application for a vehicle operator's license and fee in the sum of four dollars, shall issue to every person qualified to be licensed as a vehicle operator, a vehicle operator's license, which shall bear the distinguishing number assigned to the license and a brief description of the licensee for the purpose of identification, and a space for the signature of the licensee.

46.20.170 Filing of applications. After issuing such license the director of licenses shall file the application together with any documentary evidence required in the issuance of such license, including examination and confidential reports, in the operator's case record established for that purpose in the office of the director of licenses.

46.20.180 Duration of license—Renewal—Fee. (1) Every vehicle operator's license issued hereunder shall be valid until suspended, canceled or revoked, as provided by law: *Provided*, That all vehicle operator's licenses hereunder shall expire on the anniversary of the date of birth of the operator, two years or less after the date of issue.

(2) Every vehicle operator's license issued hereunder shall be valid for a term of two years, except as otherwise provided, and shall be renewed for a like period on or before the second anniversary of the licensee's date of birth next succeeding date of issue for a further period of two years from such anniversary, upon receipt of the application and fee as in the case of original application as provided herein.

(3) Every person making application for the first time in the state for a vehicle operator's license shall, upon payment of a fee of four dollars, receive an operator's license expiring on the applicant's second birthday after the date of issue.

46.20.190 License signed by licensee—In immediate possession when operating vehicle. (1) Every person licensed as a vehicle operator shall write his usual signature with pen and ink in the space provided for that purpose on the vehicle operator's license certificate issued to him immediately upon receipt of such certificate, and such license shall not be valid until the certificate is so signed;

(2) The licensee shall have such vehicle operator's license in

his immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any peace officer or to any other person when and if required by law to do so.

46.20.200 Lost or destroyed licenses—Duplicates—Fee. In the event that a vehicle operator's license shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the director of licenses and upon reapplication without reexamination and payment of a fee of fifty cents to the director of licenses.

46.20.210 Prohibited practices. It shall be unlawful for any person to commit any of the following acts:

(1) To display or cause to permit to be displayed or have in possession any vehicle operator's license, knowing the same to be fictitious or to have been canceled, revoked, suspended or altered;

(2) To lend to, or knowingly permit the use of by one not entitled thereto, any vehicle operator's license issued to the person so lending or permitting the use thereof;

(3) To display or to represent as one's own any vehicle operator's license not issued to the person so displaying the same;

(4) To fail or refuse to surrender to any court, peace or traffic officer, or the director of licenses upon demand, any vehicle operator's license on notice that the same has been suspended, canceled or revoked as provided by law;

(5) To use a false or fictitious name or give a false or fictitious address in any application for a vehicle operator's license, or any renewal or duplicate thereof, or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

46.20.220 Unlawful renting of vehicle to unlicensed person—Rental record. (1) It shall be unlawful for any person to rent a motor vehicle to any other person unless the latter person is then duly licensed as a vehicle operator in this state or, in case of a non-resident, then that he is duly licensed as an operator under the laws of the state or country of his residence except a nonresident whose home state or country does not require that a motor vehicle operator be licensed;

(2) It shall be unlawful for any person to rent a motor vehicle to another person until he has inspected the vehicle operator's license of such other person and compared and verified the signature thereon with the signature of such other person written in his presence;

(3) Every person renting a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person to whom the motor vehicle is rented, the number of the vehicle operator's license

of the person renting the vehicle and the date and place when and where such vehicle operator's license was issued. Such record shall be open to inspection by any peace officer or anyone acting for the director of licenses.

46.20.230 Unlawful to allow unlicensed person to operate vehicle. It shall be unlawful for any person to cause or knowingly permit his or her child or ward under the age of eighteen years to operate a motor vehicle upon a public highway as a vehicle operator, unless such child or ward shall have first obtained a vehicle operator's license to so operate a motor vehicle. No person shall employ any person to operate a motor vehicle who is not licensed as an operator. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be operated by any person who is not legally licensed as an operator.

46.20.240 Age limit for school bus drivers and drivers of for hire vehicles. It shall be unlawful for any person, whether licensed as an operator or not, who is under the age of eighteen years to drive a motor vehicle while in use as a school bus for the transportation of pupils to or from school or for any person, whether licensed as an operator or not, who is under the age of twenty-one years to drive any for hire vehicle, auto stage or other motor vehicle while in use as a public passenger carrier for hire.

46.20.250 Mandatory revocation of license by court. Every court in fixing the penalty shall forthwith revoke the vehicle operator's license of a person upon his conviction of any of the following crimes, when such conviction has become final:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Perjury or the making of a false affidavit to the director under any licensing law pertaining to motor vehicles or any other law of this state requiring the registration of motor vehicles or regulating their operation on public highways;

(3) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used;

(4) Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding two years;

(5) A conviction of an operator of a motor vehicle, involved in an accident resulting in the death or injury of another person, upon a charge of failing to stop and disclose his identity at the scene of the accident;

(6) Conviction or forfeiture of bail upon three charges of operating a vehicle while under the influence of or affected by the use

of intoxicating liquor or of any narcotic drug, all within the preceding five years;

(7) Theft of a motor vehicle by a juvenile.

The foregoing offenses shall be in addition to any other offenses for which revocation of a vehicle operator's license is by law provided.

46.20.260 Suspension for reckless driving. Upon the conviction of any person for reckless driving, or upon the forfeiture of bail or collateral for the appearance of any person charged with reckless driving, the court shall, in addition to any other penalty fixed, forthwith suspend the vehicle operator's license of any such person for a period of not less than thirty days.

46.20.270 Court to take up license and forward to director, when. Whenever the vehicle operator's license of any person is suspended, revoked or canceled for any violations, the judge passing such sentence shall forthwith secure the immediate forfeiture of the vehicle operator's license of such convicted person and immediately forward such vehicle operator's license to the director of licenses, and on failure of such convicted person to deliver up such vehicle operator's license the judge shall cause such person to be confined for the period of such suspension, revocation or cancellation or until such vehicle operator's license is delivered up to such judge: *Provided*, That in the event such convicted person shall testify that he does not and at the time of the offense did not have a current and valid vehicle operator's license, then the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid vehicle operator's license and on conviction punished as by the law provided, and the director of licenses shall not issue a vehicle operator's license to such person during the period of such suspension: *Provided, also*, That in the event that the vehicle operator's license of such convicted person has been lost or destroyed and such convicted person shall make an affidavit to that effect, sworn to before the judge, he shall not be so confined to forfeit the same, but the director of licenses shall not issue or re-issue a vehicle operator's license for such convicted person during the period of such suspension, revocation or cancellation.

46.20.280 Courts to forward record of convictions. Every court having jurisdiction over any of the offenses committed under this title or any other act of this state or under the ordinance of any incorporated city or town of this state regulating the operation of vehicles on any of the public highways, shall forward to the director of licenses a record of the conviction of or forfeiture of bail by any person in said court for the violation of any provisions relating to the licensing of vehicle operators or of any act of this state regulating

the operation of vehicles on any of the public highways and a record of the conviction of or forfeiture of bail by any person in said court for the violation of any municipal ordinances which violation would also be an offense under the provisions relating to the licensing of motor vehicle operators or any act of this state regulating the operation of vehicles on any of the public highways in which case such court may in its discretion revoke or suspend the vehicle operator's license of such person.

46.20.290 Suspension of license by director—Causes. The director may in his sound discretion immediately suspend the vehicle operator's license of any person whenever he has reason to believe:

(1) That such person has committed an offense for which mandatory suspension or revocation of licenses is provided by law;

(2) That such person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person or serious property damage;

(3) That such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to operate a motor vehicle upon the public highways; or

(4) That such person is a habitually reckless or negligent operator of a motor vehicle or has committed a serious violation of the motor vehicle laws of this state.

Whenever the director suspends the vehicle operator's license of a person for any reason, he shall immediately notify the licensee in person or by registered or certified mail, and may thereafter upon further information either rescind his temporary order of suspension, or, good cause appearing therefor, may continue in force such suspension for the full period thereof.

46.20.300 Suspension, etc., for extraterritorial convictions. The director of licenses may suspend, revoke, or cancel the vehicle operator's license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be ground for the suspension or revocation of the vehicle operator's license. The director may further, upon receiving a record of the conviction in this state of a nonresident operator of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the motor vehicle administrator in the state of which the person so convicted is a resident; such record to consist of a copy of the judgment and sentence in the case.

46.20.310 Limit of suspension—License to be restored. The director shall not suspend a vehicle operator's license for a period of more than one year and upon suspending, revoking, or canceling any

license shall require that such license be surrendered to and retained by him except that at the end of a period of suspension the license so surrendered shall be returned to the licensee, upon proper application for reinstatement.

46.20.320 Suspension, etc., effective although certificate not delivered. Any suspension, revocation, or cancellation of a vehicle operator's license shall be in effect notwithstanding the certificate itself is not delivered over or possession thereof obtained by a court, officer, or the director.

46.20.330 Revocation bars application for new license for one year. Any person whose vehicle operator's license is revoked shall not be entitled to apply for or receive any new vehicle operator's license until the expiration of one year from the date of the revocation thereof.

46.20.340 Court review of director's action. The suspension, revocation, cancellation, or refusal by the director of any license or certificate provided for in this and chapters 46.12, 46.16 and 46.20, shall be conclusive unless the person whose license or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at his option to the superior court of the county of his residence, for the purpose of having the suspension, revocation, cancellation, or refusal of such license or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. The appeal shall not supersede the suspension, revocation, cancellation or refusal of the license or certificate by the director. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the license should not be granted or reinstated, which order shall be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the license or certificate and shall enter judgment either affirming or setting aside such suspension, revocation, cancellation, or refusal.

46.20.350 Penalty for driving after suspension, etc. Any person whose vehicle operator's license has been suspended, revoked or canceled, and who shall operate any motor vehicle upon the public highways of this state while such license is suspended, revoked or canceled, shall be guilty of a gross misdemeanor, and upon conviction shall be punished by imprisonment in the county jail for not less than ten days nor more than one year and by a fine of not more than one thousand dollars.

46.20.360 Requisites for reinstatement or new license—Perjury. When any person, whose operator's license has been suspended, revoked or canceled, desires to have the same reinstated or new operator's license issued, he shall not be entitled to such reinstatement or new license unless and until he shall make affidavit on oath to the effect that the period of suspension, revocation or cancellation has expired and that he has not at any time during such period of suspension, revocation or cancellation operated any vehicle upon the public highways of this state.

In case any person desiring to have his operator's license reinstated or a new operator's license issued, should fail or refuse to make the affidavit required by this section, such person shall be deemed prima facie guilty of violating such suspension, revocation or cancellation and such license shall not be reinstated nor shall any new license be issued to such person and the suspension or revocation of such vehicle operator's license shall be continued for a subsequent period equal to the original period of suspension or revocation and from the date of such application for reinstatement or new vehicle operator's license.

Any person making affidavit as required in this title and who shall make a false or fraudulent statement as to any material fact shall be guilty of perjury.

46.20.380 Occupational operator's license. Fee. No person shall file a petition for an occupational operator's license as provided in RCW 46.20.390 unless he shall first pay to the director of licenses or other person authorized to accept applications and fees for operator's licenses a fee of ten dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other operator's license fees.

46.20.390 ————Petition — Procedure — Issuance — Restrictions—Duration—Revocation. Any person who has had or may have his operator's license suspended or revoked because he has been convicted of or has forfeited bail for any first offense relating to motor vehicles, other than negligent homicide or manslaughter, and, if such person is engaged in an occupation or trade making it essential that he operate a motor vehicle, such person may file with any judge of a court of record, justice court, or municipal court having criminal jurisdiction in the county of such person's residence a verified petition, together with the receipt for the fee paid, setting forth in detail his need for operating a motor vehicle. Thereupon, if the petitioner has not been convicted of or has not forfeited bail for any such offense within one year immediately preceding the present conviction or bail forfeiture, which offense in the opinion

of the judge is not of such a nature as to preclude the granting of the petition, the judge may order the director of licenses to issue an occupational operator's license to such person. A certified copy of the petition together with the order for the license shall be mailed to the director. When the order is issued by such judge, a certified copy thereof shall be given to the petitioner which copy shall serve as a temporary occupational operator's license until the petitioner receives the license issued by the director.

An occupational operator's license shall permit the operation of a motor vehicle not to exceed twelve hours per day and then only when such operation is an essential part of the licensee's occupation or trade. Such license shall be issued for a period of not more than one year.

The order for issuance of an occupational operator's license shall contain definite restrictions as to hours of the day, type of occupation, areas or routes of travel to be permitted under such license and such other conditions as the judge granting the same deems appropriate and that satisfactory proof of financial responsibility has been filed as provided in chapters 46.24 and 46.28.

If such licensee is convicted for operating a motor vehicle in violation of his restrictions, or of a traffic violation which in the opinion of the director is such as would warrant suspension or revocation of such license, or if the judge does not, upon the facts, see fit to permit such person to retain his license, the director shall, upon receipt of notice thereof, revoke such license. Such revocation shall be effective as of the date of such violation, conviction or withdrawal order, and it shall continue with the same force and effect as other revocations under this title.

46.20.400 ————When new operator's license may be obtained—Surrender of order and occupational operator's license. If an occupational operator's license is issued and is not revoked during the period for which issued the licensee may obtain a new operator's license at the end of such period, but no new operator's permit shall be issued to such person until he surrenders his occupational operator's license and his copy of the order and the director is satisfied that he complies with all other provisions of law relative to the issuance of an operator's license.

46.20.410 ————Penalty. Any person convicted for violation of any restriction of an occupational operator's license shall in addition to the immediate revocation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment.

Chapter 46.24**FINANCIAL RESPONSIBILITY—PROOF AFTER CERTAIN
CONVICTIONS AND JUDGMENTS**

46.24.010 Definitions. For the purposes of this chapter:

“Motor vehicle” includes every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails;

“Nonresident” means any person whose residence is outside this state and who is temporarily sojourning within this state for a period of not to exceed ninety days in any one year;

“State” includes any state of the United States, the District of Columbia, or any province of the Dominion of Canada;

“Street or highway” means the entire width between boundary lines of every way or place, publicly maintained, when any part thereof is open to the use of the public for purposes of vehicular travel.

46.24.020 Director to administer chapter. The director shall administer and enforce the provisions of this chapter. He may adopt and enforce such rules and regulations as may be necessary for that purpose.

46.24.030 Operator’s license to be suspended on conviction, plea of guilty, forfeiture of bail. The motor vehicle operator’s license of a person shall be suspended forthwith without notice or hearing by the director whenever such person by final order or judgment has been convicted of, or has pleaded guilty to, or has forfeited bail or collateral deposited to secure his appearance for trial of (where such forfeiture has not been vacated), any offense committed which requires suspension or revocation of the licenses of such person in this state, or any offense in any other state which, if committed in this state, would require suspension or revocation of the licenses of such person in this state.

46.24.040 Period of suspension—Proof of ability to respond in damages. The operator’s license shall remain suspended and shall not at any time thereafter be renewed, nor shall any such license be thereafter issued to such person, including a person not previously licensed, who by final order or judgment has been convicted of, pleaded guilty to, or forfeited bail or collateral deposited to secure his appearance for trial of (where such forfeiture has not been vacated), any such offense or for operating a motor vehicle upon the public highways without being licensed to do so, until he gives proof of his ability to respond in damages for any liability thereafter incurred, resulting from the ownership, main-

tenance, use, or operation thereafter of a motor vehicle, for personal injury to or death of any one person in the amount of at least ten thousand dollars, and, subject to the aforesaid limit for any one person injured or killed, of at least twenty thousand dollars for personal injury to or death of two or more persons in any one accident, and for damage to property in the amount of at least five thousand dollars resulting from any one accident.

46.24.050 Proof of ability to respond may be given voluntarily before accident. Proof of financial responsibility may be made voluntarily by or on behalf of any person. The privilege of operating a motor vehicle within this state shall not be suspended or withdrawn to such person under the provisions hereof if such proof of financial responsibility has been voluntarily filed or deposited prior to the offense or accident out of which any conviction, judgment, or order arises and if such proof, at the date of the conviction, judgment, or order is valid and sufficient for the requirements of this chapter.

If the director receives a record of any conviction, forfeiture of bail or collateral, or judgment against such person which, in the absence of proof of financial responsibility would have caused the suspension of his operator's license, the director shall forthwith notify the insurer or surety of such person thereof.

46.24.060 Owner may give proof for chauffeur or member of family. If it is established to the satisfaction to the director, (1) that any person, whether a resident or nonresident of this state, who has been convicted, pleaded guilty, or forfeited bail or collateral, as aforesaid, was, upon the occasion of the offense upon which such conviction, plea, or forfeiture was based, a chauffeur or motor vehicle operator, however designated, in the employ of the owner of the motor vehicle involved in such offense or a member of the immediate family or household of the owner of such motor vehicle, and (2) that there was not, at the time of the offense or subsequent thereto, up to the date of such finding, any motor vehicle registered in this state (or if a nonresident, in the state of his residence) in the name of the person who has been convicted, pleaded guilty, or forfeited bail or collateral, as aforesaid, in that event, if the person in whose name the motor vehicle is registered gives proof of ability to respond in damages according to the provisions hereof, which proof the director shall accept, such chauffeur or other person shall be relieved of the necessity of giving proof in his own behalf, so long as he is operating a motor vehicle for which the owner has given proof of his ability to respond in damages.

46.24.070 Proof of ability to respond, how established. Proof of ability to respond in damages, when required under this chapter, may be evidenced by any of the following:

(1) A written certificate of any insurance carrier duly authorized to do business within this state, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies in the form hereinafter prescribed, which, at the date of the certificate, are in full force and effect, and designating therein by explicit description or by other adequate reference, all motor vehicles to which the policy or policies apply. The director shall not accept any certificate unless it specifies the name, address, and the business, if any, of the insured, the kind of insurance afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, nor unless it covers all motor vehicles then registered in this state in the name of the person furnishing proof. The certificates shall certify that the motor vehicle liability policies therein referred to shall not be canceled or expire except as hereinafter provided, and that every such policy complies with the requirements of this chapter. The issuance of a certificate to serve as proof of ability to respond in damages shall be conclusive evidence that every motor vehicle liability policy therein referred to fully conforms to all requirements of this chapter.

If the person giving proof is a nonresident, a certificate as aforesaid, of any insurance carrier authorized to transact business in the state in which the motor vehicle described in the certificate is registered, or if none is described, then in the state in which the insured resides, shall be accepted if such carrier (a) executes a power of attorney authorizing the director to accept service of notice or process in any action arising out of a motor vehicle accident in this state, and (b) duly adopts a resolution providing that its policies shall be deemed to be varied to comply with the law of this state relating to the terms of motor vehicle liability policies issued therein, and (c) agrees to accept as final and binding any final judgment duly rendered in any action arising out of a motor vehicle accident in a court of competent jurisdiction in this state. If a foreign insurance carrier which has qualified to furnish proof of ability to respond in damages as herein required defaults in any of its undertakings or agreements, the director shall not thereafter accept any certificate of such carrier, whether theretofore filed or thereafter tendered, as proof of ability to respond in damages so long as the default continues.

When an insurance carrier has certified a motor vehicle liability policy under this chapter, it shall give ten days written notice to the director before cancellation of such policy and the policy shall continue in full force and effect until the date of cancellation specified in the notice, unless it expires before that date.

(2) A bond executed by the person giving proof and by a surety company duly authorized to do business in this state, or by the

person giving proof and by two individual sureties, each having clear title to real estate within this state in the amount of such bond, which real estate shall be scheduled therein, and the director shall not accept any such real estate bond unless it is first approved by a judge of the superior court.

The director shall not accept any such bond unless it is conditioned for payments in the same amounts and under the same circumstances as required in a motor vehicle liability policy under this chapter.

A bond may be canceled by giving ten days written notice thereof to the director but cancellation of a bond shall not prevent recovery thereon with respect to any right or cause of action arising prior to the date of cancellation.

Before a bond is accepted by the director it shall be recorded as other instruments affecting real property in the county or counties wherein any real estate described therein is located. Any liability covered by the conditions of the bond shall constitute a lien upon such real estate effective as of the date the bond is recorded.

If a judgment rendered against the principal of such a bond upon a liability covered by the conditions thereof is not satisfied within thirty days after it becomes final, the judgment creditor may, for his own use and benefit and at his expense, bring an action in the name of the state against the persons who executed the bond, including an action or proceeding to foreclose any lien that may exist upon real estate of any such person. Such action or proceeding shall be prosecuted in the same manner as, and subject to the provisions of law applicable to, an action to foreclose a mortgage upon real estate.

(3) A certificate of the state treasurer that the person therein named has deposited with him money or collateral approved by him in the amounts specified in RCW 46.24.040. The state treasurer shall accept any such deposit and issue a certificate therefor, which the director shall accept if accompanied by evidence that there are no unsatisfied judgments against the depositor registered in the office of the county clerk of the county wherein the depositor resides.

46.24.080 Other proof if original fails. Whenever any evidence or proof of ability to respond in damages filed under the provisions of this chapter no longer fulfills the purposes for which required, the director shall require other evidence of ability to respond in damages and shall suspend the operator's license pending such proof.

46.24.090 Custody of bond or collateral. A bond, money, or collateral filed or deposited by or on behalf of any person under the provisions hereof, shall be held by the director or the treasurer to satisfy, in accordance with the provisions of this chapter, any

execution issued against such person on a judgment for damages as aforesaid arising out of the ownership, maintenance, use, or operation of a motor vehicle. Money or collateral so deposited shall not be subject to attachment or execution unless such attachment or execution arises out of a suit for damages as aforesaid. Accruals of interest thereon, if any, shall be the property of the depositor and shall be paid over by the state treasurer to him, or his order as received.

46.24.100 Motor vehicle liability or operator's policy—Requirements. A motor vehicle liability policy as that term is used in this chapter means a policy of liability insurance issued by an insurance carrier authorized to transact business in this state to or for the benefit of the person named therein as insured which policy shall meet the following requirements:

(1) It shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby intended to be granted.

(2) It shall insure the person named therein and any other person using or responsible for the use of the motor vehicle or motor vehicles with the express or implied permission of the insured.

(3) It shall insure every such person on account of the maintenance, use, or operation of such motor vehicle or motor vehicles within the continental limits of the United States or the Dominion of Canada against loss from the liability imposed by law arising from such maintenance, use, or operation to the extent and aggregate amount, exclusive of interest and costs, with respect to each such motor vehicle, of ten thousand dollars for bodily injury to or death of one person as a result of any one accident and, subject to said limit as to one person, the amount of twenty thousand dollars for bodily injury to or death of all persons as a result of any one accident and the amount of five thousand dollars for damage to property of others as a result of any one accident.

When an operator's policy is required it shall insure the person named therein as insured against the liability imposed by law upon the insured for bodily injury to or death of any person or damage to property to the amounts and limits above set forth and growing out of the use or operation by the insured within the continental limits of the United States or the Dominion of Canada of any motor vehicle not owned by him.

Any liability policy or policies issued hereunder need not cover any liability of the insured assumed by or imposed upon him under any workmen's compensation law nor any liability for damage to property in charge of the insured or the insured's employees.

Any such policy may, however, grant any lawful coverage in excess of or in addition to the coverage herein specified or contain

any agreements, provisions, or stipulations not in conflict with the provisions of this chapter and not otherwise contrary to law.

Any motor vehicle liability policy which by endorsement contains the provisions required hereunder shall be sufficient proof of ability to respond in damages.

The director may accept several policies of one or more such carriers which together meet the requirements of this section.

Any binder pending the issuance of a policy, which binder contains or by reference includes the provisions hereof, shall be sufficient proof of ability to respond in damages.

46.24.110 Operator's policy, what constitutes. When a certificate is filed showing that a policy or policies have been issued covering all motor vehicles owned by the insured but not insuring such person when operating a motor vehicle not owned by him it shall be unlawful for such person to operate any motor vehicle not owned by him or not covered by such certificate. In such event the director shall designate the above restriction upon the motor vehicle operator's license of such person.

In the event the owner of a motor vehicle or motor vehicles desires to be relieved of the foregoing restriction and to be permitted to drive any other motor vehicle he may have such restriction removed upon filing a certificate showing that there has been issued to him a policy of insurance insuring him against liability imposed by law for bodily injury to or death of any person or damage to property, to the amounts and limits provided under RCW 46.24.100 with respect to any other vehicle operated by him, and which otherwise complies with the requirements of this chapter with respect to such type of policy. Such policy is herein referred to as an operator's policy.

When the person required to give proof of ability to respond in damages is not the owner of a motor vehicle then an operator's policy of the type and coverage described in the preceding paragraph shall be sufficient under this chapter.

46.24.120 Additional requirements of insurance policies. No motor vehicle liability policy or operator's policy shall be accepted as proof of ability to respond in damages hereunder unless all of the following requirements are complied with:

(1) Any such policy shall specify the name, address, and business, if any, of the insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability and shall contain an agreement that the insurance thereunder is provided in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage or both and is subject to all the provisions hereof.

(2) Every motor vehicle liability policy and every operator's

policy accepted as proof under this chapter shall be subject to the following provisions whether or not contained therein:

(a) The liability of the insurance carrier under any such policy shall become absolute whenever loss or damage covered by the policy occurs and the satisfaction by the insured of a final judgment for such loss or damage shall not be a condition precedent to the right or obligation of the carrier to make payment on account of such loss or damage.

(b) The insurance carrier shall, however, have the right to settle any claim covered by the policy, and if such settlement is made in good faith the amount thereof shall be deductible from the limits of liability specified in the policy.

(c) No such policy shall be canceled or annulled as respects any loss or damage by any agreement between the carrier and the insured after the insured has become responsible for such loss or damage and any such cancellation or annulment shall be void.

(d) The policy may provide that the insured, or any other person covered by the policy, shall reimburse the insurance carrier for payment made on account of any loss or damage claim or suit involving a breach of the terms, provisions, or conditions of the policy; and further, if the policy provides for limits in excess of the limits specified in this chapter, the insurance carrier may plead against any plaintiff, with respect to the amount of such excess limits of liability, any defenses which it may be entitled to plead against the insured, and any such policy may further provide for the prorating of the insurance thereunder with other applicable valid and collectible insurance.

(e) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

46.24.130 Certificate of insurance coverage. An insurance carrier who has issued a motor vehicle liability policy or policies or any operator's policy meeting the requirements of this chapter shall upon request of the insured therein deliver to the insured for filing, or at the request of the insured shall file direct with the director, an appropriate certificate showing that such policy or policies have been issued, which certificate shall meet the requirements hereof.

46.24.140 Other policies not affected. Nothing in this chapter shall be held to apply to or affect policies of automobile insurance against liability required by any other law of this state, and such policies, if endorsed to conform to the requirements of this chapter shall be accepted as proof of ability to respond in damages when required under this chapter.

46.24.150 Proof may be surrendered, when. The director shall, upon request, cancel any bond or return any certificate of insurance, or the director shall direct and the state treasurer shall return to the person entitled thereto any money or collateral deposited pursuant to this chapter as proof of ability to respond in damages, or waive the requirement of filing proof of ability to respond in damages in any of the following events:

(1) At any time after three years from the date such proof was required: *Provided*, That the person on whose behalf the proof was given has not, during the three years period immediately preceding the request, been convicted of any offense referred to in RCW 46.24-.030;

(2) In the event of the death of the person on whose behalf such proof was filed, or the permanent incapacity of such person to operate a motor vehicle;

(3) Upon the filing with the director by the person on whose behalf proof of financial responsibility was furnished of an affidavit that he does not own and will not operate any motor vehicle in this state for a period of one year or longer;

(4) In the event the person who has given proof of ability to respond in damages surrenders his operator's license;

(5) Upon the bona fide removal to another state or country of the person on whose behalf such proof was filed.

No proof shall, however, be surrendered if an action for damages is pending against the person on whose behalf such proof of financial responsibility was furnished or a judgment against such person is outstanding and unsatisfied in respect to personal injury, or in respect to damage to property resulting from the ownership, maintenance, use, or operation of a motor vehicle; nor if a notice has been filed with the director of an accident involving such person occurring within the three month period immediately preceding such request resulting from the use or operation of a motor vehicle. An affidavit of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the director.

Whenever a person to whom proof has been surrendered, applies for an operator's license within a period of three years from the date proof of financial responsibility was originally required the application shall be refused unless the applicant reestablishes proof for the remainder of such period.

46.24.160 Substitution of proof. The director shall cancel any bond or return any certificate of insurance, or the director shall direct and the state treasurer shall return any money or collateral to the person entitled thereto, upon the acceptance and substitution of other adequate proof of financial responsibility pursuant to this chapter.

46.24.170 Director to furnish operating record. The director shall upon request furnish any insurance carrier, person, or surety a certified abstract of the operating record of any person subject to the provisions of this chapter, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and if there is no record of any conviction of such person of a violation of any provision of any statute relating to the operating of a motor vehicle or of any judgment rendered against such person as herein provided, the director shall so certify. The director shall collect for each such certificate the sum of one dollar.

Such record shall not be admissible as evidence in any action for damages or criminal proceeding arising out of a motor vehicle accident.

46.24.180 Director to furnish information as to ability to respond in damages. The director shall furnish any person who may have been injured in person or property by any motor vehicle, upon written request, with all information of record in his office pertaining to the evidence of the ability of any operator of any motor vehicle to respond in damages. The director shall collect for each such report the sum of one dollar.

46.24.190 Operator's license to be suspended on failure to satisfy judgment. A person's motor vehicle operator's license shall (except as provided in RCW 46.24.220) be forthwith suspended by the director upon receiving from the court in which rendered a certificate, in form prescribed by the director, showing that the licensee failed to satisfy within thirty days a judgment which has become final by expiration without appeal of the time in which appeal might have been perfected, or by affirmance on appeal, rendered against him by a court of competent jurisdiction in this state or in any other state, or in any district court of the United States, for damages in any amount on account of personal injury, including death, or damage to property in excess of one hundred dollars, resulting from the maintenance, use, or operation of a motor vehicle: *Provided*, That a motor vehicle operator's license shall not be suspended or withheld from any person for the reason that he has failed to satisfy in accordance with the foregoing a judgment rendered against him on account of personal injury, including death, or damage to property, where the judgment debtor was not personally operating the vehicle at the time of the injury or damage.

46.24.200 Period of suspension — Proof of satisfaction. Such operator's license shall remain suspended and shall not (except as provided in RCW 46.24.220) be renewed, nor shall any such license be issued to such person, including a person not previously licensed, while any such judgment remains unstayed, unsatisfied, and subsist-

ing nor until every such judgment is satisfied or discharged, except that a discharge in bankruptcy shall not be deemed a satisfaction of such judgment, and until such person gives proof of his ability to respond in damages as required in this chapter for future accidents. If, after such proof has been given any other such judgment is recovered against such person resulting from an event occurring before the proof was given, the license shall again be and remain suspended, and no other such license shall be issued to such person while any such judgment remains unsatisfied and subsisting.

46.24.210 Judgment deemed satisfied, when. Every judgment herein referred to shall, for the purposes of this chapter, be deemed satisfied:

(1) When ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of one person as the result of any one accident; or

(2) When, subject to such limit of ten thousand dollars as to one person, the sum of twenty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of more than one person as a result of any one accident; or

(3) When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for damage to property of others in excess of one hundred dollars as a result of any one accident.

Credit for such amounts shall be deemed a satisfaction of any such judgment or judgments in excess thereof only for the purpose of this chapter.

46.24.220 Payment of judgment installments. A judgment debtor to whom this chapter applies, for the sole purpose of permitting the director to authorize him to operate a motor vehicle thereafter, on due notice to the judgment creditor, may apply to the court in which the judgment was obtained for the privilege of paying the judgment in installments, and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order, fixing the amounts and times of payment of the installments. While the judgment debtor is not in default in payments of such installments, the director, upon his giving proof of ability to respond in damages for future accidents, as herein provided, shall restore his license; but the license shall be suspended, as herein provided, if the judgment debtor fails to comply with the terms of the court order.

Nothing in this chapter shall be construed as authority for reinstatement or reissue of an operator's license by the director to an operator whose operator's license has been suspended or

revoked by order of any court as a result of the violation of any other law of this state, until the expiration of the period for which the license was suspended or revoked.

The suspension or revocation of an operator's license provided for in this chapter shall be in addition to and independent of the suspension or revocation of such operator's license by any court as a penalty for the violation of any other law of this state.

46.24.230 Courts to report convictions and damage judgments. The clerk of a court or the judge of a court which has no clerk in which any person is convicted of an offense under the laws of this state which requires the director to suspend or revoke the operator's license of such person shall, when the conviction has become final, or in such other event as stated in RCW 46.24.030, forthwith forward to the director a certified record of the proceedings. The clerk or judge shall also forward a certified record of any judgment for damages, the rendering and nonpayment of which requires the director to suspend the operator's license of the judgment debtor. Such a record shall be forwarded to the director immediately upon the expiration of thirty days after such judgment has become final when the judgment has not been stayed or satisfied within the amounts specified in this chapter as shown by the records of the court.

46.24.240 Suspension on second judgment. Whenever, after one judgment is satisfied and proof of ability to respond in damages is given as herein required, another such judgment is rendered against the judgment debtor for an accident occurring prior to the date of giving of such proof and such person fails to satisfy the latter judgment within the amounts specified herein within thirty days after it becomes final, the director shall again suspend the operator's license of such judgment debtor and shall not renew it or issue him an operator's license while the latter judgment remains in effect and unsatisfied within the amounts specified herein.

46.24.250 Licensee must surrender license—Penalty. Any operator whose operator's license has been suspended as herein provided, or whose policy of insurance, or bond, when required under this chapter, has been canceled or terminated, or who neglects to furnish other evidence of ability to respond in damages upon request of the director shall immediately return to the director his operator's license. If any person wilfully fails to return to the director the operator's license the director shall forthwith direct any peace officer to secure possession thereof and to return it to the office of the director. Any person wilfully failing to return such operator's license shall upon conviction be fined not less than one hundred dollars, nor more than one thousand dollars, or be imprisoned in

the county jail for not to exceed ninety days, and such penalty shall be in addition to any penalty imposed for any violation of the motor vehicle laws of this state.

46.24.260 Chapter applies to nonresident. All of the provisions of this chapter shall apply to a person who is not a resident of this state, and if such nonresident is convicted of any offense which would require the suspension or revocation of the license of a resident, or if such nonresident has failed to satisfy a judgment within thirty days after it became final, which would require suspension or revocation hereunder in respect to a resident, then in either such event such nonresident shall not operate a motor vehicle in this state nor shall a motor vehicle owned by him be operated within this state by any person, and the director shall not issue to such nonresident any operator's license until he gives proof of his ability to respond in damages for future accidents and satisfies any such judgment, all as required with respect to a resident of this state.

The director shall transmit a certified copy of the record of any such conviction of a nonresident to the motor vehicle director or state officer performing the functions of director in the state in which the nonresident resides and shall likewise forward to such officer a certified record of any unsatisfied judgment rendered against the nonresident which requires suspension or revocation of his driving privileges in this state.

46.24.270 Penalty for operating without giving proof. Any person whose operator's license or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of new license is contingent upon the furnishing of proof of ability to respond in damages and who during such suspension or revocation or, in the absence of full authorization from the director, drives a motor vehicle upon any highway shall be punished by imprisonment for not less than ten days nor more than six months and there may be imposed in addition thereto a fine of not more than five hundred dollars.

46.24.280 Penalty for forgery or alteration of proof or affidavit. Any person who forges, or materially alters, or without authority signs or alters, any proof or evidence of ability to respond in damages, or any affidavit required or referred to in this chapter, shall upon conviction thereof be guilty of perjury.

46.24.290 General penalty for violations. Any violation of this chapter for which no specific penalty is imposed shall be a misdemeanor, but this shall not bar a prosecution under any other statute penalizing the same act or omission.

46.24.300 Disposition of fines and forfeitures. All fines and forfeitures collected for violation of this chapter shall be paid into the highway safety fund.

46.24.310 Other remedial processes preserved. Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for security upon any other processes provided by law.

46.24.320 Interpretation. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

46.24.900 Savings—Chapter supplemental. This chapter shall in no respect be considered as a repeal of the provisions of the state motor vehicle laws but shall be construed as supplemental thereto.

46.24.910 Short title. This chapter may be cited as the uniform motor vehicle safety responsibility act.

Chapter 46.28

FINANCIAL RESPONSIBILITY—PROOF AFTER ACCIDENT

46.28.010 Report of accident required—Suspension of license.

(1) The operator of any motor vehicle involved in an accident within this state, in which any person is injured seriously enough to require medical attention by a doctor or in which any one person's property, including himself, sustains damage in excess of two hundred dollars, shall within ten days after such accident report the matter in writing to the director. The form of such report shall be prescribed by the director, shall require facts to enable the director to determine whether the requirements for deposit of security under RCW 46.28.020 are inapplicable by reason of the existence of insurance or other exceptions specified in this chapter, and shall call for such additional information as may reasonably be required by the director for the administration of this chapter. If the operator is physically incapable of making the report, then the report shall be made by the owner of the motor vehicle, if other than the operator, within ten days after such owner learns of such accident; or, if the operator is also the owner of such motor vehicle, the report shall be made by the operator within ten days after the operator becomes physically capable of making the report or of directing others to make the report on his behalf. The operator and the owner shall each furnish such additional relevant information as the director may require.

(2) In addition to any other penalty provided by this chapter, the director shall suspend the operator's license or any nonresident's operating privilege of any person who fails to make the report of accident as herein required, such suspension to continue until the report has been made and all other provisions of this chapter and of chapter 46.24 have been fully complied with.

46.28.020 Security required following accident—Suspension for failure to deposit security. Within thirty days after receipt of a report of such an accident the director shall determine, with respect to both the operator and the owner of each motor vehicle involved in the accident and reported upon, except as to persons exempt from the requirement of security under this chapter, the amount of security sufficient, in his judgment, but within the limits prescribed in this chapter, to satisfy all judgments for damages resulting from such accident as may be recovered against such operator or owner or both. Upon making such determination the director shall in writing forthwith notify each such operator and owner of the security so required. If within thirty days after the date of mailing of notice by the director of the requirement of security such operator or owner has not deposited with the director the kind and amount of security so required, and except as provided in RCW 46.28.030 and 46.28.040, the director shall forthwith suspend the operator's license or nonresident's operating permit of such operator or owner. Not less than ten days prior to the effective date thereof the director shall mail notice of such suspension to such operator or owner at his last address of record with the director.

46.28.030 Exceptions as to requirement of security and suspension—Circumstances of accident. The requirements as to security and suspension in RCW 46.28.020 shall not apply:

(1) To the operator or owner of a motor vehicle involved in such an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner.

(2) To the operator or owner of a motor vehicle if at the time of the accident the vehicle was parked, unless the director determines that any such parking was illegal or that the vehicle was not equipped with lighted lamps or illuminating devices when and as required by law and that such violation contributed to the accident.

(3) To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission.

46.28.040 ———Existing security or settlement. (1) The requirements as to security and suspension in RCW 46.28.020 shall further not apply to:

(a) Any operator or owner if such owner had in effect at the time of the accident an automobile liability policy with respect to the motor vehicle involved in such accident.

(b) Any operator, if not the owner of the motor vehicle, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him.

(c) Any operator or owner if the liability of such operator or owner for damages resulting from the accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond.

(d) Any person qualifying as a self-insurer under this chapter, nor to any person operating a motor vehicle for such self-insurer.

(e) Any operator or owner if such operator or owner was at the time of the accident in good faith entitled to but unable, solely because of his race or color, to procure an automobile liability policy through ordinary methods without rate modification.

(2) The requirements as to security and suspension in RCW 46.28.020 shall further not apply if, prior to the date that the director would otherwise suspend such license or operating privilege under this chapter, there is filed with the director evidence satisfactory to him that the person who otherwise would have to file security has been released from liability or been adjudicated not to be liable or has executed a confession of judgment payable when and in such installments as the parties have agreed to, or has executed and acknowledged a written agreement providing for the payment of an agreed amount in installments, all with respect to all claims for injuries or damages resulting from the accident.

46.28.050 Qualifications of insurance policy or bond. No insurance policy or bond shall be deemed effective under RCW 46.28.040 unless such policy or bond:

(1) Is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and cost, of not less than ten thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than twenty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in damage to or destruction of property, to a limit of not less than five thousand dollars because of damage to or destruction of property of others in any one accident.

(2) Is issued by an insurer authorized to transact such insurance in this state; or

(3) If such motor vehicle was not registered in this state, or was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, was issued by an insurer which, if not authorized to transact insurance in this state, has executed and filed with the director its power of attorney authorizing the director to accept service on its behalf of notice of process in any action upon such policy or bond arising out of such accident.

46.28.060 Duration of suspension. The operator's license or non-resident's operating privilege suspended as provided in RCW 46.28-

.020 shall remain suspended and shall not be renewed nor shall any such license or privilege be issued to such person until:

(1) The security required has been deposited by or on behalf of such person; or

(2) One year has elapsed following the date of such accident and evidence satisfactory to the director has been filed with him that during such period no action for damages arising out of such accident has been instituted against such person; or

(3) Evidence satisfactory to the director has been filed with him of a release from liability, or a final adjudication of nonliability, or a confession of judgment, or a duly acknowledged written agreement, in accordance with RCW 46.28.040.

46.28.070 Suspension upon default. If there is any default in the payment of any installment under any such confessed judgment or under any such acknowledged written agreement, then upon notice of such default the director shall forthwith suspend the operator's license or nonresident's operating privilege of such person defaulting, and shall not restore such license or privilege until such person deposits and thereafter maintains security as required under RCW 46.28.020 in such amount as the director may then determine or, in the case of such acknowledged agreement, until one year has elapsed following the date when such security was required and during such period no action upon such agreement has been instituted against such person in a court in this state.

46.28.075 Occupational operator's license—Fee. Any person who has had or may have his operator's license suspended or revoked as herein provided and if such person is engaged in an occupation or trade making it essential that he operate a motor vehicle, such person may file with the director a verified petition together with a fee for ten dollars setting forth in detail his need for operating a motor vehicle. Thereupon if petitioner gives proof of his ability to respond in damages for any liability thereafter incurred as provided for in RCW 46.24.040 the director may issue an occupational operator's license to such person. Such occupational operator's license shall be subject to the same restrictions and conditions as those set forth under the provisions of RCW 46.20.390.

46.28.080 Application to nonresidents and unlicensed operators and to resident operators out-of-state. If the operator of a motor vehicle involved in an accident within this state had no operator's license or nonresident's operating privilege, the director shall not allow him such a license or privilege until the operator has complied with the requirements of this chapter in the same manner as would be necessary if, at the time of the accident, he had held such a license or privilege.

Any accident or offense committed in another state by a resident of this state which, if committed in this state, would subject the person to the provisions of this chapter, shall subject such person to the provisions of this chapter in all respects as if such accident or offense had been committed in this state.

46.28.090 Form and amount of security. (1) The security required under RCW 46.28.020 shall be in such form and in such amount as the director may require, but in no case shall such security exceed ten thousand dollars for injury or death of any one person, nor, subject to such limit as to any one person, be in excess of twenty thousand dollars for injury or death of all persons caused by any one accident, nor be in excess of five thousand dollars for all damages to property caused by one accident.

(2) The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made. At any time while such deposit is in the custody of the director the person so depositing may, in writing, amend such specification to include an additional person or persons.

(3) A single deposit of security shall relate only to one accident and may be on behalf only of a person or persons who may be liable by reason of the acts or negligence of the operator and owner of any motor vehicle involved in such accident.

46.28.100 Reduction of security. The director may reduce the amount of security ordered in any case within six months after the date of the accident if, in his judgment, the amount ordered is excessive. The director shall forthwith return to the depositor or his personal representative the excess amount as so determined, of any deposit of security then held by him.

46.28.110 Custody, and applicability of security. (1) Security deposited in compliance with this chapter shall be in the custody of the director.

(2) Such security shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit of security was made, in an action at law arising out of the accident with relation to which the security was deposited, or toward payment of such confessed judgment or acknowledged settlement agreement. In the case of security deposited pursuant to RCW 46.28.020 such action must have been for damages arising out of the accident and instituted within one year after the date of the accident. In the case of security deposited pursuant to RCW 46.28.070 such action must have been for damages arising out of the accident or an action upon such acknowledged agreement or in the alternative, and must have been instituted not later than one year after that default in the agreement pursuant to which the action was instituted.

46.28.120 Return of security. The director shall return the security, or any portion thereof remaining after application to any such judgment or judgments or agreement, to the depositor or his personal representative upon evidence, filed with and satisfactory to the director, of the happening of any of the following as regards such accident and the person or persons on whose behalf the security was deposited:

- (1) Final adjudication of nonliability.
- (2) Release from liability.
- (3) Judgment or judgments have been paid.
- (4) If the security was deposited pursuant to RCW 46.28.020, lapse of one year from the date of the accident without an action being instituted in a court in this state against such person or persons.

46.28.130 Self-insurers. (1) Any person in whose name twenty-five or more motor vehicles are registered in this state may apply to the director for a certificate of self-insurance.

(2) The director may, upon such application, issue a certificate of self-insurance if he is reasonably satisfied that such person is able and will continue to be able to pay judgments rendered against him for damages arising out of motor vehicle accidents within this state.

(3) Upon not less than five days' written notice mailed to such person at his address last of record with the director, and a hearing pursuant to such notice, the director may, upon reasonable grounds, cancel a certificate of self-insurance. Failure to pay any such judgment within thirty days after it has become final shall be deemed to constitute one of such grounds for cancellation.

46.28.140 Misrepresentations. If any person to whom this chapter is applicable, misrepresents to the director in writing any fact or circumstance material to any determination by or action of the director hereunder, or material to exemption from the requirement of a deposit of security, the director shall upon discovery suspend or cancel the operator's license, or nonresident operating privilege, or certificate of self-insurance of such person, and shall not restore any such license, privilege or certificate except upon conditions deemed by the director adequate to remedy the effect of such misrepresentation.

46.28.150 Matters not to be evidence. No report, statement, action or determination made to or taken by the director, or any thing done by any person pursuant to this chapter shall be referred to in any way or be admissible as evidence for any purpose in any action to recover damages on account of any motor vehicle accident.

46.28.160 Files not public. Information in the files of the director pursuant to this chapter, pertaining to any motor vehicle accident or action taken or security required or insurance policy or bond involved therewith shall not be open to public inspection nor shall the director or any other person furnish information therefrom, or access thereto to any person other than to public officials or employees acting in the course and for the purposes of their official duties.

46.28.170 Director shall administer — Rules and regulations.

(1) The director shall administer and enforce the provisions of this chapter.

(2) The director is authorized to promulgate and enforce such rules and regulations as may be necessary for the administration of this chapter.

(3) Any person aggrieved by an action, determination, or requirement of or by the director under this chapter shall have the right to appeal therefrom to the superior court of the county in which the appealing party resides. Such an appeal shall be filed within the same time and shall follow the same procedures and have like effect as is provided in the case of appeals relative to the suspension, revocation, cancellation or refusal of licenses or certificates by RCW 46.20.340.

46.28.180 Violations and penalties. It shall be a misdemeanor for any person wilfully and in writing to misrepresent to the director any fact or circumstance material to any determination or action of the director pursuant to this chapter or to violate any of the provisions of this chapter, unless violation is by this chapter or other law of this state declared to be a felony or a gross misdemeanor, and every person convicted thereof shall be punished accordingly.

46.28.190 Supplements other laws. This chapter shall in no respect be deemed or held to be a repeal of any other provisions of the state motor vehicle laws but shall be construed as supplemental thereto.

46.28.200 Other sections applicable. RCW 46.24.010, and 46.24-270 to 46.24.320, inclusive, shall likewise apply as to this chapter.

Chapter 46.32

VEHICLE INSPECTION

46.32.010 Inspection authorized—Stations—Duties of state patrol—Penalties. The chief of the Washington state patrol is hereby empowered to constitute, erect, operate and maintain, throughout the state of Washington, stations for the inspection of vehicle

equipment, and to set a date, at a reasonable time subsequent to the installation of such stations, when inspection of vehicles shall commence, and it shall be unlawful for any vehicle to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. The chief of the Washington state patrol shall establish periods of vehicle equipment inspection. In the event of any such inspection, the same shall be in charge of a responsible employee of the chief of the Washington state patrol, who shall be duly authorized as a peace officer and who shall have authority to secure and withhold, with written notice to the director of licenses, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be operated upon the highways of this state, and it shall be unlawful for any person to operate such vehicle unless and until the same has been placed in a condition satisfactory to subsequent equipment inspection; the peace officer in charge of such vehicle equipment inspection station shall grant to the operator of such defective vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

In the event any insignia, sticker or other marker should be adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, the same shall be displayed as required by the rules and regulations of the chief of the Washington state patrol and it shall be a gross misdemeanor for any person to mutilate, destroy, remove or otherwise interfere with the display thereof.

Any person who refuses to have his motor vehicle examined, or, after having had it examined, refuses to place a certificate of approval, or a certificate of condemnation, if issued, upon his windshield, or who fraudulently obtains a certificate of approval, or who refuses to place his motor vehicle in proper condition after having had the same examined, or who, in any manner, fails to conform to the provisions of this chapter, shall be guilty of a gross misdemeanor.

Any person who performs false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle, shall be guilty of a gross misdemeanor.

46.32.020 Rules and Regulations—Local stations to conform—Supplies—Assistants. The chief of the Washington state patrol is empowered to provide reasonable rules and regulations regarding times for the inspection of vehicle equipment, and all other matters with respect to the conduct of vehicle equipment inspection stations.

In the event that any municipality or other political subdivision of this state has installed and placed in operation any station for

the inspection of vehicle equipment, the operation of such inspection station shall be in strict conformity with rules, regulations, procedure and standards of inspection prescribed by the chief of the Washington state patrol. The operation of such municipally owned vehicle inspection station shall be under the direction and supervision of the chief of the Washington state patrol and there shall be maintained and submitted as and when prescribed such records and reports as shall be required by the chief of the Washington state patrol.

The chief of the Washington state patrol shall prepare and furnish such stickers, tags, record and report forms, stationery and other supplies as shall be deemed necessary. The chief of the Washington state patrol is empowered to appoint and employ such assistants as he may consider necessary and to fix hours of employment and compensation.

46.32.030 Acquisition of property. The chief of the Washington state patrol is empowered to acquire land for such vehicle equipment inspection stations by purchase, gift, or condemnation, with or without structures thereon. In the event land is acquired by condemnation the same shall be acquired in the manner provided by law for the acquisition of private property for public use. The chief of the Washington state patrol is empowered to erect structures and to acquire and install such equipment and mechanical devices as shall from time to time be necessary or convenient for the inspection of vehicle equipment.

In the event that the chief of the Washington state patrol should deem it advisable to acquire any vehicle equipment inspection station which is owned and operated by any municipality or other political subdivision of this state, and funds being available therefor, the chief of the Washington state patrol is empowered to acquire such vehicle equipment inspection station in the name of the state of Washington upon an agreed cost with such municipality or other political subdivision not in excess of the reasonable value thereof.

46.32.040 Frequency of inspection—Inspection free. Vehicle equipment inspection shall be at such periodic intervals as shall be required by the chief of the Washington state patrol and shall be without charge for such periodic inspection.

46.32.050 Prohibited practices—Penalty. It shall be unlawful for any person employed by the chief of the Washington state patrol or by any municipality or other political subdivision, in any vehicle equipment inspection station, to directly or indirectly, or in any manner whatsoever, order, direct, recommend or influence the correction of vehicle equipment defects by any person or persons whomsoever.

It shall be unlawful for any person employed by the chief of the Washington state patrol or by any municipality or other political subdivision, while in or about any vehicle equipment inspection station, to perform any repair or adjustment upon any vehicle or any equipment or appliance of any vehicle whatsoever.

It shall be unlawful for any person to solicit in any manner the repair to any vehicle or the adjustment of any equipment or appliance of any vehicle, upon the property of any vehicle equipment inspection station or upon any public highway adjacent thereto.

Any person violating any of the provisions of this section shall be guilty of a gross misdemeanor.

46.32.060 Moving defective vehicle unlawful—Impounding authorized. It shall be unlawful for any person to operate or move, or for any owner to cause or permit to be operated or moved upon any public highway, any vehicle or combination of vehicles, which is not at all times equipped in the manner required by this title, or the equipment of which is not in a proper condition and adjustment as required by this title.

Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such unlawful vehicle and any cost for the storage and keeping thereof shall be paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the state commission on equipment.

46.32.070 Inspection of damaged vehicle. In the event that any vehicle shall become damaged in such a manner that such vehicle shall have become unsafe for operation upon the public highways of this state, it shall be unlawful for the owner or operator thereof to cause such vehicle to be operated upon a public highway upon its return to service unless such owner or operator shall have presented such vehicle for inspection of equipment within twenty-four hours after its return to service.

Chapter 46.37**VEHICLE LIGHTING AND OTHER EQUIPMENT**

46.37.005 Commission on equipment—Powers and duties. There is hereby constituted a state commission on equipment which shall consist of the director of licenses, the chief of the Washington state patrol, and such person as may be designated by the state highway commission.

In addition to those powers and duties elsewhere granted by the provisions of this title the state commission on equipment shall have the power and the duty to adopt, apply and enforce such reasonable rules and regulations (1) relating to proper types of vehicles or combinations thereof for hauling passengers, commodities, freight and supplies, (2) relating to vehicle equipment, and (3) relating to the enforcement of the provisions of this title with regard to vehicle equipment, as may be deemed necessary for the public welfare and safety in addition to but not inconsistent with the provisions of this title.

46.37.010 Scope and effect of regulations. (1) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

(2) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(3) The provisions of this section with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable.

46.37.020 When lighted lamps are required. Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles.

46.37.030 Visibility distance and mounted height of lamps. (1) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in RCW 46.37.020 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(2) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load.

46.37.040 Head lamps on motor vehicles. (1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this chapter.

(2) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this chapter.

(3) Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in RCW 46.37.030(2).

46.37.050 Tail lamps. (1) Every motor vehicle, trailer, semi-trailer and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of five hundred feet to the rear, provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. And further, every such above-mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after January 1, 1939, shall be equipped with at least two tail lamps mounted on the rear, which when lighted as herein required, shall comply with the provisions of this section.

(2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches.

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to

the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted.

46.37.060 New motor vehicles to be equipped with reflectors.

(1) Every new motor vehicle hereafter sold and operated upon a highway other than a truck tractor shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors, except that every motorcycle and every motor-driven cycle shall carry at least one reflector, meeting the requirements of this section, and except that vehicles of the type mentioned in RCW 46.37.090 shall be equipped with reflectors as required in those sections applicable thereto.

(2) Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in RCW 46.37.030(2), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of lawful upper beams of head lamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

46.37.070 Stop lamps and turn signals required on new motor vehicles. (1) From and after June 30, 1947, it shall be unlawful for any person to sell any new motor vehicle, including any motorcycle or motor-driven cycle, in this state or for any person to drive such vehicle on the highways unless it is equipped with at least one stop lamp meeting the requirements of RCW 46.37.200.

(2) No person shall sell or offer for sale or operate on the highways any motor vehicle, trailer or semitrailer registered in this state and manufactured or assembled after January 1, 1954, unless it is equipped with mechanical or electrical turn signals meeting the requirements of RCW 46.37.200. No person shall sell or offer for sale or operate on the highways any motor vehicle, trailer or semitrailer registered in this state and manufactured or assembled after January 1, 1960, unless it is equipped with electrical turn signals meeting the requirements of RCW 46.37.200. This paragraph shall not apply to any motorcycle or motor-driven cycle.

46.37.080 Application of succeeding sections. Those sections of this chapter which follow immediately, including RCW 46.37.090, 46.37.100, 46.37.110, 46.37.120 and 46.37.130, relating to clearance and marker lamps, reflectors and stop lamps, shall apply as stated in said sections to vehicles of the type therein enumerated, namely passenger buses, trucks, truck tractors, and certain trailers, semitrailers and pole trailers, respectively, when operated upon any

highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in RCW 46.37.020, except that clearance and side marker lamps need not be lighted on any said vehicle when operated within any municipality where there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet.

46.37.090 Additional equipment required on certain vehicles. In addition to other equipment required in this chapter, the following vehicles shall be equipped as herein stated under the conditions stated in RCW 46.37.080.

(1) On every bus or truck, whatever its size, there shall be the following:

On the rear, two reflectors, one at each side, and one stop lamp.

(2) On every bus or truck eighty inches or more in over-all width, in addition to the requirements in paragraph (1):

On the front, two clearance lamps, one at each side.

On the rear, two clearance lamps, one at each side.

On each side, two side marker lamps, one at or near the front and one at or near the rear.

On each side, two reflectors, one at or near the front and one at or near the rear.

(3) On every truck tractor:

On the front, two clearance lamps, one at each side.

On the rear, one stop lamp.

(4) On every trailer or semitrailer having a gross weight in excess of three thousand pounds:

On the front, two clearance lamps, one at each side.

On each side, two side marker lamps, one at or near the front and one at or near the rear.

On each side, two reflectors, one at or near the front and one at or near the rear.

On the rear, two clearance lamps, one at each side, also two reflectors, one at each side, and one stop lamp.

(5) On every pole trailer in excess of three thousand pounds gross weight:

On each side, one side marker lamp and one clearance lamp which may be in combination, to show to the front, side and rear.

On the rear of the pole trailer or load, two reflectors, one at each side.

(6) On every trailer, semitrailer or pole trailer weighing three thousand pounds gross or less:

On the rear, two reflectors, one on each side. If any trailer or semitrailer is so loaded or is of such dimensions as to obscure

the stop lamp on the towing vehicle, then such vehicle shall also be equipped with one stop lamp.

46.37.100 Color of clearance lamps, side marker lamps, back-up lamps and reflectors. (1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(2) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop lamp or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

46.37.110 Mounting of reflectors, clearance lamps and side marker lamps. (1) Reflectors when required by RCW 46.37.090 shall be mounted at a height not less than twenty-four inches and not higher than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(2) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both.

46.37.120 Visibility of reflectors, clearance lamps and side marker lamps. (1) Every reflector upon any vehicle referred to in RCW 46.37.090 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(2) Front and rear clearance lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the

times lights are required at a distance of five hundred feet from the front and rear, respectively, of the vehicle.

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at a distance of five hundred feet from the side of the vehicle on which mounted.

46.37.130 Obstructed lights not required. Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted.

46.37.140 Lamp or flag on projecting load. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the time specified in RCW 46.37.020, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

46.37.150 Lamps on parked vehicle. (1) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway no lights need be displayed upon such parked vehicle.

(2) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and the same lamp or at least one other lamp shall display a red light visible from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of

lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

(3) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

46.37.160 Lamps on farm tractors, farm equipment and implements of husbandry. (1) Every farm tractor and every self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system shall at all times mentioned in RCW 46.37.020 be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of such vehicle and shall also be equipped with at least one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear of such vehicle and two red reflectors visible from a distance of one hundred to six hundred feet to the rear when illuminated by the upper beams of head lamps. The lights required herein shall be positioned so that one lamp showing to the front and one lamp or reflector showing to the rear will indicate the furthest projection of said tractor, unit or implement on the side of the road used in passing such vehicle.

(2) Every combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system shall at all times mentioned in RCW 46.37.020 be equipped with the following lamps:

(a) At least one lamp mounted to indicate as nearly as practicable the extreme left projection of said combination and displaying a white light visible from a distance of five hundred feet to the front of said combination, and

(b) Two lamps each displaying a red light visible from a distance of five hundred feet to the rear of said combination, or one lamp displaying a red light visible from a distance of five hundred feet to the rear and two red reflectors visible from a distance of one hundred to six hundred feet to the rear when illuminated by the upper beams of head lamps, which said lamps or reflectors shall be so mounted as to indicate as nearly as practicable the extreme left and right rear projections of said towed unit or implement on the highway.

(3) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system shall at all times mentioned in RCW 46.37.020 be equipped with two single-beam or multiple-beam head lamps meeting the requirements of RCW 46.37.220 or 46.37.250, and two red lamps visible from a distance of five hundred feet to the rear, or one red lamp visible from a distance of five hundred feet to the rear and

two red reflectors visible from a distance of one hundred to six hundred feet to the rear when illuminated by the upper beams of head lamps; and such red lamps or reflectors shall be mounted in the rear of said farm tractor or self-propelled implement of husbandry so as to indicate as nearly as practicable the extreme left and right projections of said vehicle on the highway.

(4) Every combination of farm tractor and towed farm equipment or implement of husbandry equipped with an electric lighting system shall at all times mentioned in RCW 46.37.020 be equipped with the following lamps:

(a) The farm tractor element of every such combination shall be equipped with two single-beam or multiple-beam head lamps meeting the requirements of RCW 46.37.220, 46.37.240, or 46.37.260, and

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped with two red lamps visible from a distance of not less than five hundred feet to the rear, or as an alternative, one red lamp visible from a distance of not less than five hundred feet to the rear and two red reflectors visible from a distance of one hundred to six hundred feet to the rear when illuminated by the upper beams of head lamps; and such red lamps or reflectors shall be located so as to indicate as nearly as practicable the extreme left and right rear projections of said towed unit or implement on the highway, and

(c) Said combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible from a distance of not less than five hundred feet to the front and a lamp displaying a red light visible from a distance of not less than five hundred feet to the rear, which said lamp or lamps shall be installed or capable of being positioned so as to indicate to the front and rear the furthest projection of said combination on the side of the road used by other vehicles in passing such combination.

46.37.170 Lamps on other vehicles and equipment. Every vehicle, including animal-drawn vehicles and vehicles referred to in RCW 46.37.010(3), not specifically required by the provisions of RCW 46.37.020 through 46.37.330 to be equipped with lamps, or other lighting devices, shall at all times specified in RCW 46.37.020 be equipped with at least one lamp displaying a white light visible from a distance of not less than five hundred feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than five hundred feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than five hundred feet to the rear and two red reflectors visible for distances of one hundred to

six hundred feet to the rear when illuminated by the upper beams of head lamps.

46.37.180 Spot lamps and auxiliary lamps. (1) Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the high intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle.

(2) Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in RCW 46.37.220.

(3) Any motor vehicle may be equipped with not to exceed one auxiliary passing lamp mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combination of head lamps and auxiliary passing lamp.

(4) Any motor vehicle may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combination of head lamps and auxiliary driving lamp.

46.37.184 Red flashing lights on fire department vehicles. All fire department vehicles in service shall be identified by red lights of an intermittent flashing type, visible from both front and rear for a distance of five hundred feet under normal atmospheric conditions. Such red flashing lights shall be well separated from the headlights so that they will not black out when headlights are on. Such red flashing lights shall be in operation at all times when such vehicle is on emergency status.

46.37.185 Blue light on firemen's private cars. Firemen, when approved by the chief of their respective service, shall be authorized to use a blue light on the front of their private cars when on emergency duty only. Such blue light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall

be of a type and mounting approved by the commission on equipment.

46.37.186 Fire department sign or plate on private car. (1) No private vehicle, bearing a sign or plate indicating a fire department connection, shall be driven or operated on any public highway, except when the owner thereof is a bona fide member of a fire department.

(2) Any sign or plate indicating fire department connection on a private car of any member of a fire department shall include the name of the municipality or fire department organization to which the owner belongs.

46.37.187 Blue light, sign or plate—Identification card required—Funeral coach may display blue light. (1) Any individual displaying a blue light as authorized in RCW 46.37.185, or a sign or plate as authorized in RCW 46.37.186, shall also carry attached to a convenient location on the private vehicle to which the blue light or sign or plate is attached, an identification card showing the name of the owner of said vehicle, the organization to which he or she belongs and bearing the signature of the chief of the service involved.

(2) The operator of any funeral coach shall be authorized to display a blue light of the type specified in RCW 46.37.185 on the front of such coach when engaged in answering a call of an accidental or emergency nature.

46.37.188 Penalty for violation of RCW 46.37.184 through 46.37.188. Every violation of RCW 46.37.184, 46.37.185, 46.37.186 or 46.37.187 is a misdemeanor.

46.37.190 Red lights — School buses — Police vehicles. (1) Every bus used for transportation of school children shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(2) A police vehicle when used as an authorized emergency vehicle may but need not be equipped with red lights specified herein.

(3) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as provided in RCW 46.60.210.

46.37.192 —————Sirens—Authorized emergency vehicles. Every authorized emergency vehicle shall be equipped with at least one lamp capable of displaying a red light visible from at least five

hundred feet in normal sunlight and a siren capable of giving an audible signal.

46.37.194 ————**Authorized emergency vehicles—Rules, tests, approval by commission on equipment.** The state commission on equipment may make rules and regulations relating to authorized emergency vehicles and shall test and approve sirens and emergency vehicle lamps to be used on such vehicles.

46.37.200 Signal lamps and signal devices—Stop lamps. (1) Any motor vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight, and which shall be actuated upon application of a service or foot brake, and which may but need not be incorporated with one or more other rear lamps.

(2) Any motor vehicle may be equipped and when required under this chapter shall be equipped with lamps or mechanical signal devices showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. When lamps are used for such purpose, the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet to the rear in normal sunlight. When actuated such lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made. Where mechanical signal devices are used for such purpose, said devices shall be self-illuminated when in use at the times mentioned in RCW 46.37.020.

(3) No stop lamp or signal lamp or device shall project a glaring light.

46.37.210 Additional lighting equipment. (1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other

lamps, but any such back-up lamp shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this chapter. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than five hundred feet under normal atmospheric conditions at night.

46.37.220 Multiple - beam road - lighting equipment. Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may be so arranged that such selection can be made automatically subject to the following limitations:

(1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of three hundred fifty feet ahead for all conditions of loading.

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of one hundred feet ahead; and on a straight level road under any conditions of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(3) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1948, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped.

46.37.230 Use of multiple-beam road-lighting equipment. (1) Whenever a motor vehicle is being operated on a roadway or adja-

cent thereto during the times specified in RCW 46.37.020, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(2) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in RCW 46.37.220(2) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(3) Whenever the driver of a vehicle follows another vehicle within three hundred feet to the rear, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in RCW 46.37.220(1).

46.37.240 Single-beam road-lighting equipment. Head lamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to one year after March 18, 1955 in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of two hundred feet.

46.37.250 Lighting equipment on motor-driven cycles. The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(1) Every said head lamp or head lamps on a motor-driven cycle shall be of a sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour.

(2) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet

the minimum requirements set forth above and shall not exceed the limitations set forth in RCW 46.37.220(1) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in RCW 46.37.220(2).

(3) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the level of the center of the lamp from which it comes.

46.37.260 Alternate road lighting equipment. Any motor vehicle may be operated under the conditions specified in RCW 46.37.020 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in RCW 46.37.220 or 46.37.240: *Provided, however,* That at no time shall it be operated at a speed in excess of twenty miles per hour.

46.37.270 Number of driving lamps required or permitted. (1) At all times specified in RCW 46.37.020, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(2) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway.

46.37.280 Special restrictions on lamps. (1) Any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(2) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof. This section shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by this chapter.

(3) Flashing lights are prohibited except on an authorized emergency vehicle, school bus, snow-removal and highway mainte-

nance equipment or on any vehicle as a means of indicating a right or left turn, or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking or passing.

46.37.290 Special lighting equipment on school buses. (1) The state commission on equipment is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

(2) It shall be unlawful to operate any flashing warning signal light on any school bus except when any said school bus is stopped on a highway for the purpose of permitting school children to board or alight from said school bus. The term flashing signal as used herein shall not include an electric turn signal.

46.37.300 Standards for lights on snow-removal or highway maintenance equipment. (1) The state commission on equipment shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and highway maintenance equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal or highway maintenance equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

(2) It shall be unlawful to operate any snow-removal or highway maintenance equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

46.37.310 Selling or using lamps or equipment. (1) On and after January 1, 1938, no person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer, or use upon any such vehicle any head lamp, auxiliary, or fog lamp, rear lamp, signal lamp or reflector, which reflector is required hereunder, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the state commission on equipment and approved by it.

(2) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or

semitrailer any lamp or device mentioned in this section which has been approved by the state commission on equipment unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(3) No person shall use upon any motor vehicle, trailer or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted and aimed in accordance with instructions of the state commission on equipment.

46.37.320 Authority of state commission on equipment with reference to lighting devices. (1) The state commission on equipment is hereby authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, adjustment and aiming, and adjustment when in use on motor vehicles. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the society of automotive engineers applicable to such equipment.

(2) The state commission on equipment is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter, within a reasonable time after such device has been submitted.

(3) The state commission on equipment is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

(4) The state commission on equipment upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by it.

(5) The state commission on equipment shall publish lists of all lamps and devices by name and type which have been approved by it.

46.37.330 Revocation of certificate of approval on lighting devices. When the state commission on equipment has reason to believe that an approved device as being sold commercially does not comply with the requirements of this chapter, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the state commission on equipment shall determine whether said approved device meets the requirements of this chapter. If said device does not meet the requirements of this chapter it shall give notice to the person holding the certificate of approval for such device in this state.

If at the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to

satisfy the state commission on equipment that said approved device as thereafter to be sold meets the requirements of this chapter, the state commission on equipment shall suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The state commission on equipment may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this chapter, the state commission on equipment may refuse to renew the certificate of approval of such device.

46.37.340 Brake equipment required. (1) Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(2) Every motorcycle and every motor-driven cycle, when operated upon a highway, shall be equipped with at least one brake, which may be operated by hand or foot.

(3) Every trailer or semitrailer registered in this state and manufactured or assembled after January 1, 1956, of a gross weight of four thousand pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental break-away of the towed vehicle the brakes shall be automatically applied.

(4) Every new motor vehicle, trailer or semitrailer sold in this state after January 1, 1938, and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, except that any vehicle having three or more axles shall have brakes on the wheels of at least two axles, and except any motorcycle or motor-driven cycle, and except that any semitrailer of less than two thousand pounds gross weight, need not be equipped with brakes.

(5) One of the means of brake operation shall consist of a

mechanical connection from the operating lever to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any up grade or down grade upon which it is operated.

(6) The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

46.37.350 Performance ability of brakes. Every motor vehicle or combination of vehicles, at all times and under all conditions of loading, shall, upon application of the service or foot brake, be capable of decelerating and developing a breaking force equivalent to such deceleration according to the minimum requirements set forth herein, and also of stopping within the distances set forth herein.

	Stopping distance in feet	Deceleration in feet per second per second	Equivalent breaking force in percentage of vehicle or combination weight
Passenger vehicles, not including buses	25	17	53.0%
Single-unit vehicles with a manufacturer's gross vehicle weight rating of less than 10,000 pounds	30	14	43.5%
Single-unit, 2-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 or more pounds	40	14	43.5%
All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds	50	14	43.5%

Compliance with standards set forth herein shall be determined either (1) by actual road tests conducted on a substantially level (not to exceed a plus or minus one percent grade), dry, smooth, hard-surfaced road that is free from loose material, and with stopping distance measured from the actual instant breaking controls are moved and from an initial speed of twenty miles per hour, or else (2) by suitable mechanical tests in a testing lane which recreates such same conditions, or (3) a combination of both methods.

46.37.360 Maintenance of brakes. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

46.37.370 Brakes on motor-driven cycles. (1) The state commission on equipment is authorized to require an inspection of the brake on any motor-driven cycle having a motor not in excess of five horsepower and to disapprove any such brake which it finds will not comply with the performance ability standard set forth in RCW 46.37.350, or which in its opinion is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(2) The director of licenses may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when he determines that the brake thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state commission on equipment has disapproved the brake equipment upon such vehicle or type of vehicle.

46.37.380 Horns and warning devices. (1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.

(3) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the state commission on equipment, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

46.37.390 Mufflers, prevention of noise and smoke. (1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke, and no person shall use a

muffler cut-out, bypass or similar device upon a motor vehicle on a highway.

(2) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

46.37.400 Mirrors. Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

46.37.410 Windshields must be unobstructed and equipped with wipers. (1) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

(2) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. After January 1, 1938, it shall be unlawful for any person to operate a new motor vehicle first sold or delivered after that date which is not equipped with such device or devices in good working order capable of cleaning the windshield thereof over two separate arcs, one each on the left and right side of the windshield, each capable of cleaning a surface of not less than one hundred twenty square inches, or other device or devices capable of accomplishing substantially the same result.

(3) Every windshield wiper upon a motor vehicle shall be maintained in good working order.

46.37.420 Restrictions as to tire equipment. (1) After January 1, 1938, it shall be unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires.

(2) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions and of a type approved by the state commission on equipment, upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid.

(3) The state highway commission and local authorities in their respective jurisdictions may in their discretion issue special per-

mits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

46.37.430 Safety glazing materials in motor vehicles. (1) On and after January 1, 1938, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the state commission on equipment wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows and windshields in the drivers' compartments of such vehicles.

(2) The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The state commission on equipment shall compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section and the director of licenses shall not register after January 1, 1938, any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.

46.37.440 Certain vehicles to carry flares or other warning devices. (1) No person shall operate any motor truck, passenger bus or truck tractor over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there shall be carried in such vehicle the following equipment except as provided in subsection (2):

(a) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted

to the state commission on equipment and approved by it. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to include two reflecting elements one above the other, each of which shall be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the state commission on equipment and approved by it.

(b) At least three red-burning fuses unless red electric lanterns or red portable emergency reflectors are carried.

(c) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

(2) No person shall operate at the time and under conditions stated in subsection (1) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1) of this section, and there shall not be carried in any said vehicle any flares, fuses or signal produced by flame.

46.37.450 Display of warning devices when vehicle disabled. (1) Whenever any motor truck, passenger bus, truck tractor over eighty inches in overall width, trailer, semitrailer or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection (2):

(a) A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(i) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(ii) One, approximately one hundred feet in the opposite di-

rection from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(iii) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subdivision (a) of this subsection, it may be used for this purpose.

(2) Whenever any vehicle referred to in this section is disabled within five hundred feet of a curve, hillcrest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred feet from the disabled vehicle.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (1) and (5) of this section shall be placed as follows:

One at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fuses, flares, red electric lanterns or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

(5) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in subsection (1) of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares,

fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this paragraph.

(6) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of RCW 46.37.440 applicable thereto.

46.37.460 Vehicles transporting explosives. Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

(1) Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "danger" in white letters six inches high.

(2) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

46.37.470 Air-conditioning equipment. (1) The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(2) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

(3) The state commission on equipment may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the society of automotive engineers.

(4) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

(5) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

46.37.480 Television viewers. No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's

seat, or which is visible to the driver while operating the motor vehicle.

46.37.490 Safety load chains and devices required. It shall be unlawful to operate any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other device. The state commission on equipment is hereby authorized to adopt and enforce reasonable rules and regulations as to what shall constitute adequate and safe chains or other devices for the fastening and protection of loads upon vehicles.

46.37.500 Splash guards. Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof.

Chapter 46.44

SIZE, WEIGHT, LOAD

46.44.010 Outside width limit. The total outside width of any vehicle or load thereon shall not exceed eight feet: *Provided*, That in any instance where it is necessary to extend a rear vision mirror beyond the extreme left or right of the body the same may be done despite the fact that this results in a width in excess of eight feet, but no rear vision mirror shall extend more than five inches beyond the extreme limits of the body: *Provided further*, That in those instances where it is necessary to install fenders on the rear wheels of vehicles to reduce wheel spray the same may be done despite the fact that this results in a width in excess of eight feet providing such fenders are made of rubber and do not extend more than two inches beyond either side of the body: *And provided further*, That a tolerance of two inches in width will be allowed on the tires of all vehicles where such overwidth is due entirely to the expansion of the tires: *Provided further, however*, That safety appliances such as clearance lights, rub rails, binder chains and appurtenances such as door handles, door hinges and turning signal brackets, may extend beyond the extreme left or right of the body despite the fact that this results in a width in excess of eight feet but no appliances or appurtenances can extend more than two inches beyond the extreme limits of the body.

46.44.020 Maximum height—Impaired clearance signs. It shall be unlawful for any vehicle unladen or with load to exceed a height of thirteen feet and six inches above the level surface upon which the vehicle stands. This section shall not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section shall

not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where such vehicle or combination of vehicles is being operated; and no liability shall attach to the state or to any county, city, town or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is thirteen feet six inches or more; or, where such vertical clearance is less than thirteen feet six inches, if impaired clearance signs of a design approved by the Washington state highway commission are erected and maintained on the right side of any such public highway: In cities and towns at a distance of not less than two hundred feet and not more than three hundred feet; and in rural areas at a distance of not less than three hundred fifty feet and not more than five hundred feet, from each side of such structure. If any structure over or across any public highway is not owned by the state or by a county, city, town or other political subdivision, it shall be the duty of the owner thereof when billed therefor to reimburse the Washington state highway commission or the county, city, town or other political subdivision having jurisdiction over such highway for the actual cost of erecting and maintaining such impaired clearance signs, but no liability shall attach to such owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway.

46.44.030 Maximum lengths. It is unlawful for any person to operate upon the public highways of this state any vehicle having an overall length, with or without load, in excess of thirty-five feet, except that an auto stage shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet, but the operation of any such auto stage upon the public highways shall be limited as determined by the state highway commission. It is unlawful for any person to operate upon the public highways any combination of vehicles which, with or without load, has an overall length in excess of sixty feet, or any combination of vehicles containing any vehicle of which the permanent structure has an overall length in excess of forty feet. Said length limitations shall not apply to vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load: *Provided*, That when it is desirable to facilitate the movement

of combination of vehicles between this state and other states, the state highway commission may authorize combinations consisting of a tractor, a semitrailer, and a trailer to operate at a total overall length, with or without load, not to exceed sixty-five feet on such highway and subject to such terms and conditions as the state highway commission may direct: *Provided, however,* That until such time as six of the eleven western states shall have made provision to authorize this combination length, this section shall not apply.

Note: See also section 36, chapter 21, Laws of 1961 extraordinary session.

46.44.034 ————**Front and rear protrusions.** The load, or any portion of any vehicle, operated alone upon the public highway of this state, or the load, or any portion of the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle, or the front bumper, if equipped with front bumper.

No vehicle shall be operated upon the public highways with any part of the permanent structure or load extending in excess of fifteen feet beyond the center of the last axle of such vehicle.

46.44.036 **Combination of units. Limitation.** Except as provided in RCW 46.44.037, it is unlawful for any person to operate upon the public highways of this state any combination of vehicles consisting of more than two vehicles. For the purposes of this section a truck tractor-semitrailer and/or pole trailer combination will be considered as two vehicles but the addition of another axle to the tractor of a truck tractor-semitrailer and/or pole trailer combination in such a way that it supports a proportional share of the load of the semitrailer and/or pole trailer shall not be deemed a separate vehicle but for all purposes shall be considered a part of the truck tractor. For the purposes of this section a converter gear used in converting a semitrailer to a full trailer shall not be deemed a separate vehicle but for all purposes shall be considered a part of the trailer.

46.44.037 ————**Lawful operations—Special permits.** It shall be lawful to operate a truck tractor, semitrailer and a trailer in combination subject to such rules and regulations as the state highway commission may adopt governing the operation of such a combination, and for the purpose of this section a converter gear used to convert a semitrailer into a trailer shall not be deemed a separate vehicle but shall be considered to be a part of the trailer.

Such a combination when licensed for a total gross weight of seventy-two thousand pounds may be entitled to a special permit authorizing the combination to carry not more than four thousand pounds of gross weight in excess of the maximum allowed in RCW 46.44.044 upon the payment of the fees set forth in RCW 46.44.095 and on such highways and subject to such terms and conditions as

the state highway commission shall prescribe pursuant to the provisions of RCW 46.44.095: *Provided*, That any state highway patrol officer who shall find any person operating a vehicle in violation of the conditions of a special permit issued under this section may confiscate such permit and forward it to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it.

46.44.040 Maximum gross weights. Axle factor. (1) It is unlawful to operate any vehicle upon the public highways with a gross weight including load upon any one axle thereof in excess of eighteen thousand pounds.

It is unlawful to operate any one axle semitrailer upon the public highways with a gross weight including load upon such one axle in excess of eighteen thousand pounds.

It is unlawful to operate any truck or truck tractor upon the public highways of this state supported upon two axles with a gross weight including load in excess of twenty-eight thousand pounds.

It is unlawful to operate any semitrailer or pole trailer upon the public highway supported upon two axles with a gross weight including load in excess of thirty-two thousand pounds. It is unlawful to operate any two axle trailer upon the public highways with a gross weight, including load, in excess of thirty-six thousand pounds.

Except as provided in RCW 46.44.095 it is unlawful to operate any vehicle upon the public highways supported upon three axles or more with a gross weight including load in excess of thirty-six thousand pounds.

(2) The maximum axle and gross weight specified in subsection (1) above are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

(3) It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart, unless the two axles are so constructed and mounted in such a manner to provide oscillation between the two axles and that either one of the two axles will not at any one time carry more than the maximum gross weight allowed for one axle or two axles specified in subsection (1) above.

46.44.042 ————Tire factor. Subject to the maximum gross weights specified in subsection (1) of RCW 46.44.040, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of five hundred fifty pounds per inch width of such tire, up to a maximum width of twelve inches, and for a tire having a width of twelve inches or more there shall be allowed a twenty percent tolerance above five hundred fifty pounds per inch

width of such tire. For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon.

46.44.044 ———Wheelbase factor. Subject to the maximum axle and gross weights specified in subsection (1) of RCW 46.44.040, it is unlawful to operate any motor vehicle or combination of vehicles unless the same comply with both subdivisions (1) and (2) of this section.

(1) The total gross weight, including load, on any group of axles of a vehicle or combination of vehicles, where the distance between the first and last axles of any group of axles is eighteen feet or under, shall not exceed that set forth in the following table:

Wheelbase of any group of axles of a vehicle or combination of vehicles (feet)	Allowed load in pounds on group of axles
3 feet 6 inches	32,000
4	32,000
5	32,000
6	32,000
7	32,000
8	32,610
9	33,580
10	34,550
11	35,550
12	36,830
13	38,350
14	39,870
15	41,400
16	42,930
17	44,459
18	46,000

(2) Where the wheelbase of any vehicle or combination of vehicles is eighteen feet or more, the gross weight including load of the vehicle or combination of vehicles must not exceed that given for the respective distances in the following table:

Wheelbase of vehicle or combination of vehicles in feet	Allowed load in pounds
18	46,000
19	47,000
20	48,000

Wheelbase of vehicle or combination of vehicles in feet	Allowed load in pounds
21	49,000
22	50,000
23	51,340
24	52,670
25	54,000
26	55,100
27	56,200
28	57,400
29	58,500
30	59,500
31	60,300
32	61,140
33	61,710
34	62,280
35	62,860
36	63,430
37	64,000
38	64,500
39	65,000
40	65,500
41	66,000
42	66,500
43	67,000
44	67,500
45	68,000
46	68,500
47	69,000
48	69,500
49	70,000
50	70,500
51	71,000
52	71,500
53 or over	72,000

When inches are involved: Under six inches take lower; six inches or over take higher.

46.44.045 ——— Penalties for violations. (1) Any person violating any of the provisions of RCW 46.44.040 through 46.44.044 shall be guilty of a misdemeanor and upon first conviction thereof shall be fined a basic fine of not less than twenty-five dollars nor more than fifty dollars; upon second conviction thereof shall be fined a basic fine of not less than fifty dollars nor more than one hundred dollars; and upon a third or subsequent conviction shall be fined a basic fine of not less than one hundred dollars.

(2) In addition to, but not in lieu of, the above basic fines, such person shall be fined two cents per pound for each pound of excess weight up to five thousand pounds; if such excess weight is five thousand pounds and not in excess of ten thousand pounds, the additional fine shall be three cents per pound for each pound of excess weight; and if the excess weight is ten thousand pounds or over, the additional fine shall be four cents per pound for each pound of excess weight: *Provided*, That where the excess weight is less than five thousand pounds, the court, in its discretion, may suspend the additional fine for excess poundage upon first conviction but in no case shall the basic fine be suspended.

(3) The court may suspend the certificate of license registration of the vehicle or combination of vehicles upon the second conviction for a period of not to exceed thirty days and the court shall suspend the certificate of license registration of the vehicle or combination of vehicles upon a third or subsequent conviction for a period of not less than thirty days. For the purpose of this section bail forfeiture shall be given the same effect as a conviction. For the purpose of suspension of license registration conviction or bail forfeiture shall be on the same vehicle or combination of vehicles during any twelve month period regardless of ownership.

(4) Any person convicted of violating any posted limitations of a highway or section of highway shall be fined not less than one hundred dollars and the court shall in addition thereto suspend the operator's driver's license for not less than thirty days. Whenever the operator's driver's license and/or the certificate of license registration are suspended under the provisions of this section the judge shall secure such certificates and immediately forward the same to the director of licenses with information concerning the suspension thereof.

(5) Any other provision of law to the contrary notwithstanding, justice courts having venue shall have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(6) For the purpose of determining additional fines as provided by subsection (2), "excess weight" shall mean the poundage in excess of the maximum gross weight prescribed by RCW 46.44.040 through 46.44.044 plus the weights allowed by RCW 46.44.046, 46.44.047, and 46.44.095.

(7) The basic fine provided in subsection (1) shall be distributed as prescribed in RCW 46.68.050.

(8) The additional fine for excess poundage provided in subsection (2) shall be transmitted by the court to the county treasurer and by him transmitted to the state treasurer for deposit in the motor vehicle fund. It shall then be allocated as provided in RCW 46.68.100.

Note: See also section 34, chapter 21, Laws of 1961 extraordinary session.

46.44.046 Excess Weight. Discretion of arresting officer. In addition to the limitations of RCW 46.44.040 through 46.44.044, if the gross axle weight is not more than five hundred pounds in excess of the maximum gross axle weight for one axle, and if the gross weight of two axles spaced less than seven feet apart is not more than one thousand pounds in excess of the maximum gross weight for two axles spaced less than seven feet apart, and if the gross weight of any group of axles is not more than fifteen hundred pounds in excess of the maximum gross weight for any group of axles according to the wheelbase spacing of the group of axles as shown in the maximum gross load table of RCW 46.44.044 and if the gross weight of a two-axle vehicle is not more than one thousand pounds in excess of the legal gross weight for such two-axle vehicle, and if the gross weight of a three-axle vehicle is not more than fifteen hundred pounds in excess of the maximum legal gross weight for such three-axle vehicle, and if the maximum gross weight of the combination of vehicles is not more than two thousand pounds in excess of the maximum legal gross weight of the combination of vehicles, the arresting officer may, within his discretion, permit the operator to proceed with his vehicle or vehicles in combination without penalty. For the purposes of determining gross weights the actual scale weight taken by the arresting officer shall be prima facie evidence of such total gross weight.

It being the intention of the legislature to recognize that occasional weight discrepancies in cargo will occur, and to provide the arresting officer with authority and discretion to determine the same; but to prevent the habitual and consistent loading of vehicles above the maximum legal gross weight provided for in RCW 46.44.040 through 46.44.044.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

46.44.047 ————Logging trucks—Special permits—Discretion of arresting officer. In addition to the limitations of RCW 46.44.040, 46.44.042 and 46.44.044, a three-axle truck tractor and a two-axle pole trailer combination engaged in the operation of hauling logs, shall have an allowable variation in wheelbase length of six feet for the distance between the first and last axle of the vehicle in combination which has a wheelbase overall length of thirty-seven feet or more and upon special permit the gross weight of two axles spaced less than seven feet apart may exceed by not more than sixteen hundred pounds the maximum gross axle weight specified for two axles spaced less than seven feet apart, being thirty-two thousand pounds as provided in RCW 46.44.040, and the maximum gross weight of the combination of vehicles may exceed by not more than

six thousand eight hundred pounds the maximum legal gross weight of the combination of vehicles, when fully licensed as permitted by law, being sixty-eight thousand pounds.

Such additional allowances shall be permitted by a special permit to be issued by the state highway commission under such rules, regulations, terms and conditions prescribed by the state highway commission. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after September 1st the fee shall be twenty-five dollars and if issued on or after December 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third conviction for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a specific vehicle and shall not be transferable. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section.

All fees collected under this section shall be deposited with the state treasurer and credited to the motor vehicle fund.

Note: See also section 35, chapter 21, Laws of 1961 extraordinary session.

46.44.049 Effect of weight on highways—Study authorized. The highway commission is authorized to make and enter into agreements with the federal government or any state or group of states or agencies thereof, or any nonprofit association, on a joint or cooperative basis, to study, analyze or test the effects of weight on highway construction. Such studies or tests may be made either by designating existing highways or the construction of test strips including natural resource roads to the end that a proper solution of the many problems connected with the imposition on highways of motor vehicle weights may be determined.

Such studies may include the determination of values to be as-

signed various highway-user groups according to their gross weight or use.

46.44.050 Minimum length of wheelbase. It shall be unlawful to operate any vehicle with a wheelbase between any two axles thereof of less than three feet, six inches.

For the purposes of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles designated.

46.44.060 Outside load limits for passenger vehicles. No passenger type vehicle shall be operated on any public highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.

46.44.070 Drawbar requirements—Trailer whipping or weaving—Towing flag. The drawbar or other connection between vehicles in combination shall be of sufficient strength to hold the weight of the towed vehicle on any grade where operated. No trailer shall whip, weave or oscillate or fail to follow substantially in the course of the towing vehicle. When a disabled vehicle is being towed by means of bar, chain, rope, cable or similar means and the distance between the towed vehicle and the towing vehicle exceeds fifteen feet there shall be fastened on such connection in approximately the center thereof a white flag or cloth not less than twelve inches square.

46.44.080 Local regulations—State highway regulations. Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: *Provided*, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the state highway commission as forming a part of the route of any primary state highway through any such incorporated city or town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the highway commission.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the

ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The highway commission shall likewise have authority as hereinabove granted to local authorities to determine by resolution and to impose restrictions upon any basis as to the weight of vehicles or class of vehicles operated upon any primary state highway and such restrictions and limitations shall be effective when signs giving notice thereof are erected upon the primary state highway or at the limits of the portion thereof affected by such resolution.

46.44.090 Special permits for oversize or overweight movements.

The state highway commission with respect to primary and secondary state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

No overweight permit shall be issued to any vehicle or combination of vehicles unless such vehicle or combination of vehicles is licensed for the maximum gross weight allowed by law.

46.44.091 ———Gross weight limit. No special permit shall be issued for movement on any primary or secondary state highway or route of state primary or secondary highway within the limits of any city or town where the gross weight, including load, exceeds twenty-two thousand pounds on a single axle or forty-three thousand pounds on any group of axles having a wheelbase between the first and last axle thereof less than ten feet: *Provided*, That a special permit shall not be issued to any vehicle or a combination of vehicles having more than six axles: *Provided further*, That any vehicle or combination of vehicles having more than six axles shall not be issued an overweight permit in excess of the maximum allowed for a vehicle or combination of vehicles having six axles: *Provided further*, That the weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more: *Provided further*, That permits may be issued for weights in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for weights in excess

of such limitations; or these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when in the opinion of the highway commission such movement or action is a necessary movement or action: *Provided further*, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining weights in excess of such limitations. Application shall be made in writing on special forms provided by the highway commission and shall be submitted at least thirty-six hours in advance of the proposed movement.

46.44.092 ———Overall width limit—Exceptions to limits—Application for permit. No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for widths in excess of twenty feet: *Provided*, That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for widths in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when in the opinion of the highway commission, the movement or action is a necessary emergency movement or action: *Provided further*, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining widths in excess of such limitations; (4) these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any primary or secondary state highway for a distance greater than thirty-five miles, if properly patrolled and flagged.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

46.44.093 ———Discretion of issuer—Conditions. The highway commission or local authority is authorized to issue or withhold such special permit at his or its discretion; or, if such permit

is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle described may be operated on the public highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against undue damage to the road foundation, surfaces or structures or safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure.

46.44.094 ————**Fees.** The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state primary or secondary highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

All overlegal loads, except overweight, single trip.....	\$3.00
Continuous operation of overlegal loads having either over-width or over-height features only for a period not to exceed thirty days	\$20.00
Continuous operation of overlegal loads having over-length only for a period not to exceed thirty days.....	\$10.00
Operation of combination of vehicles composed of more than two vehicles single trip.....	\$3.00

Overweight Fee Schedule

Weight over that allowed by statute	Fee per mile on state highways
1- 5,999 pounds	\$0.10
6,000-11,999 pounds	\$0.20
12,000-17,999 pounds	\$0.30
18,000-23,999 pounds	\$0.50
24,000-29,999 pounds	\$0.70
30,000-35,999 pounds	\$0.90
36,000 pounds or more	\$1.10

Provided: (1) the minimum fee for any overweight permit shall be \$5.00, (2) when computing overweight fees which result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

This section shall become effective July 1, 1959.

46.44.095 ————**Additional gross load— Fee.** When fully licensed to the maximum gross weight permitted under RCW 46.44-.040, a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the state highway commission of a fee of fifty dollars for each two thousand pounds of excess weight: *Provided,* That the axle

loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheelbase requirements specified in RCW 46.44.044.

When fully licensed to the maximum gross weight permitted under RCW 46.44.040 and when operated in combination with another vehicle, a three or more axle truck-tractor, a three or more axle truck and a three or more axle dromedary truck-tractor may be eligible under a special permit to be issued by the highway commission to carry additional gross loads beyond the limit specified for such vehicles in RCW 46.44.040 upon the payment of a fee of fifty dollars per two thousand pounds in excess weight but not to exceed one hundred dollars for the total excess weight: *Provided*, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042: *And provided further*, That the gross weight of a three or more axle truck operated in combination with a two or three-axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck-tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds.

The special permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such special permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway.

The fee for such additional gross weight shall be payable for a twelve month period beginning and ending on April 1st of each calendar year. The additional gross weight provided for herein can be purchased at any time and if purchased on or after July 1st of any year, the fee shall be seventy-five percent of the full annual fee and if purchased on or after October 1st the fee shall be fifty percent of the full annual fee and if purchased on or after December 1st the fee shall be twenty-five percent of the full annual fee.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the state of Washington any county within the state or any city or town within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.84 the fees provided for in RCW 46.44.037 and 46.44.095 shall be computed by the state highway commission by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter

46.48 to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in RCW 46.44.037 and 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of licenses. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of licenses for purposes of prorating license fees.

Note: See also section 15, chapter 7, Laws of 1961 extraordinary session.

46.44.096 ————Determining fee—To whom paid. In determining fees according to RCW 46.44.094, mileage on state primary and secondary highways shall be determined from the planning survey records of the department of highways and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Fees established in RCW 46.44.094 and 46.44.095 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets or highways for which that political body is responsible; when a movement involves a combination of state highways, county roads and/or city streets the fee shall be paid to the state highway commission. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved.

46.44.097 ————Misrepresentations and violations—Penalty—Display of permit—Hearing. Any person who misrepresents the size or weight of any load in obtaining a special permit or does not follow the requirements and conditions of the special permit is guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars or more than one hundred dollars.

Any person who operates any vehicle, the gross weight of which is in excess of the maximum for which such vehicle may be eligible for license, or in excess of legal size limitations, without first obtaining a special permit is guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars.

Every special permit issued hereunder shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer or authorized agent of any authority granting such permit.

Any state highway patrol officer who shall find any person operating a vehicle in violation of the conditions of a special permit issued under RCW 46.44.095 may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel or suspend it without refund. The state highway commission shall keep a record of all action taken upon permits so confiscated and if a permit shall be returned to the permittee the action taken by the commission shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the commission or person designated by the commission. The commission after such hearing may reinstate any permit or revise its previous action.

46.44.100 Enforcement—Weighing and lightening. Any peace officer is authorized to require the operator of any vehicle or combination of vehicles to stop and submit to a weighing of the same either by means of a portable or stationary scale and may require that such vehicle be driven to the nearest public scale.

Whenever a peace officer, upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may, in addition to any other penalty provided, require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter. All materials unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

It shall be unlawful for any operator of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section.

46.44.110 Liability for damage to highways, bridges, etc. Any person operating any vehicle or moving any object or conveyance upon any public highway in this state or upon any bridge or elevated structure which is a part of any such public highway shall be liable for all damages which said public highway, bridge or elevated structure may sustain as a result of any illegal operation of such vehicle

or the moving of any such object or conveyance or as a result of the operation or moving of any vehicle, object or conveyance weighing in excess of the legal weight limits allowed by law. This section shall apply to any person operating any vehicle or moving any object or contrivance in any illegal or negligent manner or without a special permit as by law provided for vehicles, objects or contrivances of overweight, overwidth, overheight or overlength. Any person operating any vehicle shall be liable for any damage to any public highway, bridge or elevated structure sustained as the result of any negligent operation thereof. When such operator is not the owner of such vehicle, object or contrivance but is so operating or moving the same with the express or implied permission of the owner thereof, then said owner and the operator shall be jointly and severally liable for any such damage. Such damage to any state highway or structure may be recovered in a civil action instituted in the name of the state of Washington by the state highway commission. Any measure of damage to any public highway determined by the state highway commission by reason of this section shall be prima facie the amount of damage caused thereby and shall be presumed to be the amount recoverable in any civil action therefor.

Chapter 46.47

BICYCLES—OPERATION AND EQUIPMENT

46.47.010 Scope of chapter—“Bicycle” defined. Wherever used in this chapter, the term “bicycle” shall mean every device propelled by human power, upon which any person may ride, having two tandem wheels either of which is over twenty inches in diameter. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

46.47.020 Road rights and duties—In General. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to a driver of a motor vehicle, except as to the special regulations of this chapter.

46.47.030 Must ride on seat. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

46.47.040 Number of passengers. No bicycle shall be used to carry more persons at any one time than the number for which it is designed and equipped.

46.47.050 “Hitching on” prohibited—Bikes and other recreational equipment. No person riding upon any bicycle, coaster,

roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon the public highways of this state.

46.47.060 Bicycle rules of the road. Every person operating a bicycle upon a public highway of this state shall ride as near to the right side of the roadway as practicable, exercise due care when passing standing vehicles or one proceeding in the same direction. Persons riding bicycles upon a public highway in this state shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Whenever a usable path for bicycles has been provided adjacent to a public highway, bicycle riders shall use such path and shall not use the roadway.

46.47.070 Keep one hand on handle bars. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars.

46.47.080 Lights, reflector, bells, brakes. Every bicycle when used during the hours of darkness shall be equipped with one lamp on the front exhibiting a white light visible from a distance of at least five hundred feet to the front, and with a lamp on the rear exhibiting a red light visible from a distance of five hundred feet to the rear, excepting that a red reflector meeting the requirements of chapter 46.37 may be used in lieu of a rear light. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of one hundred feet, except that a bicycle shall not be equipped with, nor shall any person use upon a bicycle, any siren or whistle. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

46.47.090 Violations—Penalties—Duties, liabilities of parents, guardians—Negligence. It shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter: *Provided*, That no violation of this chapter by any child under the age of sixteen years, or by a parent or guardian of such child shall constitute negligence per se in any civil action brought or defended by or in behalf of such child.

Chapter 46.48**SAFETY****SPEED**

46.48.010 General criterion stated. Every person operating or driving a vehicle of any character upon the public highways of this state shall operate the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of the traffic, weight of vehicle, grade and width of highway, condition of surface and freedom of obstruction to view ahead and consistent with any and all conditions existing at the point of operation so as not to unduly or unreasonably endanger the life, limb, property or other rights of any person entitled to the use of such public highways.

46.48.020 Speed limits. In cities and towns. Subject to RCW 46.48.010, and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of the following:

(1) Twenty-five miles per hour within the limits of incorporated cities and towns;

(2) Twenty-five miles per hour in traversing any intersection of public highways within incorporated cities and towns except whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that such speed as permitted under this chapter at any intersection is greater than is reasonable or safe under the conditions found to exist at such intersection, such local authority subject to the approval of the state highway commission in cases where the alteration of speed limits on state highways or extensions thereof in a municipality are involved, shall determine and declare a reasonable and safe speed limit thereat, which shall be effective at all times or during hours of daylight or darkness or at such other times as may be determined: *Provided*, That appropriate signs giving notice thereof are erected at such intersection or upon the approaches thereto; and

(3) Twenty-five miles per hour in traveling upon an arterial highway in any incorporated city or town and traversing an intersection with another public highway not an arterial highway, and the operator of another vehicle about to enter the intersection of such arterial highway thereat, shall have brought his vehicle to a complete stop as required by law before entering such arterial highway.

46.48.021 ————**Outside cities and towns—Intersections.** Subject to RCW 46.48.010, and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of the following:

(1) Thirty-five miles per hour in traversing any intersection of public highways outside of incorporated cities and towns where the operator's view is obstructed to the extent that at any time during the last one hundred feet of his approach to an intersection he does not have a clear and uninterrupted view of such intersection, and of all public highways entering such intersection for a distance of one hundred feet along the center line of each thereof: *Provided*, That it shall be the duty of local authorities to sign post such intersections: *Provided further*, That this provision shall not apply to operators upon arterial highways outside of incorporated cities and towns;

(2) Thirty-five miles per hour in traveling upon an arterial highway outside of incorporated cities and towns and traversing an intersection with another public highway not an arterial highway and the operator of another vehicle about to enter such arterial highway thereat shall have brought his vehicle to a complete stop, as required by law, before entering such arterial highway.

Note: See also section 1, chapter 120, Laws of 1961.

46.48.022 ————**Outside cities and towns.** The Washington state highway commission, in case of state highways, and the county commissioners, in case of county roads, shall establish maximum speeds outside any incorporated city or town: *Provided*, That no maximum speed established shall be less than twenty-five miles per hour: *Provided further*, That all such speed zones shall be properly sign posted at the extremities thereof.

46.48.023 ————**School or playground crosswalks.** Subject to RCW 46.48.010, and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of the following:

(1) Twenty miles per hour when operating any vehicle upon a public highway inside incorporated cities and towns when passing any marked public school or playground crosswalk when such marked crosswalk is fully posted with standard portable school or speed control signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk;

(2) Twenty miles per hour when operating any vehicle upon a public highway outside incorporated cities and towns when passing any marked public school or playground crosswalk when such marked crosswalk is fully posted with standard portable school or

speed control signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk.

46.48.024 ————**Sixty miles per hour—Heavy trucks and combinations excepted.** Sixty miles per hour, subject to RCW 46.48.010, shall be the maximum motor vehicle speed under all circumstances where no lesser speed is required by this chapter: *Provided*, That the Washington state highway commission may establish a lower speed on state highways, where in its opinion, the findings of a traffic engineering investigation warrant such speed: *Provided*, That the maximum speed limit for (a), combination of vehicles, and (b), trucks over ten thousand pounds, shall not exceed fifty miles per hour: *Provided further*, That in carrying out the provisions of this section, the commission shall consult the chief of the Washington state patrol. The zones of such speeds shall be indicated by standard speed control signs.

46.48.025 ————**Due care required.** Compliance with speed requirements of this chapter under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require.

46.48.026 ————**Exceeding speed limit evidence of reckless driving.** The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this chapter at the point of operation and under the circumstances described shall be prima facie evidence of the operation of a motor vehicle in a reckless manner by the operator thereof.

46.48.027 ————**Violation charges—Speed to be specified.** All charges for the violation of any of the provisions of this chapter, every notice to appear, and every complaint charging the violation of this chapter shall specify approximately the speed at which the defendant is alleged to have operated such vehicle, the maximum lawful speed at the point of operation, and the reasonable and proper rate of speed applicable under the conditions existing at the point of operation.

46.48.030 **Maximum speed on state highways may be lowered by highway commission—Posting speed limit.** The state highway commission may regulate the speed of vehicles on any part of any state highway where the imposing of a lower maximum speed to be allowed is determined advisable on account of sharp curvature, excessive traffic, or other permanent cause. The commission may regulate the speed of vehicles on any part of any state highway where the imposing of a lower maximum speed to be allowed is determined advisable on account of highway or road construction or repairs, condition of said highway or road, excessive traffic or other

temporary cause. The commission shall cause to be posted at either end of any portion of any state highway where the speed is regulated, signs of sufficient size to be easily read, setting forth the maximum speed allowed and stating by whose order said regulation is made and thereafter it shall be unlawful for any person to violate any such order, rule or regulation.

46.48.040 Local speed regulations. No governing body or authority of any city or town or other political subdivision shall have the power to pass or enforce any ordinance, rule, or regulation requiring a different rate of speed than that specified under the provisions of the law of this state at which vehicles may be operated along or over the public highways of such city or town or political subdivision or otherwise to regulate the use of public highways thereof contrary to or inconsistent with the laws of this state; and all such ordinances, rules, and regulations now in force are void and of no effect: *Provided*, That on any portion of a city or town street where, on account of sharp curvature, highway construction or repairs, excessive traffic, any dangerous condition, or other temporary or permanent cause, it is deemed inadvisable for vehicles to operate at the maximum speed allowed by the law of this state the governing body or authority of the city or town or other political subdivision may fix a lower maximum speed or otherwise regulate speed by order, rule, or regulation properly adopted: *Provided further*, That the governing body or authority of a city or town or other political subdivision may increase the maximum speed allowed upon its streets.

In no case where the maximum speed is reduced below that permitted by the laws of this state shall it be reduced to less than ten miles per hour, and in no case where the speed is increased above the maximum speed allowed by the laws of this state shall it be increased above thirty-five miles per hour: *Provided*, That a maximum speed above thirty-five miles per hour may be established when the findings of a traffic engineering investigation warrant such increase in speed, but such increase shall never exceed sixty miles per hour.

46.48.041 Speed limits—Limited access facilities—Local regulation. Notwithstanding any law to the contrary or inconsistent herewith, the Washington state highway commission shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule or regulation requiring a different rate of speed and all such

ordinances, rules and regulations contrary to or inconsistent therewith now in force are void and of no effect: *Provided*, That a maximum speed above thirty-five miles per hour may be established in cities or towns only when the findings of a traffic engineering investigation by the state highway department warrants such increase in speed.

46.48.044 Local speed regulations—Posting speed limit. At the time of providing for any such decreased or increased maximum speed, the governing body or authority of any such city or town or political subdivision shall cause to be posted at either end of such portion of the public highway and at such other points as is deemed advisable, signs of such size as to be easily read, setting forth the maximum speed allowed upon the highway and thereafter it shall be unlawful for any person to violate any such order, rule, or regulation.

46.48.046 Local speed regulations—“Stop” signs for arterial highways. The governing body or authority of any such city or town or political subdivision shall place and maintain upon each and every public highway intersecting a public highway where an increased speed is permitted, as provided in this chapter, appropriate stop signs, sufficient to be read at any time by any person upon approaching and entering the highway upon which such increased speed is permitted and such city street or such portion thereof as is subject to the increased speed shall be an arterial highway.

46.48.050 Racing of vehicles on highways, reckless driving. No person or persons shall race any motor vehicle or motor vehicles upon any public highway of this state. Any person or persons guilty of comparing or contesting relative speeds by simultaneous operations shall be guilty of reckless driving whether or not such speed is in excess of the maximum speed prescribed by law.

46.48.060 Advertising of unlawful speed attained, reckless driving. It shall be unlawful for any manufacturer, dealer, distributor or any person, firm or corporation to publish or advertise or offer for publication or advertisement, or to consent or cause to be published or advertised, the time consumed or speed attained by a vehicle between given points or over given or designated distances upon any public highways of this state when such published or advertised time consumed or speed attained shall indicate an average rate of speed between given points or over a given or designated distance in excess of the maximum rate of speed allowed between such points or at a rate of speed which would constitute reckless driving between such points. Conviction for a violation of any of the provisions of this section shall be prima facie evidence of reck-

less driving and shall subject such person, firm, or corporation to the penalties in such cases provided.

46.48.070 Impeding traffic by slow speed prohibited. It shall be unlawful for any person to operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic at the point of operation thereof, except when a reduced speed is necessary for safe operation or in compliance with any law, rule or regulation. Peace officers are hereby authorized to enforce this section by directions to vehicle operators, and it shall be unlawful for any person to operate in wilful disobedience to the provisions of this section or refuse to comply with the directions of any peace officer relating thereto. Where any slow moving vehicle tends to congest traffic any peace officer may cause such vehicle to be removed from roadway and permit the congested traffic to be relieved.

46.48.080 Maximum weight, size or speed in traversing bridges, elevated structures, tunnels, underpasses—Posting limits. It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel or underpass is sign posted as herein-after provided. The state highway commission, if it be a bridge, structure, tunnel or underpass upon a state highway, or the governing body or authorities of any county, city or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The state highway commission or the governing body or authorities of any county, city or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel or underpass and on the approach thereto: *Provided*, That in the event that any such bridge, elevated structure, tunnel or underpass is upon a city street designated by the state highway commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross

weight or size which such bridge, elevated structure, tunnel or underpass can withstand or accommodate shall not be enforceable at any speed, weight or size less than the maximum allowed by law, unless with the approval in writing of the state highway commission. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass.

46.48.090 Maximum speed. Heavy trucks. It shall be unlawful to operate motor trucks having a gross weight including load, exceeding ten thousand pounds, equipped with pneumatic tires over or along any public highway of this state at a greater rate of speed than fifty miles per hour. This section shall not be construed to increase the maximum speed allowed in any instances where a lower speed has been prescribed by law or competent authority.

46.48.100 ———Combination of vehicles. It shall be unlawful to operate any combination of vehicles upon the public highways of this state at a rate of speed in excess of fifty miles per hour. This section shall not be construed to increase the maximum speed allowed in any instance where a lower speed has been prescribed by law or competent authority.

46.48.110 ———Vehicles with solid or hollow cushion tires. It shall be unlawful to operate any vehicle equipped or partly equipped with solid rubber tires or hollow center cushion tires, or to operate any combination of vehicles any part of which is equipped or partly equipped with solid rubber tires or hollow center cushion tires, so long as solid rubber tires or hollow center cushion tires may be used under the provisions of this title, upon any public highway of this state at a greater rate of speed than ten miles per hour.

46.48.120 Speed traps outlawed—Measured courses. No evidence as to the speed of any vehicle operated upon a public highway by any person arrested for violation of any of the laws of this state regarding speed or of any orders, rules or regulations of any city or town or other political subdivision relating thereto shall be admitted in evidence in any court at a subsequent trial of such person in case such evidence relates to or is based upon the maintenance or use of a speed trap. A "speed trap," within the meaning of this section, is a particular section of or distance on any public highway, the length of which has been or is measured off or otherwise designated or determined, and the limits of which are within the vision of any officer or officers who calculate the speed of a vehicle passing

through such speed trap by using the lapsed time during which such vehicle travels between the entrance and exit of such speed trap: *Provided*, That evidence shall be admissible against any person arrested for violation of any of the laws of this state or of any orders, rules or regulations of any city or town or other political subdivision regarding speed if the same is determined by a particular section of or distance on a public highway, the length of which has been accurately measured off or otherwise designated or determined and the limits of which are controlled by a mechanical, electrical or other device capable of measuring or recording the speed of a vehicle passing within such limits within an error of not to exceed five percent using the lapsed time during which such vehicle travels between such limits: *Provided further*, That such limits shall not be closer than one-fourth mile.

SCHOOL BUSES AND SCHOOL PATROLS

46.48.130 Stop signals and flasher signal lamps required. All school buses shall be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high. All school buses which are put into service after June 6, 1945 shall also be equipped with red lamps of a type approved by the state commission on equipment, which shall display a flashing signal. Such sign and lamps shall be displayed as directed by the chief of the Washington state patrol and shall display both to the front and rear of such school bus, manually controlled by the operator of the school bus, and shall be displayed only when such school bus is receiving or discharging school passengers and shall be released only when such school passengers are received or discharged and have not further need of protection in crossing the public highway or otherwise.

Note: See also section 1, chapter 203, Laws of 1961.

46.48.140 Vehicles must stop on approaching stopped school bus. It shall be unlawful for any person operating a motor vehicle in either direction upon a two lane public highway to fail to bring such vehicle to a complete stop at least twenty feet away and on the approach to any school bus on the roadway or off the roadway displaying such stop signal and remain standing until the same is released.

It shall be unlawful for any person operating a motor vehicle in the same direction as a school bus upon a multiple lane public highway to fail to bring such vehicle to a complete stop at least twenty feet away and on the approach to any school bus on the roadway or off the roadway displaying such stop signal and remain standing until the same is released: *Provided*, That compliance with the above stopping provisions of this section shall not relieve any

motor vehicle operator of the further duty to exercise reasonable care in approaching or passing any such school bus.

46.48.150 Regulations as to design, marking and mode of operating school buses. The state superintendent of public instruction, by and with the advice of the state highway commission and the chief of the Washington state patrol, shall adopt and enforce regulations not inconsistent with the law of this state to govern the design, marking and mode of operation of all school buses owned and operated by any school district or privately owned and operated under contract or otherwise with any school district in this state for the transportation of school children and such regulation shall by reference be made a part of any such contract or other agreement with the school district. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district shall be subject to such regulations. It shall be unlawful for any officer or employee of any school district or for any person operating any school bus under contract with any school district to violate any of the provisions of such regulations.

46.48.160 School patrol—Appointment—Authority—Finance—Insurance. The superintendent of public instruction, through the superintendent of schools of any city or town or school district, or other officer or board performing like functions with respect to the schools of any other educational administrative district, may cause to be appointed from the student body of any public or private school or institution of learning students who shall be known as members of the "school patrol" and who shall serve without compensation and at the pleasure of the authority making the appointment.

The members of such school patrol shall wear a badge or other appropriate insignia marked "school patrol" when in performance of their duties, and they may display "stop" or other proper traffic directional signs or signals at school crossings or other points where school children are crossing or about to cross a public highway, but members of the school patrol shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

Any school district having a school patrol may purchase uniforms and other appropriate insignia, traffic signs and other appropriate materials, all to be used by members of such school patrol while in performance of their duties, and may pay for the same out of the general fund of the district.

It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed to do so by a school patrol sign or signal displayed by a member of the school patrol engaged in the performance of his duty and wearing or displaying appropriate insignia, and it shall further be unlawful for the operator of a vehicle to

disregard any other reasonable directions of a member of the school patrol when acting in performance of his duties as such.

School districts may expend funds from the general fund of the district to pay premiums for life and accident policies covering the members of the school patrol in their district while engaged in the performance of their school patrol duties.

EXPLOSIVES AND FLAMMABLES

46.48.170 State patrol jurisdiction over safety in transport of dangerous articles—Rules and regulations. The Washington state patrol acting by and through the chief of the Washington state patrol, together with the committee created by RCW 46.48.190 shall have jurisdiction over the safety in the transportation of explosives, flammable materials, corrosives, compressed gases, poisons, oxidizing materials and other dangerous articles upon the public highways of this state and shall have power to make rules and regulations pertaining thereto, sufficient to protect persons and property from unreasonable risk of harm or damage. No such rules or regulations shall be inconsistent with the rules and regulations of the interstate commerce commission issued under authority of the "Transportation of Explosives act" (62 Stat. 738, 18 U.S.C.A., pp. 831-835). The chief of the Washington state patrol shall appoint the necessary qualified personnel to carry out the provisions of RCW 46.48.170 through 46.48.190.

46.48.175 ————Violation of rules, misdemeanor. Each violation of any rules and/or regulations made pursuant to RCW 46.48.170 shall be a misdemeanor.

46.48.180 ————Study directed to insure uniformity of regulations. It shall be the duty of the Washington state patrol to make a study of the interstate commerce commission regulations pertaining to the transportation of the materials described in RCW 46.48.170, and the laws of this state pertaining to the same subject in order that the chief of the Washington state patrol may make necessary and proper recommendations to the legislature and state departments from time to time to bring about uniformity between the laws and regulations of the federal government and this state in regard to the transportation of such materials.

46.48.190 Advisory committee to be created. The chief of the Washington state patrol shall appoint a committee to serve in a purely technical advisory capacity to aid in the study and evaluation of proposed regulations concerning safety in the transportation of materials described in RCW 46.48.170. The technical advisory committee shall consist of five citizens of the state employed in the following designated enterprises: One appointed each from the

explosive industry, the petroleum industry, the chemical industry, the trucking industry and a representative appointed by the Washington state association of fire chiefs.

PARKING

46.48.260 Parallel and angle parking—Standing or parking may be prohibited or restricted. Except where angle parking is permitted by local ordinance every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be so stopped or parked with the right hand wheels of such vehicle parallel to and within twelve inches of the right hand curb. Angle parking shall not be permitted upon the city or town streets designated as forming a part of the route of a primary state highway through any city or town: *Provided*, That angle parking shall be permitted in cities of the third and fourth class where solely provided by local ordinance upon any city street designated as forming a part of the route of a primary state highway through such city or town where such street does not connect at either end with any four lane primary highway and where such street has a minimum width between curbs of seventy feet and there shall be provided between the main traveled and hard-surfaced portion of such city or town street and the curb, an angle parking area designated as such having a width of not less than twenty feet.

The state highway commission with respect to all public highways under its jurisdiction and any city or town streets designated as forming a part of the route of a state highway through any city or town may by order place signs prohibiting or restricting the stopping, standing, or parking of vehicles on any such highway or street where in its opinion the findings of a traffic engineering investigation indicate such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would unduly interfere with the safe and free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand, or park any vehicle in violation of the restrictions stated on such signs.

No person shall be granted the right, use or franchise for vehicle parking of any portion of the surface area of any public highway to the exclusion of any other like person.

46.48.270 Prohibited parking places. (1) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device, in any of the following places:

- (a) On a sidewalk or parking strip;
- (b) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

- (c) Within an intersection;
- (d) Within fifteen feet of a fire hydrant;
- (e) On a crosswalk;
- (f) Within twenty feet of a crosswalk at an intersection;
- (g) Within thirty feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
- (h) Between a safety zone and the adjacent curb or within twenty-five feet of points on the curb immediately opposite the ends of a safety zone, unless a different distance is indicated by signs or markings;
- (i) Within thirty feet of the nearest rail of a railroad crossing;
- (j) Within fifty feet of the driveway entrance to any fire or police station or on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly sign posted;
- (k) Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic;
- (l) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (m) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
- (n) At any place where official signs prohibit stopping;
- (2) No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful. Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places, but such limitations and restrictions shall be by city or town ordinance only or resolution of the county commissioners or of the state highway commission upon public highways under their respective jurisdictions.

46.48.280 Stopping and securing car when standing. No person operating or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, and when standing upon a perceptible grade without effectively setting the brake thereon and turning the front wheels to the curb or side of the roadway.

46.48.290 Leaving vehicle on main traveled part of highway. It shall be unlawful for any person to stop, park or leave standing any vehicle, whether attended or unattended, upon the paved, improved or main traveled portion of any public highway outside incorporated cities and towns when it is possible to stop, park, or so leave such vehicle off such paved, improved or main traveled portion of such public highway. In the event that it is not possible to leave such vehicle standing off the paved, improved or main traveled portion of such public highway at least one half of the width of such road-

way shall be left clear and unobstructed for the free passage of other vehicles and a clear view of such stopped vehicle shall be available for a distance of three hundred feet in each direction upon such public highway: *Provided*, That this section shall not apply to the operator of any vehicle which is disabled upon the paved or improved or main traveled portion of any public highway in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position.

46.48.300 Removal of vehicles left on main traveled way. Whenever any peace officer finds a vehicle standing upon the paved, improved or main traveled portion of any public highway outside incorporated cities and towns, such officer is hereby authorized to remove such vehicle or to require the operator or other person in charge of such vehicle to remove the same off the paved, improved or main traveled portion of such public highway. Whenever any peace officer finds any vehicle unattended in such a position that it constitutes an obstruction to traffic or provides a danger to travel upon any public highway, such officer is hereby authorized to provide for the removal of such vehicle to the nearest place of safety. Any cost incurred in the removal thereof shall be paid by the owner of the vehicle so removed and the same shall be a lien upon such vehicle.

46.48.310 Removal of disabled vehicles—Impounding. Whenever any vehicle shall become stalled, disabled or unable to move under its own power on or in any public facility, such as streets, roads or highways in the state, including tunnels, bridges or approaches thereto or sections thereof and such an occurrence has been deemed by the authority having jurisdiction as being a menace or obstruction to the safety of the general public, such authority shall have the power and is hereby authorized to remove said disabled vehicle forthwith by either private or governmental equipment and such vehicle removed shall be impounded and held until towing charges have been paid by the owner thereof.

46.48.320 ———Charges—Service contracts. The charge for towing said vehicles shall be fixed by the governmental agency having jurisdiction thereof and said agency may award said towing service to any private person, firm, or corporation in close proximity to the facility to be serviced or may maintain such service for such facilities as may be indicated. The governmental agency acting alone or in cooperation with any other governmental agency concerned may contract with each other for the maintenance of such service and payment of costs thereof.

46.48.330 ———Towing service—Posting. Whenever towing service for any facility is maintained, the governmental agency hav-

ing jurisdiction thereof shall cause said highway, road or street, or tunnel, bridge or approaches thereto or sections thereof, to be posted or designated by appropriate signs including charges fixed for such towing service.

Chapter 46.52

ACCIDENTS AND REPORTS

46.52.010 Duty on striking unattended car or other property. The operator of any vehicle which collided with any other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice, giving the name and address of the operator and of the owner of the vehicle striking such other vehicle.

The driver of any vehicle involved in an accident resulting only in damage to property fixed or placed upon or adjacent to any public highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and owner of the vehicle striking such property, or shall leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, and such person shall further make report of such accident as in the case of other accidents upon the public highways of this state.

46.52.020 Duty in case of injury to or death of person or damage to attended vehicle. (1) An operator of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section;

(2) The operator of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section;

(3) The operator of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and vehicle license number and shall exhibit his vehicle operator's license to any person struck or injured or the operator or any occu-

pant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any operator for such accident;

(4) Any person failing to stop or to comply with any of the requirements of subdivision (3) of this section under said circumstances shall, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment: *Provided*, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith;

(5) Upon notice of conviction of any person under the provisions of this section, the vehicle operator's license of the person so convicted shall be revoked by the director of licenses.

46.52.030 Accident reports. The operator of any vehicle involved in an accident resulting in injury to or death of any person or total or claimed damage to either or both vehicles or property to an apparent extent of twenty-five dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns, such report to be in duplicate and the original immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington. The chief of the Washington state patrol may require any operator of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report is insufficient in his opinion and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, and the amounts

of property damage claimed. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised.

46.52.040 ————Report when operator disabled. Whenever the operator of the vehicle involved in any accident, concerning which accident report is required, is physically incapable of making the required accident report and there is another occupant other than a passenger for hire therein, in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made such report. Upon recovery such operator shall make such report in the manner required by law.

46.52.050 Coroner's reports to sheriff and state patrol. Every coroner or other official performing like functions shall on or before the tenth day of each month, report in writing to the sheriff of the county in which he holds office and to the chief of the Washington state patrol the death of any person within his jurisdiction during the preceding calendar month as a result of an accident involving any vehicle, together with the circumstances of such accident.

46.52.060 Tabulation and analysis of reports—Availability for use. It shall be the duty of the chief of the Washington state patrol to file, tabulate and analyze all accident reports and to publish annually, immediately following the close of each calendar year, and monthly during the course of the calendar year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents.

Such accident reports and analysis or reports thereof shall be available to the director of licenses, the highway commission, the public service commission, or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value.

46.52.070 Peace officer's report. Any peace officer of the state of Washington or of any county, city, town or other political subdivision, present at the scene of any accident or in possession of any facts concerning any accident whether by way of official investigation or otherwise shall make report thereof in the same manner as required of the parties to such accident and as fully as the facts in his possession concerning such accident will permit.

46.52.080 Reports confidential. All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as the case may be, and the director of licenses and the chief of the Washington state patrol, and other officer or commission as authorized by law, except that any such officer may disclose the identity of a person reported as involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the chief of the Washington state patrol solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law.

46.52.090 Reports by repairmen, storage men and appraisers—Violations, penalties. Any person, firm, corporation or association engaged in the business of repair to motor vehicles or any person, firm, corporation or association which may at any time engage in the repair of any motor vehicle or other vehicle owned by any other person, firm, corporation, or association, shall be and is hereby required to maintain a complete record of any and all vehicles repaired, the nature of the repair to which indicates the damage or injury could have been caused by collision with any person or property. Such report shall be made out and kept posted currently in duplicate, showing the name of the person for whom such repair is done, the date of such repair, the motor number of the vehicle if it be a motor vehicle, or the serial number of the vehicle if it be a trailer or semitrailer, the license number of the vehicle, a brief statement of the nature of such repair and the cost thereof. Such report should be certified by the person or a duly authorized representative of the firm, corporation or association performing such repairs, such certification stating that the foregoing report is a true and accurate report of all such repairs, performed during the period covered by said report and in any wise indicating that the injury or damage to such vehicle could have been caused by collision with any person or property. Any person, firm, corporation or association failing to submit such report shall be guilty of a gross misdemeanor and any person certifying to any such report containing fraudulent or untrue information or omitting any required information in any material respect shall be guilty of forgery. Such report shall be submitted on Monday of each week for the preceding calendar week,

to the local authority to whom accident reports are required to be made. When such local authority shall have checked such reports for their own informational purposes, such reports shall be forwarded to the chief of the Washington state patrol, and such reports shall be forwarded within a period of ten days from the date of submission to such local authority. The person, firm, corporation or association performing such repairs shall retain the duplicate copy of such report in their permanent files and the same shall be open to inspection during business hours by any peace officer or any person authorized by the chief of the Washington state patrol. Such report shall also be made by persons, firms or corporations providing storage or furnishing appraisals and shall contain the same record as required above of any such vehicles brought in for appraisal or storage. Forms for such records shall be prescribed by the chief of the Washington state patrol and may be obtained from the local authority to whom accident reports are made.

It shall be unlawful for any person to destroy or conceal any evidence of damage to a vehicle indicating that such damage could be the result of collision with any person or property without adequate record thereof and any person so doing shall be guilty of a gross misdemeanor.

46.52.100 Record of traffic charges—Reports of convictions by courts—Venue in justice courts—Driving under influence of liquor or drugs, penalty. Every justice of the peace, police judge and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of traffic charge deposited with or presented to said justice of the peace, police judge, superior court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to the justice of the peace, police judge, superior court or traffic violations bureau.

The Monday following the conviction or forfeiture of bail of a person upon a charge of violating any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the director of licenses at Olympia an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director of licenses and shall include the name and address of the party charged, the number, if any, of his operator's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: *Provided*, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any narcotic drug immediately to make request to the director of licenses for an abstract of convictions and forfeitures which the director shall furnish.

If an operator has a record of two or more convictions or forfeitures of the offense of operating a vehicle under the influence of or affected by the use of intoxicating liquor or any narcotic drug within a five year period, he shall, upon conviction, be fined not less than one hundred dollars and not more than one thousand dollars, and shall be sentenced to not less than thirty days and not more than one year in the county jail and neither fine nor sentence shall be suspended; and the court shall revoke the operator's license.

If the operator at the time of the offense charged was without an operator's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

46.52.110 Stolen and abandoned vehicles—Reports of—Notice—Sale—Violations, penalties. It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables and members of the Washington state patrol to report immediately to the chief of the Washington state patrol all motor vehicles reported to them

as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, the person so reporting the same as stolen shall be guilty of a misdemeanor unless he shall report the recovery thereof to the sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen.

Upon receipt of such information the chief of the Washington state patrol shall file the same in a "stolen vehicle index." He shall also file any reports of vehicles stolen in other states and reported to him as such. It shall be the duty of the chief of the Washington state patrol to keep a file record of all vehicles reported to him as recovered.

The chief of the Washington state patrol shall publish at least once a month a list of all vehicles reported as stolen and not reported as having been recovered and all abandoned vehicles and forward a copy of such list to every sheriff in this state, the chief of police or chief police officer of every incorporated city and town with a population in excess of three thousand inhabitants, each member of the Washington state patrol and the cognizant state officer of each state in the United States.

Such information shall be provided by the chief of the Washington state patrol for the use of the director of licenses as will permit the director of licenses to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director of licenses shall immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each incorporated city and town, members of the Washington state patrol and constables to report to the chief of the Washington state patrol all vehicles found abandoned on a public highway or at any other place and the same shall be taken into the custody of the sheriff of the county wherein found abandoned and stored and the same shall, for the purposes of listing the same, be considered as a recovered vehicle. Personal notice that such vehicle has been found abandoned shall be forwarded to the registered and legal owners of such vehicle if any record of registered or legal owner thereof exists in this state. In the event there appears to be a registered or legal ownership thereof in another state the sheriff shall send notice thereof to the official having cognizance of issuing legal or registered ownerships in such other state. If, at the expiration of forty-five days from the date of mailing such notices, the vehicle remains unclaimed and has not been reported as a stolen

vehicle, then the same may be sold at public auction upon notice published in one issue of a paper of general circulation in the county in which such vehicle has been found abandoned, such publication to describe the vehicle and set forth the place, date and time at which such vehicle shall be put up for public auction, which date shall be not sooner than three days following the date of such publication. Any surplus accruing at said sale after deducting the cost of placing the vehicle in custody, advertising and selling the same, shall be held for the owner a period of ten days and if not claimed by the expiration thereof shall be certified one-half to the county treasurer of such county to be placed in the county current expense fund and one-half to the state treasurer to be credited to the highway safety fund.

Any vehicle left in a garage for storage more than fifteen days where the same has not been left by the registered owner under a contract of storage and has not during such period been removed by the person leaving the same shall be an abandoned vehicle and shall be delivered to the sheriff of the county with notice of such fact. Any garage keeper failing to report such fact to the sheriff and tender delivery to him of such vehicle at the end of fifteen days shall thereby forfeit any claims for the storage of such vehicle. All such vehicles considered abandoned by being left in a garage shall be disposed of in accordance with the procedure prescribed above for abandoned vehicles.

Except for the forfeiture of claim for storage as set forth herein for failure to report vehicle left in excess of fifteen days, nothing in this section shall be construed to impair any lien for storage accruing to a garage keeper under other law of this state.

46.52.120 Case record of convictions—Cross reference to accident reports. It shall be the duty of the director of licenses to keep a case record on every motor vehicle operator licensed under the laws of this state, together with information on each, showing all the convictions certified by the courts and an index cross reference record of each accident reported relating to such individuals with a brief statement of the cause of such accident, which index cross reference record shall be furnished to the director of licenses, by the chief of the Washington state patrol, with reference to each operator involved in the reported accidents. Such records shall be for the confidential use of the director of licenses and the chief of the Washington state patrol and for such peace officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of director of licenses, suspending, revoking, canceling, or refusing vehicle operator's license. It shall be the duty of the director of licenses to tabulate and analyze vehi-

cle operators' case records and to suspend, revoke, cancel, or refuse any vehicle operator's license to any person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director of licenses may order the vehicle operator's license of any such person suspended, revoked, or canceled, or shall refuse the issuance of vehicle operator's license, such suspension, revocation, cancellation, or refusal shall be final and effective unless appeal from the decision of the director of licenses shall be taken as provided by law.

Chapter 46.56

DRIVING DELINQUENCIES

46.56.010 Operating under influence of intoxicants or drugs—Chemical analysis, tests, presumptions—Penalties. It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any narcotic drug to drive or be in actual physical control of any vehicle upon the public highways.

In any criminal prosecution for a violation of the provisions of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, urine, breath, or other bodily substance shall give rise to the following presumptions:

If there was at that time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor;

If there was at that time in excess of 0.05 percent but less than 0.15 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant;

If there was at that time 0.15 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor.

The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor. Nothing herein contained shall be construed as requiring any person to submit to a chemical analysis of his blood, and the refusal to submit to such an analysis shall not be admissible in evidence in any criminal prosecution for a violation of the provisions of this section or in any civil action.

It is unlawful for any person who is an habitual user of or under

the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle upon the public highways. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

Upon the first conviction for the violation of the provisions of this section the court shall impose a fine of not less than fifty dollars or more than five hundred dollars and not less than five days or more than one year in jail, and shall, in addition thereto, suspend the operator's license of such person for not less than thirty days. Upon second conviction for a violation of the provisions of this section within a period of five years, the court shall impose a fine of not less than one hundred dollars or more than one thousand dollars and not less than thirty days or more than one year in the county jail, and neither the fine nor the jail sentence so imposed shall be suspended, and shall, in addition thereto, suspend the operator's license of such person for not less than sixty days after the termination of such jail sentence. Upon any subsequent conviction for a violation of the provisions of this section within a period of five years, the court shall impose a fine of not less than one hundred dollars or more than one thousand dollars and not less than thirty days or more than one year in the county jail, and neither the fine nor the jail sentence so imposed shall be suspended, and shall, in addition thereto, revoke the operator's license. In any case provided for in this section, RCW 46.20.250 and 46.52.100 where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes; it being the intent and purpose of this section that licenses shall remain in full force and effect during the period that any appeal is pending.

46.56.020 Operating motor vehicle in reckless manner. It shall be unlawful for any person to operate a motor vehicle in a reckless manner over and along the public highways of this state. For the purpose of this section to "operate in a reckless manner" shall be construed to mean the operation of a vehicle upon the public highways of this state in such a manner as to indicate either a wilful or wanton disregard for the safety of persons or property.

46.56.030 Operating motor vehicle in a negligent manner. It shall be unlawful for any person to operate a motor vehicle in a negligent manner over and along the public highways of this state. For the purpose of this section to "operate in a negligent manner"

shall be construed to mean the operation of a vehicle upon the public highways of this state in such a manner as to endanger or be likely to endanger any persons or property.

The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section will be guilty of a misdemeanor: *Provided*, That the director of licenses shall not revoke any license under this section.

46.56.040 Negligent homicide by means of a motor vehicle. When the death of any person shall ensue within one year as a proximate result of injury received by the operation of any vehicle by any person while under the influence of or affected by intoxicating liquor or narcotic drugs or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle shall be guilty of negligent homicide by means of a motor vehicle.

Any person convicted of negligent homicide by means of a motor vehicle shall be punished by imprisonment in the state penitentiary for not more than twenty years, or by imprisonment in the county jail for not more than one year, or by fine of not more than one thousand dollars, or by both fine and imprisonment.

46.56.050 Transporting passengers for hire with trailers. It shall be unlawful to engage in transportation of passengers for hire upon any combination of vehicles consisting of a motor vehicle in combination with a trailer or semitrailer.

46.56.060 Operating with gears in neutral or clutch disengaged. It shall be unlawful for any person to operate a motor vehicle with the gears of such vehicle in neutral. It shall be unlawful for any person to operate any motor vehicle when traveling upon a down grade with the clutch disengaged. This section shall not prevent the proper shifting of gears or the towing of a disabled vehicle.

46.56.070 Carrying persons or animals on outside part of vehicle. It shall be unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle unless suitable harness, cage or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom. It shall be unlawful for any person to transport any persons upon the running board, fenders, hood, or other outside part of any vehicle, except that this provision shall not apply to authorized emergency vehicles.

46.56.080 Riding other than on seat of motorcycle. A person operating a motorcycle shall not ride other than upon the permanent and regular seat attached thereto, or carry any other person, nor shall any other person ride upon such motorcycle, other than upon such permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the operator.

46.56.090 Interference with operator's view or control—Operating when. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the operator to the front or sides of the vehicle or as to interfere with the operator's control over the driving mechanism of the vehicle. No passenger in a vehicle shall ride in such position as to interfere with the operator's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

46.56.100 Embracing another while driving. It shall be unlawful for any person to operate a motor vehicle upon the highways of this state when such person has in his or her embrace another person which prevents the free and unhampered operation of such vehicle. Any person so doing shall be deemed guilty of reckless driving.

46.56.110 Driving over fire hose. It shall be unlawful for the the operator of any vehicle or street car to operate over any unprotected hose of a fire department when laid down on any public highway or any private road, street, way or alley.

46.56.120 Driving or parking in proximity to fire apparatus. It shall be unlawful for the operator of any vehicle, other than an authorized emergency vehicle on official business, to follow any fire apparatus proceeding in response to a fire alarm at a distance of less than five hundred feet or drive or park such vehicle within two hundred feet of fire apparatus stopped in answer to fire alarm.

46.56.130 Driving with wheels off roadway. It shall be unlawful to operate or drive any vehicle or combination of vehicles over or along any pavement or gravel or crushed rock surface on a public highway with one wheel or all of the wheels off the roadway thereof, except for the purpose of stopping off such roadway, or having stopped thereat, for proceeding back onto the pavement, gravel or crushed rock surface thereof.

46.56.135 Permitting escape of load materials—Throwing debris on right of way. No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be

sprinkled on a roadway in the cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects. It shall be unlawful for any person to throw or drop any glass object, debris or any waste from any moving vehicle or upon the right of way of any public highway.

46.56.140 Leaving debris on roadway. When there has been any accident or any wrecked or damaged vehicle is removed from the roadway of a public highway, any glass, debris or other injurious substance dropped from such vehicle shall be removed from the roadway by the operators involved unless they be incapacitated.

46.56.150 Failure to stop at stop sign. It shall be unlawful for any person operating a vehicle, street car or interurban upon any public highway of this state to fail to bring such vehicle to a complete stop at any point at which there is located a stop sign, except when directed to proceed by a peace officer or traffic control signal.

46.56.160 Failure to comply with restrictive signs—Penalty. Any person failing to observe and comply with the restrictions of any restrictive signs erected or maintained by competent authority upon any public highway of this state shall be guilty of a misdemeanor.

46.56.170 Disobedience of traffic control devices. No operator of a vehicle or motorman of a street car shall disobey the instructions of any official traffic control device placed in accordance with the the provisions of this title, unless at the time otherwise directed by a peace officer.

46.56.180 Disobedience of signals of officer or flagman. It shall be unlawful for any person operating any vehicle upon any public highway to fail, refuse or neglect to obey all signals of any peace officer or duly authorized flagman who is at the time discharging the duty of regulating and directing traffic.

46.56.190 Refusal to give information to or cooperate with officer. It shall be unlawful for any person while operating or in charge of any vehicle to refuse when requested by a peace officer to give his name and address and the name and address of the owner of such vehicle, or for such person to give a false name and address, and it shall likewise be unlawful for any such person to refuse or neglect to stop when signaled to stop by any peace officer or to refuse upon demand of such peace officer to produce his certificate of license registration of such vehicle or his vehicle operator's license or to refuse to permit such officer to take any such license or

certificate for the purpose of examination thereof or to refuse to permit the examination of any equipment of such vehicle or the weighing of such vehicle or to refuse or neglect to produce the certificate of license registration of such vehicle or his vehicle operator's license when requested by any court. Any peace officer shall on request produce evidence of his authorization as such.

46.56.200 Causing or permitting vehicle to be unlawfully operated. It shall be unlawful for the owner, or any other person, in employing or otherwise directing the operator of any vehicle to require or knowingly to permit the operation of such vehicle upon any public highway in any manner contrary to the law.

46.56.210 Attempting, aiding, abetting, coercing, committing violations, punishable. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared by this title to be a crime, whether individually or or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcefully, or wilfully induces, causes, coerces, requires, permits or directs others to violate any provisions of this title is likewise guilty of such offense.

Chapter 46.60

RULES OF THE ROAD

46.60.010 Operator must drive to the right of center line—Excepted instances. Whenever any person is operating any vehicle upon any public highway of this state he shall at all times drive the same to the right of the center of such highway except when in the exercise of care in the overtaking and passing of another vehicle traveling in the same direction, or where an obstruction exists it is necessary to drive to the left of the center of such highway, providing the same is done with due care and right of way is extended to vehicles traveling in the proper direction upon the unobstructed portion of the public highway.

46.60.020 Divided highways. Whenever any highway has been divided into two roadways for travel in opposite directions by leaving an intervening space or by a physical barrier or clearly indicated dividing section or by two parallel barrier stripes four inches or more apart so installed as to control vehicular traffic, every vehicle shall be driven only upon the right hand roadway and no vehicle shall be driven over, across or within any such dividing space, barrier or section, or barrier stripes, except through an opening in such physical barrier or dividing section or space, or barrier stripes, or at a crossover or intersection established by public authority.

46.60.040 Overtaking and passing another vehicle—Requirements—Sounding horn. Any person driving a vehicle upon any public highway of this state and overtaking another vehicle proceeding in the same direction shall pass to the left of such overtaken vehicle: *Provided*, That it shall be unlawful for any person to pass any vehicle overtaken unless he shall have a clear and unobstructed view ahead for a distance sufficient for safe passing, all factors considered. Any person driving a vehicle upon any public highway and being overtaken by any vehicle proceeding in the same direction shall keep to the extreme right hand side of such public highway and shall not accelerate his speed until the overtaking vehicle shall have resumed a driving position and speed ahead of him. The overtaking vehicle shall drive clear of the overtaken vehicle and shall continue its overtaking speed until it has passed the overtaken vehicle and shall have resumed its driving position to the right of such public highway. No person driving any vehicle upon any public highway outside incorporated cities and towns and overtaking another vehicle proceeding in the same direction shall overtake such vehicle or drive within a distance of less than fifty feet of such overtaken vehicle for such purpose without first signaling his intention to pass by use of horn or other sounding device.

46.60.050 When overtaking vehicle may pass to the right. (1) The operator of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn;

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lanes of moving vehicles in each direction;

(c) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two or more lanes of moving vehicles.

(2) The operator of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main traveled portion of the roadway.

46.60.060 Overtaking and passing on curves, grades, tunnels, and grade crossings—Exceptions—Marking danger spots. It shall be unlawful for any person operating a vehicle upon a public highway outside of cities and towns to overtake and pass another vehicle proceeding in the same direction upon a curve when the view of the operator of the overtaking vehicle is obstructed or obscured within a distance of eight hundred feet along the highway in the direction in which he is proceeding.

It shall be unlawful for any person operating a vehicle upon a public highway outside of cities and towns to overtake and pass another vehicle proceeding in the same direction while approaching the crest of any grade where there is not a clear view of the highway ahead within a distance of eight hundred feet along the highway.

It shall be unlawful for any person operating a vehicle upon a public highway outside of cities and towns to overtake and pass another vehicle upon any highway structure, tunnel, or underpass or within five hundred feet of the approach thereto.

It shall be unlawful for any person operating a vehicle upon a public highway outside of cities and towns to overtake and pass another vehicle upon a highway railroad grade crossing or within two hundred feet of the approach thereto.

Between the points herein designated, vehicles shall remain to the extreme right hand side of the driving portion of the roadway of the highway.

The provisions of this section shall not apply to the overtaking and passing of vehicles upon the proper driving portions of any multiple-lane highway.

The state highway commission may, when it deems it necessary for safe vehicle operation or for the enforcement of this section, install no-passing zones by means of a solid barrier paint line of contrasting color parallel, adjacent, and to the right of the painted barrier line of the traffic lane in which the vehicle is operating and which shall be visible to the vehicle operator to designate points between which vehicles may not lawfully overtake and pass as above provided.

46.60.070 Additional rules for multiple-laned highways. Whenever a roadway has been divided into three or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

(1) Every vehicle shall be operated as nearly as practical entirely within a single lane and shall not be moved from such lane until the operator thereof has first ascertained that such movement can be made with safety;

(2) Upon a roadway which is divided into three lanes, a vehicle shall not be operated in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a distance as by law provided, or in preparation of a left turn or when such center lane is at the time allocated exclusively to traffic moving in the direction in which such vehicle is proceeding and is sign posted to give notice of such allocation;

(3) Official signs may be erected directing slow moving or any particular class of traffic to be operated in a designated lane or

allocating specific lanes to traffic moving in the same direction, and it shall be unlawful for any person operating a vehicle upon the public highways of this state to disobey the directions of any such sign or signs.

46.60.080 Interval between vehicles. It shall be unlawful for the operator of any motor vehicle to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of any such public highway. It shall be unlawful for the operator of any motor truck or any combination of vehicles operating upon any state highway to follow within two hundred feet of another motor truck or combination of vehicles: *Provided*, That this provision shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for the use of motor trucks or combination of vehicles. This section shall not apply to any convoy of vehicles in the military service of the United States or of this state.

46.60.090 Overtaking and passing street cars on left. The operator of a vehicle shall not overtake and pass upon the left or operate upon the left side of any street car proceeding in the same direction whether such street car is actually in motion or temporarily at rest, except:

- (1) When so directed by a peace officer;
- (2) When upon a one-way street; or
- (3) When upon a street where the tracks are so located as to prevent compliance with this section.

The operator of any vehicle, when permitted to overtake and pass upon the left of a street car which has stopped for the purpose of receiving or discharging any passenger or passengers, shall reduce speed and may proceed only upon exercising due caution for pedestrians and shall accord pedestrians the right of way as required by other law of this state.

46.60.100 Passing stopped street car or bus on right. No person operating a vehicle when overtaking any street car, interurban, bus or other passenger carrier that has stopped at any point for the receiving or discharging of passengers shall pass or proceed to the right of such street car, interurban, bus or other passenger carrier unless and until all awaiting passengers have been received or all alighting passengers have been discharged and have had an opportunity to proceed beyond the limits of the roadway or are within the limits of any pedestrian safety zone and not attempting to proceed therefrom.

46.60.110 Positions to be assumed for right and left hand turns. Any person driving any motor vehicle upon any public highway

in this state and desiring to make a turn to the right shall seasonably and prudently drive such vehicle as close as is practicable to the extreme right hand edge of said roadway a reasonable distance before the point of making such turn. Any person driving any vehicle upon any public highway of this state and desiring to make a left hand turn at any intersection shall seasonably and prudently drive such vehicle to the extreme left hand side of that portion of the roadway lying to the right of the center of such public highway a reasonable distance before making such left hand turn. It shall be unlawful for any person to make or attempt to make any right hand or left hand turn until he shall have attained the proper relative driving position as aforesaid.

46.60.120 Turning and stopping signals—Mechanical signals.

(1) Any stop or turn signal when herein required shall be given either by means of the hand and arm or by a signal lamp or lamps or mechanical signal device except as otherwise provided in subsection (2);

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body, cab, or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, and also to any combination of vehicles;

(3) All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(a) Left turn—hand and arm extended horizontally beyond the side of the vehicle;

(b) Right turn—hand and arm extended upward beyond the side of the vehicle;

(c) Stop or sudden decrease of speed signal—hand and arm extended downward beyond the side of the vehicle.

(4) (a) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in RCW 46.60.110, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinbefore provided in the event any other traffic may be affected by such movement.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last one

hundred feet traveled by the vehicle before turning or during a period of time not less than that time required to traverse a distance in feet equal to five times the maximum speed in miles per hour allowed by law during the approach to the point of turning or stopping.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

46.60.130 Turning left at intersection—Requirements. Upon turning to the left at any intersection an operator shall be permitted to make a turn to the left without regard to the center of such intersection: *Provided*, That all wheels of the vehicle shall pass to the right of the intersection entrance markers located on the public highways from or to which such vehicle is entering or leaving such intersection and both such intersection entrance markers are within the arc circumscribed by such left turn. In the event no intersection center marker or intersection entrance markers are installed at an intersection, left turn may be made as though intersection entrance markers are installed, as above set forth, and such turn made with reference to the points at such intersection where such intersection entrance markers would properly be located.

46.60.140 Making “U” turns, restrictions on. It shall be unlawful for any person operating any vehicle upon the public highways of this state outside of incorporated cities and towns to turn so as to proceed in an opposite direction upon any curve or upon the approach to, or near the crest of, any grade where such vehicle cannot be seen by the operator of any other vehicle approaching the point of turning from either direction for distance of one thousand feet. It shall be unlawful for any person operating any vehicle upon any public highways of this state within incorporated cities and towns to turn the same so as to proceed in an opposite direction at any other point than street intersection or street end.

46.60.150 Right of way on approaching intersections. Every operator of a vehicle on approaching public highway intersections shall look out for and give right of way to vehicles on his right, simultaneously approaching a given point within the intersection, and whether his vehicle first reaches and enters the intersection or not: *Provided*, That this section shall not apply to operators on arterial highways or to vehicles entering an intersection which is posted with the “Yield Right of Way” sign.

46.60.160 Right of way on making left turn in intersection. It shall be the duty of any operator of any vehicle upon entering an intersection and having signaled his intention as required by law

to turn such vehicle to the left to look out for and give right of way to vehicles approaching in the opposite direction and thereby placed on his right, simultaneously approaching the given point within the intersection, whether such vehicle first enter and reach the intersection or not: *Provided*, That this section shall not apply to a vehicle making such a left turn when having entered and turning to proceed upon an arterial highway.

Note: See also section 1, chapter 118, Laws of 1961.

46.60.170 Right of way at arterial intersection. The operator of a vehicle shall stop as required by law at the entrance to any intersection with an arterial public highway, and having stopped shall look out for and give right of way to any vehicles upon the arterial highway simultaneously approaching a given point within the intersection, whether or not his vehicle first reaches and enters the intersection: *Provided*, That this section shall not apply to vehicles entering an intersection which is posted with the "Yield Right of Way" sign.

46.60.180 Duty in backing vehicle. It shall be the duty of every operator of a vehicle while backing such vehicle to look out for and yield the right of way to all other vehicles upon the public highway.

46.60.190 Emerging from alleys or private property or across sidewalk area. It shall be unlawful for the operator of a vehicle to emerge from any alley, driveway, building exit, private way or private property or from off the roadway of any public highway, onto the roadway of any public highway or across a sidewalk or into the sidewalk area extending across any such alley, driveway, building exit, private way or private property without bringing such vehicle to a full stop and yielding the right of way to all pedestrians upon such sidewalk and all vehicles upon such public highway.

46.60.200 Starting parked vehicle. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety: *Provided*, That no person shall start a vehicle, which is stopped, standing or parked at the curb or on the shoulder of a public highway without first giving an appropriate signal showing his intention to drive the vehicle onto the traveled portion of the public highway.

46.60.210 Duty on approach of emergency vehicles. Upon the immediate approach of an authorized emergency vehicle, when the driver is giving audible signal by siren, exhaust whistle, or bell, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the public highway clear

of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a peace officer. Upon the immediate approach of an authorized emergency vehicle, street cars shall be stopped unless otherwise directed by a peace officer. When the operator of any vehicle is complying with the provisions of this section, he shall give proper hand signal indicating his intended movement.

46.60.220 Observance of pedestrian safety zones. No vehicle shall at any time be driven through or within any pedestrian safety zone which has been distinctly marked by signs, buttons, lines, standards or in any other manner.

46.60.230 Traffic control signals—Colors—Indications. Whenever, at any point, traffic is controlled by traffic control signals or signs exhibiting the words "Go," "Caution," or "Stop" or exhibiting different colored lights successively, one at a time, or with arrows, said lights, arrows and terms shall indicate and apply to drivers of vehicles and pedestrians as follows:

Green or the word "Go": Vehicular traffic facing the signal except when prohibited by a superior regulation, may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited. Pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk unless directed otherwise by a pedestrian signal or signs.

Yellow alone or the word "Caution" when shown following the Green or "Go" signal: Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at the intersection or at such other point as may be designated by the proper traffic authority. However, if such stop cannot be made in safety, a vehicle may be driven cautiously through the intersection. No pedestrian facing such a signal shall enter the roadway.

Red alone or the word "Stop": Vehicular traffic facing the signal shall stop before entering the nearest crosswalk at an intersection or at such other point as may be designated by the proper traffic authority. Vehicular traffic facing such a signal shall remain standing until Green or "Go" is shown alone: *Provided*, That such traffic may, after stopping, cautiously proceed to make a right turn from a one-way or two-way street into a street carrying two-way traffic or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement; but ve-

hicular traffic making such turns shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited. Pedestrians facing such a signal shall not enter the roadway.

Red or the word "Stop" with green arrow: Vehicular traffic facing such signal may cautiously enter the intersection only to make the movement indicated by such arrow, but shall yield the right of way to pedestrians lawfully within a crosswalk and to the other traffic lawfully using the intersection. No pedestrian facing such a signal shall enter the roadway.

Green arrow alone: Vehicular traffic facing such a signal may cautiously enter the intersection only to make the movement indicated by such arrow but shall yield right of way to other traffic or pedestrians lawfully within a crosswalk. Pedestrians facing such a signal may proceed across the roadway controlled by such signal unless prohibited by other signs or signals.

Flashing red: When a red lens is illuminated by rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a stop line when marked, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

Flashing yellow: When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

No traffic control signal or device shall be erected or maintained upon any city street designated as forming a part of the route of a primary state highway or secondary state highway unless first approved by the state highway commission.

All new traffic control signals and all replacements of existing traffic control signals directing traffic to alternately stop and go shall have three signal faces facing each street, road, or highway leading into the intersection with the red "Stop" signal located at the top of such signal, the amber "Caution" signal located at the center of such signal and the green "Go" signal located at the bottom of such signal.

46.60.240 Pedestrian control signals. Whenever special pedestrian control signals exhibiting the words "Walk" or "Wait" are in place, such signals shall indicate as follows:

(1) Walk—Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) Wait—No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the wait signal is showing.

46.60.250 Pedestrian traffic regulations. Pedestrians shall be subject to traffic control signals at intersections and the directions of officers discharging the duty of directing traffic at intersections. Where traffic control signals are not in place or not in operation, the operator of a vehicle shall yield the right of way, slowing down or stopping, if need be, to so yield, to any pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated hereinafter.

Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the operator of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

46.60.260 Blind pedestrians. It shall be unlawful for the operator of any vehicle to drive into or upon any crosswalk while there is on such crosswalk, any pedestrian wholly or partially blind, crossing or attempting to cross the roadway, if such pedestrian indicates his intention to cross or of continuing on, with a timely warning by holding up or waving a white cane or walking stick. The failure of any such pedestrian so to signal shall not deprive him of the right of way accorded him by other laws.

46.60.270 ————Use of device for blind by others, prohibited. It shall be unlawful for any person who is not wholly or partially blind to use a white cane or walking stick for the purpose of securing the right of way accorded by RCW 46.60.260 to wholly or partially blind people.

46.60.280 Hitchhiking prohibited. It shall be unlawful for any person upon any public highway of this state to solicit by word or sign or by any other means for himself or for another or for his baggage or for the baggage of another any transportation on vehicles

being operated upon such public highways. It shall be unlawful for any person operating any vehicle upon any public highway of this state to offer or give to any such person or other person aforesaid transportation upon any such solicitation. The provisions of this section shall not be construed to prevent any person upon any public highway from soliciting, or any person operating a vehicle upon such public highway from granting or giving transportation where an emergency actually exists, nor shall this section be construed to prevent any person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

46.60.290 Pedestrians walking along highway. Pedestrians on any public highway where a sidewalk is provided shall proceed upon such sidewalk. Pedestrians on any public highway where no sidewalk is provided shall proceed on the extreme left hand side of the roadway and upon meeting an oncoming vehicle shall step to their left and clear of the roadway.

46.60.300 Stopping at railroad crossing or movable span at signal. Whenever any person operating a vehicle approaching any railroad grade crossing or structure with a movable span and a clearly visible electrical, mechanical or manual signal device is in operation and gives warning of the immediate approach of any train or operation of movable span, the operator of such vehicle shall stop within fifty feet, unless vehicles ahead require a greater distance, but not less than twenty feet, from such railroad or span and shall not proceed until he can do so safely. The operator of any vehicle shall stop his vehicle and remain standing and not traverse any railroad grade crossing or structure when crossing gate is lowered or when a human flagman or mechanical or electrical signal gives or continues to give a signal of the approach or passage of any train or movement of the span.

46.60.310 Stop signs at dangerous grade crossings—Stopping distance. The state highway commission is authorized to designate any particularly dangerous highway-railroad grade crossing and to erect stop signs. It shall be unlawful for the operator of any vehicle to fail to stop before traversing any such highway-railroad grade crossing where such sign is erected. When such stop signs are erected, the operator of any vehicle shall stop within fifty feet, but not less than twenty feet, unless traffic requires a greater distance, from the nearest track of such grade crossing and shall proceed only with the exercise of due care.

46.60.320 Stopping or reducing speed at other grade crossings. Any person operating a vehicle carrying passengers for hire or a school bus or a vehicle in which are being transported explosive

substances or flammable liquids or any other substance listed as a dangerous article under the regulations of the Interstate Commerce Commission shall bring such vehicle to a full stop within fifty feet, but not less than twenty feet, of any railroad or interurban grade crossing before proceeding across it. Any person operating a vehicle, other than those specifically mentioned above, shall, upon approaching the intersection of any public highway with a railroad or interurban grade crossing, reduce the speed of his vehicle to a rate of speed not to exceed that at which, considering the view along the track in both directions, the vehicle can be brought to a complete stop not less than ten feet from the nearest track in the event of an approaching train. The actual maximum speed permitted on the approach to any highway-railroad grade crossing on a public highway may be controlled by signs posted on the approach thereto, and the state highway commission shall place, as soon as is practicable, approach signs upon state highways, setting the maximum speed allowed at crossings and within one hundred feet on the approach thereto. No stop need be made at any such highway-railroad grade crossing where a peace officer directs traffic to proceed.

46.60.330 Arterial highways designated—Stopping on entering. All state highways are hereby declared to be arterial highways as respects all other public highways or private ways except that the Washington state highway commission shall have the authority to designate any county road or city street as an arterial having preference over the traffic on the state highway if traffic conditions will be improved by such action.

Those city streets designated by the Washington state highway commission as forming a part of the routes of state highways through incorporated cities and towns are hereby declared to be arterial highways as respects all other city streets or private ways.

The governing authorities of incorporated cities and towns may designate any street as an arterial having preference over the traffic on a state highway if such change is first approved in writing by the Washington state highway commission. The local authorities making such a change in arterial designation shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained standard stop signs, or "Yield Right of Way" signs, to accomplish this change in arterial designation.

The operator of any vehicle entering upon any arterial highway from any other public highway or private way shall come to a complete stop before entering such arterial highway when stop signs are erected as provided by law.

46.60.340 Stop intersections other than arterial may be designated. In addition to the points of intersection of any public highway with any arterial public highway which is constituted by law

or by any proper authorities of this state or any city or town of this state, the state highway commission with respect to state highways, and the proper authorities with respect to any other public highways, shall have the power to determine and designate any particular intersection, or any particular highways, roads or streets or portions thereof, at any intersection with which vehicles shall be required to stop before entering such intersection; and upon the determination and designation of such points at which vehicles will be required to come to a stop before entering such intersection, the proper authorities so determining and designating shall cause to be posted and maintained proper signs of the standard design adopted by the state highway commission indicating that such intersection has been so determined and designated and that vehicles entering the same are required to stop. It shall be unlawful for any person operating any vehicle when entering any intersection determined, designated and bearing the sign aforesaid, to fail and neglect to bring such vehicle to a complete stop before entering such intersection.

46.60.350 One-way streets and highways—Designation—Traffic rules. The state highway commission is authorized to designate any public highway or portion thereof or any separate roadway under his jurisdiction and local authority may designate any city or town streets for one-way traffic and shall erect appropriate signs giving notice thereof: *Provided*, That upon a roadway designated and sign-posted for one-way traffic a vehicle shall be driven only in the direction designated and a vehicle passing around a rotary traffic island shall be driven only to the right of such island.

Chapter 46.64

ENFORCEMENT

46.64.010 Traffic citations—Record of—Cancellation prohibited—Penalty—Citation audit. Every traffic enforcement agency in this state shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in quadruplicate and meeting the requirements of this section.

The chief administrative officer of every such traffic enforcement agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual members of the traffic enforcement agency and shall require and retain a receipt for every book so issued.

Every traffic enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town shall deposit the original or a copy of such traffic citation with a court having

competent jurisdiction over the alleged offense or with its traffic violations bureau.

Upon the deposit of the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau as aforesaid, said original or copy of such traffic citation may be disposed of only by trial in said court or other official action by a judge of said court, including forfeiture of the bail or by the deposit of sufficient bail with or payment of a fine to said traffic violations bureau by the person to whom such traffic citation has been issued by the traffic enforcement officer.

It shall be unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.

The chief administrative officer of every traffic enforcement agency shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

Such chief administrative officer shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court or its traffic violations bureau in which the original or copy of the traffic citation was deposited.

Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than as provided in this section, shall be guilty of a misdemeanor.

Every record of traffic citations required in this section shall be audited monthly by the appropriate fiscal officer of the government agency to which the traffic enforcement agency is responsible.

46.64.015 Citation and notice to appear in court—Issuance—Contents—Written promise—Arrest. Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor, the arresting officer may serve upon him a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition, shall include spaces for the name and address of the person arrested, the license number of the vehicle involved, the operator's license number of such person, if any, the offense charged, the time and place where such person shall appear in court, and a place where the person arrested may sign. Such spaces shall be filled with the appropriate information by the arresting officer. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court as

required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise, he may be taken into custody of such arresting officer and so remain or be placed in confinement: *Provided*, That an officer shall not serve or issue any traffic citation or notice for any offense or violation except when said offense or violation is committed in his presence.

46.64.020 Nonappearance after written promise, misdemeanor. Any person wilfully violating his written and signed promise to appear in court, as provided in this title, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested: *Provided*, That a written promise to appear in court may be complied with by an appearance by counsel.

46.64.030 Procedure governing arrest and prosecution. The provisions of this title with regard to the apprehension and arrest of persons violating this title shall govern all peace officers in making arrests without a warrant for violations of this title for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for other like offenses.

46.64.040 Nonresident's use of highways as assent to being sued and served in state—Resident leaving state—Secretary of state as attorney in fact. The acceptance by a nonresident of the rights and privileges conferred by law in the use of the public highways of this state, as evidenced by his operation of a vehicle thereon, or the operation thereon of his vehicle with his consent, express or implied, shall be deemed equivalent to and construed to be an appointment by such nonresident of the secretary of state of the state of Washington to be his true and lawful attorney upon whom may be served all lawful summons and processes against him growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while his vehicle is being operated thereon with his consent, express or implied, and such operation and acceptance shall be a signification of his agreement that any summons of process against him which is so served shall be of the same legal force and validity as if served on him personally within the state of Washington. Likewise each resident of this state who, while operating a motor vehicle on the public highways of this state, is involved in any accident, collision or liability and thereafter within three years departs from this state appoints the secretary of state of the state of Washington as his lawful attorney for service of summons as provided in this section for nonresidents. Service of such summons or process shall be made

by leaving two copies thereof with a fee of two dollars with the secretary of state of the state of Washington, or at his office, and such service shall be sufficient and valid personal service upon said resident or nonresident: *Provided*, That notice of such service and a copy of the summons or process is forthwith sent by registered mail, requiring personal delivery, by plaintiff to the defendant and the defendant's return receipt, or an endorsement by the proper postal authority showing that delivery of said letter was refused, and the plaintiff's affidavit of compliance herewith are appended to the process and entered as a part of the return thereof: *Provided further*, That personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at his address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee of two dollars paid by the plaintiff to the secretary of state shall be taxed as part of his costs if he prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day of service.

46.64.050 General penalty. It shall be a misdemeanor for any person to violate any of the provisions of this title unless violation is by this title or other law of this state declared to be a felony or a gross misdemeanor.

Unless another penalty is in this title provided, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished accordingly.

Chapter 46.68

DISPOSITION OF REVENUE

46.68.010 Refunds of erroneous license fees—Proof—Time limitation on filing claims. Whenever any license fee, paid under the provisions of this title, shall have been erroneously paid, wholly or in part, the person paying the same, upon satisfactory proof to the director of licenses, shall be entitled to have refunded the amount so erroneously paid. Upon such refund being certified to the state treasurer by the director of licenses as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto: *Provided*, That no claim for refund shall be allowed for such erroneous pay-

ments unless filed with the director of licenses within ninety days after such claimed erroneous payment was made.

46.68.020 Disposition of fees for certificates of ownership. The director shall forward all fees for certificates of ownership or other moneys accruing under the provisions of chapter 46.12 to the state treasurer, together with a proper identifying detailed report. The state treasurer shall credit such moneys to the motor vehicle fund and all expenses incurred in carrying out the provisions of that chapter shall be paid from such fund as authorized by legislative appropriation.

46.68.030 Disposition of vehicle license fees—State patrol highway account—Weight control. All fees received by the director for vehicle licenses under the provisions of chapter 46.16 shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, and out of each vehicle license fee of six dollars and fifty cents as provided for in RCW 46.16.060, the state treasurer shall deposit three dollars and fifty cents to the credit of the state patrol highway account of the motor vehicle fund. A minimum of ten percent of the funds deposited in such account shall be appropriated and expended for the enforcement of RCW 46.44.100 relating to weight control.

Note: See also section 17, chapter 7, Laws of 1961 extraordinary session.

46.68.040 Disposition of operators' license fees—Support of state parks. The director shall forward all funds accruing under the provisions of chapter 46.20 to the state treasurer, together with a proper identifying, detailed report. The state treasurer shall deposit such moneys to the credit of the highway safety fund, except that out of each fee of four dollars collected for a vehicle operator's license the sum of two dollars and twenty cents shall be paid into the state parks and parkways account to be used for carrying out the provisions of chapter 43.51 and for no other purpose except as hereinafter provided. All expenses incurred in carrying out the provisions of chapter 46.20 relating to vehicle operators' licenses shall be paid from the highway safety fund and not to exceed fifty thousand dollars in a biennium from the state parks and parkways account of the general fund as by appropriation provided.

46.68.050 Disposition of fines and forfeitures for violations. All fines and forfeitures collected for violation of any of the provisions of this title when the violation occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

All fines and forfeitures collected for the violation of any of the provisions of this title when the violation occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

46.68.060 Highway safety fund created—Use. There is hereby created in the state treasury a fund to be known as the highway safety fund, which fund shall be for the use of the Washington state patrol in the performance of any duties imposed upon it by law. All funds coming into the hands of the state treasurer under the provisions of this title or other law of this state and directed to be deposited therein shall be by the state treasurer deposited to the credit of the highway safety fund and expended therefrom as by appropriation provided.

46.68.070 Motor vehicle fund created—Use limited. There is created in the state treasury a permanent fund to be known as the motor vehicle fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be for the use of the state, and through state agencies, for the use of counties, cities, and towns for proper road, street, and highway purposes.

46.68.080 Refund of vehicle license fees and fuel tax to island counties. All motor vehicle license fees and all motor vehicle fuel tax directly or indirectly paid by the residents of those counties composed entirely of islands and which have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

One-half of all motor vehicle license fees and motor vehicle fuel tax directly or indirectly paid by the residents of those counties composed entirely of islands and which have either a fixed physical connection with the mainland or state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

All funds paid to the county treasurer of the counties of either class above referred to as in this section provided, shall be by such county treasurer distributed and credited to the several road districts of each such county and paid to the city treasurer of each incorporated city and town within each such county, in the direct proportion that the assessed valuation of each such road district and incorporated city and town shall bear to the total assessed valuation of each such county.

The amount of motor vehicle fuel tax paid by the residents of those counties composed entirely of islands shall, for the purposes of this section, be that percentage of the total amount of motor vehicle fuel tax collected in the state that the motor vehicle license fees paid by the residents of counties composed entirely of islands bears to the total motor vehicle license fees paid by the residents of the state.

46.68.090 Motor vehicle fund "net tax amount," how arrived at. All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax shall be first expended for the following purposes:

(1) For payment of refunds of motor vehicle fuel tax which has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor and the department of licenses of the state of Washington in the administration of the motor vehicle fuel tax, said sums to be distributed monthly.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and remaining after payments as provided in subsections (1) and (2) above shall, for the purposes of this chapter, be referred to as the "net tax amount."

Note: See also section 5, chapter 7, Laws of 1961 extraordinary session.

46.68.100 Allocation of net tax amount in motor vehicle fund. From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

(1) To the Puget Sound transportation stabilization fund sums equal to one-half of one percent of the net tax amount to be paid monthly as the same accrues: *Provided*, That the total amount shall not exceed five hundred thousand dollars;

(2) To the cities and towns of the state sums equal to fifteen percent of the remainder of the net tax amount to be paid monthly as the same accrues;

(3) To the counties of the state sums equal to forty-one and one-half percent of the remainder of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in

any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle funds.

Note: See also section 6, chapter 7, Laws of 1961 extraordinary session.

46.68.110 Distribution of amount allocated to cities and towns. Funds credited to the incorporated cities and towns of the state as set forth in subdivision (2) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the state highway commission for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof: *Provided*, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;

(2) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the state census board.

Note: See also section 7, chapter 7, Laws of 1961 extraordinary session.

46.68.120 Distribution of amount allocated to counties. Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the state highway commission for the supervision of work and expenditures of such counties on the county roads thereof: *Provided*, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of the department of licenses for the year next

preceding the date of calculation of the allocation amounts. The director of the department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth day of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955 and on October 1st of each odd-numbered year thereafter furnish the state highway commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the highway commission and the joint fact-finding committee on highways, streets and bridges shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the board of county commissioners. The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:

Adams	\$1,227.00
Asotin	1,629.00
Benton	1,644.00
Chelan	2,224.00
Clallam	2,059.00
Clark	1,710.00
Columbia	1,391.00
Cowlitz	1,696.00
Douglas	1,603.00
Ferry	1,333.00
Franklin	1,612.00
Garfield	1,223.00
Grant	1,714.00
Grays Harbor	2,430.00
Island	1,153.00
Jefferson	2,453.00
King	2,843.00
Kitsap	1,938.00
Kittitas	1,565.00
Klickitat	1,376.00
Lewis	1,758.00
Lincoln	1,038.00
Mason	1,748.00
Okanogan	1,260.00
Pacific	2,607.00
Pend Oreille	1,753.00
Pierce	2,276.00
San Juan	1,295.00
Skagit	1,966.00
Skamania	2,023.00
Snohomish	2,269.00
Spokane	1,482.00
Stevens	1,068.00
Thurston	1,870.00
Wahkiakum	2,123.00
Walla Walla	1,729.00
Whatcom	1,738.00
Whitman	1,454.00
Yakima	1,584.00

Provided, however, That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the highway commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public

instruction, the United States postal department and the annual reports of the county road departments.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as listed above and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a ten mill tax levy on the valuation, as equalized by the state tax commission for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the highway commission by the state treasurer for that purpose. The tax commission and the state treasurer shall supply the information herein requested on or before January 1, 1956 and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The state highway commission shall adjust the allocations of the several counties on March 1st of every even-numbered year based solely upon the sources of information hereinbefore required.

(h) The highway commission and the joint fact-finding committee on highways, streets and bridges shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The highway commission and the joint fact-finding committee on highways, streets and bridges shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated.

(2) Average costs per trunk mile.

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted.

(4) Reassessment of bridge costs based on current information and relogging of bridges.

(5) The items in the list of resources used in determining the "need factor."

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs.

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads.

46.68.130 Expenditure of balance of motor vehicle fund. The net tax amount not deducted or distributed in the manner provided by RCW 46.68.090, 46.68.100, 46.68.110 and 46.68.120, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are credited to the state patrol highway account and such sums expended pursuant to proper appropriation for costs of collection and administration thereof, shall be expended by the department of highways, subject to proper appropriation and re-appropriation, for state highways and other proper department of highways purposes. Any moneys which shall be deposited in the state patrol highway account which are not appropriated for use by the Washington state patrol or if appropriated shall remain unexpended after the end of the ensuing fiscal biennium shall accrue to the motor vehicle fund for expenditure by the department of highways for highway purposes.

Note: See also section 8, chapter 7, Laws of 1961 extraordinary session.

46.68.140 State patrol highway account created. There is hereby created in the motor vehicle fund a permanent account to be known as the "state patrol highway account" to the credit of which shall be deposited all moneys directed by law to be deposited therein. This account shall be for the use of the Washington state patrol for the policing of public highways.

Chapter 46.70

DEALER'S LICENSES

46.70.010 "Dealer" defined—Place of business. "Dealer" as defined in this title shall mean any person in the business of buying, selling, exchanging or acting as a broker of new or used motor vehicles, trailers, or motorcycles, with an established place of business actually occupied for the purpose of conducting business,

at which is kept and maintained the books, records and files of the business.

The place of business shall have an office and display area and shall be identified by a sign. The place of business shall be open to inspection of pertinent records and vehicles by any representative of the department during business hours by consent of dealer.

Note: See also section 1, chapter 48, Laws of 1961.

46.70.020 License required. It shall be unlawful for any person to carry on or conduct business as a dealer unless he shall have applied for and received from the director a license to do so.

46.70.030 Application for license. Application for a dealer's license shall be made on a form provided for the purpose by the director and shall be forwarded with the required fee to the director. Such application shall be made by the dealer or his authorized representative who shall certify that the facts contained therein are true.

46.70.040 Application—Contents. Applications for a dealer's license shall be made upon the form prescribed by the department and shall contain:

(1) The name under which the business is to be conducted and the address of its established place of business;

(2) The name and address of owner, or if partnership, name and address of each partner. If owner is a corporation, the names of principal officers and their addresses, and if the corporation is not incorporated under the laws of this state, the name of the state in which it is incorporated, and the name of its resident officers;

(3) The make of vehicles for which enfranchised, if any;

(4) Whether or not used vehicles will be sold;

(5) A certificate to the effect that the applicant is a bona fide dealer as defined in this chapter having an established place of business at the address shown on the application and that the books, records, and files of the business are kept thereat, which certificate shall be signed by the chief of police or his deputy in cities having a population of five thousand persons or more, otherwise by a member of the Washington state patrol;

(6) A recommendation endorsed on the application by two freeholders of the county in which the applicant desires to carry on his principal place of business, certifying that they are acquainted with the applicant, and that they believe the applicant to be honest, truthful, and of good moral character;

(7) Whether or not a previous dealer's license has been denied, suspended, or revoked; and

(8) Such other information as may be required by the department.

Every such application shall be accompanied by the fee required by law.

46.70.050 License — Issuance, expiration, renewal. Upon receiving an application for dealer's license, the director may make an independent investigation relative to the statements contained in the application and shall, if such application is in proper form and accompanied by a proper fee, retain the application and transmit the fee to the state treasurer with a proper identifying report, such fee to be deposited in the motor vehicle fund. If the director is satisfied that the applicant has complied with the provisions of this chapter and is entitled to a dealer's license, he shall issue an official certificate authorizing the dealer named thereon to carry on and conduct the business of an automobile dealer in motor vehicles, or a miscellaneous dealer in trailers and motorcycles. Every license so issued shall expire on December 31st, and may be renewed by filing a proper application and paying the fees therefor.

46.70.060 License fee—Dealer's plates. The fee for original dealer license for each calendar year or fraction thereof shall be as follows: Automobile dealers, fifty dollars; miscellaneous dealers, twenty-five dollars, which shall include one set of dealer license plates, and which may be renewed annually for a fee of twenty dollars for automobile dealers and for a fee of ten dollars for miscellaneous dealers: *Provided*, That any dealer who is otherwise eligible and during the year 1958 has obtained a dealer's license shall be permitted to obtain a renewal of license and pay therefor the renewal fee as herein provided. Additional sets of the dealer license plates, bearing the same license number, may be obtained for three dollars per set. If any dealer shall fail or neglect to apply for such renewal prior to February 1st in each year, his license shall be declared canceled by the director of licenses, in which case the dealer will be required to apply for an original license and pay the fee required for such original license. The fees prescribed herein shall be in addition to any excise taxes imposed by chapter 82.44.

46.70.070 Bond required—Actions—Revocation of license. Before issuing a dealer license, the director shall require the applicant to file with said director a surety bond in the amount of ten thousand dollars for automobile dealers and two thousand dollars for miscellaneous dealers running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any person who shall have

suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the director shall revoke the license of the dealer.

Note: See also section 1, chapter 239, Laws of 1961.

46.70.080 Additional license required for branch or subagency.

Every dealer maintaining a branch or subagency in another city or town in this state, shall be required to have separate dealer license plates for such branch or subagency, in the same manner as though each constituted a separate and distinct dealer.

46.70.090 Dealer license plates—Use. The dealer license plate shall be displayed upon every vehicle demonstrated by such dealer whenever the same is operated upon any public highway in this state, and on such vehicles as may be actually owned by the dealer and used by members or employees of his firm for the purposes for which said dealer license was actually issued. Dealer license plates shall not be used upon any vehicle for the transportation of any person, produce, freight or commodities, except there shall be permitted the use of such dealer license plates on a vehicle transporting commodities in course of demonstration over a period not to exceed seventy-two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration: *Provided*, That nothing herein shall be interpreted in such manner as to prevent a dealer from moving, by vehicle bearing a dealer license plate, another vehicle or vehicles upon which the said dealer might have used his dealer license plate: *Provided further*, That transportation of dealers' own tools and equipment, in a vehicle bearing a dealer license plate, to a total net weight not to exceed five hundred pounds shall not be considered a violation of the use of said dealer license.

46.70.100 Refusal, suspension, revocation of license—Grounds.

The director may refuse to issue a dealer license, or may suspend or revoke a dealer license whenever he has reason to believe that such dealer has:

- (1) Forged the signature of the registered or legal owner on a certificate of title;
- (2) Sold or disposed of a vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(3) Wilfully misrepresented any material facts in the applications for a vehicle dealer's license, certificate of registration or certificate of title;

(4) Wilfully failed to deliver to a purchaser a certificate of title to the car sold; and/or

(5) Suffered or permitted the cancellation of the bond or the exhaustion of the penalty thereof;

(6) Been convicted of, or has suffered a judgment to be taken against him, in any action in which fraud or misrepresentation is an element;

(7) Failed to comply with the requirements of chapter 46.70 with reference to notices, or reports of transfers of vehicles, or the maintenance of records, or has caused or suffered or is permitting the unlawful use of the certificate or registration plates.

46.70.110 ———Hearing—Appeal. Upon receipt of complaint or other information by the director that an applicant should not be licensed or that a dealer has violated any of the provisions of this chapter he may call a hearing to give the person affected an opportunity to show cause why his application for license should not be refused or why his license should not be revoked or suspended. Notice of the hearing shall be given in writing by registered mail to the holder or applicant for such license and shall designate a time and place for the hearing before the director of licenses which shall not be less than ten days from the date of said notice. The director may require the attendance of any witnesses or documents by issue of subpoenas upon motion either of the department of licenses or the person affected, and shall make a record of the proceedings and of the testimony. Should the director decide that any person is not entitled to a dealer's license or that an existing license should be suspended or revoked, the applicant or holder may within thirty days from the date of the decision of the director, appeal to the superior court of the county of the dealer's residence for a review on the record of such decision, filing a notice of such appeal with the clerk of such superior court and at the same time filing a copy of such notice with the director. On receipt of such notice, the director shall prepare, certify and forward to the court the record of the proceedings.

46.70.120 Record of transactions. A dealer shall complete and maintain a record of the purchase and sale of all motor vehicles, motorcycles or trailers, purchased or sold by him and which have been previously licensed in this or another state, which record shall consist of:

(1) The license and title numbers of state in which last license was issued;

(2) A description of vehicle;

- (3) The name of person from whom purchased;
- (4) The name of legal owner, if any; and
- (5) The name of purchaser.

Such record shall at all times be available for inspection by the director or duly authorized member of the state patrol.

46.70.130 Details of charges must be furnished buyer or mortgagor. Before the execution of a contractor or chattel mortgage or the consummation of the sale of any motor vehicle, the seller must furnish the buyer an itemization in writing signed by the seller separately disclosing to the buyer the finance charge, insurance costs, taxes, and other charges which are paid or to be paid by the buyer.

46.70.140 Handling "hot" vehicles — Unreported motor "switches"—Unauthorized use of dealer plates—Penalty. Any dealer who shall knowingly buy or receive, sell or dispose of, conceal or have in his possession, any motor vehicle, trailer, or motorcycle from which the motor or serial number has been removed, defaced, covered, altered or destroyed, or any dealer, who shall remove from or install in any motor vehicle a new or used motor block without immediately notifying the director of licenses of such fact upon a form provided by him, or any motor vehicle dealer who shall loan or permit the use of dealer plates by any person not entitled to the use thereof, shall be guilty of a gross misdemeanor.

46.70.150 Violations—Additional penalties as to license and plates. The director may, when informed of the conviction of any dealer of the violation of any of the provisions of this chapter, in addition to penalties imposed by the court, require the surrender of the dealer license and dealer license plates, and may thereupon suspend such license for a period of not less than thirty days or not more than one year, or he may confiscate the dealer license plates that have been issued to such dealer for the current license year.

46.70.160 Rules and regulations. The director may make any reasonable rules and regulations not inconsistent with the provisions of chapter 46.70 relating to the enforcement and proper operation thereof.

Chapter 46.72**TRANSPORTATION OF PASSENGERS IN
FOR HIRE VEHICLES**

46.72.010 Definitions. When used in this chapter:

(1) The term "for hire vehicle" includes all vehicles used for the transportation of passengers for compensation, except auto stages or school buses operating exclusively under a contract to a school district;

(2) The term "for hire operator" means and includes any person, concern or entity engaged in the transportation of passengers for compensation in for hire vehicles.

46.72.020 Permit required—Form of application. No for hire operator shall cause operation of a for hire vehicle upon any highway of this state without first obtaining a permit from the director of licenses. Application for a permit shall be made on forms provided by the director of licenses and shall include (1) the name and address of the owner or owners, and if a corporation, the names and addresses of the principal officers thereof; (2) city, town or locality in which any vehicle will be operated; (3) name and motor number of any vehicle to be operated; (4) the endorsement of a city official authorizing an operator under a law or ordinance requiring a license; and (5) such other information as the director of licenses may require.

46.72.030 Permit fee—Issuance—Display. Application for a permit shall be forwarded to the director of licenses with a fee of five dollars. Upon receipt of such application and fee, the director shall, if such application be in proper form, issue a permit authorizing the applicant to operate for hire vehicles upon the highways of this state until such owner ceases to do business as such, or until the permit is suspended or revoked. Such permit shall be displayed in a conspicuous place in the principal place of business of the owner: *Provided*, That all for hire operators who have qualified as such under the provisions of chapter 57, Laws of 1915, shall be issued a permit without the payment of the permit fee, but will be required to pay the certificate fee as herein provided.

46.72.040 Surety bond. Before a permit is issued every for hire operator shall be required to deposit 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 and every for hire vehicle as may be owned or leased by him and used in the conduct of his business as a for hire operator. Such bond shall be in the sum of one thousand dollars for any recovery for

death or personal injury by one person, and ten thousand dollars for all persons killed or receiving personal injury by reason of one act of negligence, and one thousand dollars 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 chapter, 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 principal, his agents or employees in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers for compensation on any public highway of this state.

46.72.050 Liability coverage—Right of action saved. In lieu of the surety bond as provided in this chapter, there may be deposited and kept on file and in force with the director of licenses a public liability insurance policy covering each and every 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 permit against property damage and personal 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 provisions of this chapter shall be construed to limit the right of any injured person to any private right of action against a for hire operator as herein defined.

46.72.060 Right of action—Limitation of recovery. Every person having a cause of action for damages against any person, firm, or corporation receiving a permit under the provisions of this chapter, for injury, damages or wrongful death caused by any careless, negligent or unlawful act of any such person, firm, or corporation or his, their, or its agents or employees in conducting or carrying on said business or in operating any motor propelled vehicle for the carrying and transporting of passengers over and along any public street, road or highway shall have a cause of action against the principal and surety upon the bond or the insurance company and the insured for all damages sustained, and in any such action the full amount of damages sustained may be recovered against the principal, but the recovery against the surety shall be limited to the amount of the bond.

46.72.070 Certificate—Fee. The director of licenses shall approve and file all bonds and policies of insurance. The director of licenses

shall, upon receipt of fees and after approving the bond or policy, furnish the owner with an appropriate certificate which must be carried in a conspicuous place in the vehicle at all times during for hire operation. A for hire operator shall secure a certificate for each for hire vehicle operated and pay therefor a fee of one dollar for each vehicle so registered. Such permit or certificate shall expire on June 30th of each year, and may be annually renewed upon payment of a fee of one dollar.

46.72.080 Substitution of security—New certificate. In the event the owner substitutes a policy or bond after a for hire certificate has been issued, a new certificate shall be issued to the owner. The owner shall submit the substituted bond or policy to the director of licenses for approval, together with a fee of one dollar. If the director approves the substituted policy or bond, a new certificate shall be issued. In the event any certificate has been lost, destroyed or stolen, a duplicate thereof may be obtained by filing an affidavit of loss and paying a fee of fifty cents.

46.72.100 Refusal, suspension or revocation of permit or certificate—Penalty for unlawful operation. The director of licenses may refuse to issue a permit or certificate, or he may suspend or revoke a permit or certificate if he has good reason to believe that one of the following is true of the operator or the applicant for a permit or certificate: (1) He has been convicted of an offense of such a nature as to indicate that he is unfit to hold a certificate or permit; (2) he is guilty of committing two or more offenses for which mandatory revocation of driver's license is provided by law; (3) he has been convicted of manslaughter resulting from the operation of a motor vehicle or convicted of negligent homicide; (4) intemperate or addicted to the use of narcotics.

Notice of the director to refuse, suspend or revoke such permit or certificate shall be given by registered mail to the holder or applicant for such permit or certificate and shall designate a time and place for hearing before the director of licenses, which shall not be less than ten days from the date of such notice. Should the director, after such hearing, decide that a permit shall be canceled or revoked, he shall notify said holder or applicant to that effect by registered mail. The applicant or permit holder may within thirty days from the date of the decision appeal to the superior court of Thurston county for a review of such decision by filing a copy of said notice with the clerk of said superior court and a copy of such notice in the office of the director of licenses. The court shall set the matter down for hearing with the least possible delay.

Any for hire operator as herein defined who shall operate a for hire vehicle as herein defined without first having filed a bond or

insurance policy and having received a for hire permit and a for hire certificate as required by this chapter shall be guilty of a gross misdemeanor and upon conviction therefor shall be punished by imprisonment in jail for a period not exceeding ninety days or a fine of not exceeding five hundred dollars, or both fine and imprisonment.

46.72.110 Fees to highway safety fund. All fees received by the director of licenses under the provisions of this chapter shall be transmitted by him, together with a proper identifying report, to the state treasurer to be deposited by the state treasurer in the highway safety fund.

46.72.120 Rules and regulations. The director of licenses is empowered to make and enforce such rules and regulations as may be consistent with and necessary to carry out the provisions of this chapter.

46.72.130 Nonresident taxicabs. Permit—Fee—Compliance. No operator of a taxicab licensed or possessing a permit in another state to transport passengers for hire, and principally engaged as a for hire operator in another state, shall cause the operation of a taxicab upon any highway of this state without first obtaining an annual permit from the director of licenses upon an application accompanied with an annual fee of twenty dollars for each taxicab. The issuance of a permit shall be further conditioned upon compliance with this chapter.

46.72.140 ————Permit required for entry. All law enforcement officers shall refuse every taxicab entry into this state which does not have a certificate from the director of licenses on the vehicle.

46.72.150 ————Reciprocity. RCW 46.72.130 and 46.72.140 shall be inoperative to operators of taxicabs residing and licensed in any state which allows Washington operators of taxicabs to use such state's highways free from such regulations.

Chapter 46.76

MOTOR VEHICLE TRANSPORTERS

46.76.010 License required—Exceptions—“Driveaway,” “towaway,” method defined. It shall be unlawful for any person, firm, partnership, association, or corporation to engage in the business of delivering by the driveaway or towaway methods vehicles not his own and of a type required to be registered under the laws of this state, without procuring a transporter's license in accordance with the provisions of this chapter.

This shall not apply to motor freight carriers or operations regu-

larly licensed under the provisions of chapter 81.80 to haul such vehicles on trailers or semitrailers.

Driveaway or towaway methods means the delivery service rendered by a motor vehicle transporter wherein motor vehicles are driven singly or in combinations by the towbar, saddlemount or full-mount methods or any lawful combinations thereof, or where a truck or truck-tractor draws or tows a semitrailer or trailer.

46.76.020 Application for license. Application for a transporter's license shall be made on a form provided for that purpose by the director of licenses and when executed shall be forwarded to the director of licenses together with the proper fee. The application shall contain the name and address of the applicant and such other information as the director of licenses may require.

46.76.030 Issuance of license—Plates. Upon receiving an application for transporter's license the director of licenses, if satisfied that the applicant is entitled thereto, shall issue a proper certificate of license registration and a distinctive set of license plates and shall transmit the fees obtained therefor with a proper identifying report to the state treasurer, who shall deposit such fees in the motor vehicle fund. The certificate of license registration and license plates issued by the director of licenses shall authorize the holder of the license to drive or tow any motor vehicle or trailers upon the public highways.

46.76.040 License and plate fees—New plates. The fee for an original transporter's license shall be twenty-five dollars. Transporter license number plates bearing an appropriate symbol and serial number shall be attached to all vehicles being delivered in the conduct of the business licensed under the provisions hereof. Such plates may be obtained for a fee of two dollars for each set. New plates must be procured with each annual renewal.

46.76.050 Renewal—Fee. A transporter's license shall expire on December 31st of each year and may be renewed by filing a proper application and paying an annual fee of fifteen dollars.

46.76.060 Display of plates—Nontransferability. Transporter's license plates shall be conspicuously displayed on all vehicles being delivered by the driveaway or towaway methods. These plates shall not be loaned to or used by any person other than the holder of the license or his employees.

46.76.070 Rules and regulations. The director of licenses may make any reasonable rules or regulations not inconsistent with the provisions of this chapter relating to the enforcement and proper operation of this chapter.

46.76.080 Penalty. The violation of any provision of this chapter shall be a misdemeanor. In addition to any other penalty imposed upon a violator of the provisions of this chapter, the director may confiscate any transporter license plates used in connection with such violation.

Chapter 46.80

MOTOR VEHICLE WRECKERS

46.80.010 Definitions. The words "motor vehicle wrecker," whenever used in this chapter, shall mean every person, firm, partnership, association or corporation engaged in the business of buying, selling or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling or substantially changing the form of any motor vehicle, or who buys or sells integral secondhand parts of component material thereof, in whole or in part, and deals in secondhand motor vehicle parts. The words "established place of business," whenever used in this chapter, shall mean a building or enclosure which the owner occupies either continuously or at regular periods and where his books and records are kept and business is transacted and which must conform with the zoning regulation of municipalities.

46.80.020 License required—Penalty. On and after July 1, 1947, any motor vehicle wrecker, as defined herein, who shall engage in the business of wrecking motor vehicles or trailers without having first applied for and received a license from the director of licenses authorizing him so to do shall be guilty of a gross misdemeanor, and upon conviction shall be punished by imprisonment for not less than thirty days or more than one year in jail or by a fine of one thousand dollars.

46.80.030 Application for license—Contents. Application for a motor vehicle wrecker's license shall be made on a form for this purpose, furnished by the director of licenses, and shall be signed by the motor vehicle wrecker or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town having a population of over five thousand persons or a member of the Washington state patrol certifying that the applicant has an

established place of business at the address shown on the application;

(4) Any other information that the director of licenses may require.

46.80.040 Issuance of license—Fee. Such application, together with a fee of twenty-five dollars, and a surety bond as hereinafter provided, shall be forwarded to the director of licenses. Upon receipt of the application the director shall, if the application be in order, issue a motor vehicle wrecker's license authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed in his place of business, where it may be inspected by an investigating officer at any time.

46.80.050 Renewal—Fee. A license issued on this application shall remain in force until June 30, 1948, or until suspended or revoked and may be renewed annually upon payment of a renewal fee of ten dollars. Any motor vehicle wrecker who fails or neglects to renew his license prior to July 1, shall be required to pay the fee for an original motor vehicle wrecker license as provided in this chapter.

Whenever a motor vehicle wrecker shall cease to do business as such or his license has been suspended or revoked, he shall immediately surrender such license to the director of licenses.

46.80.060 License plates—Fee—Display. The motor vehicle wrecker shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of such vehicles which shall be displayed on vehicles owned and/or operated by him and used in the conduct of his business. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number.

46.80.070 Bond. Before issuing a motor vehicle wrecker's license, the director of licenses shall require the applicant to file with said director a surety bond in the amount of one thousand dollars, running to the state of Washington and executed by a surety company authorized to do business in the state of Washington. Such bond shall be approved as to form by the attorney general and conditioned that such wrecker shall conduct his business in conformity with the provisions of this chapter. Any person who shall have suffered any loss or damage by reason of fraud, carelessness, neglect or misrepresentation on the part of the wrecking company, shall have the right to institute an action for recovery against such motor vehicle wrecker and surety upon such bond: *Provided*, That the

aggregate liability of the surety to all persons shall in no event exceed the amount of the bond.

46.80.080 Records to be kept. Every motor vehicle wrecker shall maintain books or files in which he shall keep a record and a description of every vehicle wrecked, dismantled, disassembled or substantially altered by him, together with the name of the person, firm or corporation from whom he purchased the vehicle. Such record shall also contain:

(1) The certificate of title number (if previously titled in this or any other state);

(2) Name of state where last registered;

(3) Number of last license number plate issued;

(4) Name of vehicle;

(5) Motor or identification number and serial number of the vehicle;

(6) Date purchased;

(7) Disposition of the motor and chassis, and such other information as the director of licenses may require. Such record shall be subject to inspection at all times by members of the police department, sheriff's office and members of the Washington state patrol. A motor vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the motor vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported.

46.80.090 Reports to director of licenses—Record of title to accompany—Penalty. Within thirty days after a vehicle has been acquired by the motor vehicle wrecker it shall be the duty of such motor vehicle wrecker to furnish a written report to the director of licenses on forms furnished by him. This report shall be in such form as the director of licenses shall prescribe and shall be accompanied by the certificate of title, if the vehicle has been last registered in a state which issues a certificate, or a record of registration if registered in a state which does not issue a certificate of title. No motor vehicle wrecker shall acquire a vehicle without first obtaining such record or title. It shall be the duty of the motor vehicle wrecker to furnish a monthly report of all vehicles wrecked, dismantled, disassembled, or substantially changed in form by him. This report shall be made on forms prescribed by the director of licenses and contain such information as the director of licenses may require. This statement shall be signed by the motor vehicle wrecker or his authorized representative and the facts therein sworn to before a notary public. Any motor vehicle wrecker who fails,

neglects or refuses to furnish these monthly reports shall be guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than six months or by both fine and imprisonment.

46.80.100 Cancellation of bond, effect of. If, after issuing a motor vehicle wrecker's license, the bond is canceled by the surety in a method provided by law, the director of licenses shall immediately notify the principal covered by such bond by registered mail and afford him the opportunity of obtaining another bond before the termination of the original and should such principal fail, neglect or refuse to obtain such replacement, the director may cancel or suspend the motor vehicle wrecker's license which has been issued to him under the provisions of this chapter.

46.80.110 Refusal, suspension, revocation of license—Review. If for a good and sufficient cause the director has reason to believe that the application for motor vehicle wrecker's license should be denied, he may refuse to issue such license and shall notify the applicant to that effect. The director may suspend or revoke a motor vehicle wrecker's license whenever he shall have reason to believe that such motor vehicle wrecker has:

(1) Wilfully misrepresented the physical condition of any motor or integral part of a motor vehicle;

(2) Sold or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;

(3) Committed forgery on a certificate of title covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;

(4) Committed any dishonest act or omission which the director of licenses has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer or part thereof.

Notice of the intent of the director to refuse, suspend or cancel a license shall be given in writing, by registered mail, to the holder of or applicant for such license, and shall designate a time and place for the hearing before the director of licenses, which shall be not less than ten days from the date of said notice. Should the director decide that the applicant is not entitled to a license or that an existing license should be revoked, the applicant or holder may, within thirty days from the date of the decision of the director, appeal to the superior court of Thurston county for a review of such decision, filing a notice of such appeal with the clerk of said superior court and a copy of said notice in the office of the director of licenses. Said court shall set the matter down for hearing with the least possible delay.

46.80.120 Improper practices—Penalty. Any motor vehicle wrecker who shall knowingly buy, sell, receive, dispose of, conceal or have in his possession any motor vehicle or integral part thereof whose manufacturer's serial number, motor number or other identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of such motor vehicle or trailer, shall be deemed guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both. Any motor vehicle wrecker who shall fail, neglect or refuse to comply with all of the provisions of this chapter before offering for sale and selling used parts, shall be guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both.

46.80.130 Place of business must be exclusively used. It shall be unlawful for any motor vehicle wrecker to keep any motor vehicle or any integral part thereof in any place other than the established place of business, designated in the certificate issued by the director of licenses, without permission of the director, and all premises containing such motor vehicles or parts thereof shall be enclosed by a wall, fence or wire enclosure.

46.80.140 Rules and regulations. The director of licenses is hereby authorized to promulgate and adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter.

46.80.150 Inspection of records. It shall be the duty of the chiefs of police in cities having a population of over five thousand persons, and members of the Washington state patrol, to make periodic inspection of the motor vehicle wrecker's records provided for in this chapter, and furnish a certificate of inspection to the director of licenses in such manner as may be determined by the director of licenses.

46.80.160 Duty of municipalities to conform. Any municipality or political subdivision of this state which now has or subsequently makes provision for the regulation of automobile wreckers shall comply strictly with the provisions of this chapter.

Chapter 46.82

DRIVERS' TRAINING SCHOOLS

46.82.010 Definitions. For the purpose of this chapter:

"Drivers' school" means a commercial automobile training school engaged in the business of giving instruction for hire in the operation of automobiles.

"Director" means the director of licenses of the state of Washington.

"Instructor" means any natural person employed by a drivers' school to instruct persons in the operation of automobiles.

"Place of business" means a designated location at which the business of a drivers' school is transacted and its records are kept.

"Person" includes an individual, firm, corporation, partnership or association.

46.82.020 School license required—Fees—Renewal—Duplicates.

No person shall engage in the business of conducting a drivers' school without being the holder of a license for such purpose issued by the director. An application for license under this section shall be filed with the director and shall contain such information as he shall prescribe. Every such application shall be accompanied by an application fee of one hundred dollars, which shall in no event be refunded. If an application is approved by the director, the applicant upon the payment of an additional fee of twenty-five dollars shall be granted a license which shall be valid for a period of one year from the date of its issuance.

The annual fee for renewal thereof shall be twenty-five dollars. The director shall issue a license certificate to each licensee, which certificate shall be conspicuously displayed in the place of business of the licensee. In case of the loss, mutilation or destruction of a license certificate, the director shall issue a duplicate thereof upon proof of the facts and payment of a fee of one dollar.

46.82.030 School licenses nontransferable—New license when business ownership transferred. Drivers' school licenses shall not be transferable. In the event of any transfer of ownership in the business, an application for a new license must be obtained by compliance with the terms and conditions and the payment of the fees as set forth in RCW 46.82.020: *Provided*, That the director shall permit continuance of the business by the person to whom the business was transferred pending approval of the new application for a drivers' school license.

46.82.040 When school license shall not be issued—Proximity to place where operator's license examination held. No license shall be issued nor shall any renewal of a license be made for conducting a drivers' school in a city having a population of fifteen thousand or more according to the latest federal census, if the place of business of such school or branch thereof, is located within one thousand feet of a state patrol office or of a building owned or leased by the state, the county, or a city, in which examinations for drivers' licenses are conducted. The said distance of one thousand feet shall be measured along the public streets by the

nearest route from such place of business, or branch thereof, to such building.

46.82.050 Denial of Application for school license. The director may deny the application of any person for a license if, in his discretion, he determines that:

(1) Such applicant has made a material false statement or concealed a material fact in connection with his application;

(2) Such applicant, or any officer, director, stockholder, or partner, or any other person directly or indirectly interested in the business was the former holder, or was an officer, director, stockholder, or partner, in a corporation or partnership which was the former holder of a driver's school license which was revoked or suspended by the director;

(3) Such applicant or any officer, director, stockholder, or partner, in a corporation or partnership or any employee, or any person directly or indirectly interested in the business has been convicted of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude;

(4) Such applicant does not have a place of business as required by this section;

(5) Such applicant has failed to require any and all persons with financial interest in such drivers' school to be signatories to the application;

(6) Such applicant fails to qualify under all of the other conditions stated in this chapter.

46.82.060 Suspension, revocation of school license—"Fraudulent practices" defined. The director, or any employee of the department of licenses deputized by him for such purposes, may suspend or revoke a drivers' school license or refuse to issue a renewal thereof for any of the following causes:

(1) The conviction of the licensee or any partner, officer, agent, or employee of such licensee, of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(2) Where the licensee has made a material false statement or concealed a material fact in connection with his application for the license or a renewal thereof;

(3) Where the licensee has failed to comply with any of the provisions of this chapter or any of the rules and regulations of the director made pursuant thereto;

(4) Where the licensee or any partner, officer, agent, or employee of such licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing another to resort to fraud or fraudulent practices in relation to securing for himself or another a license to

drive an automobile. The term "fraudulent practices" as used in this section shall include, but not be limited to, any conduct or representation on the part of the licensee, or any partner, officer, agent, or employee of a licensee, tending to induce anyone to believe, or to give the impression that a license to operate an automobile, or any other license, registration or service granted by the director, may be obtained by any means other than the ones prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, exacting, or collecting money for such purpose.

Notwithstanding the renewal of a license, the director may revoke or suspend such license for causes and violations, as prescribed by this section, occurring during the two license periods immediately preceding the renewal of such license.

Note: See also section 4, chapter 214, Laws of 1961.

46.82.070 ———Hearing — Procedure — Exception. Except where a refusal to issue a license or renewal, or revocation or suspension, is based solely on a court conviction or convictions, a licensee or applicant shall have an opportunity to be heard, such hearing to be held at such time and place as the director shall prescribe. A license may, however, be temporarily suspended without notice, pending any prosecution, investigation or hearing. A licensee or applicant entitled to a hearing shall be given due notice thereof. The sending of a notice of a hearing by registered mail to the last known address of a licensee or applicant ten days prior to the date of the hearing shall be deemed due notice. The director, or the person deputized by him to conduct a hearing, shall have power to subpoena witnesses, administer oaths to witnesses and take testimony of any person or cause depositions to be taken. A subpoena issued under the authority of this section shall be served in the same manner as a subpoena issued out of a court of record. Witnesses subpoenaed hereunder and persons, other than officers or employees in the department of licenses, making service of such subpoenas shall be entitled to the same fees and mileage as are allowed in civil actions in courts of law.

Note: See also section 2, chapter 214, Laws of 1961.

46.82.080 Procedure on change of officers or location of school. The owner of any drivers' school licensed under the provisions of this chapter must notify the director in writing within thirty days after any change is made in the officers or directors of such school. No owner of such school shall change the location of its place of business without notifying the director of such change prior thereto.

46.82.090 Certain prerequisites to be met before instruction may be given student. Instruction in the operation of an automo-

bile shall not be given to a student in any drivers' school licensed under the provisions of this chapter unless:

(1) The automobiles used for instruction purposes are equipped with dual controls for foot brake and clutch, or foot brake only in automatic cars.

(2) The licensee has filed with the director evidence of liability insurance coverage with an insurance company authorized to do business in this state in an amount of not less than twenty thousand dollars because of bodily injury or death to two or more persons in any one accident, and not less than ten thousand dollars because of bodily injury or death to one person in one accident and not less than five thousand dollars because of property damage to others in one accident. Such insurance coverage shall be maintained in full force and effect and the director shall be notified at least ten days prior to cancellation or expiration of any such policy of insurance;

(3) The student to be instructed possesses a current and valid temporary instruction permit issued pursuant to RCW 46.20.110 or a motor vehicle operator's license.

46.82.100 Advertising and solicitation of business. Advertising and solicitation of business by a drivers' school must conform to the following:

(1) No drivers' school shall advertise or otherwise indicate that the issuance of a motor vehicle operator's license is guaranteed or assured as a result of the course of instruction offered;

(2) No drivers' school shall solicit business or cause business to be solicited within one thousand feet of any building owned or leased by the state, county, or city in which licenses to operate motor vehicles are issued to the public: *Provided*, That the identification lettering or other normal identification on an instruction vehicle shall not be deemed in violation of this section.

46.82.110 Lettering on instruction car required. Every motor vehicle used by a licensed drivers' school for instruction purposes must have displayed on the back of the vehicle a sign not less than twenty inches in horizontal width or less than ten inches in vertical height mounted above the upper extremities of the rear bumper in a vertical position and having the words "*Student Driver*" and /or "*Instruction Car*", in legible printed English letters of at least two and one-half inches in height near the top and the name of the school in similarly legible characters not less than one inch in height placed somewhere below the aforementioned words, and the street number and name and telephone number, in similarly legible characters at least one inch in height, placed next below such name of school. Such lettering and background

colors shall be of such contrasting shades as to be clearly readable at one hundred feet in clear daylight.

46.82.120 Instructor's certificate—Qualifications for issuance. No person, including the owner, operator, partner, officer, or stockholder of a drivers' school shall give instruction for hire in the operation of a motor vehicle unless such person is the holder of an instructor's certificate issued by the director. No instructor's certificates shall be issued to any person unless such person:

- (1) Is the possessor of a valid motor vehicle operator's license;
- (2) Has had at least five years' licensed driving experience;
- (3) Has completed an acceptable application and has taken the examination for an instructor's certificate as prescribed in RCW 46.82.140, and passed such examination with a qualifying grade.

46.82.130 ————Application — Contents — Proof of study—Temporary employment. No person shall be granted an instructor's certificate unless they have made application to the director at least ten days prior to the examination date set by the examining committee. To qualify for an instructor's certificate applicant must also show proof of at least forty hours of study in the field of driving instruction, and including at least twenty hours of personal, individual, oral instruction; have taken such other training course offered to the public for instructing driver's instructors as may be acceptable to the director. Upon completion of such application and the presentation of such satisfactory proofs, the director may, if requested, allow employment of applicant not to exceed thirty days prior to examination date, and may so notify such applicant making such a request: *Provided*, That such person's teaching activity shall be under the control and supervision of a holder of an instructor's certificate.

46.82.140 ————Examining committee—Director to arrange examination. Examinations for a driving instructor's certificate shall be prepared and conducted by a driving instructor's examination committee to be composed of a representative from the Washington state department of education, a representative of the Washington state patrol and a representative of the commercial driving schools. Members shall be appointed by the governor for a one year term and shall receive compensation not to exceed twenty-five dollars for each day spent on official business and necessary expenses: *Provided*, That any member who is receiving a salary from the state of Washington shall not receive compensation for such services but shall receive any travel and other expenses incurred in such service. The director shall arrange for the examination of each applicant for an instructor's certificate

and furnish the necessary clerical help to the examining committee.

46.82.150 Disposition of moneys collected—Commercial automobile driver training school account established. All moneys collected from drivers' school licenses and instructors' certificates is to be paid to the state treasurer who shall deposit it in an account which is established hereby and which shall be known as the commercial automobile driver training school account of the general fund. It is further provided that moneys deposited in the said account shall in no event revert to the general fund, but that they shall be retained therein until expended in accord with proper appropriation therefrom or expenses incurred in the administration of this chapter.

46.82.160 First examinations after effective date of chapter. The committee shall prepare and hold the first written and driving examinations within thirty days after June 13, 1957.

46.82.170 Instructor's certificate—Fees—Duration. Every original application for a driving instructor's certificate must be accompanied by a fee of twenty-five dollars which shall not be refunded. Such certificate is valid for a period of one year from date of issuance except as herein elsewhere specified, and the annual fee for renewal shall be five dollars.

No fee shall be required for an additional certificate or certificates if an instructor possessing a current certificate desires to be employed by an additional school or schools.

46.82.180 ————Time and place of examinations—Notice. Examinations for an instructor's certificate shall be given by the committee semiannually in the spring between the dates of March 1st and April 30th, and in the fall between the dates of September 1st and October 31st, at such place as the director may direct. Applications for instructor's certificates shall be receivable by the director at any time and all persons applying shall be notified of the time and place of the next examining session.

Note: See also section 3, chapter 214, Laws of 1961.

46.82.190 ————Qualifications to take examination. To be qualified to take the examination for an instructor's certificate, the applicant must:

(1) Be a licensed motor vehicle operator for five years prior to the date of application. The examining committee shall have the right to examine the driving records of the applicant and from these records shall determine if the applicant is properly qualified, not having had any convictions involving drunkenness, recklessness, or negligence, or have been convicted of any crime involving moral turpitude;

(2) Be a high school graduate or the equivalent, and over twenty-five years of age.

46.82.200 Renewal of instructor's license—Conditions—Refusal. A licensed instructor may be granted a renewal of license after one year's time from date of issue of the original license, providing proof is presented to the director showing the satisfactory completion of an approved course in driving training instruction of at least forty hours of instruction including five hours instruction in a training vehicle. In lieu of such proof, applicant must present sworn documented evidence, acceptable to the director, showing reasonable diligence by the applicant in applying for and arranging to attend such a course, together with similarly documented proofs showing why such a course was not started or completed. Upon receipt of such evidence, the license may be renewed for an additional year. Any further renewal beyond a second year may be refused by the director at his discretion.

46.82.210 When school must terminate instructor's services. A drivers' school must terminate the services of any instructor upon:

(1) Suspension or revocation of the motor vehicle operator's license of such instructor for any reason; or

(2) Conviction of such instructor of a crime involving moral turpitude, violence, dishonesty, deceit, indecency, or degeneracy.

46.82.220 Instruction on state patrol testing course prohibited—Suspension of licenses. The director shall suspend the license of any drivers' school or the certificate of any instructor upon notice and proof that the school or instructor are conducting the course of instruction for students primarily to handle an automobile on the course that any state patrol office uses for testing applicants for motor vehicle licenses.

46.82.230 Revocation, suspension of instructor's certificate—Hearing. A holder of or applicant for an instructor's license shall be entitled to a hearing upon any decision of the director or the committee in refusing to issue or renew, or in revoking or suspending a certificate, in the manner as provided for in RCW 46.82-.070.

46.82.240 Appeal from action or decision of examining committee or director. Any action or decision of the examining committee or the director may, after a hearing is held as provided for by this chapter, be appealed by the party aggrieved to the superior court of the county in which the place of business is located or where the person aggrieved lives.

46.82.250 Penalty. A violation of any of the provisions of this chapter shall be a misdemeanor.

46.82.260 Chapter not to apply to educational institutions. This chapter shall not apply to or affect in any manner courses of instruction offered in any high schools, colleges or universities which are now or hereafter established, nor shall it be applicable to instructors in any such schools, colleges or universities: *Provided*, That such course or courses are conducted by such school in a like manner to their other regular courses. If such course is conducted by any commercial school as hereinafter identified on a contractual basis, such school and instructors must qualify under this chapter.

46.82.270 Basic minimum curricula required—Effect of failure to teach such curricula. The committee shall compile and furnish to each qualifying applicant for an instructor's license, a curriculum consisting of a list of items of knowledge and processes of manual handling of a motor vehicle in such sufficient detail as to leave no doubt as to the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education. Should the director be presented with acceptable proofs that any licensed instructor or school is not showing proper diligence in teaching such basic minimum curricula, he shall require the instructor or school to appear before the examining committee and show cause for such negligence. If the committee does not accept such reasons as may be offered, the director shall revoke the license of the instructor or school.

Chapter 46.83

TRAFFIC SCHOOLS

46.83.010 City or town and county traffic schools authorized—Procedure to establish. Any city or town and the county in which it is located are authorized, as may be agreed between the respective governing bodies of the city or town and county, to establish a traffic school for the purposes and under the conditions set forth in this chapter. Such city or town and county traffic school may be effected whenever the governing body of the city or town shall pass an ordinance and the board of commissioners of the county shall pass a resolution declaring intention to organize and operate a traffic school in accordance with agreements had between them as to the financing, organization, and operation thereof.

46.83.020 County commissioners to control and supervise—Assistance of sheriff and police department. A traffic school established under this chapter shall be under the control and supervision of the board of county commissioners, through such agents, assistants, or instructors as the board may designate, and shall be conducted with the assistance of the county sheriff and the police department of the city or town.

46.83.030 Deposit, control of funds—Support. All funds appropriated by the city or town and county to the operation of the traffic school shall be deposited with the county treasurer and shall be administered by the board of county commissioners. The governing bodies of every city or town and county participating in the operation of traffic schools are authorized to make such appropriations by ordinance or resolution, as the case may be, as they shall determine for the establishment and operation of traffic schools, and they are further authorized to accept and expend gifts, donations, and any other money from any source, private or public, given for the purpose of said schools.

46.83.040 Purpose of school. It shall be the purpose of every traffic school which may be established hereunder to instruct, educate, and inform all persons appearing for training in the proper, lawful, and safe operation of motor vehicles, including but not limited to rules of the road and the limitations of persons, vehicles, and roads, streets and highways under varying conditions and circumstances.

46.83.050 Court may order attendance. Every police court, justice court, juvenile court, superior court, and every other court handling traffic cases within the limits of a county wherein a traffic school has been established may, as a part of any sentence imposed following a conviction for any traffic law violation, or as a condition on the suspension of sentence or deferral of any imposition of sentence, order any person so convicted, whether that person be a juvenile, a minor, or an adult, to attend the traffic school for a number of days to be determined by the court, but not to exceed the maximum number of days which the violator could be required to serve in the city or county jail as a result of his or her conviction.

46.83.060 Duty of person required to attend—Penalty. Every person required to attend a traffic school as established under the provisions of this chapter shall maintain attendance in accordance with the sentence or order. Failure so to do, unless for good cause shown by clear and convincing evidence, shall be a misdemeanor and punishable as by law provided in addition to the imposition of any punishment suspended or deferred upon the original conviction.

Chapter 46.84

HIGHWAY USER TAX STRUCTURE

46.84.010 Declaration of policy. 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 jurisdictions within the limits of practicality on the basis of vehicle miles traveled within each of the states.

46.84.020 Proportional registration and licensing—“Instate fleet miles,” “total fleet miles” defined. Any owner or person entitled to the possession or right to operate vehicles, engaging 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, and payment of excise taxes or fees imposed by chapter 82.44 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 and the total mileage operated in this state during the preceding calendar year or a twelve month period designated by the department 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 be accompanied by a total fee payment not less than an amount obtained by applying the proportion of instate 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, chapter 82.44, and RCW 81.80.320, for complete licensing and registration of such fleet in this state. The following definitions of fleet mileage shall be applied: “Instate fleet miles” shall be the total number of miles operated with a fleet, as herein defined, during the calendar period prescribed for an application, and shall not include miles traveled by any vehicle which did not, during such calendar period, actually travel in some other state. “Total fleet miles” shall be the total number of miles operated with a fleet, as defined herein, in all jurisdictions, including states, districts, possessions, territories of the United States and states and provinces of other countries, and shall not include miles traveled by any vehicle which did not, during such period actually travel a portion of those miles in this state. The department shall transmit the amounts of fees and taxes collected under the provisions of this chapter pursuant to the provisions of chapter 46.16, chapter 82.44 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 department shall thereupon register and issue a license plate,

plates or other distinctive sticker or suitable device for each 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. 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 chapter require otherwise.

Note: See also section 37, chapter 21, Laws of 1961 extraordinary session.

46.84.030 Mileage proportions for fleets not formerly operated in state. 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.

46.84.040 Records preserved—Lien for fees. 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 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 chapter, 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.

46.84.050 Reciprocity commission created—Duty of director of licenses. The reciprocity commission, hereby created, shall consist

of the director of licenses, the chief of the Washington state patrol, a designee of the state highway commission and, ex officio, the chairman and vice chairman of the joint fact-finding committee on highways, streets and bridges, 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.

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

46.84.060 Agreements with other states, provinces, etc.—Contents. 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 gallonage 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.

46.84.070 ———Registration in other jurisdictions, effect. 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 vehicles validly registered or licensed in such jurisdiction.

46.84.080 ———Denial of benefits to violators. 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.

46.84.090 ———Reciprocal benefits when no agreement. 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.

46.84.100 ———Formal requirements—Effect on other law. All agreements, arrangements, declarations and rules and regulations authorized by this chapter 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.

Chapter 46.98

CONSTRUCTION

46.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

46.98.020 Provisions to be construed in pari materia. The provisions of this title shall be construed in pari materia even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in pari materia with the provisions of Title 47 RCW,

and with other laws relating to highways, roads, streets, bridges, ferries and vehicles. This section shall not operate retroactively.

46.98.030 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

46.98.040 Invalidity of part of title not to affect remainder. If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

46.98.050 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Section 279, page 976, chapter 249, Laws of 1909;
- (2) Chapter 57, Laws of 1915;
- (3) Chapter 142, Laws of 1915;
- (4) Chapter 40, Laws of 1917;
- (5) Chapter 155, Laws of 1917;
- (6) Chapter 46, Laws of 1919;
- (7) Chapter 59, Laws of 1919;
- (8) Chapter 178, Laws of 1919;
- (9) Chapter 6, Laws of 1921;
- (10) Chapter 96, Laws of 1921;
- (11) Chapter 108, Laws of 1921;
- (12) Chapter 122, Laws of 1923;
- (13) Chapter 181, Laws of 1923;
- (14) Chapter 47, Laws of 1925 extraordinary session;
- (15) Chapter 185, Laws of 1925 extraordinary session;
- (16) Chapter 105, Laws of 1927;
- (17) Chapter 284, Laws of 1927;
- (18) Chapter 309, Laws of 1927;
- (19) Chapter 99, Laws of 1929;
- (20) Chapter 163, Laws of 1929;
- (21) Chapter 178, Laws of 1929;
- (22) Chapter 180, Laws of 1929;
- (23) Chapter 120, Laws of 1931;
- (24) Chapter 138, Laws of 1931;
- (25) Chapter 140, Laws of 1931;
- (26) Chapter 41, Laws of 1933;
- (27) Chapter 73, Laws of 1933;
- (28) Chapter 156, Laws of 1933;
- (29) Chapter 111, Laws of 1935;
- (30) Chapter 188, Laws of 1937;
- (31) Sections 1 through 126 and 128 through 159, chapter 189, Laws of 1937;
- (32) Chapter 208, Laws of 1937;

- (33) Chapter 35, Laws of 1939;
- (34) Chapter 154, Laws of 1939;
- (35) Sections 1 through 39 and 41, chapter 158, Laws of 1939;
- (36) Sections 1 through 6, and 9 through 30, chapter 181, Laws
of 1939;
- (37) Chapter 182, Laws of 1939;
- (38) Chapter 213, Laws of 1939;
- (39) Chapter 116, Laws of 1941;
- (40) Chapter 122, Laws of 1941;
- (41) Chapter 224, Laws of 1941;
- (42) Chapter 232, Laws of 1941;
- (43) Chapter 246, Laws of 1941;
- (44) Chapter 26, Laws of 1943;
- (45) Chapter 83, Laws of 1943;
- (46) Chapter 115, Laws of 1943;
- (47) Chapter 133, Laws of 1943;
- (48) Chapter 140, Laws of 1943;
- (49) Chapter 151, Laws of 1943;
- (50) Chapter 153, Laws of 1943;
- (51) Chapter 154, Laws of 1943;
- (52) Chapter 184, Laws of 1943;
- (53) Chapter 194, Laws of 1943;
- (54) Chapter 25, Laws of 1945;
- (55) Chapter 44, Laws of 1945;
- (56) Chapter 105, Laws of 1945;
- (57) Chapter 151, Laws of 1945;
- (58) Chapter 171, Laws of 1945;
- (59) Chapter 177, Laws of 1945;
- (60) Chapter 260, Laws of 1945;
- (61) Chapter 11, Laws of 1947;
- (62) Chapter 33, Laws of 1947;
- (63) Chapter 89, Laws of 1947;
- (64) Chapter 97, Laws of 1947;
- (65) Chapter 158, Laws of 1947;
- (66) Chapter 164, Laws of 1947;
- (67) Chapter 176, Laws of 1947;
- (68) Chapter 200, Laws of 1947;
- (69) Chapter 220, Laws of 1947;
- (70) Chapter 253, Laws of 1947;
- (71) Chapter 262, Laws of 1947;
- (72) Chapter 267, Laws of 1947;
- (73) Chapter 52, Laws of 1949;
- (74) Sections 3 and 4, chapter 75, Laws of 1949;
- (75) Chapter 90, Laws of 1949;
- (76) Chapter 101, Laws of 1949;

- (77) Chapter 130, Laws of 1949;
- (78) Chapter 143, Laws of 1949;
- (79) Chapter 157, Laws of 1949;
- (80) Chapter 174, Laws of 1949;
- (81) Sections 1 through 12, 14 through 16 and 19, chapter 196,
Laws of 1949;
- (82) Chapter 208, Laws of 1949;
- (83) Chapter 211, Laws of 1949 (except section 31-u);
- (84) Sections 8 through 11, chapter 220, Laws of 1949;
- (85) Chapter 221, Laws of 1949;
- (86) Section 3, chapter 234, Laws of 1949;
- (87) Chapter 15, Laws of 1950 extraordinary session;
- (88) Chapter 28, Laws of 1951;
- (89) Chapter 56, Laws of 1951;
- (90) Chapter 76, Laws of 1951;
- (91) Chapter 102, Laws of 1951;
- (92) Chapter 150, Laws of 1951;
- (93) Chapter 175, Laws of 1951;
- (94) Chapter 219, Laws of 1951;
- (95) Chapter 241, Laws of 1951;
- (96) Sections 1 through 41, 44 through 47 and 49, chapter 269,
Laws of 1951;
- (97) Section 46, chapter 271, Laws of 1951;
- (98) Chapter 12, Laws of 1953;
- (99) Chapter 23, Laws of 1953;
- (100) Chapter 31, Laws of 1953;
- (101) Chapter 40, Laws of 1953;
- (102) Chapter 72, Laws of 1953;
- (103) Chapter 125, Laws of 1953;
- (104) Chapter 155, Laws of 1953;
- (105) Chapter 161, Laws of 1953;
- (106) Chapter 221, Laws of 1953;
- (107) Chapter 227, Laws of 1953;
- (108) Chapter 248, Laws of 1953;
- (109) Chapter 252, Laws of 1953;
- (110) Sections 2 through 8 and 10 through 16, chapter 254, Laws
of 1953;
- (111) Chapter 278, Laws of 1953;
- (112) Chapter 76, Laws of 1955;
- (113) Chapter 89, Laws of 1955;
- (114) Chapter 100, Laws of 1955;
- (115) Sections 21 through 24, chapter 139, Laws of 1955;
- (116) Sections 1 through 5 and 7, chapter 146, Laws of 1955;
- (117) Chapter 172, Laws of 1955;
- (118) Chapter 177, Laws of 1955;

- (119) Chapter 185, Laws of 1955;
- (120) Chapter 243, Laws of 1955;
- (121) Sections 1 through 5, chapter 259, Laws of 1955;
- (122) Chapter 265, Laws of 1955;
- (123) Chapter 269, Laws of 1955;
- (124) Chapter 283, Laws of 1955;
- (125) Section 21, chapter 285, Laws of 1955;
- (126) Chapter 363, Laws of 1955;
- (127) Chapter 381, Laws of 1955;
- (128) Sections 1 through 7, 9 through 11, 15 through 19, 21 through 25, 27 and 28, chapter 384, Laws of 1955;
- (129) Chapter 393, Laws of 1955;
- (130) Chapter 66, Laws of 1957;
- (131) Chapter 75, Laws of 1957;
- (132) Chapter 87, Laws of 1957;
- (133) Chapter 96, Laws of 1957;
- (134) Chapter 104, Laws of 1957;
- (135) Chapter 105, Laws of 1957;
- (136) Chapter 107, Laws of 1957;
- (137) Chapter 109, Laws of 1957;
- (138) Chapter 132, Laws of 1957;
- (139) Chapter 145, Laws of 1957;
- (140) Sections 10 and 11, chapter 175, Laws of 1957;
- (141) Chapter 242, Laws of 1957;
- (142) Sections 1 through 9 and 11, chapter 261, Laws of 1957;
- (143) Chapter 268, Laws of 1957;
- (144) Sections 16 and 17, chapter 269, Laws of 1957;
- (145) Sections 3 and 4, chapter 271, Laws of 1957;
- (146) Chapter 273, Laws of 1957;
- (147) Chapter 294, Laws of 1957;
- (148) Chapter 38, Laws of 1959;
- (149) Chapter 42, Laws of 1959;
- (150) Chapter 44, Laws of 1959;
- (151) Chapter 49, Laws of 1959;
- (152) Chapter 66, Laws of 1959;
- (153) Chapter 81, Laws of 1959;
- (154) Chapter 121, Laws of 1959;
- (155) Chapter 135, Laws of 1959;
- (156) Chapter 136, Laws of 1959;
- (157) Chapter 166, Laws of 1959;
- (158) Chapter 182, Laws of 1959;
- (159) Chapter 239, Laws of 1959;
- (160) Chapter 241, Laws of 1959;
- (161) Chapter 284, Laws of 1959;
- (162) Sections 21 through 32, chapter 319, Laws of 1959; and

(163) Section 1, chapter 4, Laws of 1959 first extraordinary session.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

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

Explanatory
note.

TITLE 46

MOTOR VEHICLES

EXPLANATORY NOTE

I. Introductory

In the course of its current program to restore session law language to the Revised Code of Washington, the reviser's office and the codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 46 RCW relating to motor vehicles, and of Title 47 relating to state highways and toll bridges. Pursuant to such study, and after thorough discussion between the reviser and the codifications subcommittee, the committee determined that because of the complicated statutory problems relating to these subjects the titles in question are nonrestorable and that the public interest could best be served by the preparation and submission to the legislature of companion bills to reenact these titles as primary law and which in the reenactment process would correct such statutory problems as might be corrected without altering the substance of the law.

In preparing these bills, the provisions of the Revised Code of Washington were carefully compared with their session law sources by the reviser's office, significant language and organizational variances were documented, and preliminary drafts were prepared. Such drafts and the comprehensive study materials which accompanied them were minutely considered by the codifications subcommittee of the Statute Law Committee in concert with representatives of the department of licenses, the state highway commission and the Washington state patrol and pursuant to hearings held by the subcommittee on October 21 and 22, 1960, the instant drafts were evolved. They were approved by the Statute Law Committee at its next regular meeting thereafter.

It should be noted that the appearance of the phrase "this Act" and similar phrases, as they appear in the session laws codified herein, have caused considerable difficulty due to the complex statutory background of these titles. Herein, such phrases have been translated to "this title", "this chapter", "this section", or to specific code section numbers, in accordance with what most nearly corresponds to their original application, but at the same time taking into consideration the doctrine of statutes in pari materia, and the necessity for harmonizing the provisions of this reenactment. Each such instance was carefully considered and discussed at the series of meetings mentioned above.

While many other statutes are herein contained, the basic acts comprising this title are 1937 c 188 relating to the registration and licensing of vehicles and 1937 c 189 relating to the operation of vehicles upon the public highways. In view of the above stated purposes, the

broad translation of the phrase "this act" and other similar phrases appear to be justified by the fact that the numerous highway and vehicle acts enacted by the 1937 legislative session were prepared and submitted to the 1937 legislature pursuant to the mandate of 1935 c 111 § 10 which provided:

Explanatory
note.

"That for the purpose of securing a complete codification of the laws of this state with reference to highways and the licensing and regulation of vehicles thereon, the director of highways is hereby directed to submit to the legislature at its regular session of 1937 a complete code of highway law. Advance copies of such code of highway law shall be submitted to every elected member of the Senate and House of Representatives by November 15, 1936."

In addition, the *pari materia* nature of the 1937 highway and vehicles acts was recognized by our court in *Great Northern Railroad Co. v. Glover*, 194 Wash. 146, wherein the court observed that:

"Chapters 53, 187 and 207, Laws of 1937 are *in pari materia*, announce the same classification, reflect a legislative intent to integrate our entire highway system throughout the state, and to legislate completely with respect to all roads and highways located within the state. . . ."

In a footnote appended to the recent decision of *City of Bellingham v. Shampera*, 157 Wash. Dec. 1, our court has pointed out that in the present state of Title 46 of the Revised Code of Washington, being a mere compilation of the various statutes relating to motor vehicles, the translations of the 1941 Code Committee of the phrase "this act" should be viewed with caution.

In order to clarify the matter of *pari materia* construction to be accorded to this reenactment, a provision has been inserted in chapter 46.98 hereof declaring that the provisions of this title shall be construed *in pari materia*.

Throughout this title, "primary state highway" has been changed to "state highway" and "director of highways" has been changed to "state highway commission." This is consistent with the treatment of these terms in the companion bill for the reenactment of Title 47 RCW and the reasons therefor are documented in the notes accompanying that bill.

The remainder of these notes consist of source notes and a section by section comment regarding this reenactment. The complete study materials relating to these titles are on permanent file in the office of the code reviser, at Olympia.

II. Section comment

Chapter 46.04 Definitions

- 46.04.010 Source—[1959 c 49 § 2. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.020 Source—[1959 c 49 § 3. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.030 Source—[1959 c 49 § 4. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.040 Source—[1959 c 49 § 5; 1953 c 40 § 1. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.050 Source—[1959 c 49 § 6. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

- Explanatory
note.
- 46.04.060 Source—[1959 c 49 § 7. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.070 Source—[1959 c 49 § 8. Prior: (1) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.080 Source—[1959 c 49 § 9. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.090 Source—[1959 c 49 § 10. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.100 Source—[1959 c 49 § 11. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.110 Source—[1959 c 49 § 12. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.120 Source—[1959 c 49 § 13. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.130 Source—[1959 c 49 § 14. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.140 Source—[1959 c 49 § 15. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.150 Source—[1959 c 49 § 16. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.160 Source—[1959 c 49 § 17. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.170 Source—[1959 c 49 § 18. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part. Cf. 1951 c 102 § 3.]
- 46.04.180 Source—[1959 c 49 § 19. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.190 Source—[1959 c 49 § 20. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.200 Source—[1959 c 49 § 21. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.210 Source—[1959 c 49 § 22. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part. Cf. 1951 c 102 § 3.]
- 46.04.220 Source—[1959 c 49 § 23. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.230 Source—[1959 c 49 § 24. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.240 Source—[1959 c 49 § 25. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.250 Source—[1959 c 49 § 26. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.260 Source—[1959 c 49 § 27. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.270 Source—[1959 c 49 § 28. Prior: 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part.]
- 46.04.280 Source—[1959 c 49 § 29. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155

- § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.] Explanatory note.
- 46.04.290 Source—[1959 c 49 § 30. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.300 Source—[1959 c 49 § 31. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.310 Source—[1959 c 49 § 32. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.320 Source—[1959 c 49 § 33; 1955 c 384 § 10. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.330 Source—[1959 c 49 § 34. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.340 Source—[1959 c 49 § 35. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.350 Source—[1959 c 49 § 36. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.360 Source—[1959 c 49 § 37. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.370 Source—[1959 c 49 § 38. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.380 Source—[1959 c 49 § 39. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.390 Source—[1959 c 49 § 40. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.400 Source—[1959 c 49 § 41. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.405 Source—[1959 c 49 § 42. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.410 Source—[1959 c 49 § 43. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.414 Source—[1959 c 49 § 44. Prior: 1951 c 56 § 1.]
- 46.04.420 Source—[1959 c 49 § 45. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

Explanatory note.

- 46.04.430 Source—[1959 c 49 § 46. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
 “land” changed to “lane”. This section derived from 1937 c 188 § 1(x) and 1937 c 189 § 1(qq), said subsections identically worded, reads in session law (1937) form in part as follows: “Every way, lane, road, street, boulevard, and every way or place in the state . . . open . . . to . . . travel”
 The 1941 Code Committee erroneously published the section reading in part as follows: “‘Public highway’ includes every way, land, road, street, boulevard, and every way or place in the state open . . . to . . . travel” Subsequent amendments have continued what appears to have been a clerical error, changing “lane” to “land”. It is here restored to “lane”.
- 46.04.435 Source—[1959 c 49 § 47.]
- 46.04.440 Source—[1959 c 49 § 48. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.450 Source—[1959 c 49 § 49. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.460 Source—[1959 c 49 § 50. Prior: 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part.]
- 46.04.470 Source—[1959 c 49 § 51. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.480 Source—[1959 c 49 § 52. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.490 Source—[1959 c 49 § 53. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.500 Source—[1959 c 49 § 54. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.510 Source—[1959 c 49 § 55. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.520 Source—[1959 c 49 § 56. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.530 Source—[1959 c 49 § 57. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.540 Source—[1959 c 49 § 58. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.550 Source—[1959 c 49 § 59. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.560 Source—[1959 c 49 § 60. Prior: 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]
- 46.04.570 Source—[1959 c 49 § 61. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]
- 46.04.580 Source—[1959 c 49 § 62. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

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| 46.04.585 | Source—[1959 c 49 § 63. Prior: 1955 c 89 § 6.] | Explanatory
note. |
| 46.04.590 | Source—[1959 c 49 § 64. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.] | |
| 46.04.600 | Source—[1959 c 49 § 65. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.] | |
| 46.04.610 | Source—[1959 c 49 § 66. Prior: 1937 c 189 § 1, part; RRS § 6360-1, part.] | |
| 46.04.620 | Source—[1959 c 49 § 67. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.] | |
| 46.04.630 | Source—[1959 c 49 § 68. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.] | |
| 46.04.640 | Source—[1959 c 49 § 69. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.] | |
| 46.04.650 | Source—[1959 c 49 § 70. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.] | |
| 46.04.660 | Source—[1959 c 49 § 71. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.] | |
| 46.04.670 | Source—[1959 c 49 § 72. Prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.] | |
| 46.04.680 | Source—[1959 c 49 § 73.] | |

Chapter 46.08 General Provisions

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|-----------|--|
| 46.08.010 | Source—[1937 c 188 § 75; RRS § 6312-75.]
“this act” to “this title”. |
| 46.08.020 | Source—[1937 c 189 § 2; RRS § 6360-2.]
“this act” to “this title” throughout. |
| 46.08.030 | Source—[1937 c 189 § 3; RRS § 6360-3.]
“this act” to “this title”. |
| 46.08.040 | Source—[1937 c 189 § 4; RRS § 6360-4.]
“this act” to “this title”. |
| 46.08.050 | Source—[1955 c 384 § 5; 1947 c 200 § 1; 1937 c 189 § 5; Rem. Supp. 1947 § 6360-5.] |
| 46.08.060 | Source—[1937 c 189 § 132; RRS § 6360-132.] |
| 46.08.065 | Source—[1937 c 189 § 46; RRS 6360-46.]
Presently codified as RCW 46.36.140. |
| 46.08.070 | Source—[1937 c 189 § 128; RRS § 6360-128.]
“this act” to “this title”. |
| 46.08.080 | Source—[1957 c 132 § 1; 1937 c 189 § 121; RRS § 6360-121.] |
| 46.08.090 | Source—[1937 c 188 § 26; RRS § 6312-26. Prior: 1921 c 96 § 3, part; 1917 c 155 § 2, part; 1915 c 142 § 3, part.] |
| 46.08.100 | Source—[1955 c 89 § 3; 1937 c 188 § 27; RRS § 6312-27.] |
| 46.08.110 | Source—[1937 c 188 § 80; RRS 6312-80.] |
| 46.08.120 | Source—[1955 c 76 § 1; 1951 c 241 § 1; 1937 c 188 § 77; RRS § 6312-77.] |
| 46.08.130 | Source—[1937 c 188 § 78; RRS § 6312-78.] |
| 46.08.140 | Source—[1937 c 188 § 79; RRS § 6312-79.]
“this act” to “this title”. |
| 46.08.150 | Source—[1955 c 285 § 21; 1947 c 11 § 1; Rem. Supp. 1947 § 7921-20.] |
| 46.08.160 | Source—[1947 c 11 § 2; Rem. Supp. 1947 § 7921-21.] |
| 46.08.170 | Source—[1947 c 11 § 3; Rem. Supp. 1947 § 7921-22.]
“this act” to “RCW 46.08.150”. |
| 46.08.180 | Source—[1951 c 271 § 46.] |

Explanatory
note.

"Sections 79.16.130, 79.16.160 and 79.16.170 R.C.W." changed to "RCW 79.16.130, 79.16.160, 79.16.161, 79.16.170 and 79.16.171" to coincide with recodification of said sections in chapter 79.16.

46.08.190 Source—[1955 c 393 § 4.]

Chapter 46.12 Certificates of Ownership

- 46.12.010 Source—[1937 c 188 § 2; RRS § 6312-2.]
"this act" to "this title".
- 46.12.020 Source—[1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312-2, part.]
1947 c 164 was divided and codified by the 1941 Code Committee into 46.12.020, 46.12.030 and 46.12.040, the last named section having been amended by 1951 c 269 § 1. The division is herein retained.
- 46.12.030 Source—[1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312-2, part.]
- 46.12.040 Source—[1951 c 269 § 1; 1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312-3, part.]
- 46.12.050 Source—[1959 c 166 § 1; 1947 c 164 § 2; 1937 c 188 § 4; Rem. Supp. 1947 § 6312-4.]
- 46.12.060 Source—[1959 c 166 § 3. Prior: 1951 c 269 § 2; 1947 c 164 § 3(a); 1939 c 182 § 1(a); 1937 c 188 § 5(a); Rem. Supp. 1947 § 6312-5(a).]
- 46.12.070 Source—[1959 c 166 § 4. Prior: 1947 c 164 § 3(b); 1939 c 182 § 1(b); 1937 c 188 § 5(b); Rem. Supp. 1947 § 6312-5(b).]
- 46.12.080 Source—[1959 c 166 § 5. Prior: 1951 c 269 § 3; 1947 c 164 § 3(c); 1939 c 182 § 1(c); 1937 c 188 § 5(c); Rem. Supp. 1947 § 6312-5(c).]
- 46.12.090 Source—[1959 c 166 § 6. Prior: 1947 c 164 § 3(d); 1939 c 182 § 1(d); 1937 c 188 § 5(d); Rem. Supp. 1947 § 6312-5(d).]
- 46.12.100 Source—[1959 c 166 § 8. Prior: 1953 c 252 § 1; 1947 c 164 § 4(a); 1937 c 188 § 6(a); Rem. Supp. 1947 § 6312-6(a).]
- 46.12.110 Source—[1959 c 166 § 9. Prior: 1953 c 252 § 2; 1947 c 164 § 4(b); 1937 c 188 § 6(b); Rem. Supp. 1947 § 6312-6(b).]
- 46.12.120 Source—[1959 c 166 § 10. Prior: 1947 c 164 § 4(c); 1937 c 188 § 6(c); Rem. Supp. 1947 § 6312-6(c).]
- 46.12.130 Source—[1959 c 166 § 11. Prior: 1947 c 164 § 4(d); 1937 c 188 § 6(d); Rem. Supp. 1947 § 6312-6(d).]
- 46.12.140 Source—[1959 c 166 § 12. Prior: 1947 c 164 § 4(e); 1937 c 188 § 6(e); Rem. Supp. 1947 § 6312-6(e).]
- 46.12.150 Source—[1959 c 166 § 13. Prior: 1947 c 164 § 4(f); 1937 c 188 § 6(f); Rem. Supp. 1947 § 6312-6(f).]
- 46.12.160 Source—[1959 c 166 § 14. Prior: 1947 c 164 § 4(g); 1937 c 188 § 6(g); Rem. Supp. 1947 § 6312-6(g).]
- 46.12.170 Source—[1951 c 269 § 4; 1947 c 164 § 5; 1939 c 182 § 2; 1937 c 188 § 7; Rem. Supp. 1947 § 6312-7.]
- 46.12.180 Source—[1851 c 269 § 5; 1947 c 164 § 6; 1937 c 188 § 9; Rem. Supp. 1947 § 6312-9.]
- 46.12.190 Source—[1937 c 188 § 10, part; RRS § 6312-10, part.]
1937 c 188 § 10 was divided and codified by the 1941 Code Committee into 46.12.190 and 46.12.200. The division is herein retained.
- 46.12.200 Source—[1937 c 188 § 10, part; RRS § 6312-10, part.]
- 46.12.210 Source—[1937 c 188 § 12; RRS § 6312-12.]
- 46.12.220 Source—[1937 c 188 § 13; RRS § 6312-13.]
- 46.12.230 Source—[1957 c 273 § 12.]

Chapter 46.16 Vehicle Licenses

- 46.16.005 Source—[1959 c 66 § 3; 1957 c 145 § 6.]
Presently codified as RCW 46.16.360.
- 46.16.010 Source—1955 c 265 § 1; 1947 c 33 § 1; 1937 c 188 § 15; Rem. Supp. 1947 § 6312-15; 1929 c 99 § 5; RRS § 6324.]

- 46.16.020 Source—[1939 c 182 § 4; 1937 c 188 § 21; RRS § 6312-21; 1925 ex.s. c 47 § 1; 1921 c 96 § 17; 1919 c 46 § 2; 1917 c 155 § 12; 1915 c 142 § 17; RRS § 6329.] Explanatory note.
- 46.16.030 Source—1937 c 188 § 23; RRS § 6312-23; 1931 c 120 § 1; 1929 c 99 § 4; 1921 c 96 § 11; 1919 c 59 § 6; 1917 c 155 § 7; 1915 c 142 § 11; RRS § 6322.]
- 46.16.040 Source—[1947 c 164 § 8; 1937 c 188 § 29; Rem. Supp. 1947 § 6312-29; 1921 c 96 § 5; 1919 c 178 § 1; 1919 c 59 § 4; 1915 c 142 § 5; RRS 6316.]
- 46.16.045 Source—[1959 c 66 § 1.]
- 46.16.047 Source—[1959 c 66 § 2.]
- 46.16.060 Source—[1957 c 105 § 1; 1955 c 384 § 11; 1951 c 150 § 17; 1949 c 220 § 8; 1937 c 188 § 16; Rem. Supp. 1949 § 6312-16; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15; RRS § 6326, part.]
- 46.16.065 Source—[1951 c 269 § 7.]
- 46.16.067 Source—[1957 c 269 § 16.]
- 46.16.070 Source—[1957 c 273 § 1; 1955 c 363 § 2. Prior: 1951 c 269 § 9; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1949 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]
- 46.16.072 Source—[1957 c 273 § 2; 1955 c 363 § 3. Prior: 1951 c 269 § 10; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1949 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]
- 46.16.074 Source—[1955 c 363 § 4. Prior: 1951 c 269 § 11; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1949 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]
- 46.16.080 Source—[1957 c 269 § 17; 1955 c 363 § 5. Prior: 1955 c 139 § 22; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1949 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]
- 46.16.082 Source—[1959 c 319 § 21; 1955 c 384 § 7.]
- 46.16.083 Source—[1959 c 319 § 22; 1955 c 384 § 9.]
- 46.16.090 Source—[1957 c 273 § 13; 1955 c 363 § 6. Prior: 1953 c 227 § 1; 1951 c 269 § 12; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1949 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]
- 46.16.100 Source—[1955 c 363 § 7. Prior: 1955 c 139 § 23; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1947 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]

(1) Second proviso; dual amendment of section by 1955 legislature: RCW 46.16.100 was amended by 1955 c 139 § 23 (second proviso added) and also appears as 1955 c 363 § 7, but without amendment.

1955 c 139 (SB 425) passed senate March 5, passed house March 8, approved by governor March 14. No emergency clause.

1955 c 363 (HB 382) passed house February 27, passed senate

Explanatory
note.

March 8, approved by governor March 21. No emergency clause.

By applying the rule of construction as found in RCW 1.12.025, it appears that the second proviso of the instant section is entitled to be given effect.

(2) Second proviso; subsequent amendment to chapter 82.50 referred to therein: under chapter 82.50 as amended by 1957 c 269, stamps are no longer issued as evidence of payment of the house trailer excise tax. The 1957 amendment changed the 1955 house trailer act in several important particulars. However, any attempt to herein revise the language of 46.16-.100 would at least border upon substantive change and has herein been avoided. Such correction as may be required should be presented to the legislature in a separate bill.

- 46.16.110 Source—[1955 c 363 § 8. Prior: 1955 c 139 § 24; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1949 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]
- 46.16.120 Source—[1951 c 269 § 13; 1949 c 200 § 9; 1937 c 188 § 18; Rem. Supp. 1949 § 6312-18.]
- 46.16.125 Source—[1951 c 269 § 14.]
“section 13” to “RCW 46.16.120.”
- 46.16.130 Source—[1951 c 269 § 15; 1949 c 220 § 11; 1945 c 171 § 1; 1943 c 194 § 1; Rem. Supp. 1949 § 6312-18a.]
- 46.16.135 Source—[1951 c 269 § 16.]
- 46.16.137 Source—[1959 c 319 § 23; 1957 c 273 § 4.]
- 46.16.138 Source—[1959 c 319 § 24.]
- 46.16.140 Source—[1955 c 384 § 16; 1951 c 269 § 18; 1937 c 188 § 25, part; RRS § 6312-25, part.]
- 46.16.145 Source—[1951 c 269 § 19; 1937 c 188 § 25, part; RRS § 6312-25, part.]
“section 18” to “RCW 46.16.140”.
- 46.16.150 Source—[1937 c 188 § 22; RRS § 6312-22.]
- 46.16.160 Source—[1957 c 273 § 3; 1955 c 384 § 17; 1949 c 174 § 1; 1947 c 176 § 1; 1937 c 188 § 24; Rem. Supp. 1949 § 6312-24.]
- 46.16.170 Source—[1937 c 188 § 19; RRS § 6312-19.]
- 46.16.180 Source—[1937 c 188 § 20; RRS § 6312-20.]
- 46.16.200 Source—[1955 c 259 § 1; 1955 c 89 § 4; 1947 c 164 § 10; 1937 c 188 § 33; Rem. Supp. 1947 § 6312-33; 1921 c 96 § 6, part; 1917 c 155 § 4, part; 1915 c 142 § 6, part; RRS § 6317, part.]
- 46.16.210 Source—[1957 c 273 § 5; 1955 c 89 § 2; 1953 c 252 § 3; 1947 c 164 § 11; 1937 c 188 § 34; Rem. Supp. 1947 § 6312-34.]
- 46.16.220 Source—[1957 c 261 § 8; 1955 c 89 § 1; 1953 c 252 § 4; 1947 c 164 § 12; 1937 c 188 § 35; Rem. Supp. 1947 § 6312-35; 1921 c 96 § 7, part; RRS § 6318, part; 1921 c 6 § 1, part; 1915 c 142 § 7, part.]
- 46.16.230 Source—[1957 c 261 § 9; 1949 c 90 § 1; 1939 c 182 § 5; 1937 c 188 § 28; Rem. Supp. 1949 § 6312-28; 1921 c 96 § 12; 1921 c 6 § 2; 1919 c 59 § 7; 1917 c 155 § 8; 1915 c 142 § 12; RRS § 6323.]
- 46.16.240 Source—[1947 c 89 § 1; 1937 c 188 § 36; Rem. Supp. 1947 § 6312-36.]
“this act” to “this section”. The proviso was added by the 1947 amendment, a one section act.
- 46.16.260 Source—[1955 c 384 § 18; 1937 c 188 § 8; RRS § 6312-8.]
- 46.16.270 Source—[1951 c 269 § 6; 1947 c 164 § 13; 1937 c 188 § 37; Rem. Supp. 1947 § 6312-37; 1929 c 99 § 6; 1921 c 96 § 14; 1919 c 59 § 8; 1915 c 142 § 14; RRS § 6325.]
- 46.16.280 Source—[1947 c 164 § 14; 1937 c 188 § 38; Rem. Supp. 1947 § 6312-38.]

- 46.16.290 Source—[1937 c 188 § 39; RRS § 6312-39; 1931 c 138 § 2; 1929 c 99 § 3; 1921 c 96 § 8; 1919 c 59 § 5; 1917 c 155 § 5; 1915 c 142 § 8; RRS § 6319.] Explanatory note.
- 46.16.310 Source—[1955 c 100 § 1.]
Obsolete appropriation omitted.
- 46.16.320 Source—[1957 c 145 § 1.]
- 46.16.330 Source—[1957 c 145 § 2.]
“this act” to “RCW 46.16.320 through 46.16.360”.
- 46.16.340 Source—[1957 c 145 § 3.]
- 46.16.350 Source—[1957 c 145 § 4.]
“this act” to “RCW 46.16.320 through 46.16.360”.
- 46.16.360 Source—[1959 c 66 § 3; 1957 c 145 § 6.]
Presently codified as RCW 46.16.005.
- 46.16.400 Source—[1957 c 261 § 1.]
1957 c 261 §§ 1-5 (RCW 46.16.400-46.16.440) provided for the staggering of vehicle registration on or after January 1, 1959. By the terms of 1959 c 11 § 1, “Sections 1, 2, 3, 4 and 5, chapter 261, Laws of 1957, and RCW 46.16.400, 46.16.410, 46.16.420, 46.16.430, and 46.16.440 shall not take effect until January 1, 1962 unless previously amended or repealed.”
To give effect to the 1959 act; in 46.16.400-46.16.430 the dates have been changed accordingly and in 46.16.440, the words “on and after January 1, 1962” have been added.
- 46.16.410 Source—[1957 c 261 § 2.]
“section 1 of this amendatory act” to “RCW 46.16.400”. “January 1, 1959” to “January 1, 1962”; see 46.16.400 above.
- 46.16.420 Source—[1957 c 261 § 3.]
“January 1, 1959” to “January 1, 1962”; see 46.16.400 above.
“section 1 of this amendatory act” to “RCW 46.16.400”.
- 46.16.430 Source—[1957 c 261 § 4.]
“section 1 of this amendatory act” to “RCW 46.16.400”.
“January 1, 1959” to “January 1, 1962”; see 46.16.400 above.
- 46.16.440 Source—[1957 c 261 § 5.]
“The director is” to “On and after January 1, 1962, the director is”; see 46.16.400 above.
“this amendatory act” to “RCW 46.16.220, 46.16.230, 46.16.400 through 46.16.440 and 82.44.020”.

Chapter 46.20 Operators' Licenses

- 46.20.010 Source—[1937 c 188 § 49; RRS § 6312-49.]
- 46.20.020 Source—[1937 c 188 § 43; RRS § 6312-43; 1921 c 108 § 5, part; RRS § 6367, part.]
- 46.20.030 Source—[1947 c 158 § 1, part; 1937 c 188 § 45, part; Rem. Supp. 1947 § 6312-45, part.]
1947 c 158 § 1 was divided into 46.20.030, 46.20.040 and 46.20.070; 46.20.030 and 46.20.040 are herein rejoined.
“director of licenses” to “director” in certain instances.
In the last sentence of subsection (1) “section” changed to “subsection”.
- 46.20.040 Source—[1947 c 158 § 1, part; 1937 c 188 § 45, part; Rem. Supp. 1947 § 6312-45, part.]
Herein rejoined with 46.20.030 above.
- 46.20.050 Source—[1939 c 182 § 6, part; 1937 c 188 § 46, part; RRS § 6312-46, part.]
1939 c 182 § 6 was divided into 46.20.050 and 46.20.060; the division is herein retained.
“director of licenses” to “director” in certain instances.
- 46.20.060 Source—[1939 c 182 § 6, part; 1937 c 188 § 46, part; RRS § 6312-46, part.]
See 46.20.050 above.

Explanatory
note.

- 46.20.070 Source—[1947 c 158 § 1, part; 1937 c 188 § 45, part; Rem. Supp. 1947 § 6312-45, part.]
See 46.20.030 above.
“director of licenses” to “director” in certain instances.
“this act” to “this section”. 1947 c 158 § 1 was a one section act; while codified in this RCW section and 46.20.030, “the permit issued under this act” is confined to this part of the session law section.
- 46.20.080 Source—[1937 c 188 § 44; RRS § 6312-44; 1921 c 108 § 5, part; RRS § 6367, part.]
- 46.20.090 Source—[1957 c 294 § 1; 1953 c 221 § 1; 1947 c 164 § 16; 1937 c 188 § 50; Rem. Supp. 1947 § 6312-50; 1921 c 108 §§ 6, part, 7, part; RRS §§ 6368, part, 6369, part.]
- 46.20.100 Source—[1937 c 188 § 51; RRS § 6312-51; 1921 c 108 § 6, part; RRS § 6368, part.]
- 46.20.102 Source—[1957 c 242 § 2.]
- 46.20.104 Source—[1957 c 242 § 3.]
- 46.20.106 Source—[1957 c 242 § 4.]
- 46.20.110 Source—[1939 c 182 § 7; 1937 c 188 § 47; RRS § 6312-47.]
- 46.20.120 Source—[1959 c 284 § 1; 1953 c 221 § 2; 1937 c 188 § 55, part; RRS § 6312-55, part.]
- 46.20.130 Source—[1959 c 284 § 2; 1943 c 151 § 1; 1937 c 188 § 57; Rem. Supp. 1943 § 6312-57.]
- 46.20.140 Source—[1937 c 188 § 58; RRS § 6312-58.]
- 46.20.150 Source—[1959 c 284 § 3; 1953 c 23 § 1; 1943 c 26 § 1; Rem. Supp. 1943 § 6312-56a.]
“section 1 of this act” to “RCW 46.20.120”.
Section 1 of 1959 c 284 is amendatory of 46.20.120 [1953 c 221 § 2.]
- 46.20.160 Source—[1955 c 259 § 2; 1949 c 52 § 1; 1937 c 188 § 53; Rem. Supp. 1949 § 6312-53; 1921 c 108 § 7, part; RRS § 6369, part.]
“three dollars” changed to “four dollars” to conform this section with RCW 46.20.090 [1957 c 294 § 1] and 46.68.040 [1959 c 81 § 1.]
- 46.20.170 Source—[1947 c 164 § 17; 1939 c 182 § 8; 1937 c 188 § 52; Rem. Supp. 1947 § 6312-52.]
- 46.20.180 Source—[1953 c 211 § 3; 1949 c 208 § 1; 1937 c 188 § 54; Rem. Supp. 1949 § 6312-54; 1921 c 108 § 7, part; RRS, § 6369, part.]
“three dollars” changed to “four dollars” to conform this section with RCW 46.20.090 [1957 c 294 § 1] and 46.68.040 [1959 c 81 § 1.]
In subsection (2) transitional material relating to change over to staggered system of licensing deleted as obsolete.
- 46.20.190 Source—[1937 c 188 § 59; RRS § 6312-59; 1921 c 108 § 7, part; RRS § 6369, part.]
- 46.20.200 Source—[1947 c 164 § 18; 1937 c 188 § 60; Rem. Supp. 1947 § 6312-60; 1921 c 108 § 11; RRS § 6373.]
- 46.20.210 Source—[1937 c 188 § 61; RRS § 6312-61; 1921 c 108 § 15, part; RRS § 6377, part.]
- 46.20.220 Source—[1937 c 188 § 63; RRS § 6312-63.]
- 46.20.230 Source—[1937 c 188 § 62; RRS § 6312-62.]
- 46.20.240 Source—[1937 c 188 § 48; RRS § 6312-48; 1921 c 108 §§ 3, 4; RRS §§ 6365, 6366.]
- 46.20.250 Source—[1959 c 239 § 1; 1955 c 393 § 1; 1937 c 188 § 65; RRS § 6312-65; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]
- 46.20.260 Source—[1937 c 188 § 64; RRS § 6312-64. Prior: 1923 c 122 § 2, part; RRS § 6371-1, part.]
- 46.20.270 Source—[1937 c 188 § 68; RRS § 6312-68. Prior: 1923 c 122 § 2, part; 1921 c 108 § 9, part; RRS § 6371, part.]
- 46.20.280 Source—[1939 c 182 § 10; 1937 c 188 § 67; RRS § 6312-67.]
“act” to “title”.
- 46.20.290 Source—[1957 c 273 § 7. Prior: 1937 c 188 § 66, part; RRS

	§ 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]	Explanatory note.
46.20.300	Source—[1957 c 273 § 8. Prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]	
46.20.310	Source—[1957 c 273 § 9. Prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]	
46.20.320	Source—[1957 c 273 § 10. Prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]	
46.20.330	Source—[1957 c 273 § 11. Prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]	
46.20.340	Source—[1953 c 23 § 2; 1937 c 188 § 74; RRS § 6312-74.]	
46.20.350	Source—[1937 c 188 § 69; RRS § 6312-69.]	
46.20.360	Source—[1937 c 188 § 70; RRS § 6312-70.] "this act" to "this title".	
46.20.380	Source—[1957 c 268 § 1.] "section 2 of this act" to "RCW 46.20.390".	
46.20.390	Source—[1959 c 241 § 1; 1957 c 268 § 2.]	
46.20.400	Source—[1957 c 268 § 3.]	
46.20.410	Source—[1957 c 268 § 4.]	

Chapter 46.24 Financial Responsibility—Proof After Certain Convictions and Judgments

Chapter 46.24, Financial responsibility—Proof after certain convictions and judgments, and Chapter 46.28, Financial responsibility—Proof after accident, were enacted by the legislature and codified by the 1941 Code Committee as summarized below:

Chapter 46.24 is the codification of 1939 c 158, entitled "An Act relating to the giving of proof of financial responsibility by owners and operators of motor vehicles, providing penalties for certain offenses." This is a comprehensive forty-one section act requiring the filing with the director of licenses of "proof of security by persons whose operator's license has been suspended or against whom a damage judgment resulting from the operation of a motor vehicle has been entered."

Chapter 46.28 is the codification of 1949 c 211, entitled "An Act relating to the giving of proof of financial responsibility and security by owners and operators of motor vehicles; providing penalties for violations thereof; amending section 31, chapter 158, Laws of 1939 . . . , by adding thereto twenty-one new sections to be known as sections 31a through 31u; providing for an appeal; making an appropriation; and declaring this act shall take effect February 1, 1950."

Section 1 of the 1949 act declares: "Section 31, chapter 158, Laws of 1939 . . . , is amended by adding thereto twenty-one new sections to be known as sections 31-a through 31-u to read as follows:"

The remainder of the 1949 act sets out in sections 31-a through 31-u a complete act for the "Deposit of security" following a motor vehicle accident.

Although section 1 of the 1949 act expressly added the provisions of the 1949 act to the 1939 act, the 1941 Code Committee codified it as a separate chapter (chapter 46.28) and added a Reviser's section, RCW 46.28.200, which purported to adopt by reference and to apply to the 1949 act certain sections of the 1939 act, namely RCW 46.24.010, the definitions section, and RCW 46.24.270 through 46.24.320 which are the penalty sections.

Whether or not the 1941 Code Committee's codification was in all respects technically correct, we are confronted, in presenting this title for reenactment, with the fact that this codification has in part been expressly ratified by the legislature in subsequent sessions (see for

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example 1959 c 38 in which act translations such as "this chapter" and "this chapter and chapter 46.24" have been ratified). In view of these ratifications, and in view of ten years of administrative practice under the present code organization and language, the recombining of the two acts into a single chapter would appear to be awkward if not impossible. We have therefor included these chapters herein as they currently appear in RCW.

- 46.24.010 Source—[(i) 1939 c 158 § 1; RRS § 6600-101. (ii) 1939 c 158 § 2; RRS § 6600-102. (iii) 1941 c 122 § 1; 1939 c 158 § 3; Rem. Supp. 1941 § 6600-103. (iv) 1939 c 158 § 4; RRS § 6600-104. (v) 1939 c 158 § 5; RRS § 6600-105. (vi) 1939 c 158 § 6; RRS § 6600-106.]
In keeping with the 1941 Code Committee's disposition of this section, such definitions as are included in chapter 46.04 are omitted herefrom. An exception is the definition of "nonresident" which is defined by the 1939 act in different terms than the definition thereof in chapter 46.04, and is herein included as enacted in 1939 c 158 § 1.
- 46.24.020 Source—[1939 c 158 § 7; RRS § 6600-107.]
- 46.24.030 Source—[1959 c 38 § 2. Prior: 1941 c 122 § 2, part; 1939 c 158 § 8, part; Rem. Supp. 1941 § 6600-108, part.]
- 46.24.040 Source—[1959 c 38 § 3. Prior: 1941 c 122 § 2, part; 1939 c 158 § 8, part; Rem. Supp. 1941 § 6600-108, part.]
- 46.24.050 Source—[1939 c 158 § 31; RRS § 6600-131.]
- 46.24.060 Source—[1939 c 158 § 16; RRS § 6600-116.]
- 46.24.070 Source—[1941 c 122 § 10; 1939 c 158 § 18; Rem. Supp. 1941 § 6600-118.]
- 46.24.080 Source—[1941 c 122 § 11; 1939 c 158 § 19; Rem. Supp. 1941 § 6600-119.]
- 46.24.090 Source—[1939 c 158 § 20; RRS § 6600-120.]
- 46.24.100 Source—[1959 c 38 § 4; 1939 c 158 § 23; RRS § 6600-123.]
- 46.24.110 Source—[1939 c 158 § 26; RRS § 6600-126.]
- 46.24.120 Source—[1939 c 158 § 24; RRS § 6600-124.]
- 46.24.130 Source—[1939 c 158 § 25; RRS § 6600-125.]
- 46.24.140 Source—[1939 c 158 § 27; RRS § 6600-127.]
- 46.24.150 Source—[1941 c 122 § 13; 1939 c 158 § 30; Rem. Supp. 1941 § 6600-130.]
- 46.24.160 Source—[1939 c 158 § 29; RRS § 6600-129.]
- 46.24.170 Source—[1939 c 158 § 21; RRS § 6600-121.]
- 46.24.180 Source—[1941 c 122 § 12; 1939 c 158 § 22; Rem. Supp. 1941 § 6600-122.]
- 46.24.190 Source—[1943 c 140 § 1; 1941 c 122 § 3; 1939 c 158 § 9; Rem. Supp. 1943 § 6600-109.]
- 46.24.200 Source—[1941 c 122 § 4; 1939 c 158 § 10; Rem. Supp. 1941 § 6600-110.]
- 46.24.210 Source—[1959 c 38 § 5; 1939 c 158 § 11; RRS § 6600-111.]
- 46.24.220 Source—[1941 c 122 § 5; 1939 c 158 § 12; Rem. Supp. 1941 § 6600-112.]
- 46.24.230 Source—[1941 c 122 § 6; 1939 c 158 § 13; Rem. Supp. 1941 § 6600-113.]
- 46.24.240 Source—[1941 c 122 § 7; 1939 c 158 § 14; Rem. Supp. 1941 § 6600-114.]
- 46.24.250 Source—[1941 c 122 § 9; 1939 c 158 § 17; Rem. Supp. 1941 § 6600-117.]
- 46.24.260 Source—[1941 c 122 § 8; 1939 c 158 § 15; Rem. Supp. 1941 § 6600-115.]
- 46.24.270 Source—[1959 c 38 § 14; 1941 c 122 § 14; 1939 c 158 § 32; Rem. Supp. 1941 § 6600-132.]
- 46.24.280 Source—[1939 c 158 § 33; RRS § 6600-133.]
- 46.24.290 Source—[1939 c 158 § 34; RRS § 6600-134.]
- 46.24.300 Source—[1939 c 158 § 35; RRS § 6600-135.]
- 46.24.310 Source—[1939 c 158 § 36; RRS § 6600-136.]
- 46.24.320 Source—[1939 c 158 § 38; RRS § 6600-138.]

- 46.24.900 Source—[1939 c 158 § 37; RRS § 6600-137.] Explanatory
 46.24.910 Source—[1939 c 158 § 39; RRS § 6600-139.] note.

Chapter 46.28 Financial Responsibility—Proof After Accident
 See also the notes for chapter 46.24

- 46.28.010 Source—[1959 c 38 § 6; 1949 c 211 § 1-31a; Rem. Supp. 1949 § 6600-131a.]
 46.28.020 Source—[1959 c 38 § 7; 1949 c 211 § 1-31b; Rem. Supp. 1949 § 6600-131b.]
 46.28.030 Source—[1959 c 38 § 8; 1949 c 211 § 1-31c; Rem. Supp. 1949 § 6600-131c.]
 46.28.040 Source—[1959 c 38 § 9; 1949 c 211 § 1-31d; Rem. Supp. 1949 § 6600-131d.]
 46.28.050 Source—[1959 c 38 § 10; 1949 c 211 § 1-31e; Rem. Supp. 1949 § 6600-131e.]
 46.28.060 Source—[1949 c 211 § 1-31f; Rem. Supp. 1949 § 6600-131f.]
 46.28.070 Source—[1949 c 211 § 1-31g; Rem. Supp. 1949 § 6600-131g.]
 46.28.075 Source—[1959 c 38 § 13.]
 46.28.080 Source—[1959 c 38 § 11; 1949 c 211 § 1-31h; Rem. Supp. 1949 § 6600-131h.]
 46.28.090 Source—[1959 c 38 § 12; 1949 c 211 § 1-31i; Rem. Supp. 1949 § 6600-131i.]
 46.28.100 Source—[1949 c 211 § 1-31j; Rem. Supp. 1949 § 6600-131j.]
 46.28.110 Source—[1949 c 211 § 1-31k; Rem. Supp. 1949 § 6600-131k.]
 46.28.120 Source—[1949 c 211 § 1-31 l; Rem. Supp. 1949 § 6600-131 l.]
 46.28.130 Source—[1949 c 211 § 1-31m; Rem. Supp. 1949 § 6600-131m.]
 46.28.140 Source—[1949 c 211 § 1-31n; Rem. Supp. 1949 § 6600-131n.]
 46.28.150 Source—[1949 c 211 § 1-31o; Rem. Supp. 1949 § 6600-131o.]
 46.28.160 Source—[1949 c 211 § 1-31p; Rem. Supp. 1949 § 6600-131p.]
 46.28.170 Source—[1949 c 211 § 1-31q; Rem. Supp. 1949 § 6600-131q.]
 46.28.180 Source—[1949 c 211 § 1-31r; Rem. Supp. 1949 § 6600-131r.]
 46.28.190 Source—[1949 c 211 § 1-31s; Rem. Supp. 1949 § 6600-131s.]
 46.28.200 Source—This section was added by the 1941 Code Committee, see first note under chapter 46.24.

Chapter 46.32 Vehicle Inspection

- 46.32.010 Source—[1947 c 267 § 1; 1945 c 44 § 1; 1937 c 189 § 7; Rem. Supp. 1947 § 6360-7.]
 “this act” to “this chapter”.
 46.32.020 Source—[1945 c 44 § 2; 1937 c 189 § 8; Rem. Supp. 1945 § 6360-8.]
 In the first sentence of the second paragraph, “placed in operation on the effective date of this act any station” to “placed in operation any station”.
 46.32.030 Source—[1945 c 44 § 3; 1937 c 189 § 9; Rem. Supp. 1945 § 6360-9.]
 In the second paragraph: “at the time of the taking effect of this act”, deleted.
 46.32.040 Source—[1945 c 44 § 4; 1937 c 189 § 10; Rem. Supp. 1945 § 6360-10.]
 46.32.050 Source—[1945 c 44 § 5; 1937 c 189 § 11; Rem. Supp. 1945 § 6360-11.]
 46.32.060 Source—[1937 c 189 § 12; RRS § 6360-12.]
 “this act” to “this title”.
 46.32.070 Source—[1937 c 189 § 13; RRS § 6360-13.]

Chapter 46.36 Vehicle Equipment

Most of the sections in chapter 46.36 were repealed by 1955 c 269 which is codified as chapter 46.37—Vehicle lighting and other equipment. The remaining sections of chapter 46.36 are herein codified elsewhere as indicated below.

- 46.36.010 Source—[1943 c 133 § 1; 1937 c 189 § 6; Rem. Supp. 1943 § 6360-6; 1927 c 309 § 14, part; RRS § 6362-14, part.]
 Herein recodified as 46.37.005.

- 46.36.110 Source—[1937 c 189 § 43; RRS § 6360-43; 1927 c 309 § 18; RRS § 6362-18.]
Herein recodified as 46.37.490.
- 46.36.130 Source—[1947 c 200 § 3; 1937 c 189 § 44; Rem. Supp. 1947 § 6360-44.]
First paragraph herein recodified as 46.56.135.
Second paragraph herein recodified as 46.37.500.
- 46.36.140 Source—[1937 c 189 § 46; RRS § 6360-46.]
Herein recodified as 46.08.065.
- 46.36.150 Source—[1949 c 196 § 11; Rem. Supp. 1949 § 6360-98d.]
Herein recodified as 46.37.480.

Chapter 46.37 Vehicle Lighting and Other Equipment

- 46.37.005 Source—[1943 c 133 § 1; 1937 c 189 § 6; Rem. Supp. 1943 § 6360-6; 1927 c 309 § 14, part; RRS § 6362-14, part.]
Presently codified as RCW 46.36.010.
“this act” to “this title”.
“Director of highways” to “, and such person as may be designated by the state highway commission”, in furtherance of 1951 c 247 § 5; RCW 43.27.120; being sec. 47.01.070 of the companion bill for the enactment of Title 47.
- 46.37.010 Source—[1955 c 269 § 1.] For prior law see history note to RCW 46.37.020.
In subsection (3) “article [section]” changed to “section”; 1955 c 269 codified as chapter 46.37 was drawn from chapter 12 of the uniform vehicle code but the division of said chapter 12 into “Articles” was not preserved in the enactment. RCW 46.37.010 is identical with section 12-101 of the uniform code which is the only section contained in Article I entitled “Scope and Effect of Regulations”, hence the words “this article” as used therein are translated to “this section”.
- 46.37.020 Source—[1955 c 269 § 2. Prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]
- 46.37.030 Source—[1955 c 269 § 3. Prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part.]
“section 2” to “RCW 46.37.020”.
- 46.37.040 Source—[1955 c 269 § 4. Prior: 1937 c 189 § 15; RRS § 6360-15; RCW 46.40.020; 1933 c 156 § 1, part; 1929 c 178 § 3, part; 1927 c 309 § 20, part, 24; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS §§ 6362-20, part, 6362-24.]
“section 3(1)” changed to “RCW 46.37.030(2)”; the reference to 1955 c 269 § 3(1), codified herein as 46.37.030(1), was apparently a clerical error, it being § 3(2) which set forth how height is to be measured.
- 46.37.050 Source—[1955 c 269 § 5. Prior: 1947 c 267 § 2, part; 1937 c 189 § 16, part; Rem. Supp. 1947 § 6360-16, part; RCW 46.40.030, part; 1929 c 178 § 7; 1927 c 309 § 27; RRS § 6362-27; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part.]
- 46.37.060 Source—[1955 c 269 § 6. Prior: 1947 c 267 § 2, part; 1937 c 189 § 16, part; Rem. Supp. 1947 § 6360-16, part; RCW 46.40.030, part.]
“section 9” to “RCW 46.37.090”.
“section 3(2)” to “RCW 46.37.030(2)”.
- 46.37.070 Source—[1959 c 319 § 32; 1955 c 269 § 7. Prior: 1953 c 248 § 2, part; 1947 c 267 § 4, part; 1937 c 189 § 23, part; Rem. Supp. 1947 § 6360-23, part; RCW 46.40.090, part; 1929 c 178 § 1, part; 1927 c 309 § 15, part; RRS § 6362-15, part.]
- 46.37.080 Source—[1955 c 269 § 8. Prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part.]

- "sections 9, 10, 11, 12 and 13" to "RCW 46.37.090, 46.37.100, 46.37.110, 46.37.120 and 46.37.130".
 "section 2" to "RCW 46.37.020".
- 46.37.090 Source—[1955 c 269 § 9. Prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]
 "section 8" to "RCW 46.37.080".
- 46.37.100 Source—[1955 c 269 § 10. Prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part.]
- 46.37.110 Source—[1955 c 269 § 11. Prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]
 "section 9" to "RCW 46.37.090".
- 46.37.120 Source—[1955 c 269 § 12. Prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]
 "section 9" to "RCW 46.37.090".
- 46.37.130 Source—[1955 c 269 § 13.]
- 46.37.140 Source—[1955 c 269 § 14. Prior: 1937 c 189 § 18; RRS § 6360-18; RCW 46.40.050; 1929 c 178 § 11, part; 1927 c 309 § 32, part; RRS § 6362-32, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]
 "section 2" to "RCW 46.37.020".
- 46.37.150 Source—[1955 c 269 § 15. Prior: 1937 c 189 § 19; RRS § 6360-19; RCW 46.40.060; 1933 c 156 § 8; 1929 c 178 § 10; 1927 c 309 § 31; RRS § 6362-31.]
- 46.37.160 Source—[1955 c 269 § 16.]
 "section 2" to "RCW 46.37.020".
 "sections 22 or 25 of this act" to "RCW 46.37.220 or 46.37.250".
 "sections 22, 24, or 26 of this act" to "RCW 46.37.220, 46.37.240, or 46.37.260".
- 46.37.170 Source—[1955 c 269 § 17. Prior: 1937 c 189 § 21; RRS § 6360-21; RCW 46.40.080; 1927 c 309 § 34; 1921 c 96 § 22, part; 1917 c 40 § 1; RRS § 6362-34.]
 "section 1(2)" changed to "RCW 43.37.010(3)"; 1955 c 269 § 1 is codified as 43.37.010; reference to subsection (2) of that section appears to have been a clerical error, the contents of subsection (3) being identifiable as the subsection referred to.
 "this article" changed to "RCW 46.37.020 through 46.37.330". 1955 c 269 codified as chapter 46.37 was drawn from chapter 12 of the uniform vehicle code but the division of said chapter 12 into "Articles" was not preserved in the enactment. Article II of said code, of which the above section is a part, was enacted as sections 2 through 33 of chapter 269, Laws of 1955, herein codified as RCW 46.37.020 through 46.37.330.
 "section 2 of this act" to "RCW 46.37.020".
- 46.37.180 Source—[1955 c 269 § 18. Prior: 1949 c 157 § 1; Rem. Supp. 1949 § 6360-22a; RCW 46.40.110, 46.40.120.]
 "section 22" to "RCW 46.37.220".

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- 46.37.184 Source—[1953 c 161 § 1.]
Presently codified as RCW 46.40.220.
- 46.37.185 Source—[1953 c 161 § 2.]
Presently codified as RCW 46.40.230.
- 46.37.186 Source—[1953 c 161 § 3.]
Presently codified as RCW 46.40.240.
- 46.37.187 Source—[1953 c 161 § 4.]
Presently codified as RCW 46.40.250.
"section 2 of this act" to "RCW 46.37.185".
"section 3 of this act" to "RCW 46.37.186".
- 46.37.188 Source—[1953 c 161 § 5.]
Presently codified as RCW 46.40.260.
"this act" to "RCW 46.37.184, 46.37.185, 46.37.186 or 46.37.187".
- 46.37.190 Source—[1957 c 66 § 1; 1955 c 269 § 19.]
- 46.37.192 Source—[1957 c 66 § 2.]
- 46.37.194 Source—[1957 c 66 § 3.]
- 46.37.200 Source—[1955 c 269 § 20. Prior: 1953 c 248 § 2, part; 1947 c 267 § 4, part; 1937 c 189 § 23, part; Rem. Supp. 1947 § 6360-23, part; RCW 46.40.090, part; 1929 c 178 § 1, part; 1927 c 309 § 15, part; RRS § 6362-15.]
"section 2" to "RCW 46.37.020".
- 46.37.210 Source—[1955 c 269 § 21. Prior: 1937 c 189 § 24; RRS § 6360-24; RCW 46.40.100.]
- 46.37.220 Source—[1955 c 269 § 22. Prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]
- 46.37.230 Source—[1955 c 269 § 23. For prior law see history note to 46.37.220.]
"section 2" changed to "RCW 46.37.020"; 1955 c 269 § 2 is so codified.
"section 22(2)" changed to "RCW 46.37.220(2)"; 1955 c 269 § 22 is so codified.
"shall be dimmed [deemed] to" changed to "shall be deemed to" to conform this section to section 12-222 of the uniform vehicle code from which 1955 c 269 was drawn.
"paragraph (1) of section 22" changed to "RCW 46.37.020(1)"; paragraph (1) of 1955 c 269 is so codified.
- 46.37.240 Source—[1955 c 269 § 24. For prior law see history note to 46.37.220.]
"the effective date of this act" to "March 18, 1955".
- 46.37.250 Source—[1955 c 269 § 25.]
"section 22(1)" to "RCW 46.37.220(1)".
"section 22(2)" to "RCW 46.37.220(2)".
- 46.37.260 Source—[1955 c 269 § 26. Prior: 1937 c 189 § 27; RRS § 6360-27; RCW 46.40.150.]
"section 2" to "RCW 46.37.020".
"section 22" to "RCW 46.37.220".
"section 24" to "RCW 46.37.240".
- 46.37.270 Source—[1955 c 269 § 27. Prior: 1937 c 189 § 28; RRS § 6360-28; RCW 46.40.160; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]
"section 2" to "RCW 46.37.020".
- 46.37.280 Source—[1955 c 269 § 28. Prior: 1949 c 157 § 2; 1947 c 267 § 6; 1947 c 200 § 2; 1937 c 189 § 29; Rem. Supp. 1949 § 6360-29; RCW 46.40.170; 1927 c 309 § 33; RRS § 6362-33.]
- 46.37.290 Source—[1955 c 269 § 29. Prior: 1937 c 189 § 25, part; RRS § 6360-25, part; RCW 46.40.130, part; 1929 c 178 § 3, part; 1927 c 309 § 20, part; RRS § 6362-20, part.]
- 46.37.300 Source—[1955 c 269 § 30.]
- 46.37.310 Source—[1955 c 269 § 31. Prior: 1937 c 189 § 30; RRS § 6360-30; RCW 46.40.180; 1929 c 178 § 12; 1927 c 309 § 35; RRS § 6362-35.]

- 46.37.320 Source—[1955 c 269 § 32. Prior: 1937 c 189 § 31; RRS § 6360-31; RCW 46.40.190; 1933 c 156 § 4, part; 1929 c 178 § 6, part; 1927 c 309 § 23, part; RRS § 6362-23, part.] Explanatory note.
- 46.37.330 Source—[1955 c 269 § 33. Prior: 1937 c 189 § 32; RRS § 6360-32; RCW 46.40.200; 1933 c 156 § 4, part; 1929 c 178 § 6, part; 1927 c 309 § 23, part; RRS § 6362-23, part.]
- 46.37.340 Source—[1955 c 269 § 34. Prior: 1937 c 189 § 34, part; RRS § 6360-34, part; RCW 46.36.020, 46.36.030, part; 1929 c 180 § 6; 1927 c 309 § 16; 1923 c 181 § 5; 1921 c 96 § 23; 1915 c 142 § 22; RRS § 6362-16.]
- 46.37.350 Source—[1955 c 269 § 35. Prior: 1951 c 56 § 2, part. For prior law see history note to RCW 46.37.340.]
- 46.37.360 Source—[1955 c 269 § 36. Prior: 1951 c 56 § 2, part. For prior law see history note to RCW 46.37.340.]
- 46.37.370 Source—[1955 c 269 § 37.]
"section 35" to "RCW 46.37.350".
- 46.37.380 Source—[1955 c 269 § 38. Prior: 1937 c 189 § 35; RRS § 6360-35; RCW 46.36.040.]
- 46.37.390 Source—[1955 c 269 § 39. Prior: 1937 c 189 § 36; RRS § 6360-36; RCW 46.36.050; 1927 c 309 § 17; 1921 c 96 § 21; 1915 c 142 § 20; RRS § 6362-17.]
- 46.37.400 Source—[1955 c 269 § 40. Prior: 1937 c 189 § 37; RRS § 6360-37; RCW 46.36.060.]
- 46.37.410 Source—[1955 c 269 § 41. Prior: (i) 1937 c 189 § 38; RRS § 6360-38; RCW 46.36.070. (ii) 1937 c 189 § 39; RRS § 6360-39; RCW 46.36.080.]
- 46.37.420 Source—[1955 c 269 § 42. Prior: (i) 1937 c 189 § 41; RRS § 6360-41; RCW 46.36.100. (ii) 1937 c 189 § 42; RRS § 6360-42; RCW 46.36.120; 1929 c 180 § 7; 1927 c 309 § 46; RRS § 6362-46.]
- 46.37.430 Source—[1955 c 269 § 43. Prior: 1947 c 220 § 1; 1937 c 189 § 40; Rem. Supp. 1947 § 6360-40; RCW 46.36.090.]
- 46.37.440 Source—[1955 c 269 § 44. Prior: 1947 c 267 § 7, part; Rem. Supp. 1947 § 6360-32a, part; RCW 46.40.210, part.]
- 46.37.450 Source—[1955 c 269 § 45. For prior law see history note to RCW 46.37.440.]
In subsection (1) "paragraph (i) of this section" to "subdivision (a) of this subsection".
In subsection (6), "section 44" to "RCW 46.37.440".
- 46.37.460 Source—[1955 c 269 § 46.]
- 46.37.470 Source—[1955 c 269 § 47.]
- 46.37.480 Source—[1949 c 196 § 11; Rem. Supp. 1949 § 6360-98d.]
Presently codified as RCW 46.36.150.
- 46.37.490 Source—[1937 c 189 § 43; RRS § 6360-43; 1927 c 309 § 18; RRS § 6362-18.]
Presently codified as RCW 46.36.110.
- 46.37.500 Source—[1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part.]
Presently codified as RCW 46.36.130 (second paragraph).

Chapter 46.40 Vehicle Lighting

Most of the sections in chapter 46.40 were repealed by 1955 c 269 which is codified as chapter 46.37—Vehicle lighting and other equipment. The remaining sections of chapter 46.40 are herein recodified elsewhere as indicated below.

- 46.40.070 Source—[1951 c 76 § 8; 1937 c 189 § 20; RRS § 6360-20; 1927 c 309 § 26; RRS § 6362-26.]
Herein recodified as 46.47.080.
- 46.40.220 Source—[1953 c 161 § 1.]
Recodified herein as 46.37.184.
- 46.40.230 Source—[1953 c 161 § 2.]
Recodified herein as 46.37.185.
- 46.40.240 Source—[1953 c 161 § 3.]
Recodified herein as 46.37.186.

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note.

- 46.40.250 Source—[1953 c 161 § 4.]
Recodified herein as 46.37.187.
- 46.40.260 Source—[1953 c 161 § 5.]
Recodified herein as 46.37.188.

Chapter 46.44 Size, Weight, Load

- 46.44.010 Source—[1947 c 200 § 4; 1937 c 189 § 47; Rem. Supp. 1947 § 6360-47; 1923 c 181 § 4, part; RRS § 6362-8, part.]
- 46.44.020 Source—[1959 c 319 § 26; 1955 c 384 § 1; 1953 c 125 § 1; 1951 c 269 § 20; 1937 c 189 § 48; RRS § 6360-48.]
- 46.44.030 Source—[1959 c 319 § 25; 1957 c 273 § 14; 1951 c 269 § 22. Prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]
“Director of highways” to “state highway commission”.
- 46.44.034 Source—[1957 c 273 § 15; 1951 c 269 § 24. Prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]
- 46.44.036 Source—[1955 c 384 § 2; 1951 c 269 § 23. Prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]
“section 3 of this act” to “RCW 46.44.037”.
- 46.44.037 Source—[1957 c 273 § 16; 1955 c 384 § 3.]
- 46.44.040 Source—[1957 c 273 § 17; 1955 c 384 § 4; 1951 c 269 § 26. Prior: 1949 c 221 § 2, part; 1947 c 200 § 6, part; 1941 c 116 § 2, part; 1937 c 189 § 50, part; Rem. Supp. 1949 § 6360-50, part; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; 1921 c 96 § 20, part; RRS § 6362-8, part.]
- 46.44.042 Source—[1959 c 319 § 27; 1951 c 269 § 27. Prior: 1949 c 221 § 2, part; 1947 c 200 § 6, part; 1941 c 116 § 2, part; 1937 c 189 § 50, part; Rem. Supp. 1949 § 6360-50, part; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; 1921 c 96 § 20, part; RRS § 6362-8, part.]
- 46.44.044 Source—[1953 c 72 § 1; 1951 c 269 § 28. Prior: 1949 c 221 § 2, part; 1947 c 200 § 6, part; 1941 c 116 § 2, part; 1937 c 189 § 50, part; Rem. Supp. 1949 § 6360-50, part; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; 1921 c 96 § 20, part; RRS § 6362-8, part.]
- 46.44.045 Source—[1959 c 136 § 1; 1953 c 254 § 2; 1951 c 269 § 29. Prior: 1949 c 221 § 2, part; 1947 c 200 § 6, part; 1941 c 116 § 2, part; 1937 c 189 § 50, part; Rem. Supp. 1949 § 6360-50, part; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; 1921 c 96 § 20, part; RRS § 6362-8, part.]
“of this amendatory act of 1959” deleted from subsection (6) as surplusage.
- 46.44.046 Source—[1953 c 254 § 3; 1951 c 269 § 30.]
“RCW 46.44.040 to 46.44.044, inclusive” to “RCW 46.44.040 through 46.44.044”.
“director of highways” to “state highway commission”.
- 46.44.047 Source—[1955 c 384 § 19; 1953 c 254 § 10; 1951 c 269 § 31.]
“director of highways” to “state highway commission”.
- 46.44.049 Source—[1951 c 269 § 47.]
“director of highways” to “state highway commission”.
- 46.44.050 Source—[1941 c 116 § 3; 1937 c 189 § 51; Rem. Supp. 1941 § 6360-51; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; RRS § 6362-8, part.]
- 46.44.060 Source—[1937 c 189 § 52; RRS § 6360-52; 1929 c 180 § 5, part; 1927 c 309 § 10, part; RRS § 6362-10, part.]
- 46.44.070 Source—[1937 c 189 § 53; RRS § 6360-53; 1929 c 180 § 5, part; 1927 c 309 § 10, part; RRS § 6362-10, part; 1923 c 181 § 4, part.]
- 46.44.080 Source—[1937 c 189 § 54; RRS § 6360-54.]
“director of highways” to “state highway commission”.

- 46.44.090 Source—[1951 c 269 § 34. Prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.] Explanatory note.
- “director of highways” to “state highway commission”.
- 46.44.091 Source—[1959 c 319 § 28; 1953 c 254 § 12; 1951 c 269 § 35. Prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]
- 46.44.092 Source—[1959 c 319 § 29; 1955 c 146 § 2; 1951 c 269 § 36. Prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]
- 46.44.093 Source—[1951 c 269 § 37. Prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]
- “director of highways” to “highway commission”.
- 46.44.094 Source—[1959 c 319 § 30; 1951 c 269 § 38. Prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]
- 46.44.095 Source—[1959 c 319 § 31; 1957 c 273 § 18; 1955 c 185 § 1; 1953 c 254 § 13; 1951 c 269 § 39. Prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]
- In first paragraph, “state highway department” to “state highway commission”.
- 46.44.096 Source—[1955 c 185 § 2; 1951 c 269 § 40. Prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]
- 46.44.097 Source—[1957 c 273 § 19; 1953 c 254 § 14; 1951 c 269 § 41. Prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]
- 46.44.100 Source—[1937 c 189 § 56; RRS § 6360-56.]
- “act” to “chapter”.
- 46.44.110 Source—[1937 c 189 § 57; RRS § 6360-57.]
- “Director of highways” to “state highway commission”.

Chapter 46.47 Bicycles—Operation and Equipment

- 46.47.010 Source—[1951 c 76 § 1.]
- “act” to “chapter”.
- 46.47.020 Source—[1951 c 76 § 2.]
- 46.47.030 Source—[1951 c 76 § 3.]
- 46.47.040 Source—[1951 c 76 § 4.]
- 46.47.050 Source—[1951 c 76 § 5.]
- 46.47.060 Source—[1951 c 76 § 6.]
- 46.47.070 Source—[1951 c 76 § 7.]
- 46.47.080 Source—[1951 c 76 § 8; 1937 c 189 § 20; RRS § 6360-20; 1927 c 309 § 26; RRS § 6362-26.]
- Section formerly cross-reference section to 46.40.070 where 1951 c 76 § 8 was codified.
- “this act” to “chapter 46.37”. This act referred to 1937 c 189, the lighting provisions of which have been superseded by 1955 c 269 codified herein as chapter 46.37.
- 46.47.090 Source—[1951 c 76 § 9.]
- “act” to “chapter” throughout.

Chapter 46.48 Safety

- 46.48.010 Source—[1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. 2531, part.]
- 1949 c 196 § 6 was divided by the 1941 Code Committee into 46.48.010, 46.48.020, 46.48.021, 46.48.022, 46.48.023, 46.48.024, 46-

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note.

- .48.025, 46.48.026 and 46.48.027; such division as subsequently amended is herein retained.
- 46.48.020 Source—[1951 c 28 § 6. For prior law see history note to RCW 46.48.010.]
- 46.48.021 Source—[1951 c 28 § 7. For prior law see history note to RCW 46.48.010.]
- 46.48.022 Source—[1955 c 177 § 1; 1951 c 28 § 8. For prior law see history note to RCW 46.48.010.]
- 46.48.023 Source—[1951 c 28 § 9. For prior law see history note to RCW 46.48.010.]
- 46.48.024 Source—[1955 c 177 § 4; 1951 c 28 § 10. For prior law see history note to RCW 46.48.010.]
- 46.48.025 Source—[1951 c 28 § 11. For prior law see history note to RCW 46.48.010.]
- 46.48.026 Source—[1951 c 28 § 12. For prior law see history note to RCW 46.48.010.]
- 46.48.027 Source—[1951 c 28 § 13. For prior law see history note to RCW 46.48.010.]
- 46.48.030 Source—[1937 c 189 § 65; RRS § 6360-65.]
“director of highways” to “state highway commission”.
“primary state highway” to “state highway”.
- 46.48.040—Source—[1951 c 28 § 2. Prior: 1937 c 189 § 66, part; RRS § 6360-66, part; 1927 c 309 § 5, part; 1921 c 96 § 41, part; 1919 c 59 § 13, part; 1917 c 155 § 20, part; 1915 c 142 § 34, part; RRS § 6362-5, part.]
- 46.48.041 Source—[1955 c 177 § 5.]
- 46.48.044 Source—[1951 c 28 § 3. For prior law see history note to RCW 46.48.040.]
- 46.48.046 Source—[1951 c 28 § 4. For prior law see history note to RCW 46.48.040.]
- 46.48.050 Source—[1937 c 189 § 67; RRS § 6360-67; 1921 c 96 § 32; 1915 c 142 § 25; RRS § 6344.]
- 46.48.060 Source—[1937 c 189 § 68; RRS § 6360-68.]
- 46.48.070 Source—[1937 c 189 § 69; RRS § 6360-69.]
- 46.48.080 Source—[1937 c 189 § 70; RRS § 6360-70.]
“Director of highways” to “state highway commission”.
“primary state highway” to “state highway”.
- 46.48.090 Source—[1955 c 177 § 2; 1947 c 200 § 9; 1937 c 189 § 71; Rem. Supp. 1947 § 6360-71; 1929 c 180 § 2, part; 1927 c 309 § 4, part; 1923 c 181 § 6, part; RRS § 6362-4, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; RRS § 6362-3, part.]
- 46.48.100—Source—[1955 c 177 § 3; 1947 c 200 § 10; 1937 c 189 § 72; Rem. Supp. 1947 § 6360-72; 1929 c 180 § 2, part; 1927 c 309 § 4, part; 1923 c 181 § 6, part; RRS § 6362-4, part.]
- 46.48.110 Source—[1947 c 200 § 11; 1937 c 189 § 73; Rem. Supp. 1947 § 6360-73.]
“This act” to “this title”.
- 46.48.120 Source—[1937 c 189 § 74; RRS § 6360-74; 1927 c 309 § 7; RRS § 6362-7.]
- 46.48.130 Source—[1945 c 151 § 1, part; 1937 c 189 § 45, part; Rem. Supp. 1945 § 6360-45, part.]
1945 c 151 § 1 was divided and codified in 46.48.130 and 46.48.140; the division is herein retained.
“the effective date of this act” to “June 6, 1945”.
- 46.48.140 Source—[1945 c 151 § 1, part; 1937 c 189 § 45, part; Rem. Supp. 1945 § 6360-45, part.]
See 46.48.130 above.
- 46.48.150 Source—[1937 c 189 § 131; RRS § 6360-131.]
“Director of highways” to “state highway commission”.
- 46.48.160 Source—[1953 c 278 § 1; 1937 c 189 § 130; RRS § 6360-130; 1927 c 309 § 42; RRS § 6362-42.]

- 46.48.170 Source—[1951 c 102 § 1; 1949 c 101 § 1; Rem. Supp. 1949 § 6360-63a.] Explanatory note.
- 46.48.175 Source—[1951 c 102 § 2.]
“section 1” to “RCW 46.48.170”.
- 46.48.180 Source—[1949 c 101 § 2; Rem. Supp. 1949 § 6360-63b.]
“section 1 of this act” to “RCW 46.48.170”.
- 46.48.190 Source—[1949 c 101 § 3; Rem. Supp. 1949 § 6360-63c.]
“section 1 of this act” to “RCW 46.48.170”.
- 46.48.260 Source—[1949 c 196 § 5; 1939 c 35 § 1; 1937 c 189 § 108; Rem. Supp. 1949 § 6360-108.]
“Director of highways” to “state highway commission”.
- 46.48.270 Source—[1937 c 189 § 107; RRS § 6360-107.]
“Director of highways” to “state highway commission”.
- 46.48.280 Source—[1937 c 189 § 109; RRS § 6360-109.]
- 46.48.290 Source—[1937 c 189 § 110; RRS § 6360-110; 1927 c 309 § 47, part; 1927 c 105 § 1, part; 1921 c 96 § 35, part; RRS § 6362-47, part.]
- 46.48.300 Source—[1937 c 189 § 111; RRS § 6360-111. For prior law see history note to RCW 46.48.290.]
- 46.48.310 Source—[1955 c 172 § 1.]
- 46.48.320 Source—[1955 c 172 § 2.]
- 46.48.330 Source—[1955 c 172 § 3.]

Chapter 46.52 Accidents and Reports

- 46.52.010 Source—[1937 c 189 § 133; RRS § 6360-133; 1927 c 309 § 50, part; RRS § 6362-50, part.]
- 46.52.020 Source—[1937 c 189 § 134; RRS § 6360-134; 1927 c 309 § 50, part; RRS § 6362-50, part.]
- 46.52.030 Source—[1943 c 154 § 1; 1937 c 189 § 135; RRS § 6360-135.]
- 46.52.040 Source—[1937 c 189 § 136; RRS § 6360-136.]
- 46.52.050 Source—[1937 c 189 § 137; RRS § 6360-137.]
- 46.52.060 Source—[1937 c 189 § 138; RRS § 6360-138.]
“directors of the departments of highways, licenses, public service” to “director of licenses, the highway commission, the public service commission”.
- 46.52.070 Source—[1937 c 189 § 139; RRS § 6360-139.]
- 46.52.080 Source—[1937 c 189 § 140; RRS § 6360-140.]
- 46.52.090 Source—[1937 c 189 § 141; RRS § 6360-141.]
- 46.52.100 Source—[1955 c 393 § 2; 1949 c 196 § 15; 1937 c 189 § 142; Rem. Supp. 1949 § 6360-142.]
- 46.52.110 Source—[1937 c 189 § 143; RRS § 6360-143.]
- 46.52.120 Source—[1937 c 189 § 144; RRS § 6360-144.]
In the fourth sentence “license of [to] any person” changed to “license to any person”.

Chapter 46.56 Driving Delinquencies

- 46.56.010 Source—[1955 c 393 § 3; 1949 c 196 § 4; 1937 c 189 § 119; Rem. Supp. 1949 § 6360-119; 1927 c 309 § 51; RRS § 6362-51.]
“In any case provided for in this act where a driver's license is to be revoked or suspended” changed to “In any case provided for in this section, RCW 46.20.250 and 46.52.100 where a driver's license is to be revoked or suspended”. 1955 c 393 is a four section act codified in 46.56.010, 46.20.250, 46.52.100 and 46.08.190; section 4 of the act, 46.08.190, having no provision dealing with revoking or suspending a driver's license, is omitted in the reference.
- 46.56.020 Source—[1937 c 189 § 118; RRS § 6360-118; 1927 c 309 § 45; 1923 c 122 § 2; RRS § 6362-45.]
- 46.56.030 Source—[1939 c 154 § 1; RRS § 6360-118 ½.]
“this act” changed to “this section”; 1939 c 154 is a two section act, the second section being an “emergency” section.
- 46.56.040 Source—[1937 c 189 § 120; RRS § 6360-120.]

**Explanatory
note.**

- 46.56.050 Source—[1937 c 189 § 113; RRS § 6360-113.]
- 46.56.060 Source—[1937 c 189 § 114; RRS § 6360-114.]
- 46.56.070 Source—[1937 c 189 § 115; RRS § 6360-115.]
- 46.56.080 Source—[1949 c 196 § 10; RRS § 6360-98c.]
- 46.56.090 Source—[1949 c 196 § 3; 1937 c 189 § 116; Rem. Supp. 1949 § 6360-116.]
- 46.56.100 Source—[1937 c 189 § 117; RRS § 6360-117; 1927 c 309 § 49; RRS § 6362-49.]
- 46.56.110 Source—[1937 c 189 § 95; RRS § 6360-95.]
- 46.56.120 Source—[1937 c 189 § 94; RRS § 6360-94.]
- 46.56.130 Source—[1937 c 189 § 96; RRS § 6360-96.]
- 46.56.135 Source—[1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part.]
Presently codified as RCW 46.36.130 (1st paragraph).
- 46.56.140 Source—[1937 c 189 § 112; RRS § 6360-112.]
- 46.56.150 Source—[1937 c 189 § 122; RRS § 6360-122.]
- 46.56.160 Source—[1937 c 189 § 123; RRS § 6360-123.]
- 46.56.170 Source—[1937 c 189 § 124; RRS § 6360-124.]
“this act” to “this title”.
- 46.56.180 Source—[1937 c 189 § 125; RRS § 6360-125; 1927 c 309 § 36; 1921 c 96 § 37; RRS § 6362-36.]
- 46.56.190 Source—[1937 c 189 § 126; RRS § 6360-126; 1927 c 309 § 38; RRS § 6362-38.]
- 46.56.200 Source—[1937 c 189 § 148; RRS § 6360-148.]
- 46.56.210 Source—[1937 c 189 § 149; RRS § 6360-149.]
“this act” to “this title”.

Chapter 46.60 Rules of the Road

- 46.60.010 Source—[1937 c 189 § 75; RRS § 6360-75; 1927 c 309 § 41, part; 1923 c 181 § 7, part; 1921 c 96 § 28, part; 1919 c 59 § 11, part; 1915 c 142 § 26, part; RRS § 6362-41, part.]
- 46.60.020 Source—[1959 c 44 § 1; 1955 c 146 § 1; 1949 c 196 § 12; Rem. Supp. 1949 § 6360-98e.]
- 46.60.040 Source—[1937 c 189 § 77; RRS § 6360-77; 1927 c 309 § 41, part; 1923 c 181 § 7, part; 1921 c 96 § 28, part; 1919 c 59 § 11, part; 1915 c 142 § 26, part; RRS § 6362-41, part.]
- 46.60.050 Source—[1959 c 42 § 1; 1957 c 96 § 1; 1937 c 189 § 78; RRS § 6360-78; 1927 c 309 § 41, part; 1923 c 181 § 7, part; 1921 c 96 § 28, part; 1919 c 59 § 11, part; 1915 c 142 § 26, part; RRS § 6362-41, part.]
- 46.60.060 Source—[1953 c 31 § 1; 1937 c 189 § 79; RRS § 6360-79; 1927 c 309 § 41, part; 1923 c 181 § 7, part; 1921 c 96 § 28, part; RRS § 6362-41, part.]
- 46.60.070 Source—[1937 c 189 § 80; RRS § 6360-80.]
- 46.60.080 Source—[1937 c 189 § 81; RRS § 6360-81; 1927 c 309 § 41, part; RRS § 6362-41, part.]
“primary state highway” to “state highway”.
- 46.60.090 Source—[1937 c 189 § 82; RRS § 6360-82; 1921 c 96 § 31, part; RRS § 6343, part.]
- 46.60.100 Source—[1937 c 189 § 83; RRS § 6360-83; 1921 c 96 § 31, part; RRS § 6343, part.]
- 46.60.110 Source—[1937 c 189 § 84; RRS § 6360-84; 1927 c 309 § 41, part; 1921 c 96 § 29, part; 1919 c 59 § 11, part; 1915 c 142 § 26, part; RRS § 6362-41, part.]
- 46.60.120 Source—[1953 c 248 § 1; 1949 c 157 § 3; 1947 c 267 § 9; 1937 c 189 § 85; Rem. Supp. 1949 § 6360-85; 1929 c 178 § 1, part; RRS § 6362-15, part; 1927 c 309 § 41, part; 1921 c 96 § 29, part; RRS § 6362-41, part.]
- 46.60.130 Source—[1947 c 200 § 12; 1937 c 189 § 86; Rem. Supp. 1947 § 6360-86.]
- 46.60.140 Source—[1937 c 189 § 87; RRS § 6360-87.]

- 46.60.150 Source—[1955 c 146 § 3; 1937 c 189 § 88; RRS § 6360-88; 1927 Explanatory c 309 § 41, part; 1923 c 181 § 7, part; 1921 c 96 § 28, part; RRS note. § 6362-41, part.]
- 46.60.160 Source—[1937 c 189 § 89; RRS § 6360-89.]
- 46.60.170 Source—[1955 c 146 § 4; 1937 c 189 § 90; RRS § 6360-90.]
- 46.60.180 Source—[1937 c 189 § 91; RRS § 6360-91.]
- 46.60.190 Source—[1937 c 189 § 92; RRS § 6360-92.]
- 46.60.200 Source—[1949 c 196 § 9; Rem. Supp. 1949 § 6360-98b.]
- 46.60.210 Source—[1937 c 189 § 93; RRS § 6360-93.]
- 46.60.220 Source—[1937 c 189 § 97; RRS § 6360-97.]
- 46.60.230 Source—[1959 c 135 § 1; 1951 c 56 § 3; 1949 c 196 § 7; 1947 c 200 § 13; 1937 c 189 § 98; Rem. Supp. 1949 § 6360-98; 1927 c 284 § 2; RRS § 6362-41b.]
In next to last paragraph: “director of highways” to “state highway commission”.
- 46.60.240 Source—[1949 c 196 § 8; Rem. Supp. 1949 § 6360-98a.]
- 46.60.250 Source—[1949 c 196 § 2; 1937 c 189 § 99; Rem. Supp. 1949 § 6360-99.]
- 46.60.260 Source—[1945 c 105 § 1; Rem. Supp. 1945 § 6360-99a.]
- 46.60.270 Source—[1945 c 105 § 2; Rem. Supp. 1945 § 6360-99b.]
“this act” to “RCW 46.60.260”.
- 46.60.280 Source—[1937 c 189 § 100; RRS § 6360-100.]
- 46.60.290 Source—[1937 c 189 § 101; RRS § 6360-101.]
- 46.60.300 Source—[1937 c 189 § 102; RRS § 6360-102.]
- 46.60.310 Source—[1937 c 189 § 103; RRS § 6360-103.]
“Director of highways” to “state highway commission”.
- 46.60.320 Source—[1957 c 96 § 2; 1937 c 189 § 104; RRS § 6360-104.]
- 46.60.330 Source—[1955 c 146 § 5; 1947 c 200 § 14; 1937 c 189 § 105; Rem. Supp. 1947 § 6360-105.]
- 46.60.340 Source—[1937 c 189 § 106; RRS § 6360-106; 1927 c 284 § 1; RRS § 6362-41a.]
“director of highways” to “state highway commission”.
“primary state highways” to “state highways”.
- 46.60.350 Source—[1949 c 196 § 14; Rem. Supp. 1949 § 6360-98g.]
“Director of highways” to “state highway commission”.

Chapter 46.64 Enforcement

- 46.64.010 Source—[1949 c 196 § 16; 1937 c 189 § 145; Rem. Supp. 1949 § 6360-145.]
“this article” to “this section”.
- 46.64.015 Source—[1951 c 175 § 1.]
- 46.64.020 Source—[1937 c 189 § 146; RRS § 6360-146.]
“this act” to “this title”.
- 46.64.030 Source—[1937 c 189 § 147; RRS § 6360-147.]
“this act” to “this title”.
- 46.64.040 Source—[1959 c 121 § 1; 1957 c 75 § 1; 1937 c 189 § 129; RRS § 6360-129.]
- 46.64.050 Source—[(i) 1937 c 189 § 150; RRS § 6360-150; 1927 c 309 § 53; RRS § 6362-53. (ii) 1937 c 188 § 82; RRS § 6312-82; 1921 c 108 § 16; RRS § 6378.]
46.64.050 combines identical sections (1937 c 189 § 150 and 1937 c 188 § 82).
“this act” to “this title”.

Chapter 46.68 Disposition of Revenue

- 46.68.010 Source—[1937 c 188 § 76; RRS § 6312-76.]
“this act” to “this title”.
- 46.68.020 Source—[1955 c 259 § 3; 1947 c 164 § 7; 1937 c 188 § 11; Rem. Supp. 1947 § 6312-11.]
- 46.68.030 Source—[1957 c 105 § 2; 1955 c 259 § 4; 1947 c 164 § 15; 1937 c 188 § 40; Rem. Supp. 1947 § 6312-40.]
- 46.68.040 Source—[1959 c 81 § 1; 1957 c 294 § 2; 1955 c 259 § 5; 1949 c 52

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note.

- § 2; 1947 c 164 § 19; 1939 c 213 § 1; 1937 c 188 § 71; Rem. Supp. 1949 § 6312-71.]
- 46.68.050 Source—[(i) 1949 c 75 § 4; 1937 c 189 § 151; Rem. Supp. 1949 § 6360-151. (ii) 1949 c 75 § 3; 1937 c 188 § 83; Rem. Supp. 1949 § 6312-83; 1927 c 309 § 54; RRS § 6362-54.]
46.68.050 combined identical sections (1949 c 75 § 3 and 1949 c 75 § 4).
“this act” to “this title”.
- 46.68.060 Source—[1957 c 104 § 1; 1937 c 188 § 81; RRS § 6312-81; 1921 c 108 § 13; RRS § 6375.]
- 46.68.070 Source—[(i) 1935 c 111 § 1, part; 1933 c 41 § 4, part; RRS § 6600, part; 1929 c 163 § 1; 1925 ex.s. c 185 § 1; 1923 c 181 § 3; 1921 c 96 § 18; 1919 c 46 § 3; 1917 c 155 § 13; 1915 c 142 § 18; RRS § 6330. (ii) 1939 c 181 § 1; RRS § 6600-1; 1937 c 208 §§ 1, 2, part.]
This section adopts the RCW text which is substantially the language of 1939 c 181 § 1, minus the session law reference to the “General Obligation Bonds of 1933 Retirement Fund” which bonds were retired several years ago.
- 46.68.080 Source—[1939 c 181 § 9; RRS § 6450-54a.]
- 46.68.090 Source—[1943 c 115 § 3; 1939 c 181 § 2; Rem. Supp. 1943 § 6600-1d; 1937 c 208 §§ 2, part, 3, part.]
“this act” to “this chapter”. Reference is to “net tax amount”, construed in this chapter. Two sections of 1939 c 181 codified outside 46.48 as 36.75.030 and 47.24.040 do not appear essential to this translation to “chapter”.
- 46.68.100 Source—[1959 1st ex.s. c 4 § 1; 1957 c 271 § 3; 1957 c 175 § 10; 1943 c 83 § 1; 1939 c 181 § 3; Rem. Supp. 1943 § 6600-1e; 1937 c 208 §§ 2, part, 3, part.]
Note that chapter 271, Laws of 1957, being one of the acts in the legislative history of this section, is mentioned in RCW 47.65.110 as expiring on June 30, 1961.
- 46.68.110 Source—[1957 c 175 § 11; 1949 c 143 § 1; 1943 c 83 § 2; 1941 c 232 § 1; 1939 c 181 § 4; Rem. Supp. 1949 § 6600-3a; 1937 c 208 § 2, part, 3, part.]
“subdivision (1) of RCW 46.68.100” changed to “subdivision (2) of RCW 46.68.100”; 46.68.100 was amended in 1959 (1st ex.s. c 4 § 1) and a new subsection was added thereto, and as a result former subsections (1) and (2) were made (2) and (3) respectively.
“board” changed to “state census board”; this section ends with “on the basis of the population last determined by the board.” Said “board” is not otherwise identified. The original session law basis of this section, 1939 c 181 § 4, subsection (b) distributed to incorporated cities and towns on the basis of the official United States census of 1930, cities incorporating subsequent thereto, on the basis of population on date of incorporation shown on the certificate of the incorporating officials. The 1941 amendment used similar language; the 1949 amendment changed it to read “as determined by the next preceding official United States census.” 1947 c 51 created a state census board. 1951 c 51 § 2, as amended, [RCW 43.62.010] was amended in 1957 c 175 wherein this section, 46.68.110 was also amended. The purpose of that act was to amend those RCW sections with population estimates forming a basis of computation to insure such population estimates were that of the state census board. It is in this 1957 amendment of 46.68.110 the use of “board” first appears.
“director of highways” to “state highway commission”.
- 46.68.120 Source—[1957 c 109 § 1; 1955 c 243 § 1; 1949 c 143 § 2; 1945 c 260 § 1; 1943 c 83 § 3; 1939 c 181 § 5; Rem. Supp. 1949 § 6600-2a.]
In subsection (f) (3): “paragraph 9, chapter 181, Laws of 1939; RCW 46.68.080” to “RCW 46.68.080”.

- 46.68.130 Source—[1957 c 271 § 4; 1957 c 105 § 3; 1941 c 246 § 1; 1939 c 181 § 6; Rem. Supp. 1941 § 6600-2b.] Explanatory note.

Note that chapter 271, Laws of 1957, being one of the acts in the legislative history of this section, is mentioned in RCW 47.65.110 as expiring on June 30, 1961.

RCW 46.68.130 was twice amended by the 1957 legislature. 1957 c 105 § 3 amended it to harmonize with the operations of the state patrol highway account created by that act. 1957 c 271 § 4 amended it by adding the words "and section 3 of this amendatory act" in order to insure the adoption by reference of the correlative amendment of RCW 46.68.100, which amendment added to the existing allocations from the net tax amount of the motor vehicle fund, a new one-half of one percent allocation to the Puget Sound stabilization fund.

The inclusion in this reenactment of the amendment wrought by 1957 c 271 § 4 appears to be unnecessary since RCW 46.68.100 is already referred to in the instant section, RCW 46.68.130, and upon reenactment the reference to RCW 46.68.100 will carry with it the 1957 amendment thereto.

It is therefore necessary herein only to reenact RCW 46.68.130 as amended by 1957 c 105 § 3.

This construction is also in accord with the rule of construction of RCW 1.12.025 which provides that:

"If at any session of the legislature there are enacted two or more acts amending the same section of the session laws or of the official code, each act shall be given effect to the extent that the amendments do not conflict in purpose, otherwise the act last filed in the office of the secretary of state in point of time, shall control."

- 46.68.140 Source—[1957 c 105 § 4.]

Chapter 46.70 Dealer's Licenses

- 46.70.010 Source—[1959 c 166 § 15; 1951 c 150 § 2.]
 46.70.020 Source—[1951 c 150 § 3.]
 46.70.030 Source—[1951 c 150 § 4.]
 46.70.040 Source—[1959 c 166 § 16; 1951 c 150 § 5.]
 46.70.050 Source—[1959 c 166 § 17; 1951 c 150 § 6.]
 46.70.060 Source—[1959 c 166 § 18; 1951 c 150 § 7.]
 46.70.070 Source—[1959 c 166 § 19; 1951 c 150 § 8.]
 46.70.080 Source—[1951 c 150 § 9.]
 46.70.090 Source—[1955 c 283 § 1; 1951 c 150 § 10.]
 46.70.100 Source—[1959 c 166 § 20; 1957 c 273 § 20; 1951 c 150 § 13.]
 46.70.110 Source—[1951 c 150 § 14.]
 "this act" to "this chapter".
 46.70.120 Source—[1951 c 150 § 15.]
 46.70.130 Source—[1951 c 150 § 16.]
 46.70.140 Source—[1951 c 150 § 11.]
 46.70.150 Source—[1951 c 150 § 12.]
 46.70.160 Source—[1959 c 166 § 21.]

Chapter 46.72 Passenger Transportation for Hire

This chapter is presently codified as chapter 81.72 RCW. In view of the fact that its provisions are administered by the director of licenses rather than the public service commission, and the incidents of regulation are more akin to those of Title 46 than of Title 81, it is here presented for enactment as part of Title 46 and is omitted from the bill for the reenactment of Title 81.

- 46.72.010 Source—[1947 c 253 § 1; Rem. Supp. 1947 § 6386-1.]
 Formerly 81.72.010.

"this act" to "this chapter". 1947 c 253 is basic act; 1951 c 219 as amended by 1953 c 12 was added thereto; all in this chapter. "stages, victory vehicles, or school busses" changed to "stages

Explanatory
note.

- or school buses". "Victory vehicles" were authorized by 1943 c 281 which expired April 1, 1947. See 1945 c 86 § 1, which amended 1943 c 281 § 16.
- 46.72.020 Source—[1947 c 253 § 2; Rem. Supp. 1947 § 6386-2. Prior: 1915 c 57 § 1; RRS § 6382.]
Formerly 81.72.020.
- 46.72.030 Source—[1947 c 253 § 3; Rem. Supp. 1947 § 6386-3. Prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part.]
Formerly 81.72.030.
- 46.72.040 Source—[1947 c 253 § 4; Rem. Supp. 1947 § 6386-4. Prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part.]
Formerly 81.72.040.
"act" to "chapter".
- 46.72.050 Source—[1947 c 253 § 5; Rem. Supp. 1947 § 6386-5.]
Formerly 81.72.050.
"this act" to "this chapter".
- 46.72.060 Source—[1947 c 253 § 6; Rem. Supp. 1947 § 6386-6. Prior: 1929 c 27 § 1; 1927 c 161 § 1; 1915 c 57 § 3; RRS § 6384.]
Formerly 81.72.060.
"this act" to "this chapter".
- 46.72.070 Source—[1947 c 253 § 7; Rem. Supp. 1947 § 6386-7.]
Formerly 81.72.070.
- 46.72.080 Source—[1947 c 253 § 8; Rem. Supp. 1947 § 6386-8.]
Formerly 81.72.080.
- 46.72.100 Source—[1947 c 253 § 9; Rem. Supp. 1947 § 6386-9. Prior: 1915 c 57 § 4; RRS § 6385.]
Formerly 81.72.100.
"this act" to "this chapter".
- 46.72.110 Source—[1947 c 253 § 10; Rem. Supp. 1947 § 6386-10.]
Formerly 81.72.110.
"this act" to "this chapter".
- 46.72.120 Source—[1947 c 253 § 11; Rem. Supp. 1947 § 6386-11.]
Formerly 81.72.120.
"this act" to "this chapter".
- 46.72.130 Source—[1953 c 12 § 1; 1951 c 219 § 1.]
Formerly 81.72.130.
- 46.72.140 Source—[1951 c 219 § 2.]
Formerly 81.72.140.
- 46.72.150 Source—[1951 c 219 § 3.]
Formerly 81.72.150.
"this act" to "RCW 46.72.130 and 46.72.140".

Chapter 46.76 Motor Vehicle Transporters

- 46.76.010 Source—[1957 c 107 § 1; 1953 c 155 § 1; 1947 c 97 § 1; Rem. Supp. 1947 § 6382-75.]
- 46.76.020 Source—[1947 c 97 § 2; Rem. Supp. 1947 § 6382-76.]
- 46.76.030 Source—[1947 c 97 § 3; Rem. Supp. 1947 § 6382-77.]
- 46.76.040 Source—[1957 c 107 § 2; 1947 c 97 § 4; Rem. Supp. 1947 § 6382-78.]
- 46.76.050 Source—[1947 c 97 § 5; Rem. Supp. 1947 § 6382-79.]
- 46.76.060 Source—[1957 c 107 § 3; 1947 c 97 § 6; Rem. Supp. 1947 § 6382-80.]
- 46.76.070 Source—[1947 c 97 § 7; Rem. Supp. 1947 § 6382-81.]
"of the act" to "of this chapter"; chapter 46.76 consists only of 1947 c 97, as amended, in its entirety.
- 46.76.080 Source—[1947 c 97 § 8; Rem. Supp. 1947 § 6382-82.]
"this act" to "this chapter".

Chapter 46.80 Motor Vehicle Wreckers

- 46.80.010 Source—[1947 c 262 § 1; Rem. Supp. 1947 § 8326-40.]
"act" to "chapter" throughout. 1947 c 262, as amended, is codified in its entirety in 46.80, which contains no other session law sections.
- 46.80.020 Source—[1947 c 262 § 2; Rem. Supp. 1947 § 8326-41.]

- 46.80.030 Source—[1947 c 262 § 3; Rem. Supp. 1947 § 8326-42.]
- 46.80.040 Source—[1947 c 262 § 4; Rem. Supp. 1947 § 8326-43.]
- 46.80.050 Source—[1947 c 262 § 5; Rem. Supp. 1947 § 8326-44.]
“act” to “chapter”.
- 46.80.060 Source—[1957 c 273 § 21; 1947 c 262 § 6; Rem. Supp. 1947 § 8326-45.]
- 46.80.070 Source—[1947 c 262 § 7; Rem. Supp. 1947 § 8326-46.]
“act” to “chapter”.
- 46.80.080 Source—[1947 c 262 § 8; Rem. Supp. 1947 § 8326-47.]
- 46.80.090 Source—[1947 c 262 § 9; Rem. Supp. 1947 § 8326-48.]
- 46.80.100 Source—[1947 c 262 § 10; Rem. Supp. 1947 § 8326-49.]
“the act” to “this chapter”.
- 46.80.110 Source—[1947 c 262 § 11; Rem. Supp. 1947 § 8326-50.]
“Committed” added as first word of subsections (c) and (d) and new paragraph made in (d); see copy.
- 46.80.120 Source—[1947 c 262 § 12; Rem. Supp. 1947 § 8326-51.]
“act” to “chapter”.
- 46.80.130 Source—[1947 c 262 § 13; Rem. Supp. 1947 § 8326-52.]
- 46.80.140 Source—[1947 c 262 § 14; Rem. Supp. 1947 § 8326-53.]
“act” to “chapter”.
- 46.80.150 Source—[1947 c 262 § 15; Rem. Supp. 1947 § 8326-54.]
“act” to “chapter”.
- 46.80.160 Source—[1947 c 262 § 16; Rem. Supp. 1947 § 8326-55.]
“act” to “chapter”.

Chapter 46.82 Drivers' Training Schools

- 46.82.010 Source—[1957 c 87 § 1.]
“act” changed to “chapter”. 1957 c 87 is codified in its entirety 46.82, which contains no other session law sections.
- 46.82.020 Source—[1957 c 87 § 2.]
- 46.82.030 Source—[1957 c 87 § 3.]
“section 2 of this act” to “RCW 46.82.020”.
- 46.82.040 Source—[1957 c 87 § 4.]
- 46.82.050 Source—[1957 c 87 § 5.]
“act” to “chapter”.
- 46.82.060 Source—[1957 c 87 § 6.]
“act” to “chapter”.
- 46.82.070 Source—[1957 c 87 § 7.]
- 46.82.080 Source—[1957 c 87 § 8.]
“act” to “chapter”.
- 46.82.090 Source—[1957 c 87 § 9.]
“act” to “chapter”.
- 46.82.100 Source—[1957 c 87 § 10.]
- 46.82.110 Source—[1957 c 87 § 11.]
- 46.82.120 Source—[1957 c 87 § 12.]
“section 15 [Sec. 14] of this act” changed to “RCW 46.82.140”.
- 46.82.130 Source—[1957 c 87 § 13.]
- 46.82.140 Source—[1957 c 87 § 14.]
- 46.82.150 Source—[1957 c 87 § 15.]
“act” to “chapter”.
- 46.82.160 Source—[1957 c 87 § 16.]
“this chapter goes into effect” to “June 13, 1957”.
“act” to “chapter”.
- 46.82.170 Source—[1957 c 87 § 17.]
- 46.82.180 Source—[1957 c 87 § 18.]
- 46.82.190 Source—[1957 c 87 § 19.]
- 46.82.200 Source—[1957 c 87 § 20.]
- 46.82.210 Source—[1957 c 87 § 21.]
- 46.82.220 Source—[1957 c 87 § 22.]
- 46.82.230 Source—[1957 c 87 § 23.]
“section 7 of this act” to “RCW 46.82.070”.
- 46.82.240 Source—[1957 c 87 § 24.]
“act” to “chapter”.

**Explanatory
note.**

- 46.82.250 Source—[1957 c 87 § 25.]
“act” to “chapter”.
- 46.82.260 Source—[1957 c 87 § 26.]
“this shall not” to “This chapter shall not”; word chapter
added for clarification, the intention being evidenced by last
sentence in section.
“act” to “chapter”.
- 46.82.270 Source—[1957 c 87 § 27.]

Chapter 46.83 Traffic Schools

- 46.83.010 Source—[1959 c 182 § 1.]
“act” to “chapter”. 1959 c 182 is codified in its entirety in
46.83, which contains no other session law sections.
- 46.83.020 Source—[1959 c 182 § 2.]
“act” to “chapter”.
- 46.83.030 Source—[1959 c 182 § 3.]
- 46.83.040 Source—[1959 c 182 § 4.]
- 46.83.050 Source—[1959 c 182 § 5.]
- 46.83.060 Source—[1959 c 182 § 6.]
“act” to “chapter”.

Chapter 46.84 Highway User Tax Structure

- 46.84.010 Source—[1955 c 381 § 1.]
- 46.84.020 Source—[1957 c 273 § 22; 1955 c 381 § 2.]
- 46.84.030 Source—[1955 c 381 § 3.]
- 46.84.040 Source—[1955 c 381 § 4.]
“act” to “chapter”. 1955 c 381, as amended, is codified in its
entirety in 46.84, which contains no other session law sections.
- 46.84.050 Source—[1957 c 273 § 23; 1955 c 381 § 5.]
- 46.84.060 Source—[1955 c 381 § 6.]
- 46.84.070 Source—[1955 c 381 § 7.]
- 46.84.080 Source—[1955 c 381 § 8.]
- 46.84.090 Source—[1955 c 381 § 9.]
- 46.84.100 Source—[1955 c 381 § 10.]
“act” to “chapter”.

Chapter 46.98 Construction

- 46.98.010 This section has been added to preserve continuity with the
laws which this bill reenacts.
- 46.98.020 See Part I of these notes.
- 46.98.030 Provides that chapter, etc., headings are not part of law.
- 46.98.040 Severability.
- 46.98.050 Repeals and saving.
The laws set forth in the schedule of repeals were either re-
pealed previously or are substantially reenacted by this bill.
Omitted from reenactment without comment are certain emer-
gency and effective date sections, obsolete appropriations and
other obsolete or temporary sections heretofore uncodified.
A list of said sections is permanently filed in the reviser's
office. Rights acquired under the repealed acts are preserved
by the last paragraph of this section.
- 46.98.060 Emergency clause.

CHAPTER 13.

[H. B. 3.]

PUBLIC HIGHWAYS—TITLE 47 RCW REENACTMENT.

AN ACT relating to public highways, streets, bridges, ferries, tunnels, and related means of transportation; providing for the acquisition, construction, maintenance, operation, regulation and financing thereof; enacting Title 47 of the Revised Code of Washington; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

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

TITLE 47

PUBLIC HIGHWAYS

Chapter 47.01

HIGHWAY COMMISSION

47.01.010 Legislative declaration. The administration of highway affairs has become a matter of major public importance involving vast sums of money, the development of commerce and resources, the employment of great numbers of persons, the promotion of recreation and the welfare of every citizen of the state. It demands the highest order of business and technical administration, accompanied by continuity of sound long-range highway policies, freedom from political interference and changes of personnel, and an organization attracting the services of qualified talented administrators and meriting the confidence of the people.

47.01.020 Commission created — Appointment of members — Terms. There is hereby created a state highway commission consisting of five members, all of whom shall be residents of this state and who shall be appointed by the governor with the consent of the senate for terms of office as herein provided, and with the qualifications herein specified. Within ninety days after March 19, 1951, the governor shall appoint the first members of said state highway commission: One member to serve two years; one member to serve three years; one member to serve four years; one member to serve five years; and one member to serve six years from the first day of July, 1951. Upon expiration of said original terms subsequent appointments shall be for six years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred.

47.01.030 Members—Qualifications—Removal. No two members of said state highway commission shall at the time of appointment or

thereafter during their respective terms of office be residents of the same congressional district, and not more than three members of said state highway commission shall reside at the time of appointment or thereafter in one part of the state divided north and south by the summit of the Cascade mountains. Not more than three members of said state highway commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. No elective state official or state officer during the term of office to which he was elected or appointed or state employee shall be a member of said commission. No state highway commissioner shall be removed from office by the governor before the expiration of his term unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question.

47.01.040 Members—Compensation and expenses. Each member of the state highway commission shall receive twenty-five dollars per diem for each day actually spent in the performance of his duties and his actual necessary traveling and other expenses in going to, attending and returning from meetings of the commission, and his actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested of him by a majority vote of the commission, but in no event shall a commissioner's per diem payments exceed three thousand dollars in any one year.

47.01.050 Powers of commission. The state highway commission is hereby vested with all powers, authority, functions and duties vested in or required to be performed by the director of highways or the state department of highways as of July 1, 1951. Full and complete jurisdiction and authority over the administration of state highways and all matters connected therewith or related thereto is hereby granted the said state highway commission except only insofar as the same may have been heretofore or may be hereafter specifically granted to the director or department of licenses, the public service commission, the state commission on equipment, the Washington state patrol or its chief, the Washington toll bridge authority, or the governing bodies of cities and towns.

47.01.060 Exercise of powers—Rules and regulations. On and after July 1, 1951, the state highway commission shall take over, assume and exercise all of the powers, authority and functions and perform all of the duties then vested in or required to be performed

by the director of highways and the department of highways. Thereafter the state highway commission shall assume and exercise full and complete jurisdiction and authority over the administration of the state highways and all matters connected therewith or related thereto as hereinabove set forth in RCW 47.01.050. The state highway commission shall establish such rules and regulations as may be deemed wise and lay down policies of procedure and generally supervise and control the operation of said functions within the terms of this title and pursuant to the laws of this state, and the said commission is hereby clothed with all necessary powers to carry out the terms thereof.

47.01.070 Directors' prior assignments may be delegated. In all situations wherein the director of highways was on July 1, 1951 designated as a member of any board, commission, committee, or authority, the state highway commission shall hereafter determine who shall serve as such member.

47.01.080 Meetings of commission—Rules and regulations. The first appointed members of the state highway commission shall meet in the offices of the department of highways at the state capitol and organize as a state highway commission during the first week in July, 1951, or as soon thereafter as possible. At the first annual meeting and at each annual meeting thereafter the commission shall elect a secretary who may be, but need not be, a member of said commission, and the commission shall elect a chairman from its own membership who shall hold office for one year. Election as chairman shall not interfere with the member's right to vote on all matters before the commission. The commission shall meet at such other times as it deems advisable, but at least once every thirty days, and shall from time to time adopt rules and regulations not inconsistent with the provisions of this title for its own government, and to regulate and discharge its duties, and to exercise its powers under this title.

47.01.090 Meetings—Notice—Quorum. The commission shall act collectively in harmony with recorded resolutions or motions adopted by a majority of the commission at regular or special meetings, notice of which meetings shall be given to all members pursuant to the rules of said commission. Three members shall constitute a quorum at any meeting, but no resolution, motion, or other decision of the commission shall be adopted or passed without the favorable vote of at least three members.

47.01.100 Director of highways—Appointment—General duties. The state highway commission shall select and appoint the director of highways who after appointment shall be an ex officio member of the commission without a vote. He shall be the chief executive

officer of the commission responsible only to it, and shall carry into effect the commission's order and shall be guided by policies laid down by it. As the executive head, he shall direct all activities and supervise the work of the staff of the department.

47.01.110 Director of highways—Qualifications. The director of highways shall be fully competent as a highway engineer and as an executive. He shall be a registered professional engineer and shall be a graduate in engineering of an accredited university or college or have in lieu thereof experience as a civil engineer in responsible charge of work equivalent to such education, and in addition experience in highway or road construction for a period of not less than five years. He need not be a resident of the state at the time of his appointment.

47.01.120 Director of highways—Term—Removal. The director of highways shall hold office indefinitely but may be dismissed by the commission at any time for incompetence, neglect of duty, malfeasance in office or failure to carry out the commission's policies. Before a motion for dismissal shall be acted upon by the state highway commission, the director of highways shall be granted a hearing on formal written charges before the full commission.

47.01.130 Director of highways—Salary. The salary of the director of highways shall be ten thousand dollars per year: *Provided*, That the commission may increase said salary.

47.01.140 Commission's report to legislature. The state highway commission shall prepare a report of its activities to be submitted to each biennial session of the legislature. The report shall be printed and copies thereof submitted to the senate and house of representatives on or before the opening day of the legislative session and shall show the sum of money expended by or under its direction during the fiscal biennium or portion thereof during which the commission has functioned, and shall show data and information as will show a strict accounting of all sums expended by or under its direction.

47.01.150 Budget—Plan for highway development. The commission shall prepare, furnish and present to the governor and to the legislature at the time of its convening, the budget for the following two years. The commission shall continue its comprehensive plan for highway development based on the principle that the state is furnishing transportation facilities which should be paid for by those most benefited and developed in the order of greatest need therefor.

47.01.160 Commission—Specific powers enumerated. The state highway commission shall have the power and it shall be its duty:

(1) To conduct, control and supervise the state department of highways, and to designate and establish such department of high-

way district or branch offices as may be necessary and convenient, and to appoint and employ and to determine the powers and duties together with the salaries and other expenses of such engineering, clerical, mechanical, and any and all other assistants as may be necessary or convenient in the exercise of the powers and in the discharge of its duties as the state highway commission.

(2) To keep at the office of the commission in the highway building at the state capitol a record of all proceedings and orders pertaining to the matters under its direction and copies of all maps, plans and specifications prepared by it, and to prepare and submit to the governor thirty days before each regular session of the legislature of the state of Washington a report of work constructed or under construction and to make recommendations as to needed state highways and improvements of the state highway system, together with estimated cost thereof.

(3) To acquire property as authorized by law and to construct and maintain thereon any buildings or structures necessary and convenient for the exercise of the powers and the discharge of the duties of the commission and to construct and maintain any buildings or structures and appurtenances and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon the state highways.

(4) To employ such qualified engineers who shall be registered professional engineers under the laws of the state of Washington, assistants and such other services and to provide such superintendents of construction, repair or maintenance work on any state highways as may be necessary to accomplish the completion thereof, and the expense so incurred together with the cost of any right of way necessary therefor, or land incidental thereto, shall be charged against the funds appropriated for the construction, repair or maintenance of state highways.

(5) To exercise all the powers and perform all the duties necessary, convenient, or incidental to the laying out, locating, relocating, surveying, constructing, altering, repairing, improving, and maintaining of any state highway, and of any bridges, culverts and embankments necessary or important therefor or for the protection or preservation thereof, and channel changes therefor and to examine and allow or disallow bills for any work done or materials furnished and to certify all claims allowed to the state auditor.

(6) To publish biennially and before the end of each even numbered year a report of the commission with such cumulative information as may be deemed important and such recommendations as may be deemed desirable for the future operation of the commission.

(7) To devise and place in operation in the department of highways of the state of Washington a practical and workable merit

system for the rating of employees of the department of highways and the same shall by it be followed as closely as possible in the classification of employees, setting of wages and the determination of eligibility for promotion, to effect the most efficient and economical conduct of the department of highways.

(8) To collect and compile and to publish, if it is deemed advisable, statistics relative to public highways throughout the state; to collect such information in regard thereto as is deemed expedient; to investigate and determine upon various methods of highway construction adaptable to different sections of the state; to investigate and determine the best methods of construction and maintenance of highways, roads and bridges; to gather and compile such other information relating thereto as shall be deemed appropriate, and to employ highway funds for the purpose of constructing test roads within the state of Washington and conducting investigations and research thereof in the state of Washington or elsewhere; to conduct on any highways, roads, or streets of this state, physical, traffic or other nature of inventory or survey considered of value in determining highway, road or street uses and needs.

(9) To appoint, with the approval of the governor, a qualified assistant to act temporarily in the capacity of director of highways in his absence which assistant shall exercise all the powers and discharge all the duties of the director of highways during such absence.

(10) To exercise all powers and to perform all duties by any law granted to or imposed upon the state highway board, the state highway commission, the state highway committee, the director of public works by and through the division of highways, the supervisor of highways, and the state highway engineer.

(11) To exercise all other powers and perform all other duties now or hereafter provided by law.

47.01.170 ————**Right of entry.** The commission or its duly authorized and acting assistants, agents or appointees shall have the right to enter upon any land, real estate or premises in this state, whether public or private, for purposes of making examinations, locations, surveys and appraisals for highway purposes. The making of any such entry for said purposes shall not constitute any trespass by the commission or by its duly authorized and acting assistants, agents or appointees.

47.01.180 ————**Roads and bridges in state parks.** The commission is hereby authorized at the request of, and upon plans approved by the state parks committee, to construct and maintain vehicular roads, highways and bridges within the limits of the several state parks.

47.01.190 ————**Assistant director of highways for state aid.** The commission shall appoint, with the approval of the governor, a qualified assistant to be designated as "assistant director of highways for state aid" whose duties shall consist of the administration of the program of state aid in the matter of county roads and city streets.

47.01.200 ————**Personnel merit system required for department.** [1955 c 383 § 14; 1949 c 220 § 3; RCW 43.27.060. Repealed by 1961 c 1 § 33 (9); (initiative No. 207).]

47.01.210 ————**Contract without bid or bond with public utilities and municipal corporations.** It shall be lawful for the Washington state highway commission to contract without advertising or bid, or performance bond, with any public utility, whether publicly or privately operated, or with any municipal corporation or political subdivision of the state, for the performance of any work or the furnishing of any service of a type ordinarily performed or furnished by such utility, or by such municipal corporation or political subdivision, whenever, in the opinion of said commission, the interest of the public will be best served.

47.01.220 ————**Report to legislature on highway needs through joint fact-finding committee.** The state highway commission shall report to the legislature through the joint fact-finding committee on highways, streets and bridges on the highway needs of the state in light of the new federal highway policy, taking into consideration the needs of the existing state highway system and such extensions thereto as may be warranted by the expanding economy of the state.

Chapter 47.04

GENERAL PROVISIONS

47.04.010 Definitions. The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A public highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every public highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including the public highway, as herein defined, when fifty percent or more of the frontage thereon on either side thereof for a continuous distance

of three hundred feet or more is occupied by buildings in use for business;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of the roadway of a public highway;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting public highways;

(6) "City street." Every public highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and trailer or motor vehicle and semitrailer the principal use of which is the transportation of commodities, merchandise, produce, freight or animals;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals or passengers for hire;

(9) "County road." Every public highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a primary or secondary state highway;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Intersection area." The area embraced within the prolongation of the lateral curb lines, or, if there be no curbs, then the lateral roadway boundary lines, of two or more public highways which join one another at an angle, whether or not such highways cross one another;

(12) "Intersection center marker." Any standard, button, flag, painted or raised marker, or other device located at or intended to designate the approximate center of intersection;

(13) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

(14) "Intersection entrance marker." Any standard, button, flag, caution sign, stop sign, or other device located at approximately the point of intersection of the center line of an intersecting public highway with the nearest line of the intersection control area on the approach thereto;

(15) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

(16) "Local authorities." Every county, municipal, or other local

public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

(17) "Marked crosswalk." Any portion of roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

(18) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

(19) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight or animals;

(20) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

(21) "Multiple lane highway." Any public highway the roadway of which is of sufficient width to reasonably accommodate four separate lanes of vehicular traffic, two lanes in each direction, each lane of which shall be not less than eight feet in width, and whether or not such lanes are marked and whether or not the lanes of opposite bound traffic are separated by a neutral zone or other center line marking;

(22) "Operator." Every person who is in actual physical control of a motor vehicle as herein defined, upon a public highway, as herein defined;

(23) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the public highways of this state;

(24) "Pedestrian." Any person afoot;

(25) "Person." Every natural person, firm, copartnership, corporation, association or organization;

(26) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

(27) "Primary state highway." Every public highway as herein defined, or part thereof, which has been designated as a primary state highway by legislative enactment;

(28) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

(29) "Public highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(30) "Railroad." A carrier of persons or property upon vehicles,

other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

(31) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(32) "Residence district." The territory contiguous to and including the public highway, as herein defined, not comprising a business district, as herein defined, when the property on such public highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business;

(33) "Roadway." The paved, improved or proper driving portion of a public highway designed, or ordinarily used for vehicular travel;

(34) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards or otherwise so as to be plainly discernible;

(35) "Secondary state highway." Every public highway as herein defined, or part thereof, which has been designated as a secondary state highway by legislative enactment;

(36) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians;

(37) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

(38) "State highway." Every public highway as herein defined, or part thereof, which has been designated as a primary state highway or secondary state highway by legislative enactment;

(39) "Street car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

(40) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any public highways for purposes of travel;

(41) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

(42) "Traffic devices." All signs, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;

(43) "Train." A vehicle propelled by steam, electricity or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;

(44) "Vehicle." Every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary.

47.04.020 Classification of highways. All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns shall be divided and classified as primary state highways, secondary state highways, and county roads. All primary state highways shall be established by the legislature of the state of Washington and shall be described, and designated by convenient number and descriptive name. All secondary state highways shall be established by the legislature of the state of Washington as branches of primary state highways and shall be described and designated by convenient number. All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns, not established as primary state highways or secondary state highways, are hereby declared to be county roads.

47.04.030 Provisions applicable to both primary and secondary highways. The highway commission shall have all the powers and perform all the duties with respect to secondary state highways, described and designated by this title, as have been or may be by law granted with respect to primary state highways so far as the same are consistently applicable. All provisions of the law of this state with respect to the construction, reconstruction, location, relocation, alteration, repair, improvement, maintenance, care and protection of primary state highways of this state shall apply to secondary state highways described and designated by this title and all powers and duties of public officers of this state with respect to the receipt and use of funds of the federal government relating to primary state highways shall apply to secondary state highways. All laws, rules and regulations relating to vehicles upon the public highways of this state, and all laws, rules and regulations relating to vehicles upon primary state highways of this state, shall apply to

vehicles upon secondary state highways, described and designated by this title, so far as the same are consistently applicable.

47.04.040 Title to rights of way vested in state. Upon and after April 1, 1937, all rights of way of any primary state highways, together with all appurtenances thereto, the right or interest in or to which was, or is, in any county, road district, township, local improvement district, independent highway district, or other highway or road district or political subdivision of the state of Washington shall be and the same is hereby transferred to and vested in the state of Washington for use in conjunction with such primary state highways under the highway commission.

All public highways in the state of Washington which have been designated to be primary state highways or secondary state highways or classified as primary roads and which have been constructed and improved and maintained for a period of seven years prior to April 1, 1937, at the expense of the state shall operate to vest in the state of Washington all right, title, and interest to the right of ways thereof, including the roadway and ditches and existing drainage facilities, together with all appurtenances thereto and no informalities in the records of title to such public highways shall be construed to invalidate or vacate such public highways or to divest the state of Washington of any right, title and interest in the right of way thereof.

47.04.050 Acceptance of federal acts. The state of Washington hereby assents to the purposes, provisions, terms and conditions of the grant of money provided in an act of congress entitled: "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts, grants and appropriations amendatory and supplementary thereto and affecting the state of Washington.

47.04.060 Commission to administer federal grants. The highway commission is hereby authorized and directed to act for and on behalf of the state of Washington, and any civil subdivision of the state, in all things pertaining to the selection, construction and maintenance of highways and roads under the provisions of the act of congress approved July 11, 1916, and any and all acts amendatory thereto; and to enter into such agreement with the secretary of commerce or other duly authorized agent of the United States as may from time to time be desirable or necessary to secure the money or aid for any section of state highway, county road or city or town street selected by law for construction or improvement through an appropriation for the period in which said construction or improvement is to be made. Said money to be added to and expended in connection with the appropriation aforesaid; and to apply thereto,

as may be required, cooperative expenditures from the motor vehicle fund, which may have been appropriated by the state legislature, and from any highway, road or street fund of any civil subdivision, and which are available for the construction and maintenance of any section of state highway, county road or city or town street selected as aforesaid for such aid and improvement.

47.04.070 Procedure to conform with federal requirements. In all matters relating to the cooperative construction or improvement of any state highway, county road or city or town street for which federal funds or aid is secured under any act of congress, the highway commission shall act in the manner provided by state law relating to state highway construction from the motor vehicle fund, so far as the same may be consistent with the provisions of such act of congress and the rules and regulations made by the secretary of commerce or other authorized agent of the United States government pursuant to such act, to which the procedure shall be adapted by the highway commission as may be necessary.

47.04.080 State may cooperate with other governments and agencies. The highway commission is empowered to join financially or otherwise with any other state or any county, city, or town of any other state, or with any foreign country, or any province or district of any foreign country, or with the federal government or any agency thereof, or with any or all thereof, for the erecting and constructing of any bridge, trestle, or any other structure, for the continuation or connection of any state highway across any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring any such structure and forming a boundary between the state of Washington and any other state or foreign country, and for the purchase or condemnation of right of way therefor.

47.04.090 Penalty. It shall be a misdemeanor for any person to violate any of the provisions of this title unless such violation is by this title or other law of this state declared to be a felony or a gross misdemeanor.

Unless another penalty is in this title provided, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished accordingly.

Chapter 47.08

HIGHWAY FUNDS

47.08.010 Control of allocated funds. Whenever there is provided an allocation for the construction or improvement of state highways the same shall be under the sole charge and direct control of the highway commission.

47.08.020 State to match federal funds. For the construction, alteration, repair and improvement of state highways, county roads, or city and town streets in the state of Washington which are part of the public highway system, the good faith of the state of Washington is hereby pledged to make available funds sufficient to equal the sums appropriated to the state by or under the United States government during succeeding fiscal years and to use and expend the same within one year after the fiscal year for which appropriated, and in the manner and under the rules and regulations imposed by the secretary of commerce and to maintain, or cause to be maintained, the highways or roads constructed or improved with the aid of funds so appropriated, and to make adequate provisions for carrying out such maintenance.

47.08.030 Allocation of fines and forfeitures. All fines and forfeitures collected for violation of any of the provisions of this title when the violation thereof occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

All fines and forfeitures collected for the violation of any of the provisions of this title when the violation thereof occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund of such incorporated city or town for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund.

47.08.040 Contracts with U. S. as to state highway property. Whenever it is or may become necessary or desirable for the federal government or any agency thereof to acquire an interest in or in any way damage any property or interest therein owned by the state of Washington and used in connection with any highway in the state of Washington in connection with any federal project for the development of any river within or partially within the state of Washington, the highway commission of the state of Washington shall be and hereby is authorized, empowered and directed to negotiate and enter into an agreement with the proper agency of the federal government as to the rights which shall be acquired, the compensation which shall be made therefor and the character of instruments by which said rights shall be conveyed, and as to any other matters which may be necessary in order to satisfy the requirements of the federal government: *Provided*, That if the agreement is

required to be reduced to writing, the writing be approved as to form by the attorney general of the state of Washington.

47.08.050 ————**Governor to execute instrument to the U. S.** Whenever in pursuance of the authority contained in RCW 47.08.040 the highway commission shall have entered into an agreement with the federal government or any agency thereof requiring the execution of any deed, flowage easement, or instrument of any nature, to the said federal government or agency, and the said instrument is approved as to form by the attorney general of the state of Washington, the governor of the state of Washington shall be and he hereby is authorized and directed without further authority and in the name of the state of Washington to execute and deliver to the proper agency of the federal government any such instrument or instruments which shall be, when attested by the secretary of state, binding upon the state of Washington.

47.08.060 ————**Disposal of funds from the U. S.** Whenever any moneys shall be realized by the state of Washington as a result of any agreement authorized by RCW 47.08.040, the same shall be deposited in the treasury of the state of Washington to the credit of the motor vehicle fund, and shall be available for primary highway purposes only.

47.08.070 **Cooperation in public works projects.** When in the opinion of the highway commission it appears that any state highway will be benefited or improved by the construction of any public works project within the state of Washington by any of the departments of the state of Washington, by the federal government, or by any agency, instrumentality or municipal corporation of either the state of Washington or the United States, the highway commission is hereby authorized to enter into cooperative agreements with any such state department, with the United States, or with any agency, instrumentality or municipal corporation of either the state of Washington or the United States, wherein the state of Washington, acting through its highway commission, will participate in the cost of the public works project in such amount as may be determined by the highway commission to be the value of the benefits or improvements to the particular state highway derived from the construction of said public works project. Under any such agreement the highway commission may contribute to the cost of the public works project by making direct payment to the particular state department, federal government or to any agency, instrumentality or municipal corporation of either the state or the United States, or any thereof, which may be involved in said project, from any funds appropriated to the highway commission and available for highway purposes, or by doing a portion

of the project either by day labor or by contract, or in any other manner as may be deemed advisable and necessary by the highway commission.

47.08.080 Funds when commission is in charge of county road improvements. In the event that any funds should become available from the federal government, or otherwise, for expenditure in conjunction with county funds, for the construction, alteration, repair or improvement of any county road of any county and the same is to be performed by the highway commission, the state auditor shall, upon notice from the highway commission thereof, set aside from any moneys in the motor vehicle fund credited to any such county, the cost thereof, together with the cost of engineering, supervision, and other proper items, or so much of the money in the state treasury to the credit of such county as may be necessary for use in conjunction with funds from the federal government to accomplish such work, the same to be performed by the highway commission and paid from the money so set aside upon vouchers approved and submitted by the highway commission in the same manner as payment is made for such work on state highways: *Provided*, That the board of county commissioners of any such county shall have, by proper resolution, filed in duplicate in the office of the highway commission and approved by it, determined the county road construction, alteration, repair or improvement to be performed in such county and the same is found to conform in all respects to the requirements necessary for the use of such funds of the federal government.

47.08.090 Funds when commission is in charge of city street improvements. In the event that any funds should become available from the federal government or otherwise for expenditure in conjunction with funds accruing to any incorporated city or town for the construction, alteration, repair or improvement of its city streets designated as forming a part of the route of any state highway through such incorporated city or town and the same is to be performed by the highway commission, the state auditor shall, upon notice from the highway commission thereof, set aside from any moneys in the motor vehicle fund credited to such incorporated city or town, the cost thereof or so much money in the state treasury to the credit of such incorporated city or town as may be necessary in conjunction with such funds from the federal government or otherwise to accomplish such work, the same to be paid by the state auditor from the money so set aside upon vouchers approved and submitted by the highway commission in the same manner as payment is made for work on state highways. In the event that any such incorporated city or town shall have agreed with the state of Washington or the federal government as a condition

precedent to the acquiring of federal funds for construction on any city street of such incorporated city or town designated as forming a part of the route of any state highways, that the same will be maintained to a standard and such incorporated city or town fails to so maintain such city street, then the highway commission may perform such maintenance and the state auditor is authorized to deduct the cost thereof from any funds credited or to be credited to such incorporated city or town and pay the same on vouchers approved and submitted by the highway commission in the same manner as payment is made for work performed on state highways.

47.08.100 Illegal use of county or city road funds—Procedure to correct. The highway commission is authorized from time to time to investigate expenditures from the county road fund and the city street fund; and if it determines that unauthorized, illegal or wrongful expenditures are being or have been made from said fund it is authorized to proceed as follows: If the county road fund is involved it shall notify in writing the board of county commissioners and the county treasurer of its determination; and if the city street fund is involved it shall notify the city council or commission and the mayor and city treasurer of the city or town of its determination. In its determination the highway commission is authorized to demand of said officials that the wrongful or illegal expenditures shall be stopped, adjusted, or remedied and that restitution of any wrongful or illegal diversion or use shall be made; and it may notify said officials that if the wrong is not stopped, remedied, or adjusted, or restitution made to its satisfaction within a specified period fixed by it, it will direct the withholding of further payments to the county or city from the motor vehicle fund. The county or city shall have ten days after such notice is given within which to correct or remedy the wrong, or wrongful and illegal practices, to make restitution or to adjust the matter to the satisfaction of the highway commission.

If no correction, remedy, adjustment or restitution is made within said ten days to the satisfaction of the commission it shall have power to request in writing that the state auditor and the state treasurer withhold further payments from the motor vehicle fund to such county or city; and it shall be the duty of the state auditor and the state treasurer upon being so notified to withhold further payments from the motor vehicle fund to the county or city involved until such officials are notified in writing by the commission that payments may be resumed.

The commission is also authorized to notify in writing the prosecuting attorney of the county in which such violation occurs of the facts, and it shall be the duty of the prosecuting attorney to file

charges and to criminally prosecute any and all persons guilty of any such violation.

47.08.110 Penalty for misuse of county or city road funds—General penalty. It shall be unlawful and a misdemeanor, unless the same is by this title or other law of this state declared to be a felony or gross misdemeanor, to divert or use, or authorize, permit or participate in the diversion or use of any moneys in the county road fund or in the city street fund for any other purpose or in any other manner than that authorized by law.

47.08.120 Highway equipment fund. There is hereby created in the state treasury a state fund to be known as the "highway equipment fund," the same to be used by the highway commission as a revolving fund to be expended for salaries, wages and operations required for the repair, replacement, purchase and operation of equipment and for purchase of equipment, materials and supplies to be used as follows: (1) In the administration and operation of this fund; (2) in the administration, maintenance and construction of highways and highway facilities; and (3) for the operation by the highway commission of an automobile pool of state owned vehicles.

The highway equipment fund shall be credited, in the case of equipment, with a reasonable rental assessed upon the use of such equipment by the various state departments, and in the case of materials and supplies, with a reasonable charge for such materials and supplies. Such credit for rental and charges for materials and supplies shall be charged against the proper appropriation therefor.

Equipment may be rented and materials and supplies may be sold out of this fund to any federal, state, county or city political subdivision or governmental agency. The terms and charges for such rental and the prices for such sale shall be solely within the discretion of the highway commission and its determination of the charge for rental or sale price shall be considered a reasonable rental charge or a reasonable sale price. Any political subdivision or governmental agency shall make payment for such rental or for purchase of such materials or supplies directly to the highway equipment fund at the office of the state highway commission at Olympia.

47.08.121 Highway equipment fund declared revolving fund of proprietary nature—Use. The "highway equipment fund" as established by RCW 47.08.120 is declared to be a revolving fund of a proprietary nature and moneys that are or will be deposited in this fund are hereby authorized for expenditures for the purposes provided by law.

47.08.130 Custody of Federal Funds—Disbursement. The state treasurer is hereby authorized and directed to receive and have custody of such funds and warrants drawn by the secretary of commerce or other authorized agent of the United States as are made available for payment by the secretary of the treasury of the United States under the provisions of the federal aid road act approved July 11, 1916, and all acts amendatory or supplementary thereto, disbursing the same under such terms and conditions as may be prescribed by the secretary of commerce or by the secretary of the treasury or other authorized agent of the United States. The state treasurer is further authorized and directed to pay from the motor vehicle fund for the use of the highway commission such funds as may be necessary upon any project in anticipation of reimbursement by the government of the United States.

Chapter 47.10

HIGHWAY CONSTRUCTION BONDS

FIRST PRIORITY PROJECT—1951 ACT

47.10.010 First priority highway projects — Declaration of. Reconstruction of primary state highway No. 1 from Oregon to British Columbia, construction of four traffic lanes at Snoqualmie Pass, construction of an adequate highway bridge from Pasco to Kennewick and construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of lands for settlement in the Columbia Basin irrigation project, are declared to be highway projects of the first priority. The construction of such projects is required in the interest of the public safety and for the orderly development of the state. The reimbursement of the motor vehicle fund for money used to purchase Agate Pass Bridge bonds will also make possible other war emergency or high priority highway construction. The threat of war makes acceleration of construction a vital necessity at this time.

47.10.020 Bond issue authorized—Use of motor vehicle fund. To provide funds for accelerating construction of these first priority projects, and to reimburse the motor vehicle fund for money expended for Agate Pass Bridge construction there shall be issued and sold limited obligation bonds of the state of Washington in the sum of sixty-six million seven hundred three thousand, six hundred and twenty-five dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the Washington state highway commission, pro-

vide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of the first priority projects: *Provided*, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands such funds may be used to finance these first priority projects until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed.

47.10.030 Form and terms of bonds. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.010 through 47.10.140 shall be fully negotiable instruments.

47.10.040 Bonds not general obligations—Taxes pledged. Bonds issued under the provisions of RCW 47.10.010 through 47.10.140 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.010 through 47.10.140 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and chapter 82.40 and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.010 through 47.10.140, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.010 through 47.10.140 when due.

47.10.050 Sale of bonds. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee

and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.010 through 47.10.140 shall be legal investment for any of the funds of the state, except the permanent school fund: *Provided*, That bonds authorized herein to reimburse the motor vehicle fund for the cost of the Agate Pass Bridge construction shall be sold at the earliest date which the committee finds feasible.

47.10.060 Proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of such first priority projects, reimbursement of the motor vehicle fund for money expended for construction of the Agate Pass Bridge in order to make such money available for war emergency highway projects or other high priority highway uses, and payment of the expense incurred in the printing, issuance and sale of any such bonds.

47.10.070 Source of funds for payment of principal and interest. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: *Provided*, That money required hereunder to pay interest on or to retire any bonds issued for Columbia Basin county arterial highways or farm to market roads shall be repaid by any such county or counties wherein such highways or roads are constructed in the manner set forth in RCW 47.10.110.

47.10.080 Highway bond retirement fund. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.070, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month

of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

47.10.090 Excess sums in bond retirement fund—Use. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

47.10.100 Allocation of bonds. The bonds authorized herein are allocated to the first priority projects as follows:

(1) Forty-nine million two hundred fifty thousand dollars of the total issue for the acceleration of the reconstruction of primary state highway No. 1, said amount to be expended on said primary state highway No. 1 as follows: Thirty-three million five hundred thousand dollars between Everett, Seattle, Tacoma, Olympia, Chehalis, Centralia, Kelso, Vancouver, and the Oregon boundary line, and fifteen million seven hundred fifty thousand dollars between Everett and the Canadian boundary line;

(2) Six million five hundred thousand dollars of the total issue for the construction of the highway bridge from Pasco to Kennewick;

(3) Four million two hundred fifty thousand dollars of the total issue for the construction of a four lane highway at Snoqualmie Pass;

(4) Five million dollars of the total issue for the construction of Columbia Basin county arterial highways and farm to market roads in Grant, Franklin and Adams counties, for which the state must be reimbursed as provided in RCW 47.10.110; and

(5) One million seven hundred three thousand six hundred

twenty-five dollars of the total issue for reimbursement of the motor vehicle fund for money spent for Washington toll bridge authority bonds purchased in connection with the construction of the Agate Pass Bridge, said sum of one million seven hundred three thousand six hundred twenty-five dollars to be used when it becomes available in the motor vehicle fund, under allotments to be made by the director of highways, for war emergency or other high priority highway projects: *Provided*, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways.

47.10.110 Columbia Basin highway projects—Reimbursement by counties. The director of highways shall report separately to the state finance committee all sums expended from funds resulting from the sale of bonds for Columbia Basin county arterial highways and farm to market roads in Grant, Franklin and Adams counties under the provisions of RCW 47.10.010 through 47.10.140. Such counties shall repay to the state all the cost of any Columbia Basin highway or road facilities actually constructed under the provisions of RCW 47.10.010 through 47.10.140 within each of such counties as follows: The state finance committee, at least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds chargeable to expenditures incurred under the provisions of RCW 47.10.010 through 47.10.140 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from the excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.010 through 47.10.140 in Grant, Adams and Franklin counties. Any money so retained shall be available for state highway purposes.

47.10.120 ————Limit as to amounts currently retained. The sums retained from motor vehicle funds arising from the excise taxes on motor vehicle fuel, of any such counties shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount

available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such Columbia Basin highway facilities is paid.

47.10.130 Agate Pass bridge to become toll free—Cancellation of Agate Pass bonds. When the state finance committee has made arrangements for the sale of sufficient bonds to reimburse the motor vehicle fund in the sum of one million seven hundred three thousand six hundred twenty-five dollars as aforesaid, the committee shall notify the Washington toll bridge authority and the authority is thereafter directed to transfer the Agate Pass Bridge to the highway department for operation as a toll free part of the state highway system. The bonds of the authority issued to construct the Agate Pass Bridge shall then be canceled.

47.10.140 Appropriation from motor vehicle fund. There is appropriated from the motor vehicle fund for the biennium ending March 31, 1953 the sum of sixty-six million seven hundred three thousand six hundred and twenty-five dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.010 through 47.10.140, but no money shall be available under this appropriation from said fund unless a like amount of the bonds provided for herein are sold and the money derived deposited to the credit of such fund.

ADDITIONAL BONDS—1953 ACT

47.10.150 Declaration of necessity for additional funds. Increased construction costs for highway and bridge construction since the enactment of a highway bond issue by the 1951 legislature makes necessary additional money with which to complete the sections of primary state highway No. 1 planned from funds allocated under RCW 47.10.010 through 47.10.140 and it is vital to the economy of the state and the safety of the traffic that these sections shall be completed to relieve traffic congestions, to add capacity in event of war, and to presently insure greater safety to highway users; the rapid increase of traffic across Snoqualmie Pass necessitates continued improvement of primary state highway No. 2 to provide four-lane paving contiguous to Snoqualmie Pass as the funds will permit; the rapid increase of traffic and the facilitation of movement of military forces and equipment from the military centers of the state makes imperative the construction of a highway from primary state highway No. 2 beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by the way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton; said highway to follow approximately the

route surveyed by the director of highways and covered in the report filed by him with the 1951 legislature commonly known as the "Echo Lake Route," as the funds provided for herein will permit; the construction of secondary state highways in to the Columbia Basin area is immediately necessary to provide needed state arterial highways for the irrigated lands of the Columbia Basin areas to market centers and thereby encourage the full development of the basin project. The construction of such projects is required in the interest of the public safety and for the orderly development of the state. The threat of war makes acceleration of construction a vital necessity at this time.

47.10.160 Additional bonds—Issuance and sale authorized—Use of motor vehicle fund. To provide funds for accelerating construction of these priority projects there shall be issued and sold limited obligation bonds of the state of Washington in the sum of eighteen million dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of the first priority projects: *Provided*, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands such funds may be used to finance these first priority projects until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed.

47.10.170 ————Form and term of bonds. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.150 through 47.10.270 shall be fully negotiable instruments.

47.10.180 ———Bonds not general obligations—Taxes pledged. Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.150 through 47.10.270 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and chapter 82.40 and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.150 through 47.10.270 and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.150 through 47.10.270 when due.

47.10.190 ———Sale of bonds. The bonds issued under RCW 47.10.150 through 47.10.270 shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall be legal investment for any of the funds of the state, except the permanent school fund.

47.10.200 ———Proceeds—Deposit and Use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of such priority projects, and payment of the expense incurred in the printing, issuance and sale of any such bonds.

47.10.210 ———Source of funds for payment of principal and interest. Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to

meet the requirements for bond retirement or the interest on any bonds.

47.10.220 ————**Highway bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under RCW 47.10.150 through 47.10.270 when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimate so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

47.10.230 ————**Excess sums in bond retirement fund—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

47.10.240 ————**Allocation—Primary state highway No. 1.** Seven million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating the completion of four-lane construction of primary state highway No. 1.

47.10.250 ————**Allocation—Primary state highway No. 2, Snoqualmie Pass.** Five million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating four-lane construction of primary state highway No. 2 contiguous to Snoqualmie Pass.

47.10.260 ————**Allocation—Columbia Basin highways.** Three million dollars of the total issue of the bonds authorized by RCW

47.10.150 through 47.10.270 are allocated for accelerating the construction of secondary state highways in the Columbia Basin area.

47.10.270 ————**Allocation—Echo Lake route.** Three million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated insofar as said funds will permit to the construction of a highway from primary state highway No. 2 beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by the way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton.

ADDITIONAL BONDS—1955 ACT

47.10.280 Construction in Grant, Franklin, Adams counties authorized—Declaration of priority. Construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of lands for settlement in the Columbia Basin irrigation project, is declared to be a project of the first priority. The construction of said project is required in the interest of the public safety and for the orderly development of the state.

47.10.290 ————**Issuance and sale of bonds.** To provide funds for construction of this first priority project, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of four million three hundred thousand dollars.

The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the director of highways, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this first priority project.

47.10.300 ————**Form and terms of bonds.** Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signatures may be printed facsimile. Any bonds may be registered in the name of the holder by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state

treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.280 through 47.10.400 shall be fully negotiable instruments.

47.10.310 ———Bonds not general obligations—Taxes pledged. Bonds issued under the provisions of RCW 47.10.280 through 47.10.400 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.280 through 47.10.400 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36, and RCW 82.36.020, 82.36.230, 82.36.250 and 82.36.400; and chapter 82.40 and RCW 82.40.020. The proceeds of such excise taxes are pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.280 through 47.10.400. The legislature agrees to continue to impose the same excise taxes on motor fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.280 through 47.10.400 when due.

47.10.320 ———Sale of bonds. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee. They may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If such bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale. It shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.280 through 47.10.400 shall be legal investment for any of the funds of the state, except the permanent school fund.

47.10.330 ———Bond proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of this first priority project, and payment of the expense incurred in the printing, issuance and sale of any such bonds.

47.10.340 ———Source of funds for payment of bond principal and interest. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes. They shall never constitute a charge against any allocation of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state high-

way purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: *Provided*, That money required hereunder to pay interest on or to retire any bonds issued for Columbia Basin county arterial highways or farm to market roads shall be repaid by any such county or counties wherein such highways or roads are constructed in the manner set forth in RCW 47.10.360.

47.10.350 ————**Highway bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.340, the percentage of receipts in money of the motor vehicle fuels, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

47.10.360 ————**Reimbursement by counties.** The director of highways shall report to the state finance committee all sums expended from funds resulting from the sale of bonds for Columbia Basin county arterial highways and farm to market roads in Grant, Franklin and Adams counties under the provisions of RCW 47.10.280 through 47.10.400. Said counties shall repay to the state all the cost of any Columbia Basin highway or road facilities actually constructed under the provisions of RCW 47.10.280 through 47.10.400 within each of said counties as follows: The state finance committee, at least one year prior to the date any such interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds chargeable to expenditures incurred under the provisions of RCW 47.10.280 through 47.10.400 in each of said counties. The state finance committee shall notify the state trea-

surer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from such excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.280 through 47.10.400 in Grant, Adams and Franklin counties. Any money so retained shall be available for state highway purposes.

47.10.370 ————**Limit as to amounts currently retained from excise taxes.** The sums retained from motor vehicle funds, arising from the excise taxes on motor vehicle fuel, of any such counties shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such Columbia Basin highway facilities is paid.

47.10.380 ————**Excess sums in bond retirement fund—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

47.10.390 ————**Allocation of funds to each county.** The bonds authorized herein are allocated to the counties as follows:

- (1) For Adams county—six hundred thousand dollars.
- (2) For Franklin county—one million five hundred thousand dollars.
- (3) For Grant county—two million two hundred thousand dollars:

Provided, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways.

47.10.400 ————**Appropriation from motor vehicle fund.** There is appropriated from the motor vehicle fund for the biennium end-

ing June 30, 1957 the sum of four million three hundred thousand dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.280 through 47.10.400, but no money shall be available under this appropriation from said fund unless a like amount of the bonds provided for herein are sold and the money derived deposited to the credit of such fund.

ADDITIONAL BONDS—1957 ACT

47.10.410 Echo Lake Route—Declaration of Necessity. Increased costs for highway and bridge construction since the enactment of the highway bond issues authorized by the 1951, 1953 and 1955 legislatures makes necessary additional money with which to complete that portion of primary state highway No. 2, beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton, commonly known as the "Echo Lake Route." It is vital to the economy of the state and traffic safety that this project be constructed as soon as the funds provided herein will permit.

47.10.420 ————Additional bond issue authorized—Use of motor vehicle fund. To provide additional funds for the construction of the "Echo Lake Route," in addition to bonds authorized to be sold by RCW 47.10.160 and as allocated by RCW 47.10.270, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of three million dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this project: *Provided*, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands, moneys appropriated to the state highway commission for highway purposes may be used to finance this project until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed.

47.10.430 ————Form and term of bonds. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption bearing such interest, and such terms and conditions as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and

any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.410 through 47.10.500 shall be fully negotiable instruments.

47.10.440 ———Bonds not general obligations—Taxes Pledged. Bonds issued under the provisions of RCW 47.10.410 through 47.10.500 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.410 through 47.10.500 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949, and chapter 82.40 and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.410 through 47.10.500 and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.410 through 47.10.500.

47.10.450 ———Sale of bonds. The bonds issued under the terms of RCW 47.10.410 through 47.10.500 shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall be legal investment for any of the funds of the state, except the permanent school fund.

47.10.460 ———Proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project referred to in RCW 47.10.410, and payment of the expense incurred in the printing, issuance and sale of any such bonds.

47.10.470 ————**Source of funds for payment of principal and interest.** Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds.

47.10.480 ————**Highway bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under RCW 47.10.410 through 47.10.500 when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

47.10.490 ————**Excess sums in bond retirement fund—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

47.10.500 ————**Appropriation from motor vehicle fund.** There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1959

the sum of three million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.410 through 47.10.500, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the moneys derived therefrom are deposited to the credit of such fund.

TACOMA-SEATTLE-EVERETT FACILITY—1957 ACT

47.10.700 Tacoma-Seattle-Everett facility—Declaration of necessity. Increased traffic and increased costs of highway and bridge construction make necessary additional moneys with which to complete the sections of primary state highway No. 1 through and between the cities of Tacoma, Seattle, and Everett and as an additional alternate route by-passing Seattle east of Lake Washington. It is vital to the economy of the state and the safety of traffic that these sections shall be completed to relieve traffic congestions, to insure greater safety to highway users, and to assure an adequate through highway to accommodate traffic from bridges across Lake Washington as soon as possible.

47.10.702 ———To be part of federal system as limited access—Federal standards and conditions to be met. This highway project shall be constructed as a part of the federal interstate highway system as a fully controlled limited access facility and shall meet the standards and specifications required by the state of Washington and the secretary of commerce of the United States in order to qualify for federal grants in aid as provided for in the federal-aid highway act of 1956. The state shall perform all conditions precedent to payment in advance of apportionment as provided by section 108(h) of the federal-aid highway act of 1956 so as to be entitled to federal aid funds for the project covered by RCW 47.10.700 through 47.10.724 when such funds are apportioned.

47.10.704 ———Powers and duties of highway commission—Route of project. In order to facilitate vehicular traffic through and between the cities of Tacoma, Seattle and Everett and to remove the present handicaps and hazards over and along primary state highway No. 1 as presently established, the state highway commission is authorized to realign, redesign and reconstruct primary state highway No. 1 upon a newly located right of way or upon portions of existing right of way through and between the cities of Tacoma, Seattle and Everett and as an additional alternate route bypassing Seattle east of Lake Washington. The route of the proposed project is established as follows: Beginning in the vicinity of Ponders Corner, thence in a general northeasterly and northerly direction through the cities of Tacoma and Seattle to a point in the

vicinity of the city of Everett and as an additional alternate route bypassing Seattle east of Lake Washington.

47.10.706 ————Issuance and sale of bonds authorized. In order to finance the immediate construction of the project referred to in RCW 47.10.700 pending receipt of federal grants in aid and in accordance with the federal-aid highway act of 1956, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of seventy-five million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. No bonds shall be issued under the provisions of RCW 47.10.700 through 47.10.724 until the congress of the United States shall approve the estimated cost of completing the federal interstate system to be submitted to it within ten days subsequent to January 2, 1958, as provided by section 108(d), federal-aid highway act of 1956. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as may be necessary for the orderly progress of said project.

47.10.708 ————Form and term of bonds. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments.

47.10.710 ————Sale of bonds. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the

duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.700 through 47.10.724 shall be legal investment for any of the funds of the state, except the permanent school fund.

47.10.712 ————Proceeds from bonds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project referred to in RCW 47.10.700, 47.10.702 and 47.10.704, and for payment of the expense incurred in the drafting, printing, issuance, and sale of any such bonds.

47.10.714 ————Bonds not general obligations — Taxes pledged. Bonds issued under the provisions of RCW 47.10.700 through 47.10.724 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.700 through 47.10.724 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 and RCW 82.36.020, 82.36.230, 82.36.250 and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and chapter 82.40 and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.700 through 47.10.724, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.700 through 47.10.724.

47.10.716 ————Source of funds for payment of principal and interest. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

47.10.718 ————Additional security for payment of bonds—Pledge of federal funds. As additional security for payment of the principal amount of any or all of the bonds to be issued hereunder,

the state finance committee, with the consent of the state highway commission, may pledge all or any portion of the federal aid funds received or from time to time to be received by the state from the United States under the provisions of the federal-aid highway act of 1956 for the construction of all or any part of the project referred to in RCW 47.10.700, 47.10.702 and 47.10.704.

47.10.720 ————**Highway bond retirement fund.** At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.716, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels for each month of the year which, together with federal funds which may be pledged as provided in RCW 47.10.718, shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times.

47.10.722 ————**Excess sums in bond retirement fund—Use.** Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels and the federal funds which may be pledged as provided in RCW 47.10.718, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period.

47.10.724 ————**Appropriation from motor vehicle fund.** There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1959 the sum of seventy-five million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.700 through 47.10.724, but no money shall be available under this appropriation

from said fund unless a like amount of bonds provided for herein are sold and the money derived therefrom deposited to the credit of such fund.

Chapter 47.12

ACQUISITION AND DISPOSITION OF STATE HIGHWAY PROPERTY

47.12.010 Acquisition of property authorized—Condemnation actions—Cost. Whenever it is necessary to secure any lands for a right of way for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the highway commission is authorized to acquire such lands in behalf of the state by gift, purchase or condemnation. In case of condemnation to secure such lands, the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of property for the public uses of the state, and in such action the selection of the lands by the highway commission shall, in the absence of bad faith, arbitrary, capricious or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands are necessary for public use for the purposes sought. The cost and expense of such lands may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites and structure sites or other lands are acquired.

47.12.011 Purchase options authorized. Whenever it becomes necessary or feasible to purchase rights of way for state highways, and the Washington state highway commission deems it to be in the best interest of the general public, the commission may, and it is hereby authorized, to secure options for purchase of property needed or proposed for any entire project or section thereof or proposed alignment for the location or relocation of any highway, for review by the commission before final adoption or acquisition.

47.12.020 Acquisition of state lands, rights, and materials—Duties when use no longer required—Payment for timber and mate-

rials. Whenever it is necessary to locate and construct a state highway over and across any of the public lands of the state of Washington, including tide or shore lands or any oyster reserve which has been or may hereafter be established, or in the construction or maintenance of any state highway to have additional land, for drainage thereof or construction of a protection therefor or to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to open up and use materials from any sand pit, gravel pit, borrow pit, stone quarry or other land for the extraction of materials for the construction or maintenance or both, or any site for other necessary structures, or for structures for the health and accommodation of persons traveling or stopping upon such state highway, or for any other public highway purpose, together with any necessary right of way to reach such property and gain access thereto, the highway commission shall file in the office of the commissioner of public lands a map showing the location of such state highway over and across such land, or the additional land needed, for drainage thereof or construction of a protection therefor or for unobstructed vision as above provided therefor, or the location of such sand pit, gravel pit, stone quarry, maintenance camp site, structure site or other lands, together with right of way to reach such property and gain access thereto within such lands, with reference to a United States government survey, and upon the filing of such map, the easement of such right of way, or for such additional land, for drainage thereof or construction of a protection thereof or for such unobstructed vision therefor or for locating, opening up and using materials from any such sand pit, gravel pit, borrow pit, stone quarry or lands for the extraction of material or for the erection or occupancy of any such maintenance camp or erection of other structure together with any such required right of way thereto, shall be reserved to the state and such land when sold, leased or otherwise disposed of, shall be sold, leased or disposed of subject to such right of way and subject to any such use of additional land for drainage or protection or for unobstructed vision and subject to any such established sand pit, gravel pit, borrow pit, stone quarry or location for the extraction of material or erection of other structure together with any such required right of way thereto and to the right of the state to use and remove materials therefrom for the construction upon and maintenance of any state highway, and subject to the occupancy and use of any such maintenance camp site or other structure site together with such right of way thereto: *Provided*, That as soon as the state shall no longer require any such sand pit, gravel pit, borrow pit, stone quarry, location for the extraction of material, maintenance camp

site or other structure site, it shall be the duty of the highway commission forthwith to so certify to the commissioner of public lands, and from and after the receipt and filing of such certificate in the office of said commissioner of public lands the lands described therein shall thereafter be freed from any such use and occupancy for such purposes: *Provided, further,* That if there be timber on any such public lands of the state of Washington or portion thereof required under the provisions of this section for the right of way of any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or a point of danger to public travel or any sand pits, gravel pits, borrow pits, stone quarry or other land for the extraction of materials or for any site for the erection upon or use as a maintenance camp or other necessary structure or structures or any other proper highway purposes or necessary for right of way to reach any such property and gain access thereto, the highway commission shall pay to the commissioner of public lands the reasonable appraised value of any such timber thereon and no such land shall be used by the highway commission for any of the purposes set forth in this section until payment for such timber shall have been made: *Provided, further,* That the highway commission shall pay to the commissioner of public lands for any materials extracted for construction or maintenance, or both, from any sand pit, gravel pit, borrow pit, stone quarry, or other location for the extraction of materials located upon public lands of the state of Washington a sum of one and one-half cents per cubic yard for all such materials so extracted, and before the extraction of such materials shall obtain from the commissioner of public lands a permit for such extraction setting forth the terms and conditions under which such materials may be extracted from such public lands. "State highway" as used in this section shall include limited access facilities established under chapter 47.52.

Note: See also section 1, chapter 156, Laws of 1961.

47.12.040 Acquisition of property from a political subdivision. Whenever it is necessary to secure any lands for primary or secondary state highway right of way or other state highway purposes, the title to which is in any county of the state or in any political or municipal subdivision of the state, which land is not at the time being used as a public highway, the board of county commissioners or the board of directors or governing body of any such political or municipal subdivision are authorized to directly lease, sell or convey by gift such land or any interest therein to the state of Washington, without requiring competitive bids or notice to the public, and at such price as the board, directors or governing body may deem for the best interests of the county or for the best interests

of the political or municipal subdivision of the state. The board of county commissioners or the directors or governing body of any political or municipal subdivision are empowered to execute a deed or other proper instrument to such land, passing title to the state of Washington, and such instrument need not require consideration other than the benefit which may be derived by the grantor on account of the use thereof. Whenever any state highway is established by legislative enactment and such state highway is upon the former route of any county road, the board of county commissioners shall cause the title to the existing right of way or so much thereof as the highway commission shall require to be transferred to the state of Washington by proper instrument.

47.12.050 Work on remaining land as payment. Whenever it is considered in the securing of any lands for state highway purpose, whether by condemnation or otherwise, that it is for the best interest of the state, for specific structural items of damage claimed the court or judge may order or the person whose lands are sought may agree that a portion or all work or labor necessary to the land or remaining land by reason of the taking by way of damage, be performed by the state through the highway commission as all or a part of the consideration or satisfaction of the judgment therefor, in which event the highway commission may perform such work as a portion of the right of way cost of such state highway.

47.12.060 Sale or exchange of rights or land not needed for highway purposes. When a state highway is relocated and the old route is abandoned, and the new route crosses land owned by a person who owns land abutting on the old route, the Washington state highway commission may agree with the owner to convey to him title to the old route or a part thereof as all or part consideration for his land to be taken for the new route.

Whenever the state has abandoned any highway rights of way, pit sites, stock pile sites or owns land not needed for highway purposes, the Washington state highway commission may sell same to abutting owners for the fair market value or exchange with any person as a consideration or part consideration for lands or property rights needed by the state, or may sell same by public auction whenever it is deemed in the public interest to do so.

The Washington state highway commission shall certify the agreement to the governor with a description of the property to be conveyed, and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee.

47.12.070 ———Sale or lease to a city or county—Proceeds. If the Washington state highway commission deems that any land is no longer required for state highway purposes and that it is in

the public interest, said highway commission may negotiate for the sale of the land to a city or county of the state. The state highway commission shall certify the agreement for the sale to the governor, with a description of the land and the terms of the sale, and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee.

If the state highway commission deems it in the public interest, said commission may on application therefor issue a permit, lease or license to any city or county of the state, for the use of any state highway land, upon such terms and conditions as the state highway commission may prescribe, but not longer than four years.

Any moneys received pursuant to the provisions of this section shall be deposited in the motor vehicle fund.

47.12.080 ————Transfer to U. S., municipal subdivision, public utility—Proceeds. Whenever in the construction, reconstruction, location or improvement of any state highway it may become necessary to transfer and convey to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, any unused state highway right of way or real property, and in the judgment of the highway commission and the attorney general, such transfer and conveyance is consistent with public interest, the highway commission may enter into agreements accordingly. Whenever the highway commission shall make any such agreement for any such transfer or conveyance, and together with the attorney general, certifies to the governor that such agreement has been made setting forth in such certification a description of the lands or premises involved, the governor may execute and the secretary of state shall attest and deliver unto the United States government, or its agencies or instrumentalities, unto any municipal subdivision of this state, or unto any public utility company, a deed of conveyance, easement or other instrument necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

47.12.090 Sale of state highway land used for administrative purposes authorized. Whenever the highway commission of the state of Washington shall determine that any premises, including improvements thereon, which have been or are in use for any purpose in connection with the administration of the public highways by the highway commission of the state of Washington, and which are owned by the state of Washington, are no longer necessary for said purposes, the same shall be, by and with the consent of the governor, offered for sale by the highway commission of the state of Washington, notwithstanding existing laws regarding the sale of other state property, upon bids to be advertised for and

received by the commission in the manner governing the letting of contracts for public highway improvements.

47.12.100 ————Rejection and acceptance of bids—Governor's approval before acceptance. The highway commission shall be and it hereby is authorized to accept the highest and best bid made for any premises so sold and to request the attorney general to prepare proper instruments to convey the premises so sold: *Provided*, That the commission may reject all bids when, in its discretion, the highest bid shall not equal the reasonable fair market value of the real property, plus the value of the improvements thereon, computed on the basis of the reproduction value less depreciation: *Provided further*, That before the commission shall accept any bid it shall procure the approval of the governor of the state of Washington.

47.12.105 ————Conveyance. The decision of the highway commission as to the necessity of the use of said premises and the necessity for the sale thereof, when approved by the governor, shall be sufficient authority for such sale or sales. Any instruments necessary to convey title pursuant to such sale or sales shall be executed by the governor on behalf of the state of Washington in form approved by the attorney general.

47.12.110 ————Disposition of proceeds. All amounts received from the sale of any premises by virtue of RCW 47.12.090 through 47.12.105 shall be paid to the highway commission of the state of Washington to be by it transmitted to the treasurer of the state of Washington, who shall credit all such sums to the motor vehicle fund of the state of Washington, in which fund the said sums shall be available for any proper primary highway purpose.

47.12.120 Lease of unused highway land. The highway commission is authorized to rent or lease any lands, including improvements thereon, which are held for state highway purposes and are not presently needed therefor, upon such terms and conditions as the highway commission may determine, and to maintain and care for such property in order to secure rent therefrom.

47.12.125 ————Disposition of proceeds. All moneys paid to the state of Washington under any of the provisions of RCW 47.12-.120 shall be deposited in the motor vehicle fund.

47.12.130 Exchange of land with abutting owner. Whenever the state department of highways shall have title to any parcel of land which the state highway commission shall determine is not necessary for highway purposes, the commission is authorized to cause such land to be deeded to the owner of land abutting upon such parcel in consideration, or partial consideration, for other lands

owned by such property owner which the highway commission deems to be necessary for highway purposes. The governor is authorized to execute and the secretary of state shall attest the conveyances necessary to carry out such exchange.

47.12.140 Severance and sale of timber and other personalty. Whenever the state highway department shall have acquired any lands, except state granted lands, upon which are located any structures, timber or other thing of value attached to the land, which the state highway commission shall deem it best to sever from the land and sell as personal property, the same may be sold by the department of highways at public auction after due notice thereof shall have been given in accordance with general regulations prescribed by the state highway commission. The state highway commission may set minimum prices that will be accepted for any item offered for sale at public auction as herein provided and may prescribe terms or conditions of sale and, in the event that any item shall be offered for sale at such auction and for which no satisfactory bids shall be received or for which the amount bid shall be less than the minimum set by the commission, it shall be lawful for the commission to sell such item at private sale for the best price which it deems obtainable but at not less than the highest price bid at the public auction. The proceeds of all sales under this section shall be placed in the motor vehicle fund.

47.12.150 Acquisition, exchange, of property to relocate displaced facility. Whenever the highway commission shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of eminent domain, when the acquisition of such property by the state will result in the displacement of any existing right of way or facility, the state highway commission is authorized to acquire by condemnation or otherwise such lands and property rights as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. The governor, at the request of the state highway commission, shall execute all conveyances necessary to accomplish such exchange.

47.12.160 Acquisition of land outside highway right of way to minimize damage. Whenever a part of a parcel of land is to be acquired for state highway purposes and the remainder lying outside of the right of way is to be left in such shape or condition as to be of little value to its owner or to give rise to claims or litigation

concerning severance or other damage, and its value does not exceed the probable amount of such severance claims or damages, the state highway commission may acquire by gift, purchase or condemnation the whole parcel and may sell that portion lying outside of the highway right of way or may exchange the same for other property needed for highway purposes: *Provided, however,* That the provisions of this section shall not apply if the taking of that portion of the land lying outside of the highway right of way would deprive any adjacent owner of an existing right of ingress and egress to his property.

Chapter 47.16

PRIMARY HIGHWAY ROUTES

47.16.010 No. 1 Pacific highway. A primary state highway to be known as primary state highway No. 1, or the Pacific highway is established as follows: Beginning at the international boundary line in the vicinity of Blaine, in Whatcom county, thence in a southerly direction by way of Bellingham, thence to the east of Lake Samish, thence in a southerly direction by way of Mt. Vernon, Everett, Seattle, Tacoma, Olympia, Centralia, Chehalis, Kelso, and Vancouver to the Washington-Oregon boundary line on the interstate bridge over the Columbia river; also beginning at Bellingham on primary state highway No. 1, thence in an easterly direction to a point in the vicinity of Austin Pass in Whatcom county; also beginning at Bellingham on primary state highway No. 1, thence in a southerly direction by way of Blanchard to a junction with primary state highway No. 1, in the vicinity of Mt. Vernon; also beginning at Mt. Vernon on primary state highway No. 1, thence in a westerly direction to Anacortes; also beginning at Everett in the vicinity of Broadway Avenue, thence in a southwesterly direction to a junction with primary state highway No. 1, in the vicinity south of Everett; also beginning on primary state highway No. 1 in the vicinity south of Seattle, thence in a northeasterly direction to Renton, thence northerly east of Lake Washington to primary state highway No. 1 north of Seattle; and also until the federal aid interstate route No. 1 through Seattle is open to through traffic, beginning on primary state highway No. 1 in the vicinity south of Seattle, thence in a northwesterly direction west of the Duwamish river to Seattle.

Note: See also section 1, chapter 21, Laws of 1961 extraordinary session.

47.16.020 No. 2 Sunset highway. A primary state highway to be known as primary state highway No. 2, or the Sunset highway, is hereby established according to the description as follows: Beginning at the intersection of the west approach to the Lake Washington bridge at Rainier Avenue in Seattle in King county, thence in an easterly direction by the most feasible route by way of the Lake

Washington bridge and approaches crossing Lake Washington and Mercer Island to the east shore of Lake Washington, thence in an easterly direction by the most feasible route by way of North Bend, Snoqualmie Pass, Cle Elum, Blewett Pass, Wenatchee, Waterville, Wilbur, Davenport and Spokane to the Washington-Idaho boundary line; also beginning at Seattle in King county, thence in an easterly direction by the most feasible route by way of Renton to a junction with primary state highway No. 2, as herein described, in the vicinity of Issaquah; also beginning at Seattle in King county, thence in an easterly direction by the most feasible route to the north of Lake Washington to a junction with primary state highway No. 2, as herein described, in the vicinity west of Snoqualmie Pass; also from a junction at a point approximately four miles west of North Bend in a general southwesterly direction by the most direct and feasible route by way of Auburn to a junction with state road No. 1 in the vicinity of Milton.

47.16.030 No. 3 Inland Empire highway. A primary state highway to be known as primary state highway No. 3, or the Inland Empire highway, is hereby established according to description as follows: Beginning at a junction with primary state highway No. 2 in the vicinity east of Cle Elum, thence southeasterly by the most feasible route by way of Ellensburg, Yakima, Pasco and Wallula to Walla Walla, thence in a northerly direction by the most feasible route by way of Dayton, Dodge, Colfax, Rosalia, Spokane and Colville to the international boundary line in the vicinity of Laurier; also beginning at a junction with primary state highway No. 3, as herein described, in the vicinity of Dodge, thence in an easterly direction by the most feasible route by way of Pomeroy and Clarkston to the Washington-Idaho boundary line; also beginning at Clarkston on primary state highway No. 3, as herein described, thence in a southerly direction by the most feasible route by way of Asotin to the Washington-Oregon boundary line, also beginning at Wallula on primary state highway No. 3, as herein described, thence in a southwesterly direction to the Washington-Oregon boundary line; also beginning at Walla Walla on primary state highway No. 3, as herein described, thence in a southerly direction to the Washington-Oregon boundary line; also beginning at a junction with primary state highway No. 3, as herein described, in the vicinity south of Rosalia, thence in a southerly direction by the most feasible route by way of Pullman to a point of junction southeast of Uniontown, thence in an easterly direction by two most feasible routes to two points on the Washington-Idaho boundary line; also beginning at Colfax on primary state highway No. 3, as herein described, thence in a southeasterly direction by the most feasible route to Pullman on primary state highway No. 3,

as herein described, thence in an easterly direction by the most feasible route to a point on the Washington-Idaho boundary line, also beginning at Palouse on primary state highway No. 3, as herein described, thence in a northeasterly direction by the most feasible route to a point on the Washington-Idaho boundary line.

47.16.040 No. 4 Tonasket-San Poil highway. A primary state highway to be known as primary state highway No. 4, or the Tonasket-San Poil highway, is hereby established according to description as follows: Beginning at Wilbur on primary state highway No. 2, thence in a northerly direction by the most feasible route to Republic, thence in a westerly direction by the most feasible route by way of Tonasket to a junction with primary state highway No. 10.

47.16.050 No. 5 National Park highway. A primary state highway to be known as primary state highway No. 5, or the National Park highway, is established as follows: Beginning at Seattle, thence in a southerly direction by way of Bryn Mawr and the vicinity of Renton on primary state highway No. 2, thence in a southerly direction to Auburn, thence in a southeasterly direction by way of Enumclaw and Chinook Pass to Yakima on primary state highway No. 3; also beginning at a junction with primary state highway No. 1 in the vicinity south of Chehalis, thence in an easterly direction by way of Kosmos and White Pass to a junction with primary state highway No. 5, northwest of Yakima; also beginning at Tacoma on primary state highway No. 1, thence in a southerly direction by way of Elbe, thence in an easterly direction to a southwest entrance to Mount Rainier National Park; also beginning at Elbe on primary state highway No. 5, thence in a southerly direction to a junction with primary state highway No. 5, in the vicinity of Kosmos; also beginning at Enumclaw on primary state highway No. 5, thence in a southerly direction to a northwest entrance to Mount Rainier National Park; also beginning at Auburn on primary state highway No. 5, thence in a southerly direction by way of Sumner, thence in a westerly direction to Tacoma on primary state highway No. 1; also beginning at a junction with primary state highway No. 5, in the vicinity west of Chinook Pass, thence in a southerly direction to a junction with primary state highway No. 5, in the vicinity west of White Pass; also beginning at Sumner on primary state highway No. 5, and thence in an easterly direction to a junction with primary state highway No. 5, in the vicinity of Buckley; also beginning at Enumclaw on primary state highway No. 5, thence in a northwesterly direction by way of Summit to a junction with primary state highway No. 2, in the vicinity of Renton; also beginning at a point on primary state highway No. 5, in the vicinity of the junction of the Greenwater and White rivers, thence in an

easterly direction to a junction with primary state highway No. 5, in the vicinity north of Cliffdell.

47.16.060 No. 6 Pend Oreille highway. A primary state highway to be known as primary state highway No. 6, or the Pend Oreille highway, is established as follows: Beginning at a junction with primary state highway No. 3, in the vicinity north of Spokane, thence in a northerly direction by way of Newport and Metaline Falls to the international boundary line; also beginning at Newport on primary state highway No. 6, thence in an easterly direction to the Washington-Idaho boundary line, thence southerly along said boundary line to Fourth Street in Newport.

47.16.070 No. 7 North Central highway. A primary state highway to be known as primary state highway No. 7, or the North Central highway, is hereby established according to description as follows: Beginning at Ellensburg on primary state highway No. 3, thence in an easterly direction by the most feasible route by way of Vantage Bridge, thence in a northeasterly direction by the most feasible route by way of Quincy, Ephrata and Odessa to Davenport on primary state highway No. 2; also beginning at a point on primary state highway No. 7, as herein described, in the vicinity of Soap Lake, thence in a northerly direction by the most feasible route to a junction with primary state highway No. 2 west of Coulee City; also beginning at a junction with primary state highway No. 18 in the vicinity of Burke Junction, thence in a northeasterly direction by the most feasible route to a junction with primary state highway No. 7, as herein described, in the vicinity west of Ephrata.

47.16.080 No. 8 Evergreen highway. A primary state highway to be known as primary state highway No. 8, or the Evergreen highway, is established as follows: Beginning at Vancouver on primary state highway No. 1, thence in an easterly direction by way of Stevenson to Goldendale, thence in a northeasterly direction by way of Satus Pass to junction with primary state highway No. 3, southeast of Yakima; also beginning at a junction with primary state highway No. 8, in the vicinity of Maryhill, thence in a southerly direction to connect with the approach to the Biggs Rapids toll bridge across the Columbia river; also, beginning in the vicinity of Maryhill, running thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth, thence in a northeasterly direction to a junction with primary state highway No. 3, in the vicinity of Kennewick; also, beginning at a junction with primary state highway No. 8 in the vicinity of Pater-son, thence in a northerly direction to a junction with primary state highway No. 3 in the vicinity of Prosser.

The route of primary state highway No. 8 beginning at a junction with primary state highway No. 8, in the vicinity of Maryhill, thence in a southerly direction to the ferry landing of the Maryhill ferry on the Columbia river shall remain a part of such highway until the Biggs Rapids toll bridge and approaches are connected and open to traffic.

Note: See also section 2, chapter 21, Laws of 1961 extraordinary session.

47.16.090 No. 9 Olympic highway. A primary state highway to be known as primary state highway No. 9, or the Olympic highway, is established as follows: Beginning at Tumwater on primary state highway No. 1, thence in a westerly direction by way of Elma, Montesano, and Aberdeen to Hoquiam, thence in a northwesterly direction by way of Lake Quinault to Forks, thence in an easterly direction by way of Port Angeles to the vicinity of Discovery Bay, thence in a southerly direction by way of Shelton to a junction with primary state highway No. 9, in the vicinity west of Olympia; also beginning at a junction with primary state highway No. 9, in the vicinity of Discovery Bay, thence in a northeasterly direction to Port Townsend; also beginning at Elma on primary state highway No. 9, thence in a southeasterly direction to a junction with primary state highway No. 1, in the vicinity north of Centralia; also beginning at a junction with primary state highway No. 9, at Montesano, thence in a southwesterly direction to a junction with primary state highway No. 13 north of Arctic.

47.16.100 No. 10 Chelan-Okanogan highway. A primary state highway to be known as primary state highway No. 10, or the Chelan-Okanogan highway, is established as follows: Beginning at Quincy, on primary state highway No. 7, thence in a northwesterly direction to a junction with primary state highway No. 2, in the vicinity east of Wenatchee; also beginning at a junction with primary state highway No. 2, in the vicinity northwesterly of Wenatchee, thence in a northerly direction on the west side of the Columbia river by way of Chelan, Pateros, Brewster, Okanogan and Oroville to the international boundary line; also beginning at a point on primary state highway No. 10 at Brewster, thence in a southeasterly direction on the north side of the Columbia river to Chief Joseph dam, thence crossing the Columbia river to the south side in the vicinity of Bridgeport, thence southerly to the junction with primary state highway No. 2 in the vicinity west of Coulee City; also from Brewster on primary state highway No. 10, thence in a southeasterly direction on the south side of the Columbia river to a junction with primary state highway No. 10 in the vicinity of Bridgeport.

47.16.110 No. 11 Columbia Basin highway. A primary state highway to be known as primary state highway No. 11, or the

Columbia Basin highway, is established as follows: Beginning at Pasco on primary state highway No. 3, thence in a northeasterly direction by way of Connell, Lind, Ritzville, Sprague, and Cheney, to a junction with primary state highway No. 2, in the vicinity west of Spokane: *Provided*, That the Washington state highway commission is authorized to construct as a part of primary state highway No. 11 and the federal interstate system a bypass in the vicinity of Cheney.

47.16.120 No. 12 Ocean Beach highway. A primary state highway to be known as primary state highway No. 12, or the Ocean Beach highway, is hereby established according to description as follows: Beginning at Chehalis on primary state highway No. 1, thence in a westerly direction by the most feasible route by way of Raymond to South Bend, thence southerly by the most feasible route to the vicinity of a location known as Johnson's Landing, thence southeasterly by the most feasible route by way of Kelso to primary state highway No. 1; also beginning at a junction with primary state highway No. 12, as herein described, in the vicinity of a location known as Johnson's Landing, thence southwesterly by the most feasible route to Ilwaco, thence southeasterly by the most feasible route to Megler; also from a junction with primary state highway No. 12, as herein described, in the vicinity northeast of Ilwaco, thence southerly by the most feasible route to a junction with primary state highway No. 12, as herein described, at a point east of Ilwaco; also beginning at Longview on primary state highway No. 12, as herein described, thence in a southeasterly direction by the most feasible route to a junction with primary state highway No. 1, south of Kelso.

47.16.130 No. 13 Willapa-Grays Harbor highway. A primary state highway to be known as primary state highway No. 13, or the Willapa-Grays Harbor highway, is hereby established according to description as follows: Beginning at Raymond on primary state highway No. 12, thence in a northerly direction by the most feasible route by way of Cosmopolis to Aberdeen on primary state highway No. 9.

47.16.140 No. 14 Navy Yard highway. A primary state highway to be known as primary state highway No. 14, or the Navy Yard highway, is hereby established according to description as follows: Beginning at a junction with primary state highway No. 21 near the southwest end of Sinclair Inlet, thence northeasterly by way of Port Orchard to Manchester and Point Southworth; also beginning at a junction with primary state highway No. 14 in the vicinity of Port Orchard, as herein described, thence in a

southeasterly direction by way of the Tacoma Narrows Bridge to a junction with primary state highway No. 1 in Tacoma.

The route of primary state highway No. 14 extending to Harper as provided by section 5, chapter 383, Laws of 1955 shall remain a part of such highway until a ferry landing is constructed and opened to public use at Point Southworth.

47.16.150 No. 15 Stevens highway. A primary state highway to be known as primary state highway No. 15, or the Stevens highway, is established as follows: Beginning at a junction with primary state highway No. 2, in the vicinity of Peshastin, thence in a westerly direction by way of Leavenworth, Stevens Pass, and Monroe to Everett on primary state highway No. 1; also, beginning at a junction with primary state highway No. 15, in the vicinity of Monroe, thence to Bothell.

47.16.159 No. 16 Methow Valley highway. (Effective until July 1, 1961.) A primary state highway to be known as primary state highway No. 16, or the Methow Valley highway, is hereby established according to description as follows: Beginning in the vicinity of Pateros on primary state highway No. 10, thence in a northerly direction by the most feasible route by way of Twisp to Mazama; also beginning at a point in the vicinity south of Twisp on primary state highway No. 16, thence in an easterly direction by the most feasible route to a junction with primary state highway No. 10 in the vicinity south of Okanogan.

This section shall be effective until July 1, 1961.

47.16.160 No. 16 Methow Valley highway. (Effective July 1, 1961.) A primary state highway to be known as primary state highway No. 16, or the Methow Valley highway, is hereby established according to description as follows: Beginning in the vicinity of Pateros on primary state highway No. 10, thence in a northerly direction by the most feasible route by way of Twisp to Mazama; also beginning at a point in the vicinity south of Twisp on primary state highway No. 16, thence in an easterly direction by the most feasible route to a junction with primary state highway No. 10 in the vicinity south of Okanogan; also, beginning at a wye connection with primary state highway No. 16, southwest of Okanogan, thence southwesterly to a junction with primary state highway No. 10 in the vicinity of Malott: *Provided*, That until such times as primary state highway No. 16 from southwest of Okanogan to the vicinity of Malott is actually constructed on the location adopted by the highway commission, no existing county roads shall be maintained or improved by the highway commission as a temporary route of said primary state highway No. 16.

This section shall become effective July 1, 1961.

Note: See also section 3, chapter 21, Laws of 1961 extraordinary session.

47.16.170 No. 17 Cascade Wagon road. A primary state highway to be known as primary state highway No. 17, or the Cascade Wagon road, is hereby established according to description as follows: Beginning in the vicinity of Marblemount in Skagit county, thence in an easterly direction by the most feasible route by way of Diablo dam to a junction with primary state highway No. 16 in the vicinity of Mazama.

Note: See also section 6, chapter 21, Laws of 1961 extraordinary session.

47.16.180 Primary state highway No. 18. A primary state highway to be known as primary state highway No. 18 is established as follows: Beginning at the wye junction on primary state highway No. 7, near Burke, thence in an easterly direction by way of Neppel to a junction with primary state highway No. 11, at Ritzville; also, beginning at a point on primary state highway No. 11, in the vicinity of Ritzville, thence in an easterly direction to a junction with primary state highway No. 3, in the vicinity north of Colfax; also, beginning at a junction with primary state highway No. 18 in the vicinity west of Ewan, thence in a northwesterly direction to a junction with primary state highway No. 11 at Sprague.

47.16.190 No. 21 Kitsap Peninsula highway. A primary state highway to be known as primary state highway No. 21, or the Kitsap Peninsula highway, is hereby established according to description as follows: Beginning at a junction with primary state highway No. 9 near the mouth of the Skokomish river, thence in a northeasterly direction along the southeast shore of Hood Canal to the vicinity of Belfair, thence northeasterly by the most feasible route to Bremerton, thence northerly and easterly by the most feasible route in the vicinity of Poulsbo to Port Gamble, thence southerly and easterly to Kingston; also beginning at Keyport, thence in a westerly direction by the most feasible route to a junction with primary state highway No. 21, as herein described.

The route of primary state highway No. 21, beginning at Lofall established by section 4, chapter 383, Laws of 1955 shall remain a part of such highway to service ferry traffic and shall not be superseded by this section until the Hood Canal bridge and approaches are constructed and opened to traffic.

Note: See also section 7, chapter 21, Laws of 1961 extraordinary session.

47.16.200 No. 22 Coulee Reservoir highway. A primary state highway to be known as primary state highway No. 22, or the Coulee Reservoir highway, is hereby established according to description as follows: Beginning at Davenport on primary state highway No. 2, thence in a northerly direction by the most feasible route to Kettle Falls on primary state highway No. 3; also from a junction with primary state highway No. 3, east of Kettle Falls, thence northeasterly by the most feasible route to the international boundary line.

Chapter 47.20**SECONDARY HIGHWAY ROUTES—MISCELLANEOUS
PROJECTS**

47.20.010 Branches, state highway No. 1—Highways 1A, 1B. Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state highway No. 1A; beginning at a junction with the Mt. Baker branch of primary state highway No. 1 in the vicinity of Lawrence, thence in a northerly direction to the international boundary in the vicinity west of Sumas; also beginning at a junction with secondary state highway No. 1A in the vicinity of Nooksack, thence southwesterly by way of Everson to a junction with secondary state highway No. 1B in the vicinity of Wisner Lake; also beginning at a junction with the Mt. Baker branch of primary state highway No. 1 in the vicinity of Deming, thence in a southerly direction by way of Sedro Woolley, Arlington and Snohomish to a junction with primary state highway No. 2 in the vicinity of Woodinville;

Secondary state highway No. 1B; beginning at Bellingham on primary state highway No. 1, thence in a northerly direction to the international boundary in the vicinity east of Delta; also beginning at a junction with secondary state highway No. 1B approximately 2.7 miles south of the international boundary, thence easterly by way of Van Buren to a junction with secondary state highway No. 1A.

47.20.020 Highways 1C, 1D. Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state highway No. 1C; beginning at a junction with primary state highway No. 1 in the vicinity south of Blanchard, thence in a southerly direction to a junction with primary state highway No. 1 in the vicinity of Whitney; also beginning at a junction with primary state highway No. 1 east of Whitney easterly to a junction with primary state highway No. 1 in the vicinity of Burlington;

Secondary state highway No. 1D; beginning at a junction with primary state highway No. 1 in the vicinity southeast of Anacortes, thence southerly by way of Deception Pass to the vicinity of Columbia Beach in the southern portion of Whidby Island; also beginning at a junction with secondary state highway No. 1D as herein described in the vicinity easterly of the Keystone ferry slip, thence westerly to the Keystone ferry slip.

Note: See also section 4, chapter 21, Laws of 1961 extraordinary session.

47.20.030 Highways 1E, 1F. Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state highway No. 1E; beginning at Conway on primary state highway No. 1, thence in a southerly directly by way of East Stanwood, thence in a southeasterly direction to a junction with primary state highway No. 1, thence in an easterly direction to Arlington on secondary state highway No. 1A; also from the junction of secondary state highway No. 1A at Arlington in a north-easterly and easterly direction to Darrington;

Secondary state highway No. 1F; beginning at a junction with primary state highway No. 1 in the vicinity of Burlington, thence in a northeasterly direction to a junction with secondary state highway No. 1A in Sedro Woolley.

Note: See also section 5, chapter 21, Laws of 1961 extraordinary session.

47.20.040 Highways 1G, 1H. Secondary state highways as branches of primary state highway No. 1, are established as follows:

Secondary state highway No. 1G; beginning at Mt. Vernon on primary state highway No. 1, thence in an easterly direction to a junction with secondary state highway No. 1A.

Secondary state highway No. 1H; beginning at Conway on primary state highway No. 1; thence in a southeasterly direction to McMurray on secondary state highway No. 1A.

47.20.050 Highways 1I, 1J. Secondary state highways as branches of primary state highway No. 1, are established as follows:

Secondary state highway No. 1I; beginning at Everett on primary state highway No. 1, thence in a westerly direction to Mukilteo, thence in a southeasterly direction to a junction with primary state highway No. 1 in the vicinity south of Everett;

Secondary state highway No. 1J; beginning at a junction with primary state highway No. 1 in the vicinity north of Seattle, thence in an easterly direction to the vicinity of Lake Washington, thence in a southeasterly direction to Seattle in the vicinity of the Naval Air Station at Sandpoint.

47.20.060 Highways 1K, 1L. Secondary state highways as branches of primary state highway No. 1, are established as follows:

Secondary state highway No. 1K; beginning at Seattle on primary state highway No. 1, thence in a southerly direction to Des Moines, thence in a southeasterly direction to a junction with primary state highway No. 1;

Secondary state highway No. 1L; beginning on primary state highway No. 1 in the vicinity of Seattle, thence in a westerly direction to a junction with secondary state highway No. 1K near Sunnydale.

47.20.070 Highways 1M, 1N. Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state highway No. 1M, beginning at a junction with primary state highway No. 1, in the vicinity of Maytown, thence in a westerly and southwesterly direction to a junction with primary state highway No. 9 in the vicinity of Rochester;

Secondary state highway No. 1N; beginning at a junction with primary state highway No. 1 in Centralia, thence in a northerly direction by the most feasible route by way of Bucoda to a junction with secondary state highway No. 5H in Tenino.

47.20.080 Highways 1P, 1Q. Secondary state highways as branches of primary state highway No. 1, are established as follows:

Secondary state highway No. 1P; beginning at Toledo on primary state highway No. 1, thence in a southwesterly direction by way of Vader to Ryderwood;

Secondary state highway No. 1Q; beginning at a junction with primary state highway No. 1 in the vicinity south of Toledo, thence in an easterly and southerly direction to a junction with secondary state highway No. 1R in the vicinity north of Toutle.

47.20.090 Highways 1R, 1S. Secondary state highways as branches of primary state highway No. 1, are established as follows:

Secondary state highway No. 1R; beginning at a junction with primary state highway No. 1 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens to the boundary of the Columbia National Forest in the vicinity northwest of Mt. St. Helens;

Secondary state highway No. 1S; beginning at a junction with primary state highway No. 1 in the vicinity north of Woodland, thence in an easterly direction to Amboy, thence in a southerly direction to Battleground, thence in a westerly direction to a junction with primary state highway No. 1 in the vicinity north of Vancouver.

Note: See also section 8, chapter 21, Laws of 1961 extraordinary session.

47.20.100 Highways 1T, 1U. Secondary state highways as branches of primary state highway No. 1, are established as follows:

Secondary state highway No. 1T; beginning at Vancouver on primary state highway No. 1, thence in a northerly direction by way of Sara to Ridgefield, thence in an easterly direction to a junction with primary state highway No. 1 in the vicinity south of LaCenter;

Secondary state highway No. 1U; beginning at Battleground on secondary state highway No. 1S, thence in a southerly direction to Orchard on the secondary state highway No. 8A.

47.20.109 Highways 1V, 1W. (Effective until July 1, 1961.) Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state highway No. 1V; beginning at Tacoma on

primary state highway No. 1, thence in a northeasterly direction west of primary state highway No. 1 by way of Redondo to Des Moines to secondary state highway No. 1K;

Secondary state highway No. 1W; beginning at a junction with primary state highway No. 1 in the vicinity of Snohomish-King county line, thence in a northwesterly direction to Edmonds, thence in a northeasterly direction to a junction with primary state highway No. 1 in the vicinity of Lynnwood.

This section shall be effective until July 1, 1961.

47.20.110 Highways 1V, 1W. (Effective July 1, 1961.) Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state highway No. 1V; beginning at Tacoma on primary state highway No. 1, thence in a northeasterly direction west of primary state highway No. 1 by way of Redondo to Des Moines on secondary state highway No. 1K;

Secondary state highway No. 1W; beginning at a junction with primary state highway No. 1 in the vicinity of Snohomish-King county line, thence in a northwesterly direction to Edmonds, thence in a northeasterly direction to a junction with primary state highway No. 1 in the vicinity of Lynnwood, thence easterly to a junction with secondary state highway No. 2J: *Provided*, That until such times as secondary state highway No. 1W east of Lynnwood is actually constructed on the location adopted by the highway commission, no existing county roads shall be maintained or improved by the highway commission as a temporary route of said secondary state highway No. 1W. This section shall become effective July 1, 1961.

47.20.120 Highways 1X, 1Y, 1Z. Secondary state highways as branches of primary state highway No. 1 are established as follows:

Secondary state highway No. 1X; beginning at a junction with primary state highway No. 1 in the vicinity of Milton, thence in an easterly direction by way of Milton to a junction with secondary state highway No. 5D in the vicinity east of Milton;

Secondary state highway No. 1Y; beginning at a junction with primary state highway No. 1 in the vicinity east of East Stanwood; thence in a westerly direction to a junction with secondary state highway No. 1E in the vicinity of East Stanwood; thence in a westerly direction by way of Stanwood and over a bridge to a point on Camano Island known as McEachern's Corner.

Secondary state highway No. 1Z; beginning at a junction with primary state highway No. 1 northwest of Bellingham, thence in a westerly direction to a junction with a Whatcom county road at a location where construction is feasible from an engineering and economic point of view.

47.20.130 Branches, state highway No. 2—Highways 2A, 2B. Secondary state highways as branches of primary state highway No. 2 are established as follows:

Secondary state highway No. 2A; beginning on primary state highway No. 2 in the vicinity of Woodinville, thence in a southerly direction to a junction with primary state highway No. 1 in the vicinity north of Kirkland.

Secondary state highway No. 2B; beginning at a junction with primary state highway No. 2 in the vicinity of Lake Forest Park, thence in a northwesterly direction to a junction with primary state highway No. 1 in the vicinity of the Snohomish county line.

47.20.140 Highways 2D, 2E. Secondary state highways as branches of primary state highway No. 2 are established as follows:

Secondary state highway No. 2D; beginning at a junction with primary state highway No. 2 in the vicinity west of Issaquah, thence in a northerly direction to the west of Lake Sammamish to Redmond on primary state highway No. 2, thence in a westerly direction to Kirkland.

Secondary state highway No. 2E; beginning at a junction with primary state highway No. 2 west of Cle Elum, thence in a northwesterly direction by way of Roslyn to the National Forest boundary in the vicinity of Lake Cle Elum.

47.20.150 Highways 2F, 2G. Secondary state highways as branches of primary state highway No. 2 are established as follows:

Secondary state highway No. 2F; beginning at a junction with primary state highway No. 2 in the vicinity north of Coulee City, thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee dam;

Secondary state highway No. 2G; beginning at a junction with primary state highway No. 2 in the vicinity west of Reardon, thence in a southerly direction by way of Edwall to a junction with secondary state highway No. 11F in the vicinity northwest of Sprague.

47.20.160 Highways 2H, 2I. Secondary state highways as branches of primary state highway No. 2 are established as follows:

Secondary state highway No. 2H; beginning at Spokane on primary state highway No. 2, thence in an easterly direction by way of Millwood to a junction with primary state highway No. 2 in the vicinity of the Washington-Idaho boundary line;

Secondary state highway No. 2I; beginning at a junction with primary state highway No. 2 in the vicinity of Virden, thence southeasterly to a junction with primary state highway No. 3 in the vicinity of Woldale.

47.20.161 Highway 2J. Secondary state highway No. 2J is established as a branch of primary state highway No. 2, according to the following designation and description:

Beginning on primary state highway No. 2 in the vicinity of Bothell, thence in a northerly direction to a junction with primary state highway No. 1 in a vicinity south of Everett.

47.20.165 Highway 2M. Secondary state highway No. 2M is established as a branch of primary state highway No. 2, according to the following designation and description:

Secondary state highway No. 2M; beginning at a junction with primary state highway No. 2 in the vicinity west of Auburn, thence in a northerly direction to a junction with primary state highway No. 1 south of Seattle.

47.20.170 Branches, state highway No. 3—Highways 3A, 3B. Secondary state highways as branches of primary state highway No. 3 are established as follows:

Secondary state highway No. 3A; beginning at Union Gap on primary state highway No. 3, thence in a southeasterly direction to the south of the Yakima river to Toppenish on primary state highway No. 8, thence in a southeasterly direction by way of Mabton to Prosser on primary state highway No. 3;

Secondary state highway No. 3B; beginning at Toppenish on primary state highway No. 8, thence in a westerly direction to White Swan, thence in a southwesterly direction to old Fort Simcoe.

47.20.180 Highway 3D. Secondary state highways as branches of primary state highway No. 3 are established as follows:

Secondary state highway No. 3D; beginning at a junction with primary state highway No. 3 in the vicinity of Burbank, thence in a northeasterly direction by the most feasible route to a point in the vicinity of Eureka, thence in an easterly direction by the most feasible route to a junction with secondary state highway No. 3E in the vicinity of Prescott.

47.20.190 Highways 3E, 3F. Secondary state highways as branches of primary state highway No. 3 are established as follows:

Secondary state highway No. 3E; beginning at Walla Walla on primary state highway No. 3, thence in a northerly direction to Prescott on secondary state highway No. 3D; thence in an easterly direction to a junction on primary state highway No. 3 in the vicinity northeast of Waitsburg.

Secondary state highway No. 3F; beginning at Colfax on primary state highway No. 3, thence in an easterly direction to Palouse on primary state highway No. 3.

47.20.200 Highway 3H. Secondary state highways as branches of primary state highway No. 3 are established as follows:

Secondary state highway No. 3H; beginning at a junction with primary state highway No. 2 in the vicinity of Opportunity, thence in a southerly direction by way of Rockford, Fairfield, Latah, and Tekoa to Oakesdale on primary state highway No. 3; also beginning at Tekoa on secondary state highway No. 3H, thence in an easterly direction to the Washington-Idaho boundary line.

47.20.210 Highways 3J, 3K. Secondary state highways as branches of primary state highway No. 3 are established as follows:

Secondary state highway No. 3J; beginning at a junction with primary state highway No. 3 in the vicinity of Chewelah, thence by way of Springdale in a southwesterly direction across the Spokane river to Long Lake; also, beginning at a junction with said secondary state highway No. 3J at Springdale, thence easterly to a junction of primary state highway No. 3 in the vicinity of Loon Lake: *Provided*, That until such time as the relocation and construction of primary state highway No. 3 from Loon Lake to Chewelah is completed, secondary state highway No. 3J shall begin at a junction with primary state highway No. 3 in the vicinity of Springdale.

Secondary state highway No. 3K; beginning at Pomeroy on primary state highway No. 3, thence in a southeasterly direction to Peola, thence in a northeasterly direction to a junction with primary state highway No. 3 in the vicinity west of Clarkston.

47.20.220 Highways 3L, 3P, 3R, 3S. Secondary state highways as branches of primary state highway No. 3 are established as follows:

Secondary state highway No. 3L; beginning at a junction with primary state highway No. 3 in the vicinity north of Dayton, thence in a northeasterly direction to a junction with primary state highway No. 3 in the vicinity west of Pomeroy;

Secondary state highway No. 3P; beginning at a junction with primary state highway No. 3 at the west end of the Kettle Falls bridge, thence in a westerly direction to a junction with secondary state highway No. 4A east of Republic: *Provided*, That secondary state highway No. 3P, as herein described shall not become a part of the state highway system until after the construction of the Republic-Kettle Falls Forest Highway by the United States Bureau of Public Roads shall have been completed;

Secondary state highway No. 3R; beginning at the Richland wye junction with primary state highway No. 3; thence northerly and westerly via Richland to a junction with primary state highway No. 3 at Kiona.

Secondary state highway No. 3S; beginning at a junction of primary state highway No. 3 in Spokane thence northwesterly along the north bank of the Spokane river to a point in Stevens

county across the Spokane river from the Riverside state park near the boundary line common to Stevens and Spokane counties.

The addition of secondary state highway No. 3S shall become effective July 1, 1961.

Note: See also section 13, chapter 21, Laws of 1961 extraordinary session.

47.20.230 Branches, State Highway No. 4—Highways 4A, 4B. Secondary state highways as branches of primary state highway No. 4 are hereby established according to designation and description as follows:

Secondary state highway No. 4A; beginning at Republic on primary state highway No. 4, thence in a northeasterly direction by the most feasible route to the east of Curlew Lake by way of Curlew to the international boundary line in the vicinity of Danville;

Secondary state highway No. 4B; beginning at a junction of primary state highways Nos. 4 and 2 in the vicinity west of Wilbur, thence in a southerly direction by the most feasible route by way of Odessa to a junction with primary state highway No. 11 in the vicinity of Lind.

47.20.240 Highway 4C. Secondary state highway No. 4C is established as a branch of primary state highway No. 4 as follows:

Secondary state highway No. 4C; beginning at a junction with primary state highway No. 4 in the vicinity north of Wilbur, thence in a westerly direction by the most feasible route to a junction with primary state highway No. 2 in the vicinity south of the Grand Coulee Dam.

Note: See also section 9, chapter 21, Laws of 1961 extraordinary session.

47.20.250 Branches, state highway No. 5—Highways 5A, 5B. Secondary state highways as branches of primary state highway No. 5 are established as follows:

Secondary state highway No. 5A; beginning at a junction with primary state highway No. 5 south of Maple Valley, thence in a westerly direction to Kent on primary state highway No. 5, thence in a westerly direction to a junction with primary state highway No. 1;

Secondary state highway No. 5B; beginning at Auburn on primary state highway No. 5, thence in a northeasterly direction to a junction with secondary state highway No. 5A in the vicinity south of Maple Valley.

47.20.260 Highways 5C, 5D. Secondary state highways as branches of primary state highway No. 5 are established as follows:

Secondary state highway No. 5C; beginning at Renton on primary state highway No. 2, thence in a southerly direction to a junction with secondary state highway No. 5A in the vicinity east of Kent;

Secondary state highway No. 5D; beginning at Puyallup on

primary state highway No. 5, thence in a northerly direction to a junction with primary state highway No. 1.

47.20.270 Highways 5E, 5G. Secondary state highways as branches of primary state highway No. 5 are established as follows:

Secondary state highway No. 5E; beginning at Puyallup on primary state highway No. 5, thence in a southerly direction to Orting, thence in a northeasterly direction to a junction with primary state highway No. 5 in the vicinity south of Buckley;

Secondary state highway No. 5G; beginning at Puyallup on primary state highway No. 5, thence in a westerly direction to a junction with primary state highway No. 5 south of Tacoma, thence in a westerly direction to a junction with primary state highway No. 1 south of Tacoma.

47.20.280 Highways 5H, 5I. Secondary state highways as branches of primary state highway No. 5 are established as follows:

Secondary state highway No. 5H; beginning at a junction with primary state highway No. 5 in the vicinity south of Tacoma, thence in a southwesterly direction by way of McKenna, Yelm, and Rainier, to a junction with secondary state highway No. 1N in Tenino;

Secondary state highway No. 5I; beginning at Yelm on secondary state highway No. 5H, thence in a northwesterly direction via St. Clair and Lacey to primary state highway No. 1.

47.20.290 Highways 5J, 5K. Secondary state highways as branches of primary state highway No. 5 are established as follows:

Secondary state highway No. 5J; beginning at McKenna on secondary state highway No. 5H, thence in an easterly direction to a junction with primary state highway No. 5;

Secondary state highway No. 5K; beginning at Morton on primary state highway No. 5, thence in a westerly direction by way of Onalaska to a junction with primary state highway No. 1 south of Chehalis.

47.20.300 Highways 5L, 5N. Secondary state highways as branches of primary state highway No. 5 are established as follows:

Secondary state highway No. 5L; beginning at Morton on primary state highway No. 5; thence in a southwesterly direction to Riffe on primary state highway No. 5;

Secondary state highway No. 5N; beginning at a junction with primary state highway No. 5 in Puyallup, thence in a southerly direction to Eatonville.

47.20.310 Branches, State highway No. 6—Highways 6A, 6B. Secondary state highways as branches of primary state highway No. 6 are hereby established according to designation and description as follows:

Secondary state highway No. 6A; beginning at Tiger on primary state highway No. 6, thence in a southwesterly direction by the most feasible route to Colville to primary state highway No. 3;

Secondary state highway No. 6B; beginning at Usk on primary state highway No. 6, thence in a southerly direction by the most feasible route by way of Sacheen Lake to a junction with primary state highway No. 6 southwest of Newport.

47.20.320 Branches, state highway No. 7—Highway 7C. Secondary state highways as branches of primary state highway No. 7 are established as follows:

Secondary state highway No. 7C; beginning in the vicinity of the east end of the Vantage bridge on primary state highway No. 7, thence in a southerly direction parallel to the east bank of the Columbia river for a distance of approximately two and one-half miles, thence southeasterly in the vicinity of Othello, thence easterly to a junction with primary state highway No. 11, thence easterly to a junction with secondary state highway No. 11B in the vicinity of Washtucna; also, beginning at a junction with secondary state highway No. 7C south of the Columbia river bridge at Vantage, thence southerly and easterly by way of Beverly and Arrowsmith to a junction with secondary state highway No. 11A north of its crossing of the Columbia river: *Provided*, That until such time as secondary state highway No. 7C is actually constructed on the location adopted by the highway commission, no existing county roads shall be maintained or improved by the highway commission as a temporary route of said secondary state highway No. 7C.

47.20.325 Highway 7E. Secondary state highway No. 7E is hereby established as a branch of primary state highway No. 7, according to the following designation and description:

Beginning at a junction with primary state highway No. 7 in the vicinity west of Odessa; thence in a southwesterly direction by way of Moses Lake to a connection with primary state highway No. 18 west of Moses Lake: *Provided*, That until such times as secondary state highway No. 7E is actually constructed on the location adopted by the highway commission, no existing county roads shall be maintained or improved by the highway commission as a temporary route of said secondary state highway No. 7E.

47.20.330 Branches, state highway No. 8—Highways 8A, 8B. Secondary state highways as branches of primary state highway No. 8 are hereby established according to designation and description as follows:

Secondary state highway No. 8A; beginning at Vancouver on primary state highway No. 8, thence in a northeasterly direction

by the most feasible route to Orchard, thence in a southeasterly direction by the most feasible route to Camas on primary state highway No. 8;

Secondary state highway No. 8B; beginning at Washougal on primary state highway No. 8, thence in a northerly and easterly direction by the most feasible route following the general course of the Washougal river to a junction with primary state highway No. 8 east of Washougal.

Note: See also section 10, chapter 21, Laws of 1961 extraordinary session.

47.20.340 Highways 8C, 8D. Secondary state highways as branches of primary state highway No. 8 are established as follows:

Secondary state highway No. 8C; beginning at a junction on primary state highway No. 8 east of Stevenson, thence in a northwesterly direction following the general course of the Wind river to the boundary of Columbia National Forest;

Secondary state highway No. 8D; beginning at a wye junction with primary state highway No. 8, the west branch in the vicinity east of Underwood and the east branch in the vicinity of White Salmon, thence in a northerly direction to the boundary of the Columbia National Forest.

Note: See also section 11, chapter 21, Laws of 1961 extraordinary session.

47.20.360 Branches, state highway No. 9 — Highway 9A. Secondary state highways as branches of primary state highway No. 9 are established as follows:

Secondary state highway No. 9A; beginning at Port Angeles on primary state highway No. 9, thence in a westerly direction by way of Pysht and Clallam Bay to Neah Bay.

47.20.370 Highways 9C, 9D. Secondary state highways as branches of primary state highway No. 9 are established as follows:

Secondary state highway No. 9C; beginning at a junction with primary state highway No. 9 in Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with primary state highway No. 9 in the vicinity of Queets;

Secondary state highway No. 9D; beginning at a junction with primary state highway No. 9 in the vicinity west of McCleary, thence in a northeasterly direction to a junction with primary state highway No. 9 south of Shelton.

47.20.379 Highways 9E, 9F. (Effective until July 1, 1961.) Secondary state highways as branches of primary state highway No. 9 are established as follows:

Secondary state highway No. 9E; beginning at a junction with primary state highway No. 9 in the vicinity south of Discovery Bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal; thence crossing Hood Canal to a junction with primary state highway No. 21;

This addition to secondary state highway No. 9E shall become effective July 1, 1959.

The route of secondary state highway No. 9E to South Point established by section 38, chapter 383, Laws of 1955 shall remain a part of such highway to service ferry traffic and shall not be superseded by this section until the Hood Canal bridge and approaches are constructed and open to traffic.

Secondary state highway No. 9F; beginning at Sequim on primary state highway No. 9, thence in a northerly direction to Dungeness.

This section shall be effective until July 1, 1961.

47.20.380 Highways 9E, 9F, 9G. (Effective July 1, 1961.) Secondary state highways as branches of primary state highway No. 9 are established as follows:

Secondary state highway No. 9E; beginning at a junction with primary state highway No. 9 in the vicinity south of Discovery Bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal; thence crossing Hood Canal to a junction with primary state highway No. 21;

This addition to secondary state highway No. 9E shall become effective July 1, 1959.

The route of secondary state highway No. 9E to South Point established by section 38, chapter 383, Laws of 1955 shall remain a part of such highway to service ferry traffic and shall not be superseded by this section until the Hood Canal bridge and approaches are constructed and open to traffic.

Secondary state highway No. 9G; beginning at a junction with primary state highway No. 9 in Port Angeles, thence southerly to the north boundary of the Olympic National Park: *Provided*, That until such time as secondary state highway No. 9G is actually constructed on the location adopted by the highway commission, no existing county roads shall be maintained or improved by the highway commission as a temporary route of said secondary state highway No. 9G.

The deletion of secondary state highway No. 9F and the addition of secondary highway No. 9G shall become effective July 1, 1961.

47.20.390 Branches, state highway No. 10—Highways 10A, 10B. Secondary state highways as branches of primary state highway No. 10, are hereby established according to designation and description as follows:

Secondary state highway No. 10A; beginning at Omak on primary state highway No. 10, thence in a southeasterly direction by the most feasible route by way of Disautel and Nespelem to the boundary of the federal reservation at the Grand Coulee dam;

Secondary state highway No. 10B; beginning at a junction with primary state highway No. 10 east of Bridgeport, thence in an easterly direction by the most feasible route to the boundary of the federal reservation at the Grand Coulee dam; also, a spur beginning at a junction with secondary state highway No. 10B in the vicinity of the boundary of the federal reservation at the Grand Coulee dam and extending to Crown Point; also beginning at a junction with secondary state highway No. 10B, as herein described, in the vicinity of Leahy, thence in a southwesterly direction by the most feasible route by way of Mansfield to a junction with primary state highway No. 2 in the vicinity of Waterville;

From June 7, 1951, and until construction of the extension of secondary state highway No. 10B is completed, the highway commission of the state shall assume control and maintenance of the existing county road running from Sims Corner through Mansfield and south to the junction at Farmer.

47.20.400 Highways 10C, 10D. Secondary state highways as branches of primary state highway No. 10 are established as follows:

Secondary state highway No. 10C; beginning at Chelan on primary state highway No. 10, thence in a northwesterly direction to the north of Lake Chelan to Manson;

Secondary state highway No. 10D; beginning at a wye junction with primary state highway No. 10 in the vicinity east of Chelan, thence in a southerly direction crossing the Columbia river in the vicinity of Chelan Station to a junction with primary state highway No. 2 in the vicinity of Orondo; also beginning at a junction with primary state highway No. 10 in the vicinity south of Azwell, thence southerly to a junction with secondary state highway No. 10D in the vicinity of Chelan Station.

47.20.410 Branches, state highway No. 11—Highways 11A, 11B. Secondary state highways as branches of primary state highway No. 11 are established as follows:

Secondary state highway No. 11A; beginning at Connell on primary state highway No. 11, thence in a westerly direction to Yakima on primary state highway No. 3: The highway commission shall provide and maintain suitable facilities for vehicles and pedestrian crossing of the Columbia river at the point where secondary state highway No. 11A crosses the river, at the expense of the state and without charge to the public;

Secondary state highway No. 11B; beginning at a junction with primary state highway No. 11 in the vicinity of Connell, thence northeasterly by way of Kahlotus, Washtucna and LaCrosse to a junction with primary state highway No. 3 in the vicinity of Dusty; also beginning at a junction with secondary state highway

No. 11B in the vicinity of Washtucna, thence southeasterly to a junction with primary state highway No. 3 at Delaney: *Provided*, That until such time as secondary state highway No. 11B between Washtucna and Delaney is actually constructed on the location adopted by the highway commission no existing county roads shall be maintained or improved by the highway commission as a temporary route of said secondary state highway No. 11B.

Note: See also section 14, chapter 21, Laws of 1961 extraordinary session.

47.20.415 Highway 11A—Relocation—Federal compensation—Columbia river crossing. The highway commission shall relocate and reconstruct secondary state highway No. 11A from a point in the vicinity of Cold creek thence northerly to Vernita, thence crossing the Columbia river, thence easterly, by the most feasible route north of the Columbia river, to a point intersecting secondary state highway No. 11A, in the vicinity of Connell: *Provided*, That nothing in this section shall prohibit such relocation and reconstruction through the control zone of the Hanford atomic energy project as the atomic energy commission and the highway commission may agree.

When compensation is received from the federal government for the condemnation by it of the portion of secondary state highway No. 11A taken for the Hanford atomic energy project, the highway commission is authorized and instructed to use the funds so received, or so much thereof as may be necessary, for the purpose of completing all or any portion of the relocation and reconstruction of said secondary state highway No. 11A, as provided for in this section.

When said relocation and reconstruction has been completed, the highway commission is authorized and instructed to provide suitable facilities for vehicle and pedestrian crossing of the Columbia river at the point at or near Vernita where the relocation of secondary state highway No. 11A crosses the river. Such crossing shall thereafter be maintained at the expense of the state, and without charge to the traveling public.

47.20.420 Highways 11D, 11E. Secondary state highways as branches of primary state highway No. 11 are established as follows:

Secondary state highway No. 11D; beginning at a junction with primary state highway No. 11 at a point approximately three miles northeast of Four Lakes, thence in a westerly and southwesterly direction to the town of Medical Lake, thence in a southerly direction to the vicinity of the state custodial school;

Secondary state highway No. 11E; beginning at Ritzville on primary state highway No. 11, thence in a southerly direction to Washtucna on secondary state highway No. 11B.

47.20.430 Highways 11F, 11G. Secondary state highways as branches of primary state highway No. 11 are established as follows:

Secondary state highway No. 11F; beginning at Sprague on primary state highway No. 11, thence in a northwesterly direction to Harrington on primary state highway No. 7;

Secondary state highway No. 11G; beginning in the vicinity of Eltopia on primary state highway No. 11, thence in a northwesterly direction to a junction with primary state highway No. 18 in the vicinity of Moses Lake, thence northwesterly to a junction with primary state highway No. 7 in the vicinity of Soap Lake with a wye connection from the vicinity of Rocky Ford creek to the vicinity of Ephrata.

Note: See also section 15, chapter 21, Laws of 1961 extraordinary session.

47.20.440 Branches, state highway No. 12—Highways 12A, 12B. Secondary state highways as branches of primary state highway No. 12 are hereby established according to designation and description as follows:

Secondary state highway No. 12A; beginning at a junction with primary state highway No. 12 in the vicinity south of Seaview, thence in a northerly direction by the most feasible route by way of Seaview and Long Beach to Ocean Park;

Secondary state highway No. 12B; beginning at Megler on primary state highway No. 12, thence in an easterly and northerly direction to a junction with primary state highway No. 12 in the vicinity north of Naselle.

47.20.450 Highways 12C, 12D. Secondary state highways as branches of primary state highway No. 12 are established as follows:

Secondary state highway No. 12C; beginning at a junction with primary state highway No. 12 in the vicinity west of Grays river, thence in a southerly direction by the most feasible route to the shore of the Columbia river;

Secondary state highway No. 12D; beginning at a junction with primary state highway No. 12 in the vicinity north of Cathlamet, thence in a northeasterly direction by the most feasible route following the general course of the Elokomin river to the vicinity of its confluence with the west fork of the Elokomin river.

47.20.460 Highways 12E, 12F. Secondary state highways as branches of primary state highway No. 12 are established as follows:

Secondary state highway No. 12E; beginning at a junction with primary state highway No. 12 in the vicinity west of Chehalis, thence in a southerly direction by the most feasible route by way of Napavine and Winlock to a junction with primary state highway No. 1 in the vicinity north of Toledo;

Secondary state highway No. 12F; beginning at the town of Cathlamet at the intersection of primary state highway No. 12, and the north approach of the Puget Island bridge, thence crossing said bridge, thence in a general southerly direction by the most feasible route to the South Ferry landing, as now located, or as it may be relocated, on the south side of Puget Island: *Provided*, That the state of Washington shall not assume or pay any bond or bonds outstanding against said bridge, or interest on said bonds, but said bond or bonds, and interest thereon, shall remain the sole obligation of the obligors named on said bonds.

47.20.461 Highway 12G. A secondary state highway as a branch of primary state highway No. 12 is established as follows:

Secondary state highway No. 12G; beginning at a junction with primary state highway No. 12 in the vicinity of Grays River, thence northeasterly to a junction with primary state highway No. 12 in the vicinity of PeEll: *Provided*, That this highway designation shall not become effective until the location of the proposed lower Columbia river bridge is determined and construction thereof undertaken and the further determination by resolution of the state highway commission that this route is desirable to serve traffic for such bridge.

47.20.462 Highway 12H. A secondary state highway as a branch of primary state highway No. 12 is established as follows:

Secondary state highway No. 12H; beginning at a junction with primary state highway No. 12 in West Kelso, thence northerly to a junction with secondary state highway No. 1P in the vicinity of Vader.

47.20.470 Branches, state highway No. 13—Highway 13A. Secondary state highways as branches of primary state highway No. 13 are hereby established according to designation and description as follows:

Secondary state highway No. 13A; beginning at Raymond on primary state highway No. 13, thence in a westerly direction by the most feasible route by way of Tokeland, North Cove to the shore of Grays Harbor north of Westport; also beginning at Aberdeen on primary state highway No. 13, thence in a southwesterly direction by the most feasible route to a junction with secondary state highway No. 13A in the vicinity south of Westport.

47.20.480 Branches state highway No. 14—Highway 14A. Secondary state highways as branches of primary state highway No. 14 are established as follows:

Secondary state highway No. 14A; beginning at a junction with primary state highway No. 14 in the vicinity of Purdy, thence in a westerly direction to a junction with primary state highway

No. 21 in the vicinity of Belfair; also beginning at a junction with secondary state highway No. 14A, as herein described, thence southwesterly to a junction with primary state highway No. 9 at Shelton.

47.20.490 Branches, state highway No. 15—Highways 15A, 15B. Secondary state highways as branches of primary state highway No. 15 are hereby established according to designation and description as follows:

Secondary state highway No. 15A; beginning at a junction with primary state highway No. 15 in the vicinity east of Everett, thence in a northeasterly direction by the most feasible route to a junction with secondary state highway No. 1A, thence in a northeasterly direction by the most feasible route to Granite Falls;

Secondary state highway No. 15B; beginning at Monroe on primary state highway No. 15, thence in a southerly direction by the most feasible route by way of Duvall to Falls City on primary state highway No. 2.

47.20.500 Highways 15C, 15D. Secondary state highways as branches of primary state highway No. 15 are established as follows:

Secondary state highway No. 15C; beginning at Leavenworth on primary state highway No. 15, thence in a northerly direction by the most feasible route by way of Lake Wenatchee to a junction with primary state highway No. 15 in the vicinity north of Winton;

Secondary state highway No. 15D; beginning at a junction with secondary state highway No. 15C in the vicinity of Lake Wenatchee, thence in a northwesterly direction by the most feasible route to the west of Lake Wenatchee to Telma.

47.20.520 Branches, state highway No. 17—Highway 17A. Secondary state highways as branches of primary state highway No. 17 are hereby established according to designation and description as follows:

Secondary state highway No. 17A; beginning at Marblemount on primary state highway No. 17, thence in a westerly direction by the most feasible route by way of Concrete to Sedro Woolley on secondary state highway No. 1A.

Note: See also section 6, chapter 21, Laws of 1961 extraordinary session.

47.20.540 Branches, state highway No. 21—Highways 21A, 21B. Secondary state highways as branches of primary state highway No. 21 are hereby established as follows:

Secondary state highway No. 21A; beginning at a junction with primary state highway No. 21 in the vicinity north of Poulsbo, thence in a southeasterly direction by the most feasible route across Agate Pass to the north end of Bainbridge Island, thence in a southerly direction by the most feasible route to the vicinity of Winslow;

Secondary state highway No. 21B; beginning at Keyport on primary state highway No. 21, thence in a southerly direction by the most feasible route to East Bremerton; also beginning at a junction with secondary state highway No. 21B in the vicinity north of East Bremerton, thence easterly by the most feasible route to Illahee State Park.

Note: See also section 12, chapter 21, Laws of 1961 extraordinary session.

47.20.541 Highway 21C. Secondary state highway No. 21C as a branch of primary state highway No. 21 is established as follows:

Secondary state highway No. 21C; beginning at a junction with primary state highway No. 21 at Belfair, thence in a general westerly direction to the westerly boundary of the Belfair state park.

47.20.550 Branches, state highway No. 22—Highway 22A. Secondary state highways as branches of primary state highway No. 22 are hereby established according to designation and description as follows:

Secondary state highway No. 22A; beginning at Northport on primary state highway No. 22, thence in a northeasterly direction by the most feasible route to the international boundary in the vicinity of Boundary.

47.20.570 Manette bridge authorized. The director of highways is authorized and directed to construct a bridge across Port Washington Narrows connecting primary state highway No. 21 at or near Bremerton with secondary state highway No. 21B on the Manette Peninsula; to make surveys and plans; and to condemn or otherwise acquire such lands, as are necessary or proper for the approaches to such bridge and relocating any portion of said highway to locate said bridge at the most feasible place. Said bridge shall become and be maintained as a part of the state highway system.

47.20.580 Washington State University highway authorized. The director of highways is hereby authorized and directed to locate, construct, pave and maintain a suitable highway on the most feasible route beginning in the vicinity of the stadium of the Washington State University and extending in a northwesterly direction to a connection with primary state highway No. 3, near the north boundary of the city of Pullman.

47.20.590 University of Washington approach authorized. The director of highways is hereby authorized and directed to select and locate a suitable and fitting street and highway approach to the University of Washington campus in the city of Seattle, from Roosevelt Way to Fifteenth Avenue northeast, including an underpass beneath the surface of Roosevelt Way, and necessary approaches to said underpass.

47.20.600 Washington State University highway, University of Washington approach—Acquisition of property. The director of highways is hereby authorized and directed in the name of the state of Washington to acquire by purchase, gift or condemnation, any and all private real estate, rights and interests necessary to locate, construct and maintain the Washington State University highway and the University of Washington approach provided for herein.

47.20.605 ———Public use. The use of the private real estate, rights and interests, selected by said director as necessary for said approach, underpass and highway, is hereby declared to be a public use.

47.20.610 ———Condemnation. In case of condemnation to secure any real estate, rights or interests, herein authorized, the court actions shall be brought in the name of the state of Washington in the respective counties in which the real estate is located, in the manner provided by law for acquiring property for public uses for the state, and in such actions the selection of the real estate, rights and interests by the director of highways is, in the absence of bad faith, arbitrary, capricious or fraudulent action conclusive upon the court and judge before which the action is brought that said real estate, rights and interests are necessary for public use for the purposes sought.

47.20.620 ———Measure of damage to buildings. If, in any condemnation proceeding authorized herein, it appears that there is any building wholly or partially upon any of the real estate to be taken, the jury, or the court, if the jury be waived, shall add to the value of the land taken the amount of damages to the building. If the entire building is taken, or if the building is damaged so that it cannot be readjusted to the real estate not taken, then the measure of damages shall be the fair cash value of the building. If part of a building is taken or damaged and the building can be readjusted or replaced on the real estate remaining, then the measure of damages shall be the cost of readjusting or moving the building, or part thereof left, together with the depreciation in the market value of said building by reason of said readjustment or moving.

47.20.630 ———Sale of buildings, personalty, acquired in acquisition of land. The director of highways shall have power to sell at public or private sale any building, equipment or fixtures, acquired in the acquisition of said real estate for such price as he shall fix, and to execute to the purchaser upon payment of the purchase price a bill of sale in the name of the state; and the proceeds of said sale shall be placed in the motor vehicle fund of the state treasury. The director of highways shall have power to permit occupation of

buildings on real estate so acquired for such specified limited time as he deems will lapse before construction of the approach, underpass and highway can be undertaken; and in behalf of the state it may be shown in any condemnation proceeding the period during which such occupancy will be permitted for the purpose of mitigating damages.

47.20.635 University of Washington approach—Ordinance requisite—Construction and Maintenance. No action shall be taken by the director of highways for the acquisition of real estate, rights and interests for the approach and underpass to the University of Washington unless and until the city of Seattle, through its legislative authority shall enact an ordinance providing the city of Seattle will, within three months after the necessary real estate, rights and interests have been secured by the state as herein provided, begin the work of grading, paving and such other work as is necessary to complete and render available for use of the public, said approach and underpass and approaches to said underpass; and further providing that the city of Seattle shall thereafter keep and maintain said approach and underpass and approach to said underpass in a good state of repair and suitable for public travel and use, which construction and maintenance work the city of Seattle is hereby authorized and empowered to do and perform.

47.20.640 Designation of new secondary routes to intersect relocated primary—Report to legislature. In any case where a primary state highway is relocated in such manner that one of its branch secondary state highways shall cease to intersect it, the state highway commission is hereby authorized to designate one or more routes from such secondary state highway to an intersection with such relocated primary state highway as a portion of the route of such secondary state highway. The state highway commission shall submit to the legislature next convening, the changes made in the designation of secondary state highways, as described by law, so that such laws designating secondary state highways will be kept current by successive legislatures.

Chapter 47.22

COMBINATION HIGHWAY ROUTES

47.22.010 East Pacific highway. There is hereby established the east Pacific highway which shall be composed of the following existing highway routes: Beginning on primary state highway No. 1 at or near Centralia; thence by way of primary state highway No. 1 to Tenino or by way of secondary state highway 1N between Centralia and Tenino; thence on secondary state highway 5H to

Roy junction with primary state highway No. 5; thence on primary state highway No. 5 to a junction with secondary state highway No. 5G; thence on secondary state highway No. 5G to Puyallup; thence on primary state highway No. 5 to Sumner, Auburn, Kent and Renton; thence on primary state highway No. 2 to secondary state highway No. 2A; thence on secondary state highway No. 2A to Kirkland to primary state highway No. 2 west of Bothell; thence on primary state highway No. 2 to Bothell and Woodinville; and thence on secondary state highway No. 1A to Snohomish, Arlington, Sedro Woolley, Sumas, to the Canadian international boundary.

47.22.020 Lewis and Clark highway. There is established the Lewis and Clark highway, which shall be composed of the following existing routes: Beginning at a junction with primary state highway No. 1 in the city of Vancouver, thence on the routes of primary state highways No. 8 and No. 3, via Kennewick, Walla Walla and Pomeroy, to the Washington-Idaho state line at Clarkston.

Chapter 47.24

CITY STREETS AS PART OF STATE HIGHWAYS

47.24.010 Designation of street as part of highway—Construction, maintenance—Return of street to city or town. The state highway commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the state highway commission shall certify to the state auditor and to the clerk of each city or town, by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the state highway commission from any state funds available therefor: *Provided*, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the state highway commission to the state auditor and to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: *Provided further*, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the state highway

commission that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the state highway commission and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year.

47.24.020 Jurisdiction, control of such streets. The jurisdiction, control and duty of the state and city or town with respect to such streets shall be as follows:

(1) The state highway commission shall have no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the state highway commission:

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes: *Provided*, That within incorporated cities and towns the title to a limited access facility, after purchase and construction by the state alone, shall vest in the state, and the Washington state highway commission shall exercise full jurisdiction, responsibility and control to, and over, such facility as provided in chapter 47.52, as amended;

(3) The state highway commission shall have authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and shall have the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town shall have the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway: *Provided*, That in cities and towns having a population of fifteen thousand or less according to the latest federal census, the state, when necessary for public safety, shall assume, at its expense, responsibility, for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself: *Provided further*,

That the state shall install, maintain and operate all illuminating facilities on any limited access facility, together with their interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance and operation incurred after November 1, 1954;

(7) The state highway commission shall have the right to utilize all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the state highway commission, the cost of such facilities shall be borne by the state and/or city as may be mutually agreed upon between the state highway commission and the governing body of the city or town;

(8) Cities and towns shall have exclusive right to grant franchises, not in conflict with state laws, over, beneath and upon such streets but the state highway commission shall be authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town shall have granted on such street: *Provided*, That no franchise for transportation of passengers in motor vehicles shall be granted on such streets without the approval of the state highway commission but the state highway commission shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town shall have the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the state highway commission;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted shall be subject to the approval of the state highway commission before becoming effective. Traffic control and parking regulations heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the state highway commission within one year after March 21, 1949;

(12) The state highway commission shall erect, control and maintain at state expense all route markers, and directional signs, except street signs, on such streets;

(13) The state highway commission shall install, operate, maintain and control at state expense all traffic control signals, signs and traffic control devices for the purpose of regulating both pedestrian

and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest federal census: *Provided*, That such cities and towns may submit to the state highway commission a plan for traffic control signals, signs and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the state highway commission shall consult with the cities or towns concerning the same prior to installing such signals, signs, or devices. Cities and towns having a population in excess of fifteen thousand according to the latest federal census shall install, maintain, operate and control such signals, signs and devices at their own expense, subject to approval of the state highway commission for the installation and type only. For the purpose of this subdivision striping, lane marking and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets shall belong to the city or town;

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all rights of way so acquired shall vest in the city or town: *Provided*, That no vacation, sale or rental of any unused portion of any such street shall be made by the city or town without the approval of the state highway commission; and all revenue derived from sale, vacation or rental of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town shall fail to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the state highway commission for the maintenance of a city or town street forming part of the route of a state highway, the state highway commission may notify the mayor of such town to perform such necessary maintenance within thirty days. If the city or town within such thirty days shall fail to perform such maintenance or fail to authorize the state highway commission to perform such maintenance as provided by RCW 47.24.050, the state highway commission may perform such maintenance. The state auditor shall pay the cost of such maintenance on vouchers submitted by the state highway commission and deduct the cost from any sums in the motor vehicle fund credited or to be credited to such city or town.

47.24.030 Acquisition of rights of way—Condemnation proceedings. The highway commission is authorized to acquire rights of way, by purchase, gift or condemnation for any such streets, highways, bridges and wharves. Any such condemnation proceedings shall be exercised in the manner provided by law for condemnation proceedings to acquire lands required for state highways.

47.24.040 Street fund—Expenditures on streets forming part of state highway. All funds accruing to the credit of incorporated cities and towns in the motor vehicle fund shall be paid monthly to such incorporated cities and towns and shall, by the respective cities and towns, be placed in a fund to be designated as "city street fund" and disbursed as authorized and directed by the legislative authority of the city or town, as agents of the state, for salaries and wages, material, supplies, equipment, purchase or condemnation of right of way, engineering or any other proper highway or street purpose in connection with the construction, alteration, repair, improvement or maintenance of any city street or bridge, or viaduct or underpassage along, upon or across such streets. Such expenditure may be made either independently or in conjunction with any federal, state or any county funds.

47.24.050 Aid on streets by state or county—Payment. If a city or town, whether or not any of its streets are designated as forming a part of a state highway, is unable to construct, repair or maintain its streets for good cause, or if it is in need of engineering assistance to construct, repair or maintain any of its streets, it may authorize the highway commission to perform such construction, repair or maintenance, or may secure necessary engineering assistance from the highway commission, to the extent of the funds credited or to be credited in the motor vehicle fund for payment to the city or town. Any sums due from a city or town for such purposes shall be paid on vouchers approved and submitted by the highway commission from moneys credited to the city or town in the motor vehicle fund, and the amount of the payments shall be deducted from funds which would otherwise be paid to the city or town from the motor vehicle fund. The highway commission may in certain special cases, in its discretion, enter into an agreement with the governing officials of such city or town for the performance of such work or services, the terms of which shall provide for reimbursement of the motor vehicle fund for the benefit of the state's share of such fund by such city or town of the cost thereof from any funds on hand of such city or town and legally available for such work or services. The city or town may, by resolution, authorize the board of commissioners of the county in which it is located, to perform any such construction, repair or maintenance

and the same shall be paid for by the city or town at the actual cost thereof as provided for payment for work performed on city streets, and any payment received therefor by a county shall be deposited in the county road fund to be expended under the same provisions as are imposed upon the funds used to perform such construction, repair or maintenance.

Chapter 47.28

CONSTRUCTION AND MAINTENANCE OF HIGHWAYS

47.28.010 Latitude in selecting route. Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the highway commission shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road or secondary road or now or hereafter classified as a county road. The highway commission need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the highway commission to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The highway commission is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town.

47.28.020 Width of right of way. From and after April 1, 1937, the width of one hundred feet is the necessary and proper right of way width for state highways unless the highway commission, for good cause, may adopt and designate a different width. This section shall not be construed to require the highway commission to acquire increased right of way for any state highway in existence on such date.

47.28.025 Description and plan of new or limited access highway—Recording. Whenever any authority in behalf of the state shall establish the location, width and lines of any new highway, or declare any such new highway as a limited access facility, it may cause the description and plan of any such highway to be made, showing the center line of said highway and the established width thereof and attach thereto a certified copy of the resolution, and

thereupon such description, plan and resolution shall be recorded in the office of the county auditor of the proper county in a separate book kept for such purposes, which shall be furnished to the county auditor of such county by the Washington state highway commission at the expense of the state.

47.28.026 ———Buildings and improvements prohibited. No owner or occupier of lands, buildings or improvements shall erect any buildings or make any improvements within the limits of any such highway, location, width and lines of which have been established and recorded, as provided in RCW 47.28.025, and if any such erection and improvements shall be made, no allowances shall be had therefor by the assessment of damages. No permits for improvements within said limits shall be issued by any authority: *Provided*, That the establishment of any highway location as set forth in RCW 47.28.025 shall be ineffective after one year from the filing thereof if no action to condemn or acquire the property within said limits has been commenced within said time.

47.28.030 Contracts—Day labor—Monetary Limits—Award by district engineer. A state highway shall be constructed, altered, repaired, or improved by contract or day labor. The work may be done by day labor when the estimated cost thereof is less than fifteen thousand dollars. When the state highway commission determines to do the work by day labor, it shall enter a resolution upon its records to that effect, stating the reasons therefor. The state highway commission may authorize any district engineer of the highway commission to award any contract for work not exceeding a cost of fifteen thousand dollars. All such awards shall be subject to the approval of the commission and shall follow the same procedures as are prescribed for other highway commission contracts except as provided in this section.

Note: See also section 1, chapter 233, Laws of 1961.

47.28.040 Precontract preparation of maps, plans, and specifications—Filing. Before entering into any contract for the construction, alteration, repair or improvement of any state highway the highway commission shall cause the same to be surveyed throughout the entire length of such proposed construction, alteration, repair or improvement and cause to be prepared maps, plans and specifications, together with an estimate of the cost of such proposed work, and such information and directions as will enable a contractor to carry them out. The maps, plans, specifications and directions shall be approved by the highway commission and a copy thereof filed permanently in the office of the highway commission.

47.28.050 Call for bids. The Washington state highway commission shall publish a call for bids for the construction of the highway according to the maps, plans, and specifications, once a week for at

least two consecutive weeks, next preceding the day set for receiving and opening the bids, in not less than one trade paper and one other paper, both of general circulation in the state. The call shall state the time, place, and date for receiving and opening the bids, give a brief description of the location and extent of the work, and contain such special provisions or specifications as the commission deems necessary: *Provided*, That when the estimated cost of any contract to be awarded is less than fifteen thousand dollars, the call for bids need only be published in one paper of general circulation in the county where the major part of the work is to be performed: *Provided further*, That when the estimated cost of a contract to be awarded is five thousand dollars or less, including the cost of materials, supplies, engineering, and equipment, the state highway commission need not publish a call for bids.

47.28.060 Copy of map, plans, etc.—Fee. Any person, firm or corporation shall be entitled to receive copies of the maps, plans, specifications and directions for any work upon which call for bids has been published, upon written request therefor and payment to the highway commission by cash, certified check, cashier's check or money order, the sum of two dollars for each copy of such maps, plans and specifications. Any money so received shall be in payment of rental for such maps, plans and specifications, and the same shall be certified by the highway commission to the state treasurer and deposited to the credit of the motor vehicle fund: *Provided*, That the highway commission may deliver without charge informational copies of maps, plans, specifications and directions at such places as it may from time to time designate.

47.28.070 Form of bid—Data required—Refusal to furnish form—Appeal. Bid proposals upon any construction or improvement of any state highway, a call for bid proposals for which has been published by the highway commission, shall be made upon contract proposal form supplied by the highway commission, and in no other manner. The highway commission shall, before furnishing any person, firm or corporation desiring to bid upon any work for which a call for bid proposals has been published, with a contract proposal form, require from such person, firm or corporation, answers to questions contained in a standard form of questionnaire and financial statement, including a complete statement of the financial ability and experience of such person, firm, or corporation in performing state highway, road or other public work. Such questionnaire shall be sworn to before a notary public or other person authorized to take acknowledgment of deeds. Whenever the highway commission is not satisfied with the sufficiency of the answers contained in such questionnaire and financial statement it may refuse to furnish such person, firm or corporation with a contract

proposal form and any bid proposal of such person, firm or corporation must be disregarded. Such refusal shall be conclusive unless appeal therefrom to the superior court of Thurston county be taken within five days, which appeal shall be heard summarily within ten days after the same is taken and on five days' notice thereof to the highway commission.

47.28.080 Withdrawal of bids—New bids—Time fixed in call controls. Any person, firm, or corporation proposing a bid for the construction or improvement of any state highway in response to a call for bids published therefor may withdraw such bid proposal without forfeiture and without prejudice to the right of such bidder to file a new bid proposal before the time fixed for the opening of such bid proposals: *Provided*, That the request for such withdrawal shall have been made in writing, signed by the person proposing such bid or his duly authorized agent, and filed with the highway commission before the time fixed for the opening of such bid proposals. No bid proposal shall be considered which has not been filed with the highway commission before the time fixed for the opening of bid proposals. In any provisions regarding the filing or withdrawing of bid proposals the time fixed for the opening of bid proposals in the call for bid proposals as published shall control without regard for the time when such bid proposals are actually opened.

47.28.090 Opening of bids and award of contract—Deposit. At the time and place named in the call for bids the Washington state highway commission shall publicly open and read the final figure in each of the bid proposals properly filed and read only the bid items on the three lowest bids, and shall award the contract to the lowest responsible bidder unless the commission has, for good cause, continued the date of opening bids to a day certain, or rejected said bid: *Provided*, That any bid may be rejected if the bidder has previously defaulted in the performance of and failed to complete a written public contract, or has been convicted of a crime arising from a previous public contract. All bids shall be under sealed cover and accompanied by deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the amount of the bid and no bid shall be considered unless the deposit is enclosed therewith.

48.28.100 Contract and bond—Forfeiture and return of deposits—Rejection of all bids—Readvertisement. If the successful bidder fails to enter into the contract and furnish satisfactory bond as by law provided within twenty days from the award, exclusive of the day of the award, his deposit shall be forfeited to the state and be deposited by the state treasurer to the credit of the motor vehicle

fund, and the highway commission may award the contract to the second lowest responsible bidder. If the second lowest responsible bidder fails to enter into the contract and furnish bond within twenty days after award to him, forfeiture of his deposit shall also be made and the contract may be awarded to the third lowest responsible bidder, and in like manner until the contract and bond are executed by a responsible bidder to whom award is made, or further bid proposals are rejected, or the number of bid proposals are exhausted: *Provided*, That if the contract is not executed or no contractor's bond provided within the time required, and there appear circumstances which are deemed to warrant an extension of time, the commission may extend the time for execution of the contract or furnishing bond for not to exceed twenty additional days. After awarding the contract the deposits of unsuccessful bidders shall be returned: *Provided*, That the commission may retain the deposit of the next lowest responsible bidder or bidders as it desires until such time as the contract is entered into and satisfactory bond provided by the bidder to whom award was ultimately made.

If in the opinion of the commission the acceptance of the bid of the lowest responsible bidder or bidders, or on prior failure of the lowest responsible bidder or bidders, the acceptance of the bid of the remaining lowest responsible bidder or bidders will not be for the best interest of the state, it may reject all bids or all remaining bids and republish call for bids in the same manner as for an original publication thereof.

47.28.110 Sureties—Qualifications—Additional sureties. At any time and as often as it may be deemed necessary, the highway commission may require any or all sureties or any surety company to appear and qualify themselves upon any contractor's bond. Whenever such surety or sureties upon any contractor's bond become insufficient or may be deemed by the highway commission to have become insufficient, the highway commission may demand in writing that the contracting person, firm or corporation furnish such further contractor's bond or bonds or additional surety in an amount not exceeding that originally required as may be deemed necessary considering the extent of the work remaining to be done upon such contract. No further payments shall be made on such contract until such additional surety as required is furnished.

47.28.120 Actions for labor and materials—Limitation of action. Any contracting person, firm or corporation performing any labor or furnishing any materials upon their contract or otherwise for public work or improvement under the direction of the highway commission or any person claiming any right of action upon any

such contract with the state of Washington or who claims a cause of action against the state of Washington arising out of any such contract must bring such suit in the proper court in Thurston county before the expiration of one hundred and eighty days from and after the final acceptance and the approval of the final estimate of such work by the highway commission; otherwise such action shall be forever barred.

47.28.130 Rejection of bids—Work by day labor—Resolution—Publication of result. In all cases where the estimated cost thereof is fifteen thousand dollars or more, the work shall be done by contract: *Provided*, That if the Washington state highway commission considers the bid proposals too high, or for other reasons deems it inadvisable that the contract be awarded to any bidders, they may readvertise a new call for bids or do the work by day labor. A decision to do the work by day labor shall be ordered by resolution to that effect entered upon the records of the highway commission, which resolution shall set out the amount of the bid proposals submitted with the names of the bidders and the fact that the commission has found that in its judgment the work may be more satisfactorily done by day labor. In any case where work is performed by day labor, the commission shall, upon completion thereof, cause to be published in one issue of a newspaper of general circulation in the state, the original estimate of the work and the actual cost thereof by day labor: *Provided further*, That when the estimated cost thereof is more than twenty-five hundred dollars, but less than fifteen thousand dollars, in lieu of publishing the original estimate of the work and the actual cost thereof, as may be required by the provisions of public contract laws, the commission may post the original estimate of the work and the actual cost thereof in the office of the county engineer in that county or counties wherein the work was performed, and make said records available for public inspection in the office of the highway commission at Olympia: *Provided further*, That no publication or posting shall be required for any work the cost of which is less than twenty-five hundred dollars.

47.28.140 Agreements to benefit or improve highways, roads or streets—Labor—Costs. When in the opinion of the governing authorities representing the state department of highways and any agency, instrumentality, municipal corporation or political subdivision of the state of Washington, any highway, road or street will be benefited or improved by constructing, reconstructing, locating, relocating, laying out, repairing, surveying, altering, improving or maintaining by either the said highway department or any agency, instrumentality, municipal corporation or political subdivision of

the state, and it is in the public interest to do so, the authorities may enter into cooperative agreements wherein either agrees to perform the work and furnish the materials necessary and pay the cost thereof, including necessary engineering assistance, which costs and expenses shall be reimbursed by the party whose responsibility it was to do or perform such work or improvement in the first instance. Said work may be done by either day labor or contract, and the cooperative agreement between the parties shall provide for the method of reimbursement. In the case of some special benefit or improvement to a state highway derived from the construction of any public works project, the department of highways may contribute to the cost thereof by making direct payment to the particular state department, agency, instrumentality, municipal corporation or political subdivision on the basis of benefits received, but such payment shall be made only after a cooperative agreement has been entered into for a specified amount or on an actual cost basis prior to the commencement of said particular public works project.

47.28.150 Underpasses, overpasses constructed with aid of federal funds—Apportionment of maintenance costs between railroad and state. Notwithstanding any of the provisions of RCW 81.52.160 (being section 81.53.090 of the 1961 bill to enact Titles 80 and 81 RCW), where the cost of constructing an overpass or underpass which is part of the state highway system has been paid for in whole or in part by the use of federal funds, the state shall at its expense maintain the entire overpass structure and the approaches thereto, and the railroad company shall at its expense maintain the entire underpass structure, including the approaches thereto. The state shall at its expense maintain the roadway, and the railroad company shall at its expense maintain its roadbed and tracks on or under all such structures.

Chapter 47.32

OBSTRUCTIONS ON RIGHT OF WAY

47.32.010 Order to remove obstructions—Removal by state. Whenever the highway commission shall determine and order that it is necessary for the convenience and safety of public travel and the use of (or construction, alteration, repair, improvement or maintenance of) any state highway to have the full width of right of way of any such state highway or of any portion of the right of way of any such state highway free from any and all obstructions, encroachments and occupancy, other than pole lines, pipe lines or other structures maintained thereon for public or quasi public utilities by virtue of a valid franchise, and shall cause due

notice of such order to be given as provided by law, such obstructions, encroachments and means of occupancy, and any structure, building, improvement or other means of occupancy of any of the right of way of said state highway not removed within the time allowed by law shall become thereby and be an unlawful property and may be confiscated, removed and sold or destroyed by the state of Washington according to procedure as hereinafter provided, without any right in anyone to make any claim therefor, either by reason of the removal thereof or otherwise. It shall be unlawful for any person to keep, maintain or occupy any such unlawful structure.

47.32.020 Notice of order, contents, posting—Return. Whenever the highway commission shall determine that the right of way of any state highway or any portion of the right of way of any state highway be made free from any and all obstructions, encroachments and occupancy it shall forthwith cause to be posted, by a competent person over twenty-one years of age upon any and all structures, buildings, improvements and other means of occupancy of such state highway or portion thereof, other than property of public or quasi public utilities, by virtue of a valid franchise, a notice bearing a copy of such order and dated as of the date of posting, to all whom it may concern to vacate such right of way and to remove all property therefrom forthwith and within ten days after the posting of such notice exclusive of the date of posting of the same, and shall require the filing with it of duplicate affidavits in proof of such postings, showing upon what structures, buildings, improvements or other means of occupancy of such state highway or portions thereof, respectively, copies of such notice were posted and the date of each such posting, sworn to by the person making such posting.

47.32.030 Proceedings in rem authorized — Records certified. In case the property or any thereof described in such notice is not removed from such right of way within ten days after the date of such posting, exclusive of the date of posting, all such property upon the right of way of said state highway or portion thereof shall thereupon become unlawful and the highway commission shall commence proceedings in the name of the state of Washington for the removal thereof by court action. The highway commission shall thereupon prepare two original copies of such order together with two copies each of the notice posted and of the affidavits in proof of posting thereof and duplicate copies of a certificate by said highway commission describing with reasonable certainty and with due reference to the center line stationing of said state highway and to proper legal subdivisional points, each structure, building, improvement, encroachment or other means of occupancy,

other than pole lines, pipe lines or other structures maintained for public and quasi public utilities, on the state highway or portion thereof specified in such order and remaining upon such right of way as aforesaid. Thereupon action shall be commenced in rem for the purpose of removal of all such unlawful property, in the superior court of the county in which such state highway or portion thereof containing such structures is situated, entitled and in the name of the state of Washington as plaintiff and describing each such unlawful structure, building, improvement, encroachment or other means of occupancy, which structures, buildings, improvements, encroachments or other means of occupancy shall be briefly named as defendants.

47.32.040 Complaint, contents. The complaint shall, in such action, describe such property unlawfully remaining upon the right of way of such state highway or portion thereof with reasonable certainty by reference to the certificate of the highway commission, which shall be attached to and filed with said complaint, and praying that an order be entered for the removal from the right of way of such state highway or portion thereof of all the described property unlawfully thereon and the disposal thereof.

47.32.050 Notice, action, service, contents—Proceedings void, when. Service of such complaint shall be given by publication of notice thereof once a week for two successive weeks in a newspaper of general circulation in the county in which such action is commenced, which notice shall briefly state the objects of the action and contain a brief description of each structure, building, improvement, encroachment or other means of occupancy sought to be removed from the right of way of the state highway, describe such state highway or portion thereof by number and location and state the time and place when and where the action will come before the court or judge thereof; and a copy of such notice shall also be posted at least ten days before the date of hearing of such action upon each such structure, building, improvement, encroachment or other means of occupancy described therein. Posting may be made by any person qualified to serve legal process. Want of posting upon, or failure to describe any such structure, building, improvement, encroachment or other means of occupancy shall render subsequent proceedings void as to those not posted upon or described but all others described and posted upon shall be bound by the subsequent proceedings.

47.32.060 Hearing—Findings—Order—Appeal. At the time and place appointed for hearing upon said complaint, which hearing shall be by summary proceedings, if the court or judge thereof shall find that due notice has been given by posting and publica-

tion and that the order of the highway commission was duly made, and shall be further satisfied and find that the state highway or portion thereof described is legally a state highway having the width of right of way specified in such order and that the structure, buildings, improvements or other means of occupancy of such state highway or portion thereof as stated in the certificate of the highway commission do in fact encroach, or that any portion thereof encroach, upon such state highway right of way, the court or judge thereof shall thereupon make and enter an order establishing that each of the structures, buildings, improvements and other means of occupancy specified in such order is unlawfully maintained within the right of way and is subject to confiscation and sale and that the same be forthwith confiscated, removed from such right of way and sold, and providing that six days after the entry of such order, a writ shall issue out of said court directed to the sheriff of such county, commanding such sheriff to seize and remove from the right of way of said state highway each such structure, building, improvement or other means of occupancy specified in such order forthwith on receipt of writ based on said order and to take and hold the same in his custody for a period of ten days unless sooner redelivered as provided for by law and if not then so redelivered to sell the same at public or private sale and to pay the proceeds thereof into the registry of the court within sixty days after the issuance of such writ, and further in such action, including costs of posting original notices of the highway commission, the costs of posting and publishing notices of hearing as part thereof and any cost of removal, be paid by the clerk to the state treasurer and by him credited to the motor vehicle fund. Such order shall be filed with the clerk of such court and recorded in the minutes of said court and be final unless review thereof to the supreme court of the state be taken within five days after the filing thereof.

47.32.070 Writ, execution of—Return—Disposition of unsold property. Six days after filing of the order above provided for, if no review thereof be taken to the supreme court of the state, the clerk of the court shall issue under seal of such court a writ directed to the sheriff of the county in which such court is held commanding him to remove, take into custody and dispose of the property described in such order and make returns thereof as provided for such writ by said order. On receipt of such writ it shall be the duty of such sheriff to obey the command thereof, proceed as therein directed and make return within the time fixed by such writ; and said sheriff shall be liable upon his official bond for the faithful discharge of such duties. Upon filing of such return the clerk of court shall make payments as provided for in

the order of court. If by the sheriff's return any of the property seized and removed pursuant to such writ is returned as unsold and as of no sale value, and if the court or judge thereof be satisfied that such is the fact, the court or judge thereof may make further order directing the destruction of such property, otherwise directing the sheriff to give new notice and again offer the same for sale, when, if not sold, the same may on order of court be destroyed.

47.32.080 Property reclaimed—Bond. At any time within ten days after the removal by virtue of such writ of any such property from the right of way of such state highway any person, firm, association or corporation claiming ownership or right of possession of any such property may have the right to demand and to receive the same from the sheriff upon making an affidavit that such claimant owns such property or is entitled to possession thereof, stating on oath the value thereof satisfactory to said sheriff, or which value shall be raised to a value satisfactory to said sheriff, which value shall be indorsed on said affidavit and signed both by said claimant and said sheriff before such sheriff shall be required to accept the bond hereinafter provided for, and deliver to the sheriff a bond with sureties in double the value of such property, conditioned that such claimant will appear in the superior court of such county within ten days after the bond is accepted by the sheriff and make good such claim of title thereto and pay all accrued costs of service of notice to remove, all costs and disbursements to be assessed to such property and the costs of removal and custody thereof and will hold said sheriff and the state of Washington free from any and all claims on account of such property or will return such property or pay its value to said sheriff, and that such claimant will at all times thereafter keep such property off the right of way of the state highway in question.

47.32.090 Sureties on bond—Hearing on claim. The sureties on such bond shall justify as in other cases if the sheriff requires it and in case they do not so justify when required, the sheriff shall retain and sell or dispose of the property; and if the sheriff does not require the sureties to justify, he shall stand good for their sufficiency. He shall date and indorse his acceptance upon the bond, and shall return the affidavit, bond and justification, if any, to the office of the clerk of such superior court, whereupon such clerk shall set the hearing thereof as a separate case for trial, in which such claimant shall be the plaintiff and the sheriff and the state of Washington defendants: *Provided*, That no costs shall, in such case, be assessed against the sheriff or the state of Washington in the event the plaintiff should prevail.

47.32.100 Procedure when claimant wins or loses. If the claimant makes good such claimant's title to or right to possession of the property, upon payment into the registry of the court, of the costs of service or posting of original notice issued by the highway commission with respect to such property, the cost of posting notice of hearing in such court and such proportion of the cost of publication of such notice as the court may fix and direct to be entered and the clerk's fees of filing such affidavit and bond as a separate action and of entry of judgment therein at the amounts provided for in civil actions, judgment shall be entered restoring such property to such claimant without any confirmation of title as to any other claimant thereto, relieving the sheriff from necessity of selling the same and making return thereon, and continuing the effect of such bond for a period of six years thereafter for the benefit of such adverse claimants to said property, if any, as may thereafter make claim to such property. If such claimant shall not make good such claim of title to or right to possession of such property, judgment shall be rendered against such claimant and the sureties of such claimant for the value of such property as finally shown by the affidavit as above provided for, together with such fees for filing such affidavit and bond as a separate action and for entry of judgment therein and other costs and disbursements as taxed in any civil action including the statutory attorney fee as part thereof, for all of which execution may accordingly issue, and relieving the sheriff from the necessity of selling such property or making return thereon.

47.32.110 Merchandising structures — Permit — Removal. It shall be unlawful for any person to build, erect, establish, operate, maintain or conduct along and upon the right of way of any state highway any platform, box, stand or any other temporary or permanent device or structure used or to be used for the purpose of receiving, vending or delivering any milk, milk cans, vegetables, fruits, merchandise, produce or any other thing or commodity of any nature unless a permit therefor shall first have been obtained from the highway commission. The highway commission shall in each instance determine where any platform, box, stand or any other temporary or permanent device or structure shall be permitted and upon the existence of any such device or structure without a permit first obtained, the same shall be considered an obstruction unlawfully upon the right of way of such state highway and the highway commission may proceed to effect the removal of the same.

47.32.120 Business places along highway. It shall be unlawful for any person to erect a structure or establishment or maintain a business, the nature of which requires the use by patrons or

customers of property adjoining such structure or establishment unless such structure or establishment be so located at a distance from the right of way of any state highway that none of the right of way thereof is required for the use of the patrons or customers of any such establishment. Any such structure erected or business maintained which makes use of or tends to invite patrons to make use of the right of way or any portion thereof of any state highway by occupying the same while a patron, is a public nuisance and the highway commission may fence the right of way of such state highway to prevent such unauthorized use thereof.

47.32.130 Dangerous objects and structures as nuisances—Logs—Abatement—Removal. (1) Whenever there shall exist upon the right of way of any state highway or off the right of way thereof in sufficiently close proximity thereto, any structure, device or natural or artificial thing which threatens or endangers such state highway or portion thereof, or which tends to endanger persons traveling thereon, or obstructs or tends to obstruct or constitutes a hazard to vehicles or persons traveling thereon, such structure, device or natural or artificial thing is hereby declared to be a public nuisance and the highway commission is empowered to take such action as may be necessary to effect the abatement of the same. Any such structure, device or natural or artificial thing considered by the highway commission to be immediately or eminently dangerous to travel upon a state highway may be forthwith removed and such removal shall in no event constitute a breach of the peace or trespass.

(2) Logs dumped on any state highway roadway or in any state highway drainage ditch due to equipment failure or for any other reason shall be removed immediately. Logs remaining within the state highway right of way for a period of thirty days shall be confiscated and removed or disposed of as directed by the highway commission.

47.32.140 Railroad crossings, obstructions—Hearing. Each railroad company shall keep its right of way clear of all brush and timber in the vicinity of a railroad grade crossing with a state highway for a distance of one hundred feet from the crossing in such manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. The Washington state highway commission shall cause brush and timber to be cleared from the right of way of a state highway in the proximity of a railroad grade crossing for a distance of one hundred feet from the crossing in such manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. It shall be unlawful to erect or maintain a sign, signboard, or billboard, except official highway

signs and traffic devices and railroad warning or operating signs, at or near a grade crossing of a state highway and a railroad or within a distance of five hundred feet from the point of intersection of such highway and railroad.

When a person who has erected or who maintains such a sign, signboard, or billboard or when a railroad company permits such brush or timber in the vicinity of a railroad grade crossing with a state highway or permits the surface of a grade crossing to become inconvenient or dangerous for passage and who has the duty to maintain it, fails, neglects, or refuses to remove or cause to be removed such brush, timber, sign, signboard, or billboard, or maintain the surface of the crossing, the public service commission upon complaint of the highway commission or upon complaint of any party interested, or upon its own motion, shall enter upon a hearing in the manner now provided for hearings with respect to railroad-highway grade crossings, and make and enforce proper orders for the removal of the brush, timber, sign, signboard or billboard, or maintenance of the crossing: *Provided*, That nothing in this section shall prevent the posting or maintaining of any legal notice or sign, signal, or traffic device required or permitted to be posted or maintained, or the placing and maintaining thereon of highway or road signs or traffic devices giving directions or distances for the information of the public when the signs are approved by the commission. The commission shall inspect highway grade crossings and make complaint of the violation of any provisions of this section.

47.32.150 Approach roads, other appurtenances. Permit. No person, firm or corporation shall hereafter be permitted to build or construct on state highway rights of way any approach road or any other facility, thing or appurtenance not heretofore permitted by law, without first obtaining written permission from the highway commission of this state.

47.32.160 ———Rules and regulations—Construction, maintenance of approach roads. The highway commission is hereby authorized and empowered at its discretion to adopt reasonable rules and regulations and issue permits, not inconsistent with previous laws in effect, for the construction of any approach road, facility, thing or appurtenance, upon state highway rights of way. Such rules and regulations and such permits may include, but need not be limited to include, provisions for construction of culverts under approaches, requirements as to depth of fills over culverts, and requirements for such drainage facilities insofar as the said commission may deem any of such provisions or requirements to be necessary, and any such permit issued may contain such terms and conditions as may be prescribed. All such con-

struction shall be under the supervision of the highway commission and at the expense of the applicant. After completion of the construction of the particular approach road, facility, thing or appurtenance, the same shall be maintained at the expense of the applicant and in accordance with the directions of the highway commission.

47.32.170 ————**Removal of installations from right of way for default.** Upon failure of the applicant to construct or maintain the particular approach road, facility, thing or appurtenance, in accordance with the conditions of the permit and in accordance with the rules and regulations of the said highway commission therefor, the highway commission may, after the expiration of thirty days following transmittal of a written notice to the applicant, remove all installations upon the right of way at the expense of the applicant, which expense may be recovered from the applicant by the highway commission for the state in any court of competent jurisdiction.

Chapter 47.36

TRAFFIC CONTROL DEVICES

47.36.010 Restoration of U. S. survey markers. It shall be the duty of the highway commission to fix permanent monuments at the original positions of all United States government monuments at township corners, section corners, quarter section corners, meander corners, and witness markers, as originally established by the United States government survey whenever any such original monuments or markers fall within the right of way of any state highway and to aid in the reestablishment of such corners, monuments, or markers destroyed or obliterated by the construction of any state highway by permitting inspection of the records in the office of the highway commission.

47.36.020 Traffic control signals. The highway commission shall adopt specifications for a uniform system of traffic control signals consistent with the provisions of this title for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system current as approved by the American Association of State Highway Officials and as set out in the manual of uniform traffic control devices for streets and highways.

47.36.030 Traffic control devices—Specifications to be furnished to counties and cities. The highway commission shall have the power and it shall be its duty to adopt and designate a uniform state standard for the manufacture, display, erection and location

of all signs, signals, signboards, guideposts and other traffic devices erected or to be erected upon the state highways of the state of Washington for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections and additions thereto. The highway commission shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guideposts and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design and location devised by the highway commission. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable.

47.36.040 Commission to furnish counties and cities with traffic devices. The highway commission, upon written request, shall cause to be manufactured, painted and printed, and shall furnish to any board of county commissioners or the governing body of any incorporated city or town, directional signboards, guide boards and posts of the uniform state standard of color, shape and design for the erection and maintenance thereof by the board of county commissioners or the governing body of any incorporated city or town upon the roads and streets within their respective jurisdiction. Such directional signboards, guide boards and posts shall be manufactured and furnished, as aforesaid, pursuant to written request showing the number of signs desired and the directional or guide information to be printed thereon. The highway commission is hereby authorized and directed to fix a charge for each signboard, guide board and post manufactured and furnished as aforesaid, based upon the ultimate cost of such operations to the highway commission, and the board of county commissioners, from the county road fund, and the governing body of any incorporated city or town, from the street fund, shall pay the charges so fixed for all signboards, guide boards and posts so received from the highway commission.

47.36.050 Duty to erect traffic devices on state highways and railroad crossings. It shall be the duty of the highway commission

to erect and maintain upon every state highway in the state of Washington suitable and proper signs, signals, signboards, guideposts and other traffic devices according to the adopted and designated state standard of design, erection and location, and in the manner required by law; it shall be the duty of the highway commission to erect and maintain upon all state highways appropriate stop signs, warning signs and school signs. Any person, firm, corporation or municipal corporation, building, owning, controlling or operating a railroad that crosses any state highway at grade shall construct, erect and maintain at or near each point of crossing, or at such point or points as will meet the approval of the highway commission, a sign of the type known as the saw buck crossing sign with the lettering "railroad crossing" inscribed thereon, also a suitable inscription indicating the number of tracks; said sign must be of standard design that will comply with the plans and specifications furnished by the highway commission. Additional safety devices and signs may be installed at any time when required by the public service commission as provided by laws regulating railroad-highway grade crossings.

47.36.053 ————**General duty to erect and maintain devices.** The highway commission shall place and maintain such traffic devices conforming to the manual and specifications adopted upon all state highways as it shall deem necessary to carry out the provisions of this title or to regulate, warn, or guide traffic.

47.36.060 **Traffic devices on county roads and city streets.** Local authorities in their respective jurisdictions shall place and maintain such traffic devices upon public highways under their jurisdiction as are necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn, or guide traffic. Cities and towns, which as used in this section mean cities and towns having a population of over fifteen thousand according to the latest federal census, shall adequately equip with traffic devices, streets which are designated as forming a part of the route of a primary or secondary state highway and streets which constitute connecting roads and secondary state highways to such cities and towns. Such traffic devices, signs, signals and markers shall comply with the uniform state standard for the manufacture, display, direction and location thereof as designated by the state highway commission. The design, location, erection and operation of traffic devices and traffic control signals upon such city or town streets constituting either the route of a primary or secondary state highway to such city or town or connecting streets to the primary or secondary state highways through the city or town shall be under the direction of the state highway commission and if such city or town fails to comply with any such directions, the state highway commission

shall provide for the design, location, erection, or operation thereof, and any cost incurred therefor shall be charged to and paid from any funds in the motor vehicle fund of the state, which have accrued or may accrue to the credit of such city or town and the state treasurer shall issue warrants therefor upon vouchers submitted and approved by the state highway commission.

47.36.070 Failure to erect signs, procedure. Whenever any person, firm, corporation, municipal corporation or local authorities responsible for the erection and maintenance, or either, of signs at any railroad crossing or point of danger upon any state highway fails, neglects or refuses to erect and maintain, or either, such sign or signs as required by law at highway-railroad grade crossings, it shall be the duty of the public service commission upon complaint of the highway commission or upon complaint of any party interested, or upon its own motion, to enter upon a hearing in the manner now provided by law for hearings with respect to railroad-highway grade crossings and to make and enforce proper orders for the erection or maintenance of such signs, or both.

47.36.080 Signs at railroad crossings. Wherever it is considered necessary or convenient the highway commission may erect approach and warning signs upon the approach of any state highway to a highway-railroad grade crossing situated at a sufficient distance therefrom to make the warning effective. The highway commission may further provide such additional or other highway-railroad grade crossing markings as may be considered to serve the interests of highway safety.

47.36.090 Cooperation with U. S. on road markers. Standard federal road markers shall be placed on state highways in the manner requested by the department of commerce of the United States. The highway commission of the state of Washington is authorized and empowered to cooperate with the several states and with the federal government in promoting, formulating and adopting a standard and uniform system of numbering or designating state highways of an interstate character and in promoting, formulating and adopting uniform and standard specifications for the manufacture, display, erection and location of road markers and signs, for the information, direction and control of persons traveling upon public highways.

47.36.100 Directional, caution, and stop signs. Directional signs showing distance and direction to points of importance may be placed at all crossings and intersections of primary and secondary state highways. The highway commission may place such directional signs as it deems necessary upon any city streets designated by it as forming a part of the route of any primary or secondary

state highway through any incorporated city or town. Caution and warning signs or signals shall be placed wherever practicable on all primary and secondary state highways in a manner provided by law. Stop signs shall be placed as follows: Upon all county roads at the point of intersection with any arterial primary or secondary state highway, which signs shall be erected and maintained by the county having jurisdiction; upon all primary and secondary state highways at the point of intersection with any county road which has been designated by the highway commission as an arterial having preference over the traffic on the state highway, which signs shall be erected and maintained by the highway commission; upon at least one state highway at the intersection of two state highways.

47.36.110 Stop and yield right of way signs. In order to provide safety at intersections on the state highway system, the Washington state highway commission may require persons traveling upon any portion of such highway to stop before entering the intersection. For this purpose there may be erected a standard stop sign as prescribed in the state of Washington "Manual on Uniform Traffic Control Devices for Streets and Highways." All persons traveling upon the highway shall come to a complete stop at such a sign and the appearance of any sign so located shall be sufficient warning to a person that he is required to stop. A person stopping at such a sign shall proceed through such portion of the highway in a careful manner and at a reasonable rate of speed not to exceed twenty miles per hour. It shall be unlawful to fail to comply with the directions of any such a stop sign: *Provided*, That when the findings of a traffic engineering study show that the condition of an intersection is such that vehicles may safely enter the major artery without stopping, the Washington state highway commission or local authorities in their respective jurisdictions shall install and maintain a "Yield Right of Way" sign.

The driver of a vehicle approaching a "Yield Right of Way" sign shall reduce speed or stop if necessary in order to yield the right of way to all traffic on the intersecting street which is so close as to constitute an immediate hazard. A motorist proceeding past such a sign with a resultant collision or other interferences with traffic on the intersecting street shall be prima facie evidence that the motorist had not obeyed the sign and yielded the right of way as provided by this statute.

47.36.120 City limit signs. The highway commission shall erect wherever it deems necessary upon state highways at or near their point of entrance into cities and towns, signs of the standard design designating the city or town limits of such cities or towns.

47.36.130 Meddling with signs prohibited. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control signal, traffic device or railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof.

47.36.140 Structures concealing signs prohibited. It shall be unlawful for any person to erect any sign, device or structure in such a manner that it obscures or conceals any official sign, signal, signboard, guidepost or other traffic device in such a manner as to interfere with the full and effective use thereof.

47.36.150 Penalty for defacing, injuring or destroying signs. A person who wilfully defaces, mutilates, damages, removes, alters, or in any manner injures or destroys any sign, signal, signboard, directional or informational sign, or other traffic device erected or maintained by the highway commission upon a public highway, or under its direction, or by a person under permit, or by a county, city or town, shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five or more than one hundred dollars, or by imprisonment for not less than ten or more than thirty days. The minimum sentence provided shall not be suspended.

47.36.160 Unlawful erection of traffic devices. It shall be unlawful for any person, firm, corporation, association or organization to display, erect, or locate any signs, signals, signboards, guideposts or other traffic devices upon the right of way of primary or secondary state highways of this state. Any sign, signal, signboard, guidepost or other traffic device so erected or maintained shall be unlawful and constitute a public nuisance and may be removed by the highway commission or its duly authorized agent and such removal shall not be a breach of the peace.

47.36.170 Imitation of signs. It shall be unlawful for any person to erect or maintain an imitation or counterfeit of any sign, signal, sign board, guidepost, or any other traffic devices for the direction, information, warning, control or restriction of traffic either for use upon any private roads or upon any state highway, or for the purpose of advertising or for any other purpose whatsoever. It shall be unlawful for any person to erect or maintain any sign which simulates in shape, color or design any uniform state standard signal, signboard, guidepost or any other traffic device adopted, designated and used by the highway commission, which might by reason of its shape, color, design or location be mistaken for one such uniform state standard sign, signboard, guidepost or other traffic device. It shall be unlawful for any person to erect any sign for the purpose of the information or the direction of traffic, giving the distance or direction to or from any point or place, unless such

person shall have first applied for and obtained from the highway commission a permit to do so, and the same shall have been constructed, erected and located according to the specific requirements therefor contained in such permit. Any sign so erected or maintained shall be unlawful and constitute a public nuisance and may be removed by the highway commission or its duly authorized agent and such removal, whether of an unlawful sign on private or public property, shall not be a breach of the peace.

47.36.180 Forbidden devices—Penalty. It shall be unlawful to erect or maintain at or near a city street, county road or state highway any structure, sign, or device:

(1) Visible from a city street, county road or state highway and simulating any directional, warning, or danger sign or light likely to be mistaken for such a sign or bearing any such words as "danger," "stop," "slow," "turn," or similar words, figures, or directions likely to be construed as giving warning to traffic;

(2) Visible from a city street, county road or state highway and displaying any red, green, blue, or yellow light or intermittent or blinking light or rotating light identical or similar in size, shape and color to that used on any emergency vehicle or road equipment or any light otherwise likely to be mistaken for a warning, danger, directional, or traffic control signal or sign;

(3) Visible from a city street, county road or state highway and displaying any lights tending to blind persons operating vehicles upon the highway, city street or county road, or any glaring light, or any light likely to be mistaken for a vehicle upon the highway or otherwise to be so mistaken as to constitute a danger; or

(4) Visible from a city street, county road or state highway and flooding or intending to flood or directed across the roadway of the highway with a directed beam or diffused light, whether or not the flood light is shielded against directing its flood beam toward approaching traffic on the highway, city street or county road.

Any structure or device erected or maintained contrary to the provisions of this section is a public nuisance, and the Washington state highway commission, the chief of the Washington state patrol, the county sheriff or the chief of police of any city or town shall notify the owner thereof that it constitutes a public nuisance and must be removed, and if the owner fails to do so, the Washington state highway commission, the chief of the Washington state patrol, the county sheriff or the chief of police of any city or town may abate the nuisance.

If the owner shall fail to remove any such structure or device within fifteen days after being notified to remove such structure or device, he shall be guilty of a misdemeanor.

47.36.200 Signs or flagmen at thoroughfare work sites. When construction, repair or maintenance work is conducted on or adjacent to a public highway, county road, street, bridge or other thoroughfare commonly traveled and when such work interferes with the normal and established mode of travel on such highway, county road, street, bridge or thoroughfare, such location shall be properly posted by prominently displayed signs or flagmen or both. Signs used for posting in such an area shall be consistent with the provisions found in the state of Washington "Manual on Uniform Traffic Control Devices for Streets and Highways" obtainable from the Washington state highway commission.

47.36.210 ———Compliance enjoined. Any contractor, firm, corporation, political subdivision, or other agency performing such work shall comply with RCW 47.36.200 through 47.36.230.

47.36.220 ———Drivers of vehicles engaged in work must obey signs or flagmen. Each driver of a motor vehicle used in connection with such construction, repair, or maintenance work shall obey traffic signs posted for, and flagman stationed at such location in the same manner and under the same restrictions as is required for the driver of any other vehicle.

47.36.230 ———Penalty. A violation of or a failure to comply with any provision of RCW 47.36.200 through 47.36.220 shall be a misdemeanor. Each day upon which there is a violation, or there is a failure to comply, shall constitute a separate violation.

Chapter 47.40

ROADSIDE IMPROVEMENT AND BEAUTIFICATION

47.40.010 Improvement and beautification a highway purpose. The planting and cultivating of any shrubs, trees, hedges or other domestic or native ornamental growth, the improvement of roadside facilities and view points, and the correction of unsightly conditions, upon the right of way of any state highway is hereby declared to be a proper state highway purpose.

47.40.020 Use of funds authorized. Whenever funds are available for the purpose of planting or cultivating any shrubs, trees, hedges or other domestic or native ornamental growth, the improvement of roadside facilities and view points and the correction of unsightly conditions upon the right of way of any state highway and for the roadside development and beautification thereof, the highway commission is empowered to expend such funds, either independently or in conjunction with the funds of any county, political subdivision or any person, firm, corporation, association or organization.

47.40.030 Permit to private persons. Any person, firm, corporation, association or organization owning lands abutting upon any state highway and desiring to plant, cultivate and grow any hedge, shade or ornamental trees or shrubs along the right of way thereof, or to clear and cultivate a portion of such state highway right of way for the purpose of growing crops and destroying noxious weeds, or any person, firm, corporation, association or organization interested in public improvement and desiring to improve and beautify any state highway right of way or any portion thereof by planting, cultivating or growing any hedge, shade or ornamental trees or cultivate along or upon the right of way thereof, may upon application to the highway commission, be granted a permit therefor as by law provided.

47.40.040 Application for permit, contents. Each application for a permit to plant, cultivate and grow any hedge, shade or ornamental trees or shrubbery along or upon the right of way of any state highway or improve such right of way shall be in writing, signed by the applicant, and shall describe the state highway or portion thereof along or upon the right of way of which permit to plant, cultivate, grow or improve is sought, by name, number, or other reasonable description, and the lands bordering thereon by governmental subdivisions, and shall state the names, places or residence and post office addresses of the applicant or applicants owning the land abutting upon such state highway or the name of the person, firm, corporation, association or organization applying for the permit and the names of its officers and their places of residence and their post office addresses, and shall state definitely the purpose for which the permit is sought, giving a description of the kind of hedge, or variety of shrubbery or trees desired to be planted or the kinds of crops to be grown, or improvement to be made, with a diagram illustrating the location and number of hedges, trees or shrubs or the area of cultivation desired or plans of the improvement proposed to be made.

47.40.050 Survey—Report—Permit. Upon the filing of such application, the highway commission shall cause a survey of such state highway to be made with reference to such application and a report of the findings and recommendations as to the granting of the permit, and if it shall appear to the satisfaction of the highway commission that the use of a portion of the state highway for the purpose set out in the application will not interfere with the use of such state highway for public travel and will beautify and improve such state highway, permit may be granted and issued to the applicant to plant, cultivate and grow any hedge, shade or ornamental trees, shrubbery or crops, or make such improvement along or upon the right of way of such portion of such state highway as shall be

definitely described in said permit, and to construct and maintain such temporary and substantial fence on and along the portion of the right of way of the state highway described in the permit as shall be specified in such permit, and such permit shall specify the exact location of all hedges, shade or ornamental trees or shrubbery to be planted and grown or area to be cultivated under such permit, or area to be improved to which specified location the person, firm, corporation, association or organization receiving such permit shall specifically conform: *Provided*, That the highway commission may in its discretion refuse such permit and any such permit granted shall be revocable at the will of the highway commission and nothing in this title shall be construed as in anywise affecting the title of the state to the lands included in such state highway, or the right to use the same for state highway purposes or to remove or destroy any of such hedges, trees, shrubbery or crops for the purpose of construction, alteration, repair, improvement or maintenance of such state highway or for any other purpose and at any time.

47.40.060 Agreement to maintain project. In the event that any such permit is granted the highway commission shall enter into an agreement with any such person, firm, corporation, association or organization agreeing that such roadside development or beautification shall be maintained and kept up by the state through the highway commission or by such person, firm, corporation, association or organization. In the event that any such person, firm, corporation, association or organization so agreeing shall fail or neglect to maintain such roadside development or beautification the highway commission is empowered so to do and the expense thereof shall be a charge against such person, firm, corporation, association or organization.

47.40.070 Damage to project unlawful. It shall be unlawful for any person to injure, destroy or remove any hedge, shade or ornamental trees or shrubbery or crops, plants, cultivated and grown or improvement made upon or along any portion of any state highway under permit from the highway commission or otherwise, or to injure, destroy or remove any fence erected under any such permit or otherwise: *Provided*, That nothing in this section shall be construed to prevent any person with the highway commission to do so or the officers of the state charged with the duty of constructing and maintaining any such state highway, from removing any hedges, trees, shrubbery or crops planted or improvements or fences built under permit, where in their judgment they interfere with or are detrimental to, the use of such state highway for public travel, or such removal is necessary for the construction, alteration, repair, improvement or maintenance of such state highway.

47.40.080 Penalty for destroying native flora on state lands or on or adjoining highways and parks. Any person who shall break or cut from any lands owned by the state of Washington or shall cut down, remove, destroy or uproot any rhododendron, evergreen, huckleberry, native dogwood or any other native tree, shrub, fern, herb, bulb or wild plants, or any part thereof, within three hundred feet of the center line of any state or county road, or who shall cut down, remove or destroy any flowering or ornamental tree or shrub, or any native flowering plant, fern, herb or bulb, either perennial or annual, situate, growing or being on any public street or highway, state or city park, in the state of Washington, unless such person be engaged in the work of constructing or repairing such highway or street under authority and direction of the legally constituted public officials being charged by law with the duty of constructing or repairing such highways or streets, state or city parks, shall be guilty of a misdemeanor.

Chapter 47.44

FRANCHISES ON STATE HIGHWAYS

47.44.010 Wire and pipe line and tram and railway franchises—Application—Notice—Hearing. The highway commission shall have the power to grant franchises to persons, associations, private or municipal corporations, the United States government or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any other such facilities. All applications for such franchise shall be made in writing and subscribed by the applicant, and shall describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. Upon the filing of any such application a time and place for hearing the same shall be fixed and a notice thereof shall be given in the county or counties in which any portion of the state highway upon which such franchise is applied for is located, at the expense of the applicant, by posting written or printed notices in three public places at the county seat of such county or counties for at least twenty days before the day fixed for such hearing, and by publishing a like notice in three successive weekly issues of a newspaper having a general circulation in such county or counties, the last publication to be at least five days before the day fixed for the hearing; which notice shall state the name or names of the applicant or applicants, a description of the state highway or part thereof over which the franchise is applied for, and the time of such hearing, which shall be held in the transportation building at the state capitol. It shall

be the duty of the county auditor of the respective counties to cause such notices to be posted and published and to file proof of such posting and publication with the highway commission.

Note: See also section 26, chapter 21, Laws of 1961 extraordinary session.

47.44.020 Hearing—Grant of franchise—Conditions. The hearing shall be conducted by the highway commission or such person as it may designate, and may be adjourned from time to time until completed. The applicant may be required to produce all facts pertaining to the franchise, and evidence may be taken for and against granting it.

After the hearing, if the commission deems it to be for the public interest, it may grant the franchise in whole or in part, under such regulations and conditions as it may prescribe, with or without compensation, but not in excess of the reasonable cost to the commission for investigating, handling and granting the franchise. The commission may require that the utility and appurtenances be so placed on the highway that they will, in its opinion, least interfere with other uses of the highway.

The facility shall be made subject to removal when necessary for the construction, alteration, repair, or improvement of the highway and at the expense of the franchise holder, except that the state shall pay the cost of such removal whenever the state shall be entitled to receive proportionate reimbursement therefor from the United States in the cases and in the manner set forth in RCW 47.44.030. Renewal upon expiration of a franchise shall be by application and notice posted and published, and hearing conducted in the same manner as an original application. A person constructing or operating such a utility on a state highway is liable to any person injured thereby for any damages incident to the work of installation or the continuation of the occupancy of the highway by the utility, and except as provided above, is liable to the state for all necessary expenses incurred in restoring the highway to a permanent suitable condition for travel. No franchise shall be granted for a longer period than fifty years, and no exclusive franchise or privilege shall be granted.

47.44.030 Removal of facilities—Notice—Reimbursement of owner when national system involved. If the highway commission deems it necessary that such a facility be removed from the highway for the safety of persons traveling thereon or for construction, alteration, improvement, or maintenance purposes, it shall give notice to the franchise holder to remove the facility at his expense and as the highway commission orders: *Provided*, That notwithstanding any contrary provision of law or of any existing or future franchise held by a public utility, the state highway commission shall pay or reimburse the owner for relocation or removal of any publicly, privately or cooperatively owned public utility facilities

when necessitated by the construction, reconstruction, relocation or improvement of a highway which is part of the national system of interstate and defense highways for each item of cost for which the state shall be entitled to be reimbursed by the United States in an amount equal to at least ninety percent thereof under the provisions of section 123, federal aid highway act of 1958, and any other subsequent act of congress under which the state shall be entitled to be reimbursed by the United States in an amount equal to at least ninety percent of the cost of relocation of utility facilities on said national system of interstate and defense highways.

47.44.031 ————Limitation. The provisions of RCW 47.44.030 authorizing the state highway commission to pay or reimburse the owner of a utility shall apply only to relocation or removal of utility facilities required by state construction contracts which are advertised for bids by the state highway commission after June 30, 1959.

47.44.040 Franchises across joint bridges. Whenever any bridge shall exist on the route of any state highway and crosses any stream, body of water, gulch, navigable water, swamp or other topographical formation constituting the boundary of a county, city or town of this state or the boundary of this state and the same is owned or operated by this state jointly with any such county, city or town of this state, or with such other state or with any county, city or town of such other state, the highway commission is empowered to join with the proper officials of such county, city or town of this state or of such other state or of such county, city or town of such other state in granting franchises to persons or private or municipal corporations for the construction and maintenance thereon of water pipes, flumes, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams and railways, or any other such facilities. All such franchises shall be granted in the same manner as provided for the granting of like franchises on state highways. Any revenue accruing to the state of Washington from such franchises shall be paid to the state treasurer and by him deposited to the credit of the fund from which this state's share of the cost of joint operation of such bridge is paid.

47.44.050 Permit for short distances. The highway commission is empowered to grant a permit to construct or maintain on, over, across or along any state highway any water, gas, telephone, telegraph, light, power or other such facilities when the same does not extend along such state highway for a distance greater than three hundred feet. The highway commission may require such information as it deems necessary in the application for any such permit and may grant or withhold the permit within its discretion.

Any permit granted may be canceled at any time and any facilities remaining upon the right of way of such state highway after thirty days written notice of such cancellation shall be an unlawful obstruction and may be removed in the manner provided by law.

47.44.060 Penalty. Any person, firm or corporation who shall construct or maintain on, over, across or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do so in the manner provided by law shall be guilty of a misdemeanor and each day of violation shall be a separate and distinct offense.

Chapter 47.48

CLOSING HIGHWAYS AND RESTRICTING TRAFFIC

47.48.010 Closure authorized. Whenever the condition of any state highway, county road or city street, either newly or previously constructed, altered, repaired or improved, or any part thereof is such that for any reason its use or continued use by vehicles or by any class of vehicles will greatly damage such state highway, county road or city street or will be dangerous to traffic thereon or the same is being constructed, altered, repaired, improved or maintained in such a manner as to require that such state highway, county road or city street or any portion thereof be closed to travel by all vehicles or by any class of vehicles for any period of time, the highway commission if it be a state highway, the county commissioners if it be a county road, or the governing body of any city or town if it be a city street, is authorized to close such state highway, county road or city street, as the case may be, to travel by all vehicles or by any class of vehicles for such a definite period as they shall determine: *Provided*, That nothing in the law of this state shall prevent the highway commission, county commissioners, or governing body of any city or town from classifying vehicles according to gross weight, axle weight, height, width, length, braking area, performance, or tire equipment for the purposes of this section.

47.48.020 Notice of closure—Emergency closure. Before any state highway, county road or city street is closed to all vehicles or any class of vehicles, a notice of the date on and after which the state highway, county road or city street or any part thereof shall be closed and the definite period of such closing and whether it shall be closed to all vehicles or to vehicles of a particular class or classes shall be published in one issue of a newspaper of general circulation in the county or city or town in which such state highway,

county road or city street or any portion thereof to be closed is located; and a like notice shall be posted on or prior to the date of publication of such notice in a conspicuous place at each end of the state highway, county road or city street or portion thereof to be closed: *Provided*, That no such state highway, county road or city street or portion thereof shall be closed sooner than three days after the publication and the posting of the notice herein provided for: *Provided, however*, That in cases of emergency the proper officers may, without publication or delay, close state highways, county roads and city streets temporarily by posting notices at each end of the closed portion thereof and at all intersecting state highways if the closing be of a portion of a state highway, at all intersecting state highways and county roads if the closing be a portion of a county road, and at all intersecting city streets if the closing be of a city street. In all emergency cases, as herein provided, the orders of the proper authorities shall be immediately effective.

47.48.040 Penalty. When any state highway, county road or city street or portion thereof shall have been closed, as by law provided, any person, firm or corporation disregarding such closing and using such state highway, county road or city street or portion thereof with any vehicle or any class of vehicle, as the case may be, to which said state highway, county road or city street or portion thereof is closed by any notice or emergency notice, shall be guilty of a misdemeanor, and shall in addition to any penalty for violation of the provisions of this section, be liable in any civil action instituted in the name of the state of Washington or the county or city or town having jurisdiction for any damages occasioned to such state highway, county road, or city street, as the case may be, as the result of disregarding such closing and using such state highway, county road, or city street, or portion thereof with any vehicle or any class of vehicle to which the same is closed.

Chapter 47.52

LIMITED ACCESS FACILITIES

47.52.001 Declaration of policy. Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed. It is the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities.

47.52.010 "Limited access facility" defined. For the purposes of this chapter a "limited access facility" is defined as a highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons, have no right or easement, or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility. Such highways or streets may be parkways, from which trucks, buses, and other commercial vehicles shall be excluded; or they may be freeways open to use by all customary forms of street and highway traffic.

47.52.011 "Existing highway" defined. For the purposes of this chapter, the term "existing highway" shall include all highways, roads and streets duly established, constructed, and in use. It shall not include new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated.

47.52.020 Powers of highway authorities—State facility, county road crossings. The highway authorities of the state, counties, and incorporated cities and towns, acting alone or in cooperation with each other, or with any federal, state, or local agency, or any other state having authority to participate in the construction and maintenance of highways, may plan, designate, establish, regulate, vacate, alter, improve, construct, maintain, and provide limited access facilities for public use wherever such authority or authorities are of the opinion that traffic conditions, present or future, will justify such special facilities: *Provided*, That upon county roads within counties, such state or county authorities shall be subject to the consent of the board of county commissioners, except that where a state limited access facility crosses a county road the state highway commission may, without the consent of the board of county commissioners, close off such county road so that it will not intersect such limited access facility.

The state highway commission may, in constructing or relocating any state highway, cross any county road at grade without obtaining the consent of the board of county commissioners, and in so doing may revise the alignment of such county road to the extent that the state highway commission finds necessary for reasons of traffic safety or practical engineering considerations.

47.52.025 Additional powers—May control use of limited access facilities. Such highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative

to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by the various classes of vehicles or traffic in a manner consistent with RCW 47.52.010.

47.52.027 Standards and rules relating to national interstate and defense highways—Construction, maintenance, access. The state highway commission may adopt design standards, rules and regulations relating to construction, maintenance and control of access of the national system of interstate and defense highways within this state as it deems advisable to properly control access thereto, to preserve the traffic-carrying capacity of such highways, and to provide the maximum degree of safety to users thereof. In adopting such standards, rules and regulations the commission shall take into account the policies, rules and regulations of the secretary of commerce and the bureau of public roads relating to the construction, maintenance and operation of the system of interstate and defense highways. The standards, rules and regulations so adopted by the commission shall constitute the public policy of this state and shall have the force and effect of law.

47.52.030 Nonmotorized traffic may be prohibited. The highway commission may by order and local authorities may by ordinance with respect to any limited access roadway under their respective jurisdictions prohibit the use of any such roadway by pedestrians, bicycles, or other nonmotorized traffic: *Provided*, That the highway commission or the local authority adopting any such prohibitory regulations shall erect and maintain official signs on the limited access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs.

47.52.040 Design of facility—Ingress and egress restricted—Closure of intersecting roads. The highway authorities of the state, counties and incorporated cities and towns may so design any limited access facility and so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended; and the determination of design by such authority shall be conclusive and final. In this connection such highway authorities may divide and separate any limited access facility into separate roadways by the construction of raised curbs, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes and other devices. No person shall have any right of ingress or egress to, from, or across limited access facilities to or from abutting lands, except at designated points at

which access may be permitted by the highway authorities upon such terms and conditions as may be specified from time to time: *Provided*, That any intersecting streets, roads or highways, not made a part of such facility, shall be deemed closed at the right of way line by the designation and construction of said facility and without the consent of any other party or the necessity of any other legal proceeding for such closing, notwithstanding any laws to the contrary.

47.52.041 Closure of intersecting roads—Rights of abutters. No person, firm or corporation, private or municipal, shall have any claim against the state, city or county by reason of the closing of such streets, roads or highways as long as access still exists or is provided to such property abutting upon the closed streets, roads or highways. Circuity of travel shall not be a compensable item of damage.

47.52.042 ————Other provisions of chapter not affected. RCW 47.52.040 and 47.52.041 shall not be construed to affect provisions for establishment, notice, hearing and court review of any decision establishing a limited access facility on an existing highway pursuant to chapter 47.52.

47.52.050 Acquisition of property for facility. For the purpose of this chapter the highway authorities of the state, counties and incorporated cities and towns, respectively, or in cooperation one with the other, may acquire private or public property and property rights for limited access facilities and service roads, including rights of access, air, view and light, by gift, devise, purchase, or condemnation, in the same manner as such authorities are now or hereafter may be authorized by law to acquire property or property rights in connection with highways and streets within their respective jurisdictions. All property rights acquired under the provisions of this chapter shall be in fee simple. In the acquisition of property or property rights for any limited access facility or portion thereof, or for any service road in connection therewith, the state, county, incorporated city and town authority may, in its discretion, acquire an entire lot, block or tract of land, if by so doing the interest of the public will be best served, even though said entire lot, block or tract is not immediately needed for the limited access facility.

47.52.060 Court process to be expedited. Court proceedings necessary to acquire property or property rights for purposes of this chapter shall take precedence over all other causes not involving the public interest in all courts to the end that the provision for limited access facilities may be expedited.

47.52.070 Establishment of facility—Grade separation—Service roads. The designation or establishment of a limited access facility shall by the authority making the designation or establishment, be entered upon the records or minutes of such authority in the customary manner for the keeping of such records or minutes. The state, counties and incorporated cities and towns may provide for the elimination of intersections at grade of limited access facilities with existing state or county roads, and with city or town streets, by grade separation or service road, or by closing off such roads and streets at the right of way boundary line of such limited access facility; and after the establishment of any such facility, no highway or street which is not part of said facility, shall intersect the same at grade. No city or town street, county road, or state highway, or any other public or private way, shall be opened into or connect with any such limited access facility without the consent and previous approval of the highway authority of the state, county, incorporated city or town having jurisdiction over such limited access facility. Such consent and approval shall be given only if the public interest shall be served thereby.

47.52.072 Establishment—Notice—Hearing—Waiver. No existing highway, road or street, or portion of any existing highway, road or street may be established as a limited access facility until the owners or reputed owners of the abutting property of the section affected, as indicated in the tax rolls of the county be given notice of such proposal and an opportunity to be heard thereon. Such notice shall be served upon such owners or reputed owners by United States mail in writing and shall designate the existing highway, road or street or portion thereof, which it is proposed shall be designated as a limited access facility and shall set a time for hearing as to such proposal which time shall be not less than thirty days after mailing of such notice. Such notice shall indicate a suitable location in the county affected where plans for such proposal may be inspected by any party affected or their representatives. When the owners of abutting property are unknown or cannot be located, such notice may be served by publication in the county or by posting a copy thereof at some conspicuous place upon the right of way or proposed right of way of such highway, road or street where it abuts upon the property of such owners. Notice given as herein provided shall be deemed sufficient as to any owner or reputed owner or to any unknown owner or owner who cannot be located for all purposes under this chapter: *Provided*, That any property owner or owners may waive in writing the requirements of said hearing as set forth herein as may affect ownership of property abutting on said proposed limited access highway.

47.52.073 Conduct of hearing. At such hearing the members of such authority shall preside, or may designate some suitable person to preside as examiner. All testimony or statements given at such hearing shall be taken down by a stenographer under oath, as in superior courts. Any person desiring to be heard must first enter an appearance. The authority shall introduce by competent witness a summary of the proposal for the establishment of a limited access facility and any evidence that may be proper as to the public convenience and necessity for such facility. At the conclusion of such evidence, any persons entering an appearance may introduce, either in person or by counsel, evidence and statements or counterproposal bearing upon the reasonableness of the proposal. Any counterproposal shall receive reasonable consideration by the authority before any proposal is adopted. Such evidence must be material to the issue before the authority and shall be presented in an orderly manner. The authority shall have power to find any person guilty of contempt who shall act in a disorderly manner at any such hearing and shall report such contempt to the county prosecuting attorney who shall proceed against such person as for contempt of the superior court.

47.52.074 Hearing—Findings or order—Finality. At the conclusion of such hearing the authority shall consider the evidence taken at such hearing and shall make specific findings in the case of each abutting ownership as to whether such proposal to establish such existing highway, road or street, or portion thereof, as a limited access facility is required by the public convenience and necessity. It may order the adoption of such proposal or counterproposal in entirety or in part, or may modify or reject any proposal. Its findings and order shall be in writing and copies thereof shall be served by United States mail upon all persons entering an appearance at such hearing. Such determination shall become final within thirty days after such mailing as to all the abutting property affected unless a review is taken as hereinafter provided by any individual owner of abutting property who was a party. In case of an appeal, the order shall be final as to the property of all abutting owners not appealing.

47.52.075 Review and appeal. Any party to such hearing may petition for review in the superior court of Thurston county of any portion of such findings and order which affects property owned by him and may appeal from such superior court to the supreme court. If more than one owner desires a review, the court in its discretion may consolidate all cases in one proceeding. Such review and any appeal therefrom shall be considered and disposed of by said courts upon the record of the authority 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, as amended.

47.52.080 Abutter's right of access protected—Compensation. No existing public highway, road or street shall be constructed as a limited access facility except upon the waiver, purchase, or condemnation of the abutting owner's right of access thereto as herein provided. In cases involving existing highways, if the abutting property is used for business at the time the notice is given as provided in RCW 47.52.072, the owner of such property shall be entitled to compensation for the loss of adequate ingress to or egress from such property as business property in its existing condition at the time of the notice provided in RCW 47.52.072 as for the taking or damaging of property for public use.

47.52.090 Cooperative agreements—Title to facility—Traffic regulations—Underground utilities and overcrossings—Passenger transportation—Storm sewers—City street crossings. The highway authorities of the state, counties and incorporated cities and towns are authorized to enter into agreements with each other, or with the federal government, respecting the financing, planning, establishment, improvement, construction, maintenance, use, regulation, or vacation of limited access facilities in their respective jurisdictions to facilitate the purposes of this chapter; *Provided*, That within incorporated cities and towns the title to such facility, after purchase and construction by the state alone, shall vest in the state, and the Washington state highway commission shall exercise full jurisdiction, responsibility and control to, and over, such facility: *Provided, further*, That:

(1) Cities and towns shall regulate all traffic restrictions on such facilities except as provided in RCW 46.48.041 and all regulations adopted shall be subject to approval of the state highway commission before becoming effective. Nothing herein shall preclude the state patrol, any county, or city or town from enforcing any traffic regulations and restrictions prescribed by state law, county resolution, or municipal ordinance.

(2) The city or town or franchise holder shall at its own expense maintain its underground facilities beneath the surface across the highway and shall have the right to construct such additional facilities underground or beneath the surface of the facility or necessary overcrossings of power lines and other utilities as may be necessary insofar as such facilities do not interfere with the use of the right of way for limited access highway purposes, and the city or town shall have the right to maintain any municipal utility and the right to open the surface of such highway, and the construction, maintenance until permanent repair is made, and permanent repair of such facilities shall be done in a time and manner authorized by permit to be issued by the state highway commission or its authorized representative, except to meet

emergency conditions for which no permit will be required, but any damage occasioned thereby shall promptly be repaired by the city or town itself, or at its direction. Where a city or town is required to relocate overhead facilities within the corporate limits of a city or town as a result of the construction of a limited access facility, the cost of such relocation shall be paid by the state.

(3) Cities and towns shall have the right to grant utility franchises crossing the facility underground and beneath its surface insofar as such franchises are not inconsistent with the use of the right of way for limited access facility purposes: *Provided*, That such franchises are not in conflict with state laws; *Provided further*, That the state highway commission shall be authorized to enforce, in an action brought in the name of the state, any condition of any franchise which a city or town shall have granted: *And provided further*, That no franchise for transportation of passengers in motor vehicles shall be granted on such highways without the approval of the state highway commission, except cities and towns shall not be required to obtain a franchise for the operation of municipal vehicles or vehicles operating under franchises from the city or town operating within the corporate limits of a city or town and within a radius not to exceed eight miles outside of such corporate limits for public transportation on such facilities, but such vehicles may not stop on the limited access portion of such facility to receive or to discharge passengers.

Every franchise or permit granted any person by a city or town for use of any portion of a limited access facility shall require the grantee or permittee to restore, permanently repair and replace to its original condition any portion of the highway damaged or injured by it. Except to meet emergency conditions, the construction and permanent repair of any limited access facility by the grantee of a franchise shall be in a time and manner authorized by permit to be issued by the state highway commission, or its authorized representative.

(4) The state highway commission shall have the right to utilize all storm sewers which are adequate and available for the additional quantity of run-off proposed to be passed through such storm sewers.

(5) The construction and maintenance of city streets over and under crossings and surface intersections of the limited access facility shall be in accordance with the governing policy entered into between the state highway commission and the association of Washington cities on June 21, 1956, or as such policy may be amended by agreement between the Washington state highway commission and the association of Washington cities.

47.52.100 Existing roads and streets as service roads. In connection with the development of any limited access facility the state, county or incorporated city or town highway authorities are authorized to plan, designate, establish, use, regulate, alter, improve, construct, maintain and vacate local service roads and streets, or to designate as local service roads and streets any existing road or street, and to exercise jurisdiction over service roads in the same manner as is authorized for limited access facilities under the terms of this chapter. If, in their opinion such local service roads and streets are necessary or desirable, such local service roads or streets shall be separated from the limited access facility by such means or devices designated as necessary or desirable by the proper authority.

47.52.105 Landlock prevention roads. Whenever, in the opinion of the Washington state highway commission, frontage or service roads in connection with limited access facilities, are not feasible either from an engineering or economic standpoint, the highway commission may construct any road, street or highway connecting to or leading into any other road, street or highway, when by so doing, it will preserve a limited access facility or reduce compensation required to be paid to an abutter on the proposed or existing limited access facility, by preventing said abutter from becoming landlocked. Before concluding an agreement with any such abutter the commission shall reach agreement with a majority of the board of county commissioners or city governing body of the county or city concerned as to location, future maintenance and control of any road, street or highway to be so constructed. Such road, street or highway need not be made a part of said state highway system or connected thereto, but may upon completion by the state be turned over to the county or city, as the case may be, for location, maintenance and control pursuant to the agreement as part of said system of such county roads or city streets.

47.52.110 Marking of facility with signs. After the opening of any new and additional limited access highway facility, or after the designation and establishment of any existing street or highway, as included the particular highways and streets or those portions thereof designated and established, shall be physically marked and indicated as follows: By the erection and maintenance of such signs as in the opinion of the respective authorities may be deemed proper, indicating to drivers of vehicles that they are entering a limited access area and that they are leaving a limited access area.

47.52.120 Violations specified—Penalty. After the opening of any limited access highway facility, it shall be unlawful for any

person (1) to drive a vehicle over, upon, or across any curb, central dividing section or other separation or dividing line on limited access facilities; (2) to make a left turn or semicircular or U-turn except through an opening provided for that purpose in dividing curb section, separation or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited access facility from a local service road except through an opening provided for that purpose in the dividing curb, or dividing section or dividing line which separates such service road from the limited access facility proper; (5) to stop or park any vehicle or equipment within the right of way of such facility, including the shoulders thereof, except at points specially provided therefor, and to make only such use of such specially provided stopping or parking points as is permitted by the designation thereof: *Provided*, That this subsection shall not apply to authorized emergency vehicles, law enforcement vehicles, or to vehicles stopped for emergency causes or equipment failures; (6) to travel to or from such facility at any point other than a point designated by the establishing authority as an approach to said facility or to use an approach to such facility for any use in excess of that specified by the establishing authority. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the city or county jail for not less than five days nor more than ninety days, or by both fine and imprisonment. Nothing contained herein shall prevent the highway authority from proceeding to enforce the prohibitions or limitations of access to such facilities by injunction or as otherwise provided by law.

47.52.121 Prior determinations validated. Any determinations of an authority establishing a limited access facility subsequent to March 19, 1947, and prior to March 16, 1951, in connection with new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated, and all acquirements of property or access rights in connection therewith are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such authority, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings.

47.52.130 State facility through city or town. Report—Conferences—Proposed plan, hearing, notice. When the state highway commission is planning a limited access facility through an incor-

porated city or town, the commission, or its staff, shall give careful consideration to available data as to the city's comprehensive plan, land use pattern, present and potential traffic volume of city streets crossing the proposed facility, origin and destination traffic surveys, existing utilities and other pertinent surveys, and shall submit to the city officials for study a report showing how these factors have been taken into account and how the proposed plan for a limited access facility will serve public convenience and necessity, together with the locations and access and egress plans, and over and under crossings under consideration.

Conferences shall be held on the merits of this state report and plans, recommended locations and the economic effects of the plan and any proposed modification or alternate proposal of the cities or towns, in order to attempt to reach an agreement between the state highway commission and the city officials. As a result of the conference, the proposed plan, together with any modifications thereof, shall be prepared by the state highway commission and presented to the city for inspection and study at least thirty days before the public hearing thereon. The highway commission shall hold a public hearing within the city or town to determine the desirability of the plan proposed by the commission, at which hearing any city official or person may appear and be heard even though such official or person is not an abutting property owner. Notice of such hearing shall be given by publication once each week for two weeks, the date of first publication to be not less than fifteen days nor more than twenty days prior to such hearing in one or more newspapers of general circulation within the city or town. Such hearing shall be conducted in such a manner as to comply with the requirements of section 116(c) of the federal aid highway act of 1956 or any act supplemental thereto or amendatory thereof.

47.52.140 ———Adoption of plan—Transmittal to mayor—Publication—Objections, request for hearing. After said hearing has been held as provided in RCW 47.52.130, the commission shall adopt a plan with such modifications, if any, as the commission deems proper and necessary. A copy of such plan shall be transmitted to the mayor of the city or town affected thereby, and the state highway commission shall cause a resume of such plan to be published once each week for two weeks in one or more newspapers of general circulation within such city or town beginning not less than ten days after the mailing of such plan. The city or town may, upon receipt of such plan, notify the state highway commission of its approval of such plan in writing, in which event such plan shall be final. Unless such plan shall be disapproved in writing filed with the state highway commission within thirty

days after the mailing thereof to such mayor and if the city or town affected does not request in writing a hearing before a board of review, hereinafter referred to as the board, and file such request with the state highway commission within thirty days after mailing of such plan, such plan shall be final. Such request for hearing shall set forth the portions of the plan of the state highway commission to which the city or town objects, and shall include every issue to be considered by the board.

47.52.150 ———Hearing — Board of review — Composition—Appointment. Upon request for a hearing before the board by any city or town, a board consisting of five members shall be appointed as follows: The mayor shall appoint two members of the board, of which one shall be a duly elected official of the city, county or legislative district, except that of the legislative body of the city or town requesting the hearing, subject to confirmation by the legislative body of the city or town; the state highway commission shall appoint two members of the board who shall not be members of such commission; and one member shall be selected by the four members thus appointed. Such fifth member shall be a licensed civil engineer or a recognized professional city or town planner, who shall be chairman of the board. Such board shall be appointed within thirty days after the next meeting of the state highway commission immediately following the receipt of such a request by the commission. In the event the state highway commission or a city or town shall not appoint members of the board or members thus appointed fail to appoint a fifth member of the board, either the state highway commission or the city or town may apply to the superior court of the county in which the city or town is situated to appoint the member or members of the board in accordance with the provisions of this chapter.

47.52.160 ———Hearing—Evidence by city or town—Determination of issues. The board shall fix a reasonable time not more than thirty days after the date of their appointment and shall indicate the time and place for the hearing, and shall give notice thereof to the city or town and to the state highway commission. At the time and place fixed for the hearing, the state and the city or town shall present all of their evidence with respect to the objections set forth in the request for the hearing before the board, and if either the state or the city or town fails to do so, the board may determine the issues upon such evidence as may be presented to it at said hearing.

47.52.170 ———Hearing—Procedure. No witness's testimony shall be received unless he shall have been duly sworn, and the board may cause all oral testimony to be stenographically re-

ported. Members of the board, its duly authorized representatives, and all persons duly commissioned by it for the purpose of taking depositions, shall have power to administer oaths; to preserve and enforce order during such hearings; to issue subpoenas for, and to compel the attendance and testimony of witnesses, or the production of books, papers, documents and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do; to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of their office.

47.52.180 ———Hearing—Findings of Board. At the conclusion of such hearing, the board shall consider the evidence taken and shall make specific findings with respect to the objections and issues within thirty days after the hearing, which findings shall approve, disapprove or modify the proposed plan of the state highway commission. Such findings shall be final and binding upon both parties.

47.52.190 ———Hearing—Assistants—Costs—Reporter. The board shall employ such assistance and clerical help as is necessary in the performance of its duties. The costs thereby incurred and incident to the conduct of the hearing, necessary expenses and fees, if any, of members of the board shall be borne equally by the city or town requesting the hearing and the state highway commission. When oral testimony is stenographically reported, the state highway commission shall provide a reporter at its expense.

Chapter 47.54

LIMITED ACCESS HIGHWAYS—PARKING FACILITIES

47.54.010 Parking facilities authorized. The state highway commission may rent or lease to any person, partnership, association, corporation or municipal corporation desiring the use of any part thereof, including the right of way adjoining the paved portion, the air space over, under, or above any part of a limited access highway or freeway, and the space over or under any ramp or interchange, for constructing thereon, thereunder, and in said air space parking lots or other parking facilities for the use of motor vehicles, so long as the use by the lessee in no manner interferes with the freeway.

47.54.020 Term of lease—Reversion of improvements. Any lease entered into under authority granted by this chapter shall be for a period not to exceed fifty years, and may be for such lesser period as the state highway commission shall determine. All im-

provements placed within the air space over or above or under the freeway or any ramp or interchange thereof by the lessors shall, upon expiration of the lease, revert to and become the property of the state to the same extent that the freeway and its appurtenances are state property.

47.54.030 Lease must require use, improvements for public good and parking facilities. Any lease entered into must include in its provisions requirements that the use of and improvements made or constructed in the leased air space be primarily for the good of the public and for no purpose other than the construction and operation of parking lots or facilities as set forth in RCW 47.54-.010.

47.54.040 Leases to municipal corporations—Subleases—Operation of facility by city over one hundred thousand. The state highway commission may lease any available air space over, under or above any part of a limited access highway or freeway, within the limits of a municipal corporation, to such municipal corporation, for the purpose of constructing and operating parking facilities, upon such terms and conditions as the commission and proper authorities of such municipal corporation deem reasonable and fair, without the necessity for advertisement or order of court and without the necessity of first calling for bids from private persons or firms. The provisions of RCW 47.54.050 through 47.54.110 shall not apply to any such lease to a municipal corporation. The lease may authorize the municipal corporation to sublease such space to any person, partnership, association or corporation desiring to construct and operate parking facilities providing such sublease is made in the manner provided in RCW 47.54.050 through 47.54.110. Any city renting or leasing the lands or interests in lands described in RCW 47.54.010 may develop, construct or improve parking facilities thereon: *Provided, however,* That no city with a population of more than one hundred thousand shall operate any such parking space and/or facilities until after it has called for sealed bids from responsible, private bidders for the operation thereof. The call for bids shall specify the terms and conditions under which the facility will be leased for private operation and shall specify a minimum rental upon which such a lease will be made by the city. The minimum rental may be on a weekly or monthly flat fee basis or may be based upon a weekly or monthly percentage of gross income, but it shall in any event be sufficient to cover all of the city's cost in acquiring and/or constructing or improving the facility to be leased, including interest charges and debt retirement. The call for bids shall specify the time and place at which the bids will be received and the time when the same will be opened, and such call shall be advertised once a week for

two successive weeks before the time fixed for the filing of bids in a newspaper of general circulation in the city. The competitive bid requirements of this chapter shall not apply in any case where such a city shall grant a long-term negotiated lease of any such facility to a private operator on the condition that the tenant-operator shall construct a substantial portion of the facility or the improvements thereto, which construction and/or improvements shall become the property of the city on expiration of the lease. If no bid is received for the operation of such an off-street parking facility, or if none of the bids received meet the minimum rental specified, the legislative body of the city may reject all bids, in the latter case, and in both situations may readvertise the facility for lease or may operate the facility itself. If the city elects to operate the parking facility itself, it shall at least once in every three years again readvertise for bids in the same manner as provided above.

47.54.050 Call for bids to lease—Publication. Whenever the state highway commission determines that air space is available for lease to any person, partnership, association or corporation it shall publish a call for bids thereon at least once each week for two consecutive weeks, the first publication to be not less than forty-five days preceding the day set for receiving and opening the bids. Said publication shall be made in at least one newspaper of general circulation in the county wherein the air space to be leased is located, and shall state the time, place, and date for receiving and opening the bids, give the location of the air space to be leased, the term of the lease which may be granted and contain such other information as the highway commission may deem of value or assistance to prospective bidders.

47.54.060 Bid for lease—Contents, manner, deposit. Each person, firm, corporation, or other association bidding for the lease of air space shall enclose with written bids a comprehensive analysis of plans for the improvement of the air space by the development of motor vehicle parking facilities, and shall set forth the amount of the bid in a manner which will clearly indicate to the commission the total rental to be received by the state over the full term of the lease. All bids shall be under sealed cover and accompanied by deposit in cash, certified check, cashier's check, or surety bond, in an amount not less than the rental for one year as computed from the average annual rental for the full term of the lease, and no bid shall be considered unless the deposit is enclosed therewith.

47.54.070 Bids publicly opened—Notification of bidders—Consideration of improvements. At the time and place named in the

call for bids the state highway commission shall publicly open all bids and read the total of all rentals to be paid for the full term of the lease, as shown on each bid properly filed. Within thirty days after the opening of bids the commission shall notify all bidders by mail of the date and place, not less than seven nor more than fourteen days after mailing of the notice, when the lease will be awarded. Prior to said notification and award, the commission shall give full consideration to the improvements proposed to be made by each bidder and the value thereof upon reversion to the state, and said value shall be considered with the rentals to be paid in determining the successful bid.

47.54.080 Rejection of all bids—Republication of call. If in the opinion of the commission the acceptance of the bid of the best responsible bidder or bidders, or on prior failure thereof, the acceptance of a bid of any of the remaining best responsible bidder or bidders, will not be for the best interest of the state, it may reject all bids or all remaining bids and republish call for bids in the same manner as for an original publication thereof.

47.54.090 Award of lease when bidder fails—Forfeiture of deposit—Return of deposits. If the successful bidder fails to enter into the lease and furnish bond satisfactory to the commission within thirty days from the award, exclusive of the day of award, his deposit shall be forfeited to the state and the commission may award the lease to the second best bidder. If the second best bidder fails to enter into the lease and furnish bond within thirty days after the award to him, forfeiture of his deposit shall also be made and the lease may be awarded to the third best bidder, and in like manner until the lease and bond are executed by a responsible bidder to whom the award is made, or further bid proposals are rejected, or the number of bid proposals exhausted: *Provided*, That if the lease is not executed and bond furnished within the time required, and there appear circumstances which are deemed by the commission to warrant an extension of time, the commission may extend the time for execution of the lease or furnishing bond for not to exceed thirty additional days. After awarding the lease the deposits of unsuccessful bidders shall be returned: *Provided*, That the commission may retain the deposits of the next best responsible bidder or bidders as he desires until such time as the lease is entered into and satisfactory bond provided by the bidder to whom award was ultimately made.

47.54.100 Lessee's bond—Conditions. The bond required to be furnished by a successful bidder, upon the awarding of the lease, shall be conditioned upon the full performance of the lease for the full term thereof, including completion of all improvements

proposed to be constructed by the lessee in the bid submitted, and conditioned further upon the lessee's operation of the leased air space without obstruction or hindrance to the freeway or highway facilities appurtenant thereto.

47.54.110 Qualification of sureties—Additional sureties or bond. The commission may at any time require any or all sureties on a lessee's bond to appear and qualify themselves. If it deems that the surety or sureties on such bond have become insufficient it may demand in writing that the lessee furnish additional sureties or a further bond, in an amount the commission deems necessary, but not in excess of that originally required at the time of making the award.

47.54.120 Rules and regulations—Parking rates. The state highway commission may adopt such rules as are reasonably necessary to implement the purpose of this chapter, and may require covenants and conditions in any lease executed under the authority of this chapter as are deemed necessary to protect the freeway and appurtenant highway facilities and to the fulfillment of the lease by the lessee or lessees. Whenever any air space over, under or above any part of a limited access highway or a freeway is leased to a private person or firm or such space is leased to a municipal corporation authorizing a sublease of such space to a private person or firm, the state highway commission shall reserve to itself or to the municipal corporation subleasing such space, continuing control of parking rates to be charged the public by the lessee or sublessee: *Provided*, That nothing herein contained shall prohibit the state highway commission or a municipal corporation, when leasing or subleasing such air space to a private person or firm, from covenanting to permit any private lessee or sublessee to charge rates for parking during the term of the lease or sublease, adequate to pay costs of operation and maintenance, the cost of construction of parking facilities over a reasonable period of time and to return a fair profit to such private lessee or sublessee.

47.54.130 Proceeds under chapter to be deposited in motor vehicle fund. All money received under this chapter, whether proceeds from a lease, forfeiture of bid deposits, or otherwise, shall be delivered to the state treasurer for deposit in the motor vehicle fund.

47.54.900 Inconsistent laws superseded—Severability. The provisions of this chapter are intended to supersede any laws of the state inconsistent herewith, and to effect repeal thereof where they have application only to situations as herein set forth and to no other business or affairs of the state, and if any provisions of this

chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances, is not affected.

Chapter 47.56

STATE TOLL BRIDGES, TUNNELS AND FERRIES

47.56.010 Definitions. "Toll bridge" means a bridge constructed or acquired under this chapter, upon which tolls are charged, together with all appurtenances, additions, alterations, improvements, and replacements thereof, and the approaches thereto, and all lands and interests therein used therefor, and buildings and improvements thereon;

"Toll road" means any express highway, superhighway or motorway at such locations and between such termini as may hereafter be established by law, and constructed or to be constructed as a limited access highway under the provisions of this chapter by the authority, and shall include, but not be limited to all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service areas, service facilities, communications facilities, and administration, storage and other buildings which the authority may deem necessary for the operation of such project, together with all property, rights, easements and interests which may be acquired by the authority for the construction or the operation of such project, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the authority, insofar as reasonably consistent and applicable.

47.56.020 Authority created—Members—Compensation and expenses. There is hereby created the Washington toll bridge authority composed of the governor, state auditor, chairman of the public service commission, chairman of the Washington state highway commission, and the director of general administration. The director of highways shall be an ex officio member of said authority but without a vote. Members shall serve without compensation other than that received in the office by virtue of which they are members. Any expenses incurred for clerical or other assistance and necessary supplies shall be paid for in the manner and from funds as provided herein. A majority of the members of the authority shall constitute a quorum for the transaction of business.

Note: See also section 1, chapter 278, Laws of 1961.

47.56.030 Toll bridges—Highway commission in charge of construction, operation and maintenance. The state highway commission shall have full charge of the construction of all toll bridges that may be authorized by the Washington toll bridge authority,

the operation and maintenance thereof and the collection of tolls thereon. The commission shall proceed with the construction of such toll bridge and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable.

Note: See also section 8, chapter 278, Laws of 1961.

47.56.040 Toll bridges authorized—Investigations. The Washington toll bridge authority is empowered, in accordance with the provisions of this chapter, to provide for the establishing and constructing of toll bridges upon any public highways of this state together with approaches thereto wherever the same is considered necessary or advantageous and practicable for crossing any stream, body of water, gulch, navigable water, swamp or other topographical formation whether the same is within this state or constitutes a boundary between this state and an adjoining state or country. The necessity or advantage and practicability of any such toll bridge shall be determined by the Washington toll bridge authority and the feasibility of financing any toll bridge in the manner provided by this chapter shall be a primary consideration and determined according to the best judgment of the Washington toll bridge authority. For the purpose of obtaining information for the consideration of the authority upon the construction of any toll bridge or any other matters pertaining thereto it shall be the duty of any cognizant officer or employee of the state upon the request of the authority to make reasonable examination, investigation, survey or reconnaissance for the determination of material facts pertaining thereto and report the same to the authority. The cost of any such examination, investigation, survey or reconnaissance shall be borne by the department or office conducting the same from the funds provided for such department or office for its usual functions.

47.56.042 State boundary bridges—Investigations—Agreements with counties or states. The Washington toll bridge authority is hereby authorized to enter into agreements with any county of this state and/or with an adjoining state or county thereof for the purpose of implementing an investigation of the feasibility of any toll bridge project for the bridging of a river forming a portion of the boundary of this state, and such adjoining state. The authority may use funds from its revolving fund to carry out the purposes of this section. Such agreements may provide that in the event any such project is determined to be feasible and adopted, any advancement of funds by any state or county may be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived from such project.

47.56.050 Purchase of bridges and ferries authorized—Provisions applicable. (1) The Washington toll bridge authority, whenever it is considered necessary or advantageous and practicable, is empowered to provide for the acquisition by purchase of, and to acquire by purchase, (a) any bridge or bridges or ferries which connect with or may be connected with the public highways of this state, and (b) together with approaches thereto.

(2) In connection with the acquisition by purchase of any bridge or bridges or ferries pursuant to the provisions of subsection (1) of this section, the Washington toll bridge authority, the state highway commission, the state treasurer, the state auditor, any city, county or other political subdivision of this state, and all said officers—

(a) are empowered and required to do all acts and things as in this chapter provided for the establishing and constructing of toll bridges and operating, financing and maintaining such bridges insofar as such powers and requirements are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance; and

(b) in purchasing, operating, financing and maintaining any bridge or bridges or ferries acquired or to be acquired by purchase pursuant to the provisions of this section, shall act in the same manner and under the same procedures as are provided in this chapter for the establishing, constructing, operating, financing and maintaining of toll bridges insofar as such manner and procedure are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance.

(3) Without limiting the generality of the provisions contained in subsections (1) and (2) hereof, the Washington toll bridge authority is empowered (a) to cause surveys to be made for the purpose of investigating the propriety of acquiring by purchase any such bridge or bridges or ferries and the right of way necessary or proper for said bridge or bridges or ferries, and other facilities necessary to carry out the provisions of this chapter; (b) to issue, sell and redeem bonds and to deposit and pay out the proceeds of said bonds for the financing thereof; (c) to collect, deposit, and expend tolls therefrom; (d) to secure and remit financial and other assistance in the purchase thereof; and (e) to carry insurance thereon.

(4) The provisions of RCW 47.56.220 shall apply when any such bridge or bridges or ferries are acquired by purchase pursuant to this section.

47.56.060 Toll bridges—General powers of the authority and officials—Financial statements. The Washington toll bridge authority, the officials thereof and all state officials are empowered to do

such acts and make such agreements not inconsistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the construction, maintenance, operation and insurance of such toll bridges or the safeguarding of the funds and revenues required for such construction and the payment of the indebtedness incurred therefor. The Washington toll bridge authority and the highway commission shall keep full, complete and separate accounts of each toll bridge and annually shall prepare balance sheet and income and profit and loss statements showing the financial condition of each such toll bridge, which statement shall be open to the inspection of holders of bonds issued by said authority at all reasonable times.

47.56.070 Toll facilities authorized—Provisions applicable—Restrictions. The authority may provide for the establishment, construction, and operation of toll tunnels, toll roads and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their establishment, construction, and operation, and may acquire rights of way and other facilities necessary to carry out the provisions hereof; and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the authority, insofar as reasonably consistent and applicable. No toll facility, toll bridge, toll road or toll tunnel, shall be combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining: *Provided*, That no toll road shall be constructed, obligations for the construction thereof entered into, or right of way acquired without prior approval of the location, plans and specifications by the Washington state highway commission.

47.56.075 Toll roads, facilities—Legislative authorization or local sponsorship required. The authority shall approve for construction only such toll roads as the legislature shall specifically authorize or such toll facilities as shall be specifically sponsored by a city, town or county.

47.56.077 Concessions to operate private business on toll road right of way prohibited. The authority shall not grant concessions for the operation or establishment of any privately owned business upon toll road rights of way.

47.56.080 Construction of toll bridges and issuance of bonds authorized. Whenever in the judgment of the highway commission it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp or other topographical formation and operated by the state the highway commission shall submit its recommendation to that effect to the Washington toll bridge authority together with preliminary estimates of the cost of such construction and an estimate of the amount necessary to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of any such construction. If the Washington toll bridge authority concurs in the recommendation of the highway commission or on its own motion determines to construct any toll bridge or toll bridges, the Washington toll bridge authority shall adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this chapter for the construction of more than one toll bridge may at the discretion of the Washington toll bridge authority be included in the same authority and issue of bonds.

47.56.090 Authority to acquire right of way in constructing a toll bridge. Whenever the Washington toll bridge authority shall authorize and direct the highway commission to construct a toll bridge the highway commission is empowered to secure right of way therefor and for approaches thereto by gift or purchase, or by condemnation in the manner provided by law for the taking of private property for public highway purposes.

47.56.100 Toll bridges—Right of way across state land, streets, roads—Compensation. The right of way is hereby given, dedicated and set apart upon which to locate, construct and maintain bridges or approaches thereto or other highway crossings, and transportation facilities thereof or thereto, through, over or across any of the lands which are now or may be the property of this state, including highways, and through, over or across the streets, alleys, lanes and roads within any city, county, or other political subdivision of the state. If any property belonging to any city, county or other political subdivision of the state is required to be taken for the construction of any such bridge or approach thereto or should any such property be injured or damaged by such construction, such compensation therefor as may be proper or necessary and as

shall be agreed upon may be paid by the Washington toll bridge authority to the particular county, city, or other political subdivision of the state owning such property, or condemnation proceedings may be brought for the determination of such compensation.

47.56.110 Toll bridges—Resolution of necessity in acquiring right of way—Effect of. Before the highway commission shall proceed with any action to secure right of way or with construction of any toll bridge under the provisions of this chapter the Washington toll bridge authority shall have first passed a resolution that public interest and necessity require the acquisition of right of way for and the construction of such toll bridge. Such resolution shall be conclusive evidence (1) of the public necessity of such construction; (2) that such property is necessary therefor and, (3) that such proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the highway commission to condemn any real estate to be used in connection with any such bridge, the attorney general of the state shall represent the highway commission. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any toll bridge, real property, personal property, franchises, rights, easements or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public or municipal corporation, county, city, town, district or any political subdivision of the state, may be condemned and taken, and the acquisition and use thereof as herein provided for the same public use or purpose to which such property has been so appropriated or dedicated, or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated. It shall not be necessary in any eminent domain proceedings hereunder to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution hereinbefore referred to describing the property sought to be taken and directing such proceedings.

47.56.120 Toll bridges—Construction directed—Costs. In the event that the Washington toll bridge authority should determine that any toll bridge should be constructed under its authority it shall authorize and direct the highway commission to construct such toll bridge. In the event the highway commission is authorized and directed to construct such toll bridge all cost thereof including right of way, survey and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this chapter.

47.56.130 Toll bridges—Bonds. Cooperative funds from state and federal government. The Washington toll bridge authority is hereby empowered to issue bonds for the construction of any toll bridge or toll bridges authorized under the provisions of this chapter. Any and all bonds issued for the construction of any toll bridge or toll bridges under the authority of the Washington toll bridge authority, shall be issued in the name of the Washington toll bridge authority and shall constitute obligations only of said Washington toll bridge authority and shall be identified as toll bridge bonds and shall contain a recital on the face thereof that the payment or redemption of said bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular toll bridge or bridges for the construction of which the bonds are issued and that neither the payment of the principal or any part thereof nor of the interest thereon or any part thereof constitutes a debt, liability or obligation of the state of Washington. The Washington toll bridge authority is empowered to receive and accept funds from the state of Washington or the federal government upon a cooperative or other basis for the construction of any toll bridge authorized under this chapter and is empowered to enter into such agreements with the state of Washington or the federal government as may be required for the securing of such funds.

47.56.140 ————Form, contents, manner of sale—Interim bonds. The revenue bonds may be issued and sold by the authority from time to time and in such amounts as it deems necessary to provide sufficient funds for the construction of the bridge, and to pay interest on outstanding bonds issued for its construction during the period of actual construction and for six months after completion thereof.

The authority shall determine the form, conditions, and denominations of the bonds, and the maturity dates which the bonds to be sold shall bear and the interest rate thereon, which shall not exceed six percent per year. All bonds of the same issue need not bear the same interest rate. Principal and interest of the bonds shall be payable at such place as determined by the authority, and may contain provisions for registration as to principal or interest, or both. They shall be in coupon form with interest payable at such times as determined by the authority, and shall mature at such times and in such amounts as the authority prescribes. The authority may provide for the retirement of the bonds at any time prior to maturity, and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds shall be signed by the member of the authority who is state

auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor. The countersignature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures. Successive issues of such bonds within the limits of the original authorization shall have equal preference with respect to the redemption thereof and the payment of interest thereon. The authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. The bonds shall be negotiable instruments under the law merchant. All bonds issued and sold hereunder shall be sold on sealed bids to the highest and best bidder after such advertising for bids as the authority deems proper. The authority may reject any and all bids and may thereafter sell the bonds at private sale under such terms and conditions as it deems most advantageous to its own interests; but not at a price below that of the best bid which was rejected. The authority may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any agency thereof, upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter, except the requirement that they be first offered at public sale.

Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by the state auditor, may be issued and delivered until bonds are executed and available for delivery.

47.56.150 Toll bridges—Bond proceeds and toll revenues, disposition of. Construction fund—Disbursement—Investment. The proceeds from the sale of all bonds authorized under the provisions of this chapter shall be paid to the state treasurer for the credit of the Washington toll bridge authority and be deposited as demand deposits forthwith in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a fund to be designated as the construction fund of the particular toll bridge or toll bridges for which such bonds were issued and sold, which fund shall not be a state fund and shall at all times be kept segregated and set apart from all other funds and in trust for the purposes herein set out. Such proceeds shall be paid out or disbursed solely for the construction of such toll bridge or toll bridges, the acquisition of the necessary lands and easements therefor and the payment of interest on such bonds during the period of actual construction and for a period of six months thereafter, only as the need therefor shall arise and the Washington toll bridge authority may agree with the purchaser of said bonds upon any conditions or limitations restricting the disbursement of such funds that may be deemed

advisable, for the purpose of assuring the proper application of such funds. All moneys in such fund and not required to meet current construction costs of the toll bridge or toll bridges for which such bonds were issued and sold, and all funds constituting surplus revenues which are not immediately needed for the particular object or purpose to which they must be applied or are pledged shall be invested in bonds and obligations of the nature eligible for investment of surplus state moneys: *Provided*, That the Washington toll bridge authority may provide in the proceedings authorizing the issuance of said bonds that the investment of such moneys shall be made only in particular bonds and obligations within the classifications eligible for such investment and such provisions shall thereupon be binding upon the said authority and all officials having anything to do with such investment. Any surplus which may exist in said construction fund shall be applied to the retirement of bonds issued for the construction of such toll bridge or toll bridges by purchase or call and in the event such bonds cannot be purchased at a price satisfactory to the Washington toll bridge authority and are not by their terms callable prior to maturity such surplus shall be paid into the fund applicable to the payment of principal and interest of said bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying such surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called and such limitations and conditions shall be followed and observed in the application and use of such surplus. All bonds so retired by purchase or call shall be immediately canceled.

47.56.160 ————**Toll revenue fund.** All tolls or other revenues received from the operation of any toll bridge or toll bridges constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the highway commission to the state treasurer who shall deposit the same forthwith as demand deposits in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a special trust fund to be designated as the toll revenue fund of the particular toll bridge or toll bridges producing such tolls or revenue, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds.

47.56.170 ————**Transfer of funds for bond payments—Surplus funds.** From the money so deposited in each separate construction fund as hereinabove provided, the state treasurer shall transfer to the place or places of payment named in said bonds such sums as may be required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of such particular toll

bridge or toll bridges during the period of actual construction and during the period of six months immediately thereafter. The state treasurer shall thereafter transfer from each separate toll revenue fund to the place or places of payment named in said bonds such sums as may be required to pay the interest on said bonds and redeem the principal thereof as such interest payments and bond redemption become due for all bonds issued and sold for the construction of the particular toll bridge or toll bridges producing the tolls or revenues so deposited in said toll revenue fund. All funds so transferred for the payment of principal or interest on bonds issued for any particular toll bridge shall be segregated and applied solely for the payment of said principal or interest. The proceedings authorizing the issuance of bonds may provide for the setting up of a reserve fund or funds out of the tolls and other revenues not needed for the payment of principal and interest, as the same currently matures and for the preservation and continuance of such fund in a manner to be provided therein, and such proceedings may also require the immediate application of all surplus moneys in such toll revenue fund to the retirement of such bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of said Washington toll bridge authority.

The moneys remaining in each separate toll revenue fund after providing the amount required for interest and redemption of bonds as hereinabove provided, shall be held and applied as provided in the proceedings authorizing the issuance of said bonds. In the event the proceedings authorizing the issuance of said bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the construction, operation and maintenance of such toll bridge or bridges as the Washington toll bridge authority may determine.

47.56.180 ————Payments made by warrants on vouchers—Interest on deposits. Warrants for payments to be made on account of such bonds shall be duly drawn by the state auditor on vouchers approved by the Washington toll bridge authority.

Moneys required to meet the costs of construction and all expenses and costs incidental to the construction of any particular toll bridge or toll bridges or to meet the costs of operating, maintaining and repairing the same, shall be paid from the proper fund therefor by the state auditor upon voucher submitted by the highway commission approved by the Washington toll bridge authority.

All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund upon which said interest accrues.

47.56.190 ————**Agreement on deposit of funds.** The Washington toll bridge authority may provide in the proceedings authorizing the issuance of bonds or may otherwise agree with the purchasers of bonds regarding the deposit of all moneys constituting the construction fund and the toll revenue fund and provide for the deposit of such money at such time and with such depositaries or paying agents and upon the furnishing of such security as may meet with the approval of the purchasers of such bonds: *Provided*, That the depositaries and security so provided for or agreed upon shall be qualified and eligible in accordance with the requirements of law.

47.56.200 ————**Use of bond proceeds and revenue for expenses.** Notwithstanding anything contained in this chapter the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of any toll bridge or toll bridges may be used to defray any expenses incurred by the Washington toll bridge authority in connection with and incidental to the issuance and sale of bonds for the construction of such toll bridge or toll bridges including expenses for the preparation of surveys and estimates and the making of inspections and examinations as may be required by the purchasers of such bonds: *Provided*, That the proceedings authorizing the issuance of such bonds may contain appropriate provisions governing the use and application of said bond proceeds and toll or other revenues for the purposes herein specified.

47.56.210 Toll bridges—Remedies of bond holders. While any bonds issued by said Washington toll bridge authority remain outstanding, the powers, duties or existence of the said Washington toll bridge authority or of the highway commission or of any other official or agency of the state shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds. The holder of any bond may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon any state department, official or employee or imposed upon the authority or its officers, agents and employees in connection with the construction, maintenance, operation and insurance of any bridge and in connection with the collection, deposit, investment, application and disbursement of all tolls and other revenues derived from the operation and use of any bridge and in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds: *Provided*, That the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds.

47.56.220 Toll bridges—Limitations on other service—Protection of outstanding bonds. As long as any of the bonds issued hereunder

for the construction of any toll bridge are outstanding and unpaid, there shall not be erected, constructed or maintained any other bridge or other crossing over, under, through or across the waters over which such toll bridge is located or constructed, connecting or joining directly or indirectly the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such toll bridge within a distance of ten miles from either side of such toll bridge excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such toll bridge and prior to the time of the authorization of such revenue bonds, and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge shall be maintained or operated or permitted or allowed: *Provided*, That ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such bridge and prior to the time of the authorization of such revenue bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or extension thereof. The provisions of this section shall be binding upon the Washington toll bridge authority, the state of Washington and all of its departments, agencies or instrumentalities as well as any and all private, political, municipal and public corporations and subdivisions, including cities, counties, and other political subdivisions and the prohibitions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

47.56.230 Toll bridges—Insurance or indemnity bonds authorized. When any such toll bridge or bridges authorized hereunder is being built by the highway commission the Washington toll bridge authority may carry or cause to be carried such an amount of insurance or indemnity bond or bonds as protection against loss or damage as the Washington toll bridge authority may deem proper. The Washington toll bridge authority is hereby further empowered to carry such an amount of insurance to cover any accident or destruction in part or in whole to any toll bridge or toll bridges until all bonds sold for the construction of such toll bridge or toll bridges and interest accrued thereon have been fully redeemed and paid. All moneys collected on any indemnity bond or insurance policy as the

result of any damage or injury to any such toll bridge or toll bridges shall be used for the purpose of repairing or rebuilding of any such toll bridge or toll bridges as long as there are revenue bonds against any such structure outstanding and unredeemed. The Washington toll bridge authority is also empowered to carry insurance or indemnity bonds insuring against the loss of tolls or other revenues to be derived from any such toll bridge or bridges by reason of any interruption in the use of such toll bridge or toll bridges from any cause whatever, and the proceeds of such insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the bridge thus insured are required to be paid and shall be applied to the same purposes and in the same manner as other moneys in the said fund. Such insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of such toll bridge or toll bridges during any period of time that may be determined upon by the Washington toll bridge authority and fixed in its discretion, and be paid for out of the toll revenue fund as may be specified in said proceedings. The Washington toll bridge authority may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this chapter, and the purchase and carrying of insurance as authorized by this chapter, and the purchase and carrying of such insurance shall thereupon be obligatory upon the said authority and be paid for out of the toll revenue fund as may be specified in said proceedings.

47.56.240 Toll bridges—Fixing of toll rates authorized—Lien of bonds on revenue. The Washington toll bridge authority is hereby empowered to fix the rates of toll and other charges for all toll bridges built under the terms of this chapter. Toll charges so fixed may be changed from time to time as conditions may warrant. The said authority in establishing toll charges shall give due consideration to the cost of operating and maintaining such toll bridge or toll bridges including the cost of insurance and to the amount required annually to meet the redemption of bonds and interest payments thereon. The tolls and charges shall be at all times fixed at rates to yield annual revenue equal to annual operating and maintenance expenses including insurance costs and all redemption payments and interest charges of the bonds issued for any particular toll bridge or toll bridges as the same become due and the bond redemption and interest payments shall constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon and sinking funds created therefrom received from the use and operation of said toll bridge or toll bridges and such tolls and revenues together with the interest earned thereon shall constitute a trust fund for the security and payment of such bonds and shall

not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid.

47.56.245 Toll charges retained until costs paid. The authority shall retain toll charges on all existing and future facilities until all costs of investigation, financing, acquisition of property, construction, maintenance, management, operation, repayment of past advances from the motor vehicle fund, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945 have been fully paid. With respect to every future facility, costs of maintenance, management and operation shall be paid periodically out of the revenues of the facility in which such costs were incurred. With respect to each existing facility, costs of maintenance, management and operation together with an amortized payment upon advances from the motor vehicle fund in an amount reasonably anticipated to retire such advances during the toll life of the facility shall be similarly paid to the extent that such payments shall not breach the obligation of any contract.

47.56.250 Contributions by the state or political subdivision—Bonds—Repayment. Whenever a proposed toll bridge, toll road, toll tunnel or any other toll facility of any sort is to be constructed, any city, county or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the Washington state highway commission or the authority advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of building the toll facility, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county or other political subdivision may, either jointly or separately, at the request of the commission or the authority advance or contribute money or bonds for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the authority to finance the toll facility. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. General obligation bonds issued by a city, county, or political subdivision may with the consent of the state highway commission or the authority be placed with the Washington toll bridge authority to be sold by the authority to provide funds for such purpose. Money, or bonds or property so advanced or contributed may be immediately transferred or delivered to the authority to be used for the purpose for which contribution was made. The authority may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials,

or other property so advanced or contributed. The authority may make such repayment to a city, county or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility.

47.56.260 Ferry service at Tacoma Narrows—Ratification. All of the acts of the department of highways of the state of Washington, done and performed in connection with the operation and maintenance of ferry service at the Tacoma Narrows after the collapse of the Tacoma Narrows bridge, are hereby ratified.

47.56.261 ————Authorization. The department of highways is hereby authorized to continue to operate said ferries and pay the revenue derived therefrom to the state treasurer for the credit of the motor vehicle fund.

47.56.270 Lake Washington and Tacoma Narrows bridges made a part of primary highways. The Lake Washington bridge and the Tacoma Narrows bridge in chapter 47.16 made a part of the primary state highways of the state of Washington, shall, upon completion, be operated, maintained, kept up and repaired by the highway commission and the Washington toll bridge authority in the manner provided in this chapter, and the cost of such operation, maintenance, upkeep and repair shall be paid from funds appropriated for the use of the highway commission for the construction and maintenance of the primary state highways of the state of Washington. The highway commission is authorized and empowered to enter into agreements with the Washington toll bridge authority, agreeing to construct upon a particular route and between established termini, and fixing a date for the completion thereof, portions of primary state highways or secondary state highways, as the case may be, to and connecting with the Lake Washington bridge and/or the Tacoma Narrows bridge.

47.56.273 Fox Island toll bridge—Need for removal of tolls. Present tolls on the Fox Island toll bridge have retarded the development of Fox Island for residential purposes because of the financial burden upon residents and potential residents resulting from paying these tolls in addition to those imposed upon the Narrows bridge. The removal or readjustment of tolls from the Fox Island toll bridge is required in the interest of the orderly development of Fox Island. The development of Fox Island will provide additional users of the Narrows bridge with a resultant increase of revenue to the state from tolls due to such additional use.

47.56.274 ————Appropriation — Not available until Pierce county assumes obligations. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the

biennium ending June 30, 1959, the sum of one million three hundred fifty thousand dollars or so much thereof as is necessary to make the payment as provided by RCW 47.56.275. Such appropriation shall not be made unless Pierce county shall by resolution of the board of county commissioners agree to be bound by and perform all obligations imposed upon such county by RCW 47.56.273 through 47.56.278.

47.56.275 ————Retirement of revenue bonds—Deposit of appropriation. As a condition of the appropriation referred to in RCW 47.56.274, Pierce county shall request the toll bridge authority to retire all Fox Island toll bridge revenue bonds issued in accordance with the resolution of the toll bridge authority adopted February 16, 1953, as amended in part by the resolution of the toll bridge authority adopted March 2, 1953. The toll bridge authority shall then direct the state treasurer to deposit so much of such appropriation in the Fox Island toll bridge revenue bond fund, as established by resolutions of the toll bridge authority heretofore referred to in this section, as is required to retire all outstanding Fox Island toll bridge revenue bonds, including interest and premium on bond retirement. The state treasurer shall then deposit such sum in such bond fund, and the toll bridge authority shall then proceed to redeem all Fox Island toll bridge revenue bonds.

47.56.276 ————Tacoma Narrows toll bridge county aid fund—Assignment—Disposition. As a condition of the appropriation referred to in RCW 47.56.274, Pierce county shall by resolution of its board of county commissioners assign to the motor vehicle fund so much of its right, title, and interest in any moneys now or hereafter deposited in the Tacoma Narrows toll bridge county aid fund, established by resolution of Pierce county adopted March 12, 1948, as shall equal the moneys appropriated and paid from the motor vehicle fund in accordance with RCW 47.56.274 and 47.56.275, together with such interest as shall be earned by that portion of the Tacoma Narrows toll bridge county aid fund assigned to the motor vehicle fund in accordance with the terms of RCW 47.56.274 through 47.56.278.

Such resolution of the board of county commissioners of Pierce county shall provide that moneys released from the Tacoma Narrows toll bridge county aid fund in accordance with resolutions of the toll bridge authority adopted March 25, 1948, February 16, 1953, and March 2, 1953, relating to the Tacoma Narrows toll bridge and Fox Island toll bridge bond issues, shall first be paid to the motor vehicle fund until the full amount assigned to said fund, including interest thereon, shall have been so paid. The balance remaining in the county aid fund shall thereafter be released to Pierce county in accordance with resolutions of toll bridge authority adopted March 25, 1948, February 16, 1953, and March 2, 1953.

47.56.277 ————**Continuation of tolls to repay funds—Revision, readjustment of tolls, traffic classification.** Upon the retirement of all Fox Island toll bridge revenue bonds as provided by RCW 47.56.275, the toll bridge authority shall maintain and collect the tolls on the Fox Island toll bridge at the same rates that were in effect at the time the last of said bonds were retired for as long as will be necessary to provide revenue sufficient to repay to Pierce county the amount advanced out of the Tacoma Narrows toll bridge county aid fund from funds deposited with the state treasurer under the provisions of RCW 47.56.275 to pay the principal and interest of the Fox Island toll bridge revenue bonds: *Provided*, That following retirement of all Fox Island toll bridge revenue bonds, the board of county commissioners of Pierce county may by resolution and with the concurrence of the toll bridge authority revise from time to time the schedule of tolls and readjust classifications of traffic on the Fox Island toll bridge and cancel any part of the indebtedness due Pierce county for such advances made by it to pay principal and interest on the Fox Island toll bridge revenue bonds.

47.56.278 ————**Disposition of various funds — Accounts — Audit—Toll operations and maintenance of bridge.** All residual sums in the Fox Island toll bridge accounts shall be transferred to the Fox Island toll bridge revenue bond fund when the one million three hundred and fifty thousand dollars appropriation, as appropriated in RCW 47.56.274, becomes available from the motor vehicle fund for deposit in the Fox Island toll bridge revenue bond fund, except that the Fox Island toll bridge change fund and the Fox Island toll bridge operating fund shall be maintained as now provided by resolution of the toll bridge authority adopted February 16, 1953 and amended by resolution of the toll bridge authority adopted March 2, 1953. All costs of toll collection shall be paid from the operating fund. The balance of tolls collected each month and not retained in the operating fund shall be paid to Pierce county on or before the fifteenth day of the following month.

Proper books of account shall be maintained by the Washington toll bridge authority and shall be audited yearly by a qualified auditor designated by the state auditor. A copy of each yearly audit shall be provided for Pierce county.

Toll operations of the Fox Island toll bridge shall be under the complete control of the toll bridge authority, subject however to the provisions of RCW 47.56.277. Maintenance of the Fox Island toll bridge shall be the sole obligation of Pierce county.

47.56.281 **Additional Lake Washington bridge (1957 act)—Approaches—Site.** The Washington toll bridge authority is hereby authorized and directed to make all surveys necessary, design, and construct an additional bridge, including approaches adequate to

carry a free flow of traffic thereto, across Lake Washington at a site in the vicinity of Union Bay and Evergreen Point or at such other location across Lake Washington which is deemed feasible by the authority.

47.56.282 ————Revenue bonds—Toll charges. The authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all costs of construction of an additional Lake Washington bridge and approaches and all costs of construction or any alterations to the existing Lake Washington bridge or its approaches as a result of the construction of the additional bridge, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

47.56.283 ————Imposition of tolls on existing and additional bridges. The authority shall have the right to impose tolls for pedestrian or vehicular traffic over either the additional Lake Washington bridge or the existing Lake Washington bridge, or both bridges, for the purpose of paying the costs of reconstructing and improving the existing bridge and its approaches, if necessary, and the construction of the new bridge and its approaches, to pay interest on and create a sinking fund for the retirement of revenue bonds issued for the account of such project, and to pay any and all costs and expenses incurred by the authority in connection with and inci-

dental to the issuance and sale of bonds, and for the preparation of surveys and estimates and to establish the required interest reserves for and during the estimated construction period and for six months thereafter.

47.56.284 ———Bridges designated as continuous project—Other additional bridges authorized. The existing Lake Washington bridge, the toll bridge authorized herein, and any other bridge hereafter constructed across Lake Washington, are hereby construed and designated as a continuous project within the terms and provisions of RCW 47.56.070; and notwithstanding the provisions of RCW 47.56.220, the authority may authorize additional toll bridges across Lake Washington at such times as traffic may warrant and at such sites as deemed feasible.

47.56.285 ———Appropriation — Repayment from sale of bonds. There is appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1959, the sum of two hundred fifty thousand dollars, or so much thereof as may be necessary, for the purpose of location, design, and all other things preliminary to the construction of an additional Lake Washington bridge. Any funds herein appropriated from the motor vehicle fund shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds as provided in RCW 47.56.282.

47.56.286 ———Interpretation. The provision of chapter 47.56, except where inconsistent with RCW 47.56.281 through 47.56.286, shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.281 through 47.56.286. Nothing in RCW 47.56.281 through 47.56.286 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.281 through 47.56.286 for the uses and purposes herein set forth, and RCW 47.56.281 through 47.56.286 shall be additional to such existing statutes and concurrent therewith.

47.56.290 Additional Lake Washington bridge (1953 act)—Appropriation—Repayment from bond issue. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending March 31, 1955, the sum of two hundred thousand dollars or so much thereof as may be necessary to carry out the provisions of chapter 192, Laws of 1953, which sum shall be considered as a loan from the motor vehicle fund to be repaid to said fund on the sale of bonds issued in connection therewith.

47.56.310 Additional Columbia river bridge authorized—Vancouver to Portland bridges. Cooperation with Oregon. The Washington toll bridge authority is hereby authorized in conjunction with the Oregon state highway commission, to erect an additional bridge or so much thereof as may be agreed upon with the Oregon state highway commission, including approaches thereto, across the Columbia river adjacent to the existing interstate bridge between Vancouver, Washington, and Portland, Oregon, and to reconstruct and improve the said existing interstate bridge and its approaches or so much thereof as may be agreed upon with the Oregon state highway commission. Such additional bridge, together with the existing interstate bridge, shall be an integral part of U. S. highway No. 99, and to the Oregon boundary shall be a part of primary state highway No. 1. All acts necessary to the design and construction of said new bridge and approaches thereto and the reconstruction and alteration of the existing bridge and approaches may be done and performed by either the Oregon state highway commission or the Washington toll bridge authority with the approval of the other or by both of them jointly.

47.56.320 ———Tolls. The Washington toll bridge authority is authorized to enter into an agreement with the Oregon state highway commission that the new bridge, including approaches, provided for herein shall be merged and consolidated with the existing interstate bridge, including its approaches, located between Vancouver, Washington and Portland, Oregon so that both bridges shall be and become a single toll facility.

The Washington toll bridge authority is hereby authorized to operate and to assume the full control of said toll facility and each portion thereof, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of both bridges constituting said toll facility for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction of the new bridge including approaches thereto in both states, the reconstruction and improvement of the existing interstate bridge including approaches thereto in both states, the cost of maintaining, operating and repairing both of said bridges while the same are operated as said toll facility, and for the payment of the principal of and interest on its revenue bonds authorized by, and for the purposes set forth in, RCW 47.56.310 through 47.56.345.

47.56.330 ———Agreements with Oregon authorized. The Washington toll bridge authority and the Washington state highway commission are hereby authorized to enter into such agreements with the Oregon state highway commission as they shall find

necessary or convenient to carry out the purposes of RCW 47.56.310 through 47.56.345.

Any such agreements may include, but shall not be limited to, the following:

(1) A provision that all acts pertaining to the design and construction of said new bridge and the reconstruction and improvement of the existing interstate bridge may be done and performed by the Oregon state highway commission or the Washington toll bridge authority, with the approval of the other, or by both, and that any and all contracts for the construction of the new bridge and the reconstruction and improvement of the existing bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington under direction of the Washington toll bridge authority, or both: *Provided*, That there shall be a further provision that each state shall have full power to design and construct approaches to each bridge within the respective boundaries of said state with reimbursement from the proceeds of the sale of revenue bonds to be issued.

(2) A provision that the state of Oregon, the Oregon state highway commission, and any other duly constituted agency of the state of Oregon, the state of Washington, the Washington toll bridge authority, the Washington state highway commission, and any other duly constituted agency of the state of Washington shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenue bonds may be issued, after duly verified, itemized statements of such advances and expenses have been submitted to and jointly approved by the Oregon state highway commission and Washington toll bridge authority.

(3) A provision that during the period of operation of said bridges and the approaches thereto as a toll facility all maintenance and repair work may be performed by either the Oregon state highway commission or by the Washington toll bridge authority with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on said toll facility.

Any such agreements shall include the following provisions:

(1) A provision that the new bridge and approaches provided for herein shall be consolidated and merged with the existing interstate bridge and its approaches located between Vancouver, Washington and Portland, Oregon so that both bridges shall be and become a single toll facility.

(2) A provision that the Washington toll bridge authority shall assume and have complete responsibility for the operation of both bridges and approaches thereto as a single toll facility except as

to repair and maintenance, and with full power in the Washington toll bridge authority to impose and collect all toll charges from the users of said bridges and to disburse the revenue derived therefrom for the payment of expenses of maintenance and operation and repair thereof, all costs of constructing said new bridge and reconstructing and improving said existing bridge and all expenses incidental thereto, and the payment of the principal of and the interest on the revenue bonds herein provided for.

(3) A provision that the Washington toll bridge authority shall provide for the issuance, sale and payment of revenue bonds payable solely from the revenue derived from the imposition and collection of tolls upon both bridges as a single toll facility, and that such bonds shall be in such amounts as to provide funds with which to pay the costs of the design and construction of the proposed new bridge, including the approaches thereto in both states and the costs of acquisition of rights of way therefor, the reconstruction and alteration of the existing bridge and approaches thereto, expenses incident to the issuance of such bonds including the payment of interest for the period beginning with the date of issuance thereof and ending at the expiration of six months after tolls are first imposed, and a reasonable amount for working capital and prepaid insurance, with the further provision that any sale of the bonds to be issued shall be approved by the Oregon state highway commission.

(4) A provision that the Washington toll bridge authority, after consultation with the Oregon state highway commission, shall fix the classifications and amounts of tolls to be charged and collected from users of said toll facility with power after consultation with the Oregon state highway commission to revise the same if deemed necessary, and the time or times when such tolls shall first be imposed, with the further provision that such toll charges shall be removed after all costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all incidental costs, shall have been paid, and all of said revenue bonds, and interest thereon, issued and sold pursuant to the authority of RCW 47.56.310 through 47.56.345 shall have been fully paid and redeemed.

47.56.340 ————**When toll free.** Both the bridges herein provided for shall be operated as toll-free bridges whenever the costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all incidental costs shall have been paid, and when all of said revenue bonds and interest thereon issued and sold pursuant to the authority of RCW 47.56.310 through 47.56.345 shall have been fully paid and redeemed.

47.56.343 ————**Revenue bonds.** The Washington toll bridge authority shall have the power and is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all costs of survey, acquisition of rights of way, engineering, legal and incidental expenses, to pay the interest due thereon during the period beginning with the date of issue of the bonds and ending at the expiration of six months after the first imposition and collection of tolls from the users of said toll facility, and to pay amounts that will provide a reasonable sum for working capital and prepaid insurance and all costs incidental to the issuance and sale of the bonds.

Except as may be otherwise specifically provided in RCW 47.56.310 through 47.56.345, the provisions of chapter 47.56 shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denominations, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal thereof and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

47.56.345 ————**Construction—Severability.** Except as may be otherwise specifically provided in RCW 47.56.310 through 47.56.345,

the provisions of chapter 47.56 shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.310 through 47.56.345. Nothing in RCW 47.56.310 through 47.56.345 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.310 through 47.56.345 for the uses and purposes herein set forth, and RCW 47.56.310 through 47.56.345 shall be additional to such existing statutes and concurrent therewith.

If any sentence, clause or phrase of RCW 47.56.310 through 47.56.345 shall be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other sentence, clause or phrase of RCW 47.56.310 through 47.56.345.

The provisions of RCW 47.56.310 through 47.56.345 shall be liberally construed so that the uses and purposes hereof may be achieved and accomplished.

47.56.350 Bridging Puget Sound, Hood Canal. Study, construction, authorized—Bonds. For the biennium ending March 31, 1955, there is appropriated to the Washington toll bridge authority from the motor vehicle fund the sum of seven hundred thousand dollars or so much thereof as thereafter may be necessary for the following purposes:

(1) Two hundred fifty thousand dollars of the appropriation shall be available for further study, including traffic surveys acceptable to prospective bond purchasers or investment firms, securing necessary permits for the bridging of Puget Sound, including Hood Canal, as more specifically set forth in the printed report of the Washington toll bridge authority to the governor and the legislature dated December 1, 1952, and entitled "Bridging Puget Sound": *Provided*, That any such study shall be directed to the bridging of Puget Sound and as well the bridging of Hood Canal or to the bridging of both and shall not be applied to either of the said subjects to the exclusion of the other: *Provided further*, That four hundred fifty thousand dollars from the appropriation, or such additional funds which have not been expended, shall lapse and revert to the motor vehicle fund in the event that the authority determines that neither of the projects is feasible.

(2) If a project is deemed feasible by the authority as an integral part of the state highway system and has been approved by the highway commission, the authority shall enter into final design plans, and construction thereof, issue revenue bonds to pay all costs of the project and let contracts in connection with the proposed project. Such revenue bonds shall be issued in accordance with the

applicable provisions of RCW 47.56.080, and in addition to the purposes above stated may be issued to provide funds for paying all costs of issuance and sale of such bonds, to pay interest on said bonds during construction and for six months thereafter, and to pay and redeem all outstanding ferry bonds of the authority theretofore issued for operation of ferries upon Puget Sound.

47.56.360 ————Operation, maintenance, prior charge upon revenue—Appropriations to be repaid. All operation and maintenance on any project while tolls are collected thereon shall be paid as they are incurred as a prior charge upon the revenue and tolls collected upon such project. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority, together with the sum of two hundred twenty-five thousand dollars heretofore appropriated by section 19, chapter 259, Laws of 1951, shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds of any project.

47.56.370 Longview bridge—Agreements with Oregon. The Washington toll bridge authority is authorized to enter into such agreements with the Oregon state highway commission as are convenient and necessary to accomplish the sale of a one-half interest by the state of Washington to the state of Oregon and joint ownership by the states of Washington and Oregon of the existing toll bridge across the Columbia river between Longview, Washington, and Rainier, Oregon, said sale to be upon the basis of the state of Oregon assuming and paying one-half of the total amount of bonded indebtedness, including interest, now outstanding against said bridge. Thereafter the tolls on said bridge may be uniformly reduced in each direction as agreed between the states through their respective authorities.

47.56.380 Express highway—Tacoma-Seattle-Everett—Limited access. The Washington toll bridge authority is hereby authorized to study and if feasible, after approval by the state highway commission, to locate, construct, finance and operate as a toll road, until paid for, an express highway from the vicinity of Tacoma through Seattle to the vicinity of Everett. Right of way shall be acquired as a limited access facility.

47.56.390 ————Operation as toll highway—Part of state system. The toll road, when completed, shall become a part of the state highway system but may be operated as a toll highway by the Washington toll bridge authority until such time as all costs of investigation, financing, acquisition of property, construction, maintenance, management, operation, repayment of advances from the motor vehicle fund, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945, have been fully paid.

47.56.400 ————**Powers and duties of the authority.** The Washington toll bridge authority shall have the same powers, duties and functions with respect to toll roads as it now has with respect to toll bridges and all the provisions of chapter 47.56 shall apply to and govern toll roads insofar as is reasonably consistent and applicable, except as otherwise provided in RCW 47.56.380 through 47.56.400.

47.56.410 Lopez Island—San Juan toll bridge. Appropriation—Study—Location, exploration, foundation, design. There is appropriated to the Washington toll bridge authority from the motor vehicle fund for the biennium ending June 30, 1959, the sum of one hundred seventy-five thousand dollars or so much thereof as thereafter may be necessary for the following purposes:

(1) Twenty-five thousand dollars of the appropriation shall be available to study and make surveys, including traffic studies acceptable to prospective bond purchasers or investment firms, of the feasibility of the construction of a toll bridge between Lopez Island and San Juan Island in San Juan county so as to permit ferry runs from the mainland to Upright Head, overland travel from Upright Head to Roche Harbor, and ferry runs from Roche Harbor to Sidney, British Columbia. It shall be understood in such feasibility studies that San Juan county shall construct and maintain all road connections between the proposed bridge and the ferry landings at Upright Head and Roche Harbor.

(2) If as a result of the studies referred to above the toll bridge authority determines the project is feasible, and if San Juan county shall agree to sponsor such project and to conduct and maintain the road connections referred to above, one hundred fifty thousand dollars shall be available for the location, foundation exploration, and design of such bridge.

47.56.420 ————**Final designs, construction, revenue bonds authorized.** If the project is deemed feasible by the authority, the authority shall enter into final design plans, and construction thereof, issue revenue bonds to pay all costs of the project and let contracts in connection with the proposed project. Such revenue bonds shall be issued in accordance with the applicable provisions of RCW 47.56.080 through 47.56.250, and in addition to the purposes above stated may be issued to provide funds for paying all costs of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months thereafter.

47.56.430 ————**Operation, maintenance, prior charge upon revenue—Appropriations to be repaid.** All operation and maintenance on any project while tolls are collected thereon shall be paid as they are incurred as a prior charge upon the revenue and tolls

collected upon such project. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds for this project.

47.56.440 ————Effect of toll bridge authority resolution No. 295—Ferry system refunding revenue bonds. Nothing authorized by RCW 47.56.410 through 47.56.440 shall be undertaken or done in any manner not in accord with any of the covenants and conditions contained in resolution No. 295 passed by the toll bridge authority on February 9, 1955, providing for the sale of Washington state ferry system refunding revenue bonds; and all things authorized by RCW 47.56.410 through 47.56.440, including but not limited to feasibility, studies, location, design, construction and financing, shall be performed in accordance with the covenants and conditions of said resolution. If the terms of such resolution shall require that tolls on the bridge authorized by RCW 47.56.410 through 47.56.440 be used to redeem outstanding bonds issued pursuant to said resolution, such tolls shall be so used.

47.56.450 Columbia river bridge at Biggs Rapids. Authorized—Cooperation with Klickitat county, highway commission, Oregon highway commission and Sherman county. If the Washington toll bridge authority should conclude that the construction of a toll bridge across the Columbia river in the vicinity of Biggs Rapids is feasible as a result of studies presently being conducted, the authority is hereby authorized, in conjunction with Klickitat county, the Washington state highway commission, the Oregon state highway commission, and Sherman county, Oregon, to design and construct a toll bridge at such location. All acts necessary to the design and construction of such bridge and approaches thereto may be done by the Washington toll bridge authority, Klickitat county, the Washington state highway commission, the Oregon state highway commission, Sherman county, Oregon, or any of such governmental agencies pursuant to agreement with the Washington toll bridge authority.

47.56.460 ————Appropriation—Repayment from bond issue. There is appropriated from the motor vehicle fund for the biennium ending June 30, 1959, the sum of one hundred fifty thousand dollars, or as much thereof as may be necessary for the purpose of location, design, preparation of cost estimates, and all other things preliminary to the construction of such bridge. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds for this project as provided in RCW 47.56.470.

47.56.470 ————**Revenue bonds.** The Washington toll bridge authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of such bridge and approaches thereto, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Except as may be otherwise specifically provided in RCW 47.56-.450 through 47.56.500, the provisions of chapter 47.56 shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denomination, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal therefor and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

47.56.480 ————**Construction of act.** The provisions of chapter 47.56 shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.450 through 47.56-.500. Nothing in RCW 47.56.450 through 47.56.500 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.450 through 47.56.500 for

the uses and purposes herein set forth, and RCW 47.56.450 through 47.56.500 shall be additional to such existing statutes and concurrent therewith.

47.56.490 ———Powers of toll bridge authority—Tolls. The Washington toll bridge authority is hereby authorized to operate and to assume the full control of said toll facility and each portion thereof, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of such bridge for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction, maintenance, repair, and operation of such bridge and approaches in both states, and for the payment of the principal of and interest on its revenue bonds as authorized by RCW 47.56.470.

47.56.500 ———Agreements authorized. The Washington toll bridge authority, the Washington state highway commission and Klickitat county are each authorized to enter into such agreement with each other, the Oregon state highway commission and Sherman county, Oregon, as they shall find necessary and convenient to carry out the purposes of RCW 47.56.450 through 47.56.500; and the Washington toll bridge authority, the Washington state highway commission and Klickitat county are each authorized to do any and all acts contained in such agreement and necessary and convenient to carry out the purposes of RCW 47.56.450 through 47.56.500.

Such agreement shall include, but shall not be restricted to the following provisions:

(1) A provision that the Washington toll bridge authority shall assume and have complete responsibility for the operation of such bridge and approaches thereto, and with full power in the Washington toll bridge authority to impose and collect all toll charges from the users of such bridge and to disburse the revenue derived therefrom for the expenses of maintenance and operation and repair thereof, all costs of construction, and the payment of principal and interest on any revenue bonds herein provided for.

(2) A provision that the Washington toll bridge authority shall provide for the issuance, sale and payment of revenue bonds payable solely from the revenue derived from the imposition and collection of tolls upon such toll bridge.

(3) A provision that the Washington toll bridge authority, after consultation with the other governmental agencies who are parties to such agreement, shall fix and revise the classifications and amounts of tolls to be charged and collected from the users of the toll bridge, with the further provision that such toll charges shall be removed after all costs of planning, designing, and construction of such toll bridge and approaches thereto and all incidental costs shall have been paid, and all of said revenue bonds, and interest thereon,

issued and sold pursuant to RCW 47.56.450 through 47.56.500 shall have been fully paid and redeemed.

(4) A provision that all acts pertaining to the design and construction of such toll bridge may be done and performed by the Oregon state highway commission, the Washington state highway commission or the Washington toll bridge authority, or any of them, and that any and all contracts for the construction of such toll bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington by and through its state highway commission or its toll bridge authority, or all of them.

(5) A provision that the state of Washington, the state of Oregon, and all governmental agencies party to such agreement shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenue bonds may be issued, after duly verified itemized statements of such advances and expenses have been submitted to and been approved by all parties to such agreement.

(6) A provision that during the period of operation of such bridge and approaches thereto as a toll facility all maintenance and repair may be performed by either the Oregon state highway commission or the Washington state highway commission with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on such bridge.

47.56.510 Bridging lower Columbia river. Study, agreements with Oregon and other governmental agencies—Appropriation. The Washington toll bridge authority, the Washington state highway commission, and any county or other political subdivision of the state of Washington, are each authorized to enter into any agreements with each other, the Oregon state highway commission, Port of Astoria, Oregon, or any other governmental agency or political subdivision of either Oregon or Washington for the purpose of continuing traffic, engineering and financial studies, and surveys for the planning of a toll bridge to be constructed at a feasible site on the lower Columbia river. Such studies and surveys shall include but shall not be confined to the following:

- (1) The most desirable design and bridge approaches;
- (2) The most desirable location;
- (3) The cost of construction and length of construction time required; and
- (4) The financial feasibility of the bridge together with any supplementary aid which may be available to finance it.

In order to carry out the provisions of this section the Washington

toll bridge authority, the Washington state highway commission and any political subdivision of the state of Washington may:

(1) Consult, cooperate and enter into agreements with the government of the United States or any of its agencies, the state of Oregon or any of its agencies or political subdivisions, or any other governmental agency, person, or corporation;

(2) Accept and expend moneys from any public or private source, including the government of the United States, which is now or may be made available for the carrying out of the purposes contained in this section.

There is appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium commencing July 1, 1957 and ending June 30, 1959 the sum of one hundred thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this section. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds for this project.

Note: See also section 11, chapter 209, Laws of 1961.

47.56.520 ————Agreements with governmental agencies for financing, location, construction, operation and maintenance. If the financial studies and surveys as provided in RCW 47.56.510 or future financial studies and surveys shall conclude that the construction of a toll bridge over the lower Columbia river is feasible, the Washington toll bridge authority, the Washington state highway commission and any county or political subdivision of the state of Washington, are each authorized to enter into agreement with each other, the Oregon state highway commission, the Port of Astoria, Oregon, or any other governmental agency or political subdivision of the states of Oregon or Washington or the federal government, providing for the financing, design, location, acquisition of right of way, construction, operation and maintenance of such bridge and approaches.

Note: See also section 11, chapter 209, Laws of 1961.

47.56.530 ————Provisions between Oregon and Washington—Advances, expenses—Maintenance, repair. Any agreement pursuant to RCW 47.56.520 may include, but shall not be limited to, the following:

(1) A provision that the state of Oregon, the Oregon state highway commission, and any other duly constituted agency of the state of Oregon, the state of Washington, the Washington toll bridge authority, the Washington state highway commission, and any other duly constituted agency of the state of Washington shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenue bonds may be issued,

after duly verified, itemized statements of such advances and expenses have been submitted to and jointly approved by the Oregon state highway commission and the Washington toll bridge authority.

(2) A provision that during the period of operation of said bridges and the approaches thereto as a toll facility all maintenance and repair work may be performed by either the Oregon state highway commission or by the Washington toll bridge authority with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on said toll facility.

Note: See also section 11, chapter 209, Laws of 1961.

47.56.540 ————Revenue bonds. Pursuant to any agreement made under the authority of RCW 47.56.520, the Washington toll bridge authority shall have the power and is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of the new bridge and approaches thereto, including all costs of survey, acquisition of rights of way, engineering, legal and incidental expenses, to pay the interest due thereon during the period beginning with the date of issue of the bonds and ending at the expiration of six months after the first imposition and collection of tolls from the users of said toll facility, and to pay amounts that will provide a reasonable sum for working capital and prepaid insurance and all costs incidental to the issuance and sale of the bonds.

Except as may be otherwise specifically provided in RCW 47.56.310 through 47.56.510, the provisions of chapter 47.56 shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denominations, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal thereof and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of

costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

Note: See also section 11, chapter 209, Laws of 1961.

47.56.550 ————Tolls. Pursuant to any agreement made under the authority of RCW 47.56.520, the Washington toll bridge authority is hereby authorized to operate and to assume the full control of said toll facility, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of the bridge constituting said toll facility for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction of the new bridge including approaches thereto in both states, the cost of maintaining, operating and repairing said bridge while the same is operated as said toll facility, and for the payment of the principal of and interest on its revenue bonds authorized by, and for the purposes set forth in RCW 47.56.310 through 47.56.345.

Note: See also section 11, chapter 209, Laws of 1961.

47.56.560 ————Construction of act. Except as may be otherwise specifically provided in RCW 47.56.520 through 47.56.560, the provisions of chapter 47.56 shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.520 through 47.56.560. Nothing in RCW 47.56.520 through 47.56.560 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.520 through 47.56.560 for the uses and purposes herein set forth, and shall be additional to such existing statutes and concurrent therewith.

Note: See also section 11, chapter 209, Laws of 1961.

47.56.570 Naches Pass tunnel. Study—May be part of highway system or toll project—Description. The Washington state highway commission and the Washington toll bridge authority are hereby authorized and directed, acting jointly with the joint fact-finding committee on highways, streets and bridges, to retain an independent engineering firm to prepare traffic, engineering and financial studies, and surveys to determine the feasibility of undertaking the construction of a Naches cut-off and tunnel on primary state highway No. 5 through the Cascade mountains, together with the necessary approaches connecting to existing highways in whole

or in part as an improvement on the state highway system, or as a toll tunnel project, in either case making use of federal agency funds as appropriate and available and funds contributed or advanced by any political subdivisions which it is determined will be economically benefited by construction of the project, said cut-off shall start on state highway No. 5 near the junction of the White and Greenwater rivers; thence in an easterly direction through Greenwater river drainage area to the west portal of the tunnel under Pyramid Park, a distance of 1.85 miles to the east portal, thence following the north fork of the Little Naches river to the Little Naches river, thence down it to its junction with the Bumping river at state primary highway No. 5.

47.56.580 ————**What studies and surveys shall include.** Such studies and surveys shall include but shall not be confined to the following:

(1) The most desirable design, tunnel approaches, and connecting roads;

(2) The most desirable location;

(3) The cost of construction and the length of construction time required;

(4) The financial feasibility of the tunnel and the amount, if any, of supplementary aid required to finance it;

(5) The relative economic benefit to counties, cities, or other political subdivisions to be principally served by construction of the tunnel;

(6) The benefit to the state highway system, taking into account the statewide interest in the tunnel and the estimated additional motor vehicle fuel tax revenue which would accrue to the motor vehicle fund as a result of the construction of the tunnel.

47.56.590 ————**Plan for financing.** Upon the completion of such studies and surveys, the highway commission and the toll bridge authority, in cooperation with the joint fact-finding committee on highways, streets and bridges, shall prepare a plan for financing the project. The plan shall include the cost of the entire project; the portion of such total cost which can be financed by the issuance of toll bridge authority revenue bonds; the portion of such total cost and the amount of guarantee funds which should be contributed or advanced by any political subdivisions to be economically benefited by construction of the project; and the portion of such total cost and the amount of guarantee funds which should be contributed from that portion of the motor vehicle fund available to the department of highways for state highway purposes. When completed, the financing plan shall be adopted by resolution of the commission and the authority.

47.56.600 ————**Design.** Upon adoption of the financing plan the commission and the authority, acting jointly, shall forthwith proceed to make the design for the entire project.

47.56.610 ————**Contribution by political subdivisions.** After adoption of the financing plan, the authority and the highway commission, acting jointly, shall request any political subdivision which will be benefited by the construction of the project, to advance or contribute money or bonds toward the expenses of construction or to guarantee toll bridge authority revenue bonds to be issued to finance the project.

47.56.620 ————**Appropriation.** There is appropriated from the motor vehicle fund jointly to the Washington state highway commission and the Washington toll bridge authority for the period beginning July 1, 1959 and ending June 30, 1961, the sum of one hundred thousand dollars or so much thereof as shall be necessary to carry out the provisions of RCW 47.56.570 through 47.56.630.

47.56.630 ————**Repayment to motor vehicle fund of funds appropriated.** All funds herein appropriated from the motor vehicle fund to the Washington state highway commission and the Washington toll bridge authority shall be considered as a loan and shall be repaid by the commission and the authority to the motor vehicle fund upon the sale of bonds for this project.

Chapter 47.57

BRIDGE, TUNNEL OR FERRY DISTRICTS

47.57.010 Purpose of chapter. This chapter is designed to provide a means whereby cities, counties and towns, or portions thereof, acting singly or jointly with each other, may form bridge, tunnel, or ferry districts for the purpose of:

(1) Adding existing or projected facilities by guaranteeing the payment of bonds issued to finance such facilities and thereby enabling the sale of such bonds at lower rates of interest (which would be reflected in lower tolls); or

(2) Expediting the retirement of obligations of an existing toll facility in order to bring about the early removal of toll charges.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.020 Definitions. As used in this chapter:

“Municipality” shall mean any city, county or town, or portion thereof;

“District” shall mean a toll facility aid district established under the provisions of this chapter and shall be either a “bond guarantee district” or a “bond retirement district”;

“Toll authority” shall mean the Washington toll bridge authority;

“Governing body” shall mean the chief legislative authority of any municipality;

“District authority” shall mean the governing authority of a district.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.030 Purpose of district. Any municipality or any municipalities, acting jointly may create a district:

(1) For the purpose of guaranteeing the bonds or securities of any project constructed, or to be constructed by the toll authority; or

(2) For the purpose of expediting the retirement of any bonds heretofore issued in connection with any facility of the toll authority, in the manner set forth in this chapter.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.040 Election as to proposed district. At any general election, or at any special election which may be called for that purpose, the governing body of any municipality or the governing bodies of any municipalities acting jointly may, or on petition of three hundred qualified electors within a district proposed by the petition to be formed, shall submit to the voters within the proposed district the proposition whether such a district shall be formed.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.050 Election as to tax levy. The governing body or bodies shall likewise at the same election submit to the voters the question whether a general tax levy of not to exceed three mills upon the assessed valuation of the taxable property in the district shall be levied for district purposes. It may also state the limit of duration of any levy of such tax.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.060 Ordinance as to intended district and tax—Publication—Ballot. Prior to such election the governing body or bodies shall by ordinance declare the intention to submit to the voters within the proposed district the proposition of creating a district and the levy of assessments therefor for a stated period of years. The ordinance shall be published once a week for three weeks in a daily newspaper generally circulated in the proposed district, the last publication to be at least ten days before the election. The proposition shall appear upon the ballot in substantially the following language:

FOR the formation of a bond guarantee (retirement) district in aid of facility (project) and the levy of..... mill(s) assessment therefor.....

AGAINST the formation of a bond (retirement) guarantee district for facility (project).....

Note: See also section 49, chapter 181, Laws of 1961.

47.57.070 Election—Conduct of. Elections for the formation of toll facility aid districts shall be held in accordance with the general election laws of the state. Special precincts may be established for the purpose of holding such elections.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.080 Election—Results. If a majority of those voting shall vote in favor of the formation of the district and such levy, the district shall then be a municipal corporation for the purposes of this chapter voted upon. If the propositions shall fail to carry, the governing body or bodies of municipalities participating, shall by resolution declare the proceedings for the formation of the district to be void.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.090 Organization or election expense—Payment. The governing body or bodies may appropriate by emergency appropriation from any funds available any sums necessary to pay the preliminary, organizational or election expenses of a new district.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.100 Organization of district — Administrative officials. Upon such favorable vote, the governing body of the municipality, or in the case municipalities have acted jointly, then the governing bodies of all such municipalities participating, acting as one body, shall constitute the district authority, and the auditing, treasury, taxing, and assessing officials of the component municipality comprising in area the largest part of the district shall, for the purpose of this chapter, be deemed to be district treasury, taxing and assessing officials. The first act of the district authority shall be to declare the district organized. A copy of the resolution so declaring shall be filed with the district taxing and assessing officials.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.110 Project may be made contingent on formation of district—Liability for assessments. The toll authority may, in its discretion, make the construction of any new bridge, tunnel or ferry contingent upon the formation of a guaranteed bond district hereunder, and levy of assessments thereby. If any facility is constructed with the proceeds of bonds or securities issued pursuant to and guaranteed by such approval, such levy of assessments shall, for the purposes of the guarantee, and for so long as may be necessary, be an obligation of the district to the bond or security holders of the toll authority as long as any such bonds or securities remain an obligation of the toll authority, and no district shall impair such contractual obligation.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.120 Appeal from actions in organizing district. Any person having a substantial interest in and feeling aggrieved by any

action of the governing body or bodies, or the district authority, made in the proceedings for the organization of a district, may appeal within five days after such action was taken, to a superior court within the district or proposed district, in the same manner as appeals from the orders of the boards of county commissioners are made and the court shall dispose of such appeal as provided by law for such cases.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.130 Formation of district final on failure to appeal. If no appeal is taken as provided in RCW 47.57.120, the resolution of the district authority shall be final and the formation of the district complete and its legal existence shall not thereafter be questioned by any person by reason of any defect in the proceedings had for the organization thereof.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.140 Assessments—Termination and reinstatement. If any assessment levy authorized under this chapter should for any reason prove unnecessary, the toll authority shall so notify the district authority, which shall thereafter not levy such assessment. Nothing in this section shall forbid the reinstatement of such levy at any time, if in the discretion of the toll authority the reinstatement is necessary to continue any guarantee given pursuant to this chapter and to fulfill the obligation of the district, and the toll authority shall so notify the district authority.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.150 Assessments—May exceed tax limit—Temporary levy. Nothing contained in RCW 84.52.050 shall prevent the formation of a district and the levy of assessments under the provisions of this chapter. If any such district is formed in aid of an existing toll facility or to expedite the retirement of the bonds or securities of an existing facility, the levy authorized may be for one year only and the district authority may in its discretion, submit to the voters of the district at the next general election, the proposition of continuing the levy.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.160 Budget—Basis of tax levy. After the equalization of assessments for tax purposes in any year, the district authority shall prepare a budget of the requirements of each such district fund and certify and deliver it by the first Tuesday in September of each year to the district taxing and assessing officials to levy and collect in the manner provided by the general tax laws of this state.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.170 Levy part of general taxes. The levies authorized by this chapter shall be made against property in the district in ac-

cordance with the equalized valuations thereof for general tax purposes and as a part of the general taxes.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.180 District treasurer—Duties. The district treasurer shall receive and disburse all district revenues, collect all assessments authorized and levied hereunder, and credit all district revenues to the proper fund.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.190 “District expense fund” and “aid fund” created. There is created in the office of the district treasurer the following funds: “District expense fund” and “aid fund.” All sums collected by the treasurer for the district shall be placed in either of these two funds. Such amounts as are necessary and reasonable for the business operations of the district shall be allocated to the “expense fund”; all other sums shall be placed in the “aid fund.”

Note: See also section 49, chapter 181, Laws of 1961.

47.57.200 “Aid fund”—Purposes. The proceeds of the aid fund of any district shall be available and used in the case of a district formed to guarantee bonds and their interest, issued in aid of a projected facility, to pay any securities or the interest thereon, as and if necessary, or in the case of a district formed to aid an existing facility, in aid of the continued financial operations of the facility. If the levy was made to bring about the early removal of tolls by the retirement of existing bonds or securities of the toll authority issued for such facility, then such fund shall be used for such purpose.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.210 “Aid fund”—Disbursements and use of proceeds. The district authority shall issue vouchers in favor of the toll authority and upon receipt of such vouchers the district auditing officer shall issue warrants therefor and the district treasurer shall pay out money in the aid fund to the toll authority to carry out the purposes of this chapter. The toll authority shall forthwith apply any sums so received to carry out such purposes.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.220 Dissolution of district—Unexpended funds. When the purposes of this chapter have been accomplished, the district authority shall proceed to wind up the affairs of the district and by resolution bring about the dissolution thereof. If any unexpended funds remain in the funds of any district, such funds shall revert to and be paid by the treasurer into the general expense fund of the municipality or component municipalities.

Note: See also section 49, chapter 181, Laws of 1961.

47.57.900 Construction. The provisions of this chapter and all proceedings taken hereunder shall be liberally construed in order to carry out the purposes of this chapter.

Note: See also section 49, chapter 181, Laws of 1961.

Chapter 47.58**EXISTING AND ADDITIONAL BRIDGES**

47.58.010 Improvement of existing bridge and construction of new bridge as single project—Agreement—Tolls. Whenever the legislature shall specifically authorize, as a single project, the construction of an additional toll bridge, including approaches, and the reconstruction of an existing adjacent bridge, including approaches, and the imposition of tolls on both bridges, the state highway commission and the Washington toll bridge authority are each hereby authorized to enter into appropriate agreements whereunder the existing bridge or its approaches will be reconstructed and improved and an additional bridge, including approaches and connecting highways will be constructed as a part of the same project to be located adjacent to or within two miles of such existing bridge and will be financed through the issuance of revenue bonds of the same series. The authority shall have the right to impose tolls for traffic over the existing bridge as well as the additional bridge for the purpose of paying the cost of operation and maintenance of said bridge or bridges and the interest on and creating a sinking fund for retirement of revenue bonds issued for account of such project, all in the manner permitted and provided by this chapter.

47.58.020 Examinations and surveys—Preliminary expenses—Financing. For the purpose of obtaining information as to the necessity of the reconstruction or improvement of any such bridge and the expediency of constructing any such additional bridge it shall be the duty of the director of highways upon request of the state highway commission or the authority to make any examination, investigation, survey or reconnaissance pertaining thereto and the cost of any such examination, investigation, survey or reconnaissance, and all preliminary expenses in the issuance of any revenue bonds, making surveys and appraisals and drafting, printing, issuance and sale of bonds under this chapter, shall be advanced by any interested municipality, agency or department of the state of Washington and all such advancements shall be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the authority through its operations hereunder for account of the project, as may be agreed upon between the authority and such municipality, agency or department.

47.58.030 Construction, operation of bridges—Collection of tolls—Schedule of charges. The director of highways shall have full charge of the construction of all such improvements and reconstruction work and the construction of any additional bridge, including approaches and connecting highways, that may be authorized by the

authority under this chapter and the operation of such bridge or bridges, as well as the collection of tolls and other charges for services and facilities thereby afforded. The schedule of charges for such services and facilities shall be fixed and revised from time to time by the authority so that the tolls and revenues collected will yield annual revenue and income sufficient, after payment or allowance for all operating, maintenance and repair expenses, to pay the interest on all revenue bonds outstanding under the provisions of this chapter for account of the project and to create a sinking fund for the retirement of such revenue bonds at or prior to maturity, and such charges shall be continued until all such bonds and interest thereon and unpaid advancements, if any, shall have been paid.

47.58.040 Revenue bonds—Form—Sale—Interim bonds—Deposit of proceeds. For the purpose of paying the cost of all or any part of such improvement and reconstruction work and the construction of any such additional bridge, approaches thereto and connecting highways, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable solely and only from all or such part of the revenues and income from the operation of the bridge or bridges constituting the project as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates not exceeding five percent per annum, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the member of the authority who is state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor: *Provided*, That the countersignature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomi-

nation and with or without coupons attached may be issued as may be provided by said resolution. All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder at such price or prices that the net interest cost to the authority shall not be greater than six percent per annum, computed to maturity according to standard tables of bond values and after such advertising for bids as the authority may deem proper: *Provided*, That the authority may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the authority may deem advantageous. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the authority.

Note: See also section 1, chapter 102, Laws of 1961.

47.58.050 Revenue bonds—Expenses includable—Conditions—Remedies of bondholders. In determining the amount of bonds required to be issued there may be included any expenses incurred by the authority, or approved by the authority, in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, required reserves, if any, interest during the estimated construction period, and for six months thereafter, and a reasonable amount for initial operating expenses and prepaid insurance. The authority is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the revenues and income from the bridge or bridges. The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon any state department official or employee, including any duties imposed upon or undertaken by the authority or its officers, agents and employees in connection with any improvement or reconstruction work on any such existing bridge, the construction of any such additional bridge, including approaches and connecting highways, provided to be so constructed, the maintenance and operation of the bridge or bridges and in connection with the collection, deposit, investment, application and disbursement of the proceeds of the bonds and the revenues and income derived from the operation of the bridge or bridges.

47.58.060 Bond resolution—Disposition of income and revenues. Each resolution providing for the issuance of revenue bonds shall provide for setting aside the necessary amounts for the reasonable

and proper operation, maintenance and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds. All income and revenues as collected shall be paid to the state treasurer for the account of the authority as a separate trust fund and to be segregated and set apart for the payment of the revenue bonds or may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds.

47.58.070 Bonds legal investment for state moneys. Notwithstanding any other provision of the law, bonds issued under this chapter shall be legal investments by the state finance committee of any state moneys in its hands, except permanent school funds.

47.58.080 Eminent domain. The authority is hereby authorized and empowered to acquire in the name of the state by the exercise of the power of eminent domain any lands, property, rights, rights of way, franchises, easements and other property of any person, firm or corporation, political subdivision or other owner, deemed necessary or convenient for the construction, reconstruction, improvement and operation of any project initiated and carried on by the authority under this chapter. Such proceedings shall be in accordance with and subject to the provisions of any and all laws applicable to the exercise of the power of eminent domain by the state.

47.58.090 Study of projects—Construction, finance, requires specific authorization. Under the provisions of this chapter projects other than those specifically authorized herein involving existing bridges may be studied and analyzed by the authority and the commission, and recommendations therefor may be submitted to the legislature, but such other projects shall not be financed or constructed by the said authority under the provisions hereof until further specific authorization therefor has been provided by the legislature.

47.58.500 Manette bridge—Port Washington Narrows project. (1) The authority is especially authorized under the provisions of this chapter to reconstruct and improve the existing approaches and construct new approaches to the Manette bridge on secondary state highway 21-B in the city of Bremerton, and to construct an additional bridge, including approaches, over Port Washington Narrows in the vicinity of the said Manette bridge, at such exact location as may be selected by the director of highways, the state highway commission and the authority. Such project shall be known and designated as the Port Washington Narrows project and such new bridge and approaches when constructed shall be and become an

integral part of the state highway system to be connected with and be a part of secondary state highway 21-B.

(2) The authority shall have the right to impose tolls for pedestrian and vehicular traffic over the existing Manette bridge, as well as such new bridge when constructed, for the purpose of paying the costs of reconstructing and improving approaches and constructing new approaches to the existing Manette bridge, constructing the new bridge in the vicinity thereof, to pay interest on and create a sinking fund for the retirement of revenue bonds issued for account of such project, and to pay any and all costs and expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds, and for the preparation of surveys and estimates and to establish the required interest reserves for and during the estimated construction period and for six months thereafter.

47.58.900 Chapter provides additional method. This chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers existing on June 8, 1955.

Chapter 47.60

PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM

47.60.010 Ferry system, toll bridges, and facilities authorized—**Power to contract.** The Washington toll bridge authority hereinafter referred to as the authority is hereby authorized to acquire by lease, charter, contract, purchase, condemnation or construction, and partly by any or all of such means, and to thereafter operate, improve and extend, a system of ferries on and crossing Puget Sound and any of its tributary waters and connections thereof and connecting with the public streets and highways in the state, such system of ferries to include such boats, vessels, wharves, docks, approaches, landings, franchises, licenses, and appurtenances, as shall be determined by the authority to be necessary or desirable for efficient operation of the ferry system and best serve the public. The authority may in like manner acquire by purchase, condemnation or construction and include in such ferry system such toll bridges, approaches and connecting roadways as may be deemed by the authority advantageous in channeling traffic to points served by the ferry system. In addition to the powers of acquisition herein granted the authority is hereby empowered to enter into any contracts, agreements or leases with any person, firm or corporation and to thereby provide, on such terms and conditions as it shall determine,

for the operation of any ferry or ferries or system thereof, whether acquired by the authority or not.

47.60.015 "Washington State Ferries"—Name authorized. The Washington toll bridge authority is hereby authorized to operate its ferry system under the name: "Washington State Ferries."

47.60.020 Eminent domain—Condemnation proceedings. For the purpose of carrying out any or all of the powers herein granted the authority shall have the power of eminent domain for the acquisition of either real or personal property, used or useful for such Puget Sound ferry system. Condemnation pursuant to this chapter shall be the procedure set out in chapter 8.04: *Provided*, That the authority may institute condemnation proceedings in the superior court of any county or other court of competent jurisdiction in which any of the property sought to be condemned is located or in which the owner of any thereof does business, and the court in any such action shall have jurisdiction to condemn property wherever located within the state: *Provided further*, That it shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. It is the intention of this section to permit the consolidation in one action of all condemnation proceedings necessary to acquire a ferry system, and every type of property incident thereto, irrespective of its location within the state or diversity of ownership. Upon the filing of a petition for condemnation as provided in this section the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceeding during the pendency thereof. The court shall further have the power to issue such orders or process as shall be necessary to place the authority into possession of any property condemned.

47.60.030 Existing contracts—Prior negotiations and bids validated. In any case where the authority shall take over any property or properties which are under lease, contract or concession, or where the authority has heretofore entered into any contract or negotiation or received any bid for any of the purposes set forth in this chapter, the authority is hereby authorized to continue in effect and carry out any such contract, lease or concession or complete any such negotiation or accept any such bid or any modification of any of them which shall appear advantageous to the authority without regard to any limitations or directions as to the manner thereof contained in this chapter: *Provided*, That this section shall not be construed as requiring the authority so to act, but this section shall be permissive only and then only in respect to contracts, leases,

concessions, negotiations or bids existing, entered into or received prior to April 1, 1949.

47.60.040 Survey by highway commission. For the purpose of obtaining information for the consideration of the authority upon the acquisition of any ferries or ferry facilities or the construction of any toll bridge under this chapter, it shall be the duty of the highway commission, upon request of the authority, to make any examination, investigation, survey or reconnaissance for the determination of material facts pertaining thereto and report the same to the authority.

The cost of any such examination, investigation, survey or reconnaissance and all preliminary expenses leading up to and resulting in the issuance of any revenue bonds including, but not being limited to expenses in making surveys and appraisals and the drafting, printing, issuance and sale of bonds under this chapter shall be borne by the highway commission out of the motor vehicle fund. All such costs and expenses as well as any thereof heretofore incurred shall be reimbursed to said motor vehicle fund out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the authority through its operations hereunder.

47.60.050 Improvement of facilities—Financing. Any facility which the authority acquires or is authorized to acquire under the provisions of this chapter may be rehabilitated, rebuilt, enlarged or improved, and the cost thereof may be paid from the revenues of the system or through the issuance of bonds as hereinafter provided.

47.60.060 Revenue bonds authorized — Issuance — Conditions — Negotiability—Interim bonds. For the purpose of paying the cost of acquiring by lease, charter, contract, purchase, condemnation or construction all or any part of such Puget Sound ferry system, including toll bridges, approaches and roadways incidental thereto, and for rehabilitating, rebuilding, enlarging or improving all or any part of said system, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable solely and only from all or such part of the revenues from the operation of the system as may be provided in and by such resolution.

Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington.

The authority is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the

continued use and application of the income and revenues from the undertaking.

Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates not exceeding five percent per annum, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the member of the authority who is state auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor: *Provided*, That the countersignature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures.

Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution.

47.60.070 Bond resolution to provide for setting aside funds. Any resolution of the Washington toll bridge authority providing for the issuance of revenue bonds shall provide for setting aside the necessary amounts for the reasonable and proper operation, maintenance, and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds, and the amounts to be set apart and paid into any special funds for renewals, replacements, rebuilding, enlarging, or improving the system. Each such resolution made hereafter shall provide for proceeds of the sale of revenue bonds to be placed in the "authority revolving fund," as established by RCW 47.60.180 as follows: Three-fourths of one percent on the first five million dollars or part thereof; five-eighths of one percent on the amount over five million dollars to and including ten million dollars; one-half of one percent on the amount over ten million dollars to and including twenty-five million dollars; three-eighths of one percent on the amount over twenty-five million dollars to and including fifty million dollars; one-quarter of one percent on the amount over fifty million dollars to and including seventy-five million dollars; and one-eighth of one percent on all amounts over

seventy-five million dollars: *Provided*, That no such payments shall be made to the authority revolving fund from proceeds derived from the sale of bonds for the construction, maintenance, and operation of facilities between the state of Washington and any other state, territory or province, where such other state, territory, or province, or any political subdivision thereof, joins with the state of Washington in the construction or operation of such facility: *Provided further*, That no such payments shall be made into the authority revolving fund from the proceeds of bonds sold for the purpose of refunding outstanding revenue bonds of the Washington toll bridge authority.

47.60.080 Determining amount of bonds to be issued. In determining the amount of bonds required to be issued there may be included any expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, interest during the estimated construction period, and for six months thereafter, and a reasonable amount for working capital and prepaid insurance.

47.60.090 Sale of bonds—Deposit, disbursement of proceeds. All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder after such advertising for bids as the authority may deem proper: *Provided*, That the authority may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the authority may deem most advantageous to its own interests. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the authority.

47.60.100 Bonds are legal investment for state moneys. Notwithstanding any other provision of the law, bonds issued by the authority shall be legal investments by the state finance committee of any state moneys in its hands, except permanent school funds and motor vehicle funds.

47.60.110 Bondholders may compel performance. The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon any state department, official or employee, including any duties imposed upon or undertaken by the authority or its officers, agents and employees in connection with the construction, maintenance and operation of the ferry system and in connection with the collection, deposit, invest-

ment, application and disbursement of the proceeds of the bonds and the revenue and income derived from the operation of the system.

47.60.113 Refunding bonds. Authorization—Amount—Interest—Conditions. The Washington toll bridge authority is hereby authorized to refund, at the maturity thereof, or before the maturity thereof if they are subject to call prior to maturity or if all of the holders thereof consent thereto, upon such terms and conditions as it shall deem best, any or all of its revenue bonds now or hereafter outstanding, issued for the purpose of acquiring, constructing or reconstructing any toll bridge, toll road, toll tunnel, ferry system, or any other toll facility of any sort, or issued for the purpose of refunding such bonds, which revenue bonds are payable out of all or part of the revenues of such toll facility. Refunding bonds may be issued hereunder in a sufficient amount to provide additional funds for acquiring, constructing, reconstructing, rehabilitating, rebuilding, enlarging or improving any toll bridge, toll road, toll tunnel, ferry system, or any other toll facility of any sort, and to pay all refunding costs and expenses and to provide adequate reserves for said toll facility and for any such refunding bonds. Various issues and series of such outstanding bonds, including refunding bonds, may be combined and refunded by a single issue of refunding bonds. Such refunding bonds shall bear interest at such rates and mature at such times, without limitation by the interest rates or maturity of the bonds being refunded, and shall contain such other covenants and conditions as the Washington toll bridge authority shall determine by resolution.

47.60.114 ————— Payable from revenues. Any refunding bonds authorized herein shall constitute obligations of the Washington toll bridge authority only and not of the state of Washington. They shall be payable solely out of all or such part of the revenues derived from the operation of the toll bridge, toll road, toll tunnel, ferry system, or any other toll facility, as shall be provided in the resolution authorizing the issuance of such refunding bonds.

47.60.115 ————— Disposition—Laws applicable. The bonds herein authorized shall, in the discretion of the Washington toll bridge authority, be exchanged at the best possible price for the bonds being refunded or any such bonds not exchanged shall be sold in the manner provided in RCW 47.60.090. The bonds herein authorized shall be issued in accordance with, and shall be subject to, the provisions of RCW 47.60.050, 47.60.060, 47.60.070, 47.60.080, 47.60.100, 47.60.110 and 47.60.120.

47.60.120 Other crossings—Infringement of existing franchises—Protection of outstanding bonds. In the event the authority acquires or constructs, maintains and operates any ferry crossings upon or toll

bridges over Puget Sound or any of its tributary or connecting waters there shall not be constructed, operated or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the authority excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the authority. The authority shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters which would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the authority, without first acquiring the rights granted to such franchise holder under said franchise.

While any revenue bonds issued by the authority under the provisions of this chapter are outstanding no additional bonds shall be issued for the purposes of acquiring, constructing, operating or maintaining any ferries or toll bridges within the aforesaid ten mile distance by the authority unless the revenues of any such additional ferries or toll bridges are pledged to the bonds then outstanding to the extent provided by the resolution authorizing the issue of such outstanding bonds. The provisions of this section shall be binding upon the state, and all of its departments, agencies and instrumentalities, as well as any and all private, political, municipal and public corporations and subdivisions, including cities, towns, counties and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state in respect to the matters herein mentioned so long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds.

47.60.122 Ferries, terminal facilities—Interim revenue warrants authorized. For the purpose of paying the cost of acquiring, constructing or reconstructing ferries or ferry terminal facilities, and all costs which may be incurred in connection therewith, the Washington toll bridge authority is hereby authorized to issue interim revenue warrants, which shall constitute obligations only of the authority, and which shall not be obligations of the state of Washington. Such warrants shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance, and shall be drawn upon, and the principal thereof and interest thereon shall be payable out of, such fund or funds as shall be created in and provided by such resolution. Such warrants may be interest bearing coupon warrants with a fixed maturity date, or

may be interest bearing registered warrants payable in order of their issuance whenever there is sufficient money in the fund upon which they were drawn to redeem any of the same.

47.60.124 Revenue refunding bonds to redeem interim warrants. In the event it is deemed advisable or found necessary to redeem any or all of such warrants, the authority is authorized to issue its revenue refunding bonds for such purpose. Said bonds shall constitute obligations only of the authority, and shall not be obligations of the state of Washington. Such refunding bonds shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance.

47.60.126 Interim warrants and refunding bonds—Laws applicable. All provisions of chapter 47.60 pertaining and applicable to the revenue bonds of the authority authorized therein are made applicable to the warrants and revenue refunding bonds authorized herein except insofar as otherwise provided by RCW 47.60.122 through 47.60.126.

47.60.130 Unit or combined operation—Continuous project—Rental, charter, sale, of system property. Such ferry system, including any toll bridges, approaches, and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the authority may determine, and such ferry system together with any toll bridge hereafter constructed by the authority upon or across the waters of Puget Sound or Hood Canal, or any part of either, replacing one or more presently operated ferry routes, is declared to be a continuous project within the meaning of RCW 47.56.070. The authority is empowered to rent, lease, or charter any property acquired under this chapter. Whenever the authority shall determine that any land, including improvements thereon is no longer needed for the purposes of the ferry system, it may offer the same for sale upon notice and bids in the manner of letting contracts for state highway improvements. The authority may reject all such bids if the highest bid does not equal the reasonable fair market value of the real property plus the value of the improvements thereon, computed on the basis of the reproduction value, less depreciation. It may accept the highest and best bid and request the attorney general to prepare the necessary instrument of conveyance which shall be executed by the governor. The proceeds of all such sales shall be paid into the separate trust fund of the state treasury established pursuant to RCW 47.60.150.

47.60.140 System as self-liquidating undertaking — Powers of highway commission—Concessions. The authority is empowered to operate such ferry system, including all operations, whether intra-

state or international, upon any route or routes, and toll bridges as a revenue producing and self-liquidating undertaking. The highway commission shall have full charge of the construction, rehabilitation, rebuilding, enlarging, improving, operation and maintenance of the ferry system, including toll bridges, approaches and roadways incidental thereto that may be authorized by the authority, including the collection of tolls and other charges for the services and facilities of the undertaking: *Provided*, That the authority shall have the exclusive right to enter into leases and contracts for use and occupancy by other parties of the concessions and space located on the ferries, wharves, docks, approaches and landings, but no such leases or contracts shall be entered into for more than five years, nor without public advertisement for bids as may be prescribed by the authority: *Provided, further*, That the authority may accept and continue leases and contracts for a period of ten years without advertisement or bid, if such leases or contracts were in effect or entered into at the time of the purchase of the Puget Sound ferry system, and any leases or contracts so made are hereby validated.

47.60.150 Fixing of charges—Deposit, segregation, and disbursement of revenues. The schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the authority so that the tolls and revenues collected will yield annual revenue and income sufficient, after allowance for all operating, maintenance and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and replacements: *Provided*, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected shall be paid to the state treasurer for the account of the authority as a separate trust fund and to be segregated and disbursed upon order of the authority: *Provided*, That the fund so segregated and set apart for the payment of the revenue bonds may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds.

47.60.160 Reimbursement of motor vehicle fund. In the event it be ascertained that any expense to the motor vehicle fund has been incurred in any manner under this chapter through the authority, the highway commission, or otherwise, all such expenses shall be promptly reimbursed to the motor vehicle fund out of tolls and

revenues derived by the authority through any or all of its operations hereunder.

47.60.170 Ferries revolving fund authorized—Deposit of excess funds. Nothing in RCW 47.60.150 shall forbid the establishment by the authority of a Washington state ferries revolving fund of not to exceed three hundred thousand dollars from the proceeds of any bonds sold under the provisions of this chapter. Such fund may be deposited by the authority in such banks or financial institutions as it may select throughout the state. The provisions of RCW 43.01.050 shall not be applicable to such fund or any deposits therein made by the authority under the provisions of this section. The authority may deposit thereafter therein all moneys received under the provisions of this chapter. All expenses whatsoever arising in the operations of the Puget Sound ferry system shall be paid from such fund if established by check or voucher in such manner as may be prescribed by the authority.

All moneys received by the authority or any employee under the foregoing sections of this chapter, except an amount of petty cash for each day's needs as fixed by the regulation of the authority, shall be each day and as often during such day as advisable, deposited in the nearest authorized depository selected by the authority under the terms of this section.

Whenever the fund shall exceed three hundred thousand dollars, the authority shall forthwith transmit such excess to the state treasurer for deposit in the trust fund established by RCW 47.60.150.

47.60.180 "Authority revolving fund" established—Purposes. There is hereby established a permanent fund in the state treasury to be known as the "authority revolving fund," which fund shall be available to the Washington toll bridge authority in lieu of any allocation from any other appropriation from the motor vehicle fund. Said authority shall use said fund firstly to pay its investigation, management, maintenance and operation costs, unless otherwise provided for; secondly to reimburse for past and future advances from the motor vehicle fund, at such times and in such amounts as the authority shall in its discretion deem feasible. The projects to be investigated must propose facilities to be financed by revenue bonds of the authority to be repaid by tolls or charges.

47.60.190 Projects established through authority revolving fund—Repayment of fund. Any sums expended under the provisions of RCW 47.60.180 as to each projected facility which shall be adopted and constructed by the authority shall be repaid from the revenues of such facility after it becomes operative to the authority revolving fund. The authority shall take into account any such expense in setting up any schedule of tolls or charges for such project. The

authority shall make and order an orderly schedule of payments for the recovery of such expenses from any constructed facility within a reasonable time, which schedule shall be so made that it will not interfere with the other necessary expenses to be recovered by tolls or charges but shall operate with such other expense charges. Any sums so recovered shall be paid into the state treasury and by the treasurer deposited in the authority revolving fund.

47.60.200 Consent to liability not general liability of state. Any consent to liability given under the provisions of this chapter shall create liability of the authority only and shall not create any general liability of the state.

47.60.210 Seamen may sue for injuries—Venue. The state consents to suits against the authority by seamen for injuries occurring upon vessels of the authority in accordance with the provisions of section 688, title 46, of the United States code. The venue of such actions may be in the superior court for Thurston county or the county where the injury occurred.

47.60.220 Authority as common carrier—Rights and liabilities. The authority shall have all the obligations, duties and rights of a common carrier of persons and property in its operation of ferries, terminals or other facilities used in its ferry operations, including the right to participate in joint rates and through routes, agreements, and divisions of through and joint rates with railroads and other common carriers and the right to make any filings with the interstate commerce commission, the United States maritime commission or any other state or federal regulatory or governmental body and to comply with the lawful rules and regulations or requirements of any such body, and shall be subject to laws relating to carrier's liability for loss or damage to property transported, and for personal injury or death of persons transported.

47.60.230 Liability for damages as to persons or property. In case of property loss or damage, personal injuries or death resulting from the operation of any ferry or terminal by the authority, any person or the personal representative of any person shall, subject to and to the extent hereinafter provided, have a right of action against the authority for such damage, loss, injury or death.

47.60.240 Liability to persons other than shippers or passengers—Limitation. The right of action extended by this chapter shall be applicable to loss or damage of property and/or personal injury or death, resulting from the operation of ferries or terminals by the authority to persons other than shippers or passengers, but

any recovery of damages in such cases shall not exceed an amount equal to the limitations of the insurance carried by the authority to insure it against loss for such liability.

47.60.250 Claim for damages—Filing—Contents—Time limitations. As a condition to a recovery thereon, a verified claim against the authority growing out of such damages, loss, injuries or death must first be presented to the authority and filed with its secretary within thirty days after the time when such claim accrued. If the claimant shall be incapacitated from verifying and filing his claim within said thirty days, or if the claimant be a minor, then the claim may be verified and presented on behalf of said claimant by his relative, attorney or agent. Each such claim must accurately locate and describe the event or defect that caused the damage, loss, injury or death, reasonably describe the damage, loss or injury, and state the time when the same occurred, give the claimant's residence for six months last past and contain the items of damages claimed. No action shall be maintained against the authority upon such claim until the same has been presented to, and filed with, the authority and sixty days have elapsed after such presentation and filing, nor more than three years after such claim accrued.

47.60.260 Payment of claims. The authority may upon such terms and conditions as it may impose and under such rules and regulations as it may adopt, pay claims arising under its operation of ferries or terminals or compromise or settle such claims. No claim shall be paid by the authority or any settlement or compromise hereof be made except from its operating revenues derived from its operation of ferries or terminals or from the proceeds of insurance recoveries.

47.60.270 Venue of actions—Enforcement of judgment. Actions for the recovery of damages under RCW 47.60.220 through 47.60.260 may be brought in Thurston county or in the county in which the aggrieved person resides. No execution upon a judgment or attachment shall be levied against the property of the authority, nor does the state consent to any maritime lien against vessels of the authority, but the authority may be required by order of court to pay any judgment.

47.60.280 Ferry service—Lummi Island to Orcas Island—Limitation on operation. The Washington toll bridge authority is hereby authorized and directed to establish and operate a ferry service from a suitable point on Lummi Island in Whatcom county to a suitable point on Orcas Island in San Juan county by the most feasible route if and when Whatcom county constructs a bridge from Gooseberry Point on the mainland to Lummi Island. The

actual operation of such ferry service shall not begin until Whatcom county has completed the construction of such bridge.

47.60.290 State ferries—Review of tariffs and charges. The Washington toll bridge authority is hereby authorized and directed to review tariffs and charges as applicable to the operation of the Washington state ferries for the purpose of establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries.

47.60.300 ———Scope of review—Periodic reviews required. The review is to include but shall not be limited to tariffs for automobiles, passengers, trucks, commutation rates, and volume discounts. The review shall give proper consideration to time of travel, distance of travel, operating costs, maintenance and repair expenses, and the resultant effect any change in tariff might have on the debt service requirements of the authority as specifically provided in existing financing programs. The review shall also include the allocation of vessels to particular runs, the scheduling of particular runs, the adequacy and arrangements of docks and dock facilities, and any other subject deemed by the authority to be properly within the scope of the review. The authority is further authorized and directed to make a like review within every three year period.

47.60.310 ———Local expressions—Local advisory committees. The authority is further directed to conduct such review by soliciting and obtaining expressions from local community groups in order to be properly informed as to problems being experienced within the area served by the Washington state ferries. In order that local representation may be established, the authority is hereby directed to advise the board of county commissioners of each county wherein a terminal of the Washington state ferries is located prior to the time that the review is to be commenced, and each board of county commissioners is hereby directed to appoint a committee to consist of no more than five members to serve as an advisory committee to the authority or its designated representative in such review. The committees to be appointed by the boards of county commissioners shall serve without fee or compensation. It is not the intent of RCW 47.60.290 through 47.60.320 that any powers or duties now prescribed and delegated to the authority shall be assumed by any other board or committee.

47.60.320 ———Change in tariffs, restrictions. No change in tariff shall be considered by the authority unless said authority shall first have obtained the approval of the consulting engineer appointed by the authority to serve for the account of the Washington state ferries. Further, no change in tariff shall be consid-

ered by the authority that can be construed as contrary to the provisions of the governing bond resolutions then presently outstanding between the authority and the holders of bonds which have theretofore been sold by the authority in connection with financing related to the Washington state ferries.

Chapter 47.64

MARINE EMPLOYEE COMMISSION

47.64.005 Declaration of policy. The state of Washington, as a public policy, declares that sound labor relations are essential to the development of a ferry and bridge system which will best serve the interests of the people of the state.

47.64.010 Definitions. Words and phrases used in this chapter shall have the meaning in this chapter ascribed to them except where, from the context thereof, they shall clearly have a contrary meaning:

(1) "Washington toll bridge authority" and "authority," "toll bridge authority" shall be used herein interchangeably and shall mean the Washington toll bridge authority as now, or as hereafter constituted by law, or such board, commission, authority, or officers as shall succeed to its duties;

(2) "Marine employee commission" and "commission" shall be used herein interchangeably and shall mean the marine employee commission as prescribed herein;

(3) "Ferry" shall mean any ferry, ferry system, wharves, terminals constructed or acquired under the authority of the Washington toll bridge authority;

(4) "Employee" shall mean any person employed aboard ferries, wharves, or terminals acquired or constructed under the authority of the Washington toll bridge authority.

47.64.020 Marine employee commission to be established—Membership—Terms—Compensation. In the event the state of Washington through the Washington toll bridge authority exercises the powers granted in RCW 47.60.010 to 47.60.160, the authority shall immediately appoint a marine employee commission to consist of three members, one member to be appointed from labor, one member from industry and one member from the public, which last named member shall be chairman of the commission. One member shall be appointed for a term of two years, one member for a term of three years, and the chairman for a term of four years. Thereafter each member shall be appointed for a term of four years. Members of the commission shall serve without compensation with the exception of the member from the public, whose salary shall be determined by the authority and shall be

paid from the Washington state ferries revolving fund. Members of the commission shall be reimbursed by the authority for all necessary expenses incurred in the performance of their duties, which expenses shall likewise be paid from the Washington state ferries revolving fund.

47.64.030 Duties of commission in general. The authority is empowered to negotiate and to enter into labor agreements with its employees or their representatives, including provisions for health and welfare benefits for its employees to be financed either wholly or in part by contributions from the operating fund. The commission shall have the authority to administer labor relations and to adjudicate all labor disputes on the best interests of the efficient operation of any ferry or ferry system. In adjudicating disputes, the commission shall take into consideration that though an individual employee shall be free to decline to associate with his fellow employees, it is necessary that he have full freedom of association, self-organization and designation of representatives of his own choosing who shall represent him in all respects before the commission to negotiate the terms and conditions of his employment and the settlement of his labor disputes. The commission shall make such surveys of wages, hours and working conditions as it deems necessary, shall consider the prevailing practices for similarly skilled trades in the area in which the employee is employed, and shall adjust complaints, grievances and disputes concerning labor arising out of the operation of the ferry or ferry system.

47.64.040 Adjudication of labor disputes—Hearings—Subpoenas. Any employee, employee's representative, or Washington toll bridge authority claiming labor disputes shall in writing notify the marine employee commission who shall make careful inquiry into the cause thereof and issue an order in writing advising the employee, or his representative, and the authority as to the decision of the commission.

The parties shall be entitled to offer evidence relating to disputes at all hearings conducted by the commission. All evidence, statements and testimony in any commission hearing under this chapter shall be transcribed and preserved by the commission and be available as a public record. The orders and awards of the marine employee commission shall be final and binding upon any employee or employees or their representatives affected thereby and upon the Washington toll bridge authority.

The commission shall by regulation prescribe its rules of procedure.

The commission shall have the authority to subpoena any employee or employees, or their representatives, and any member

or representative of the Washington toll bridge authority, and any witnesses. The commission shall have power to require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission shall be enforceable by order of any superior court in the state of Washington for the county within which such proceedings may be pending.

47.64.050 Unemployment compensation. The commission shall place all employees engaged in the operation of ferries acquired by the authority under the unemployment compensation benefits secured to workmen as set forth in Title 50. The department of employment security is authorized and directed to accept coverage under this section.

47.64.060 Federal social security—State employees' retirement. All employees engaged in the operation of ferries acquired by the authority shall remain subject to the federal social security act and shall be under the state employees' retirement act. The authority shall make such deductions from salaries of employees and contributions from revenues of the authority as shall be necessary to qualify such employees for benefits under the federal social security act; and the appropriate officials are authorized to contract with the secretary of health, education and welfare to effect such coverage.

47.64.070 Employees subject to industrial insurance laws. Employees, except the masters and members of the crews of vessels, shall be subject to and entitled to the benefits of the industrial insurance laws of the state, and are hereby declared to be in extra-hazardous employment within the meaning of such laws.

47.64.080 Employee seniority rights. All employees employed at the time of the acquisition of any ferry or ferry system by the toll bridge authority shall have seniority rights to the position they occupy aboard said ferries or ferry system. In the event of curtailment of ferry operations for any reason, employees shall be relieved of service on the basis of their duration of employment in any ferry or ferry system acquired by the toll bridge authority.

47.64.090 Other party operating ferry by rent, lease or charter to be subject to chapter—Working conditions—Adjudication of labor disputes. Should any party assume the operation and maintenance of any ferry or ferry system by rent, lease or charter from the Washington toll bridge authority, such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the Washington toll bridge authority shall provide that the

wages to be paid, hours of employment, working conditions and seniority rights of employees will be established by the marine employees commission in accordance with the terms and provisions of this chapter and it shall further provide that all labor disputes shall be adjudicated by the marine employees commission.

Chapter 47.65

PUGET SOUND TRANSPORTATION SYSTEM— EMPLOYEES' RETIREMENT

47.65.010 Puget sound transportation stabilization fund. There is created in the state treasury a permanent fund to be known as the Puget Sound transportation stabilization fund to the credit of which shall be deposited all moneys directed by law to be deposited therein and to be expended as provided by RCW 47.65.020.

Note: See also section 26, chapter 7, Laws of 1961 extraordinary session.

47.65.020 State employees' retirement system and OASI coverage for employees of Washington State Ferries. The Washington toll bridge authority, as an incident of its operation of the Puget Sound transportation system including the operation of toll bridges and ferries, is authorized and directed to make from the Puget Sound transportation stabilization fund such additional payments as are required by extending the coverage of the state employees' retirement system and the federal social security act to employees of the Washington state ferries, a part of the Puget Sound transportation system. Payments shall be made by the authority from the Puget Sound transportation stabilization fund on the presentation of vouchers duly processed and approved by the authority.

Note: See also section 26, chapter 7, Laws of 1961 extraordinary session.

47.65.050 Stabilization fund—Reversion of unexpended balance. Any funds credited to the Puget Sound transportation stabilization fund and remaining unexpended at the expiration of each bienium shall revert to the motor vehicle fund.

Note: See also section 26, chapter 7, Laws of 1961 extraordinary session.

47.65.060 Employees to be members of state employees' retirement system—Employer's contribution—Former service credit. Subject to the provisions of chapter 41.40 every employee of the Washington toll bridge authority shall become a member of the state employees' retirement system. The Washington toll bridge authority shall pay into the state retirement system the required employer's contributions for each employee for the period beginning April 1, 1949 or from the time he became eligible for membership. Each eligible member shall receive credit for all of his former service from the beginning of his employment on ferries, wharves, or terminals acquired, leased or constructed by or for the Washington

toll bridge authority. Satisfactory proof of service with previous employer shall be furnished the state employees' retirement board by employee.

47.65.080 Employer's contribution for former service. Any employer's contribution required to establish employees' credit for former service under RCW 47.65.060, shall be paid by the Washington toll bridge authority in such amount as will entitle the employee to all rights, benefits and privileges that he would have been entitled to had he been a member of the state employees' retirement system from the beginning of his employment with the authority on or after June 1, 1951. Such contributions for former service shall be payable at the rate of seventy-five thousand dollars in each calendar year and shall continue at such rate until such payments are equal to the then outstanding liability for former service credits.

47.65.091 Appropriation—1959 Act. There is appropriated from the Puget Sound transportation stabilization fund to the Washington toll bridge authority for the biennium beginning July 1, 1959, and ending June 30, 1961, the sum of five hundred thousand dollars or so much thereof as is necessary to carry out the provisions of chapter 47.65.

47.65.110 Chapter expires June 30, 1961. Chapter 271, Laws of 1957 and RCW 47.65.010 through 47.65.110 shall expire on June 30, 1961.

Note: See also section 25, chapter 7, Laws of 1961 extraordinary session.

Chapter 47.98

CONSTRUCTION

47.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1961 reenactment of this title shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment: *Provided*, That this act shall not

operate to terminate, extend, or otherwise affect any appropriation for the biennium commencing July 1, 1959 and ending June 30, 1961.

47.98.020 Provisions to be construed in pari materia. The provisions of this title shall be construed in *pari materia* even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in *pari materia* with the provisions of Title 46 RCW, and with other laws relating to highways, roads, streets, bridges, ferries and vehicles. This section shall not operate retroactively.

47.98.030 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

47.98.040 Invalidity of part of title not to affect remainder. If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

47.98.050 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Chapter 56, Laws of 1913;
- (2) Chapter 65, Laws of 1913;
- (3) Chapter 29, Laws of 1915;
- (4) Chapter 164, Laws of 1915;
- (5) Chapter 76, Laws of 1917;
- (6) Chapter 77, Laws of 1917;
- (7) Chapter 78, Laws of 1917;
- (8) Chapter 118, Laws of 1917;
- (9) Chapter 56, Laws of 1919;
- (10) Chapter 146, Laws of 1919;
- (11) Chapter 21, Laws of 1921;
- (12) Chapter 89, Laws of 1921;
- (13) Chapter 95, Laws of 1921;
- (14) Chapter 41, Laws of 1923;
- (15) Chapter 102, Laws of 1923;
- (16) Chapter 129, Laws of 1923;
- (17) Chapter 185, Laws of 1923;
- (18) Chapter 4, Laws of 1925;
- (19) Chapter 24, Laws of 1925;
- (20) Chapter 26, Laws of 1925;
- (21) Chapter 59, Laws of 1925 extraordinary session;
- (22) Chapter 131, Laws of 1925 extraordinary session;
- (23) Chapter 214, Laws of 1927;

- (24) Chapter 232, Laws of 1927;
- (25) Chapter 242, Laws of 1927;
- (26) Chapter 88, Laws of 1929;
- (27) Chapter 116, Laws of 1929.
- (28) Chapter 146, Laws of 1929;
- (29) Chapter 171, Laws of 1929;
- (30) Chapter 214, Laws of 1929;
- (31) Chapter 29, Laws of 1931;
- (32) Chapter 30, Laws of 1931;
- (33) Chapter 31, Laws of 1931;
- (34) Chapter 36, Laws of 1931;
- (35) Chapter 37, Laws of 1931;
- (36) Chapter 38, Laws of 1931;
- (37) Chapter 117, Laws of 1931;
- (38) Chapter 118, Laws of 1931;
- (39) Chapter 129, Laws of 1931;
- (40) Chapter 133, Laws of 1933;
- (41) Chapter 144, Laws of 1935;
- (42) Sections 1 through 3, and 5 through 107, chapter 53, Laws of 1937;
- (43) Chapter 113, Laws of 1937;
- (44) Chapter 173, Laws of 1937;
- (45) Chapter 185, Laws of 1937;
- (46) Sections 59, 60, 61, 63 and 65, chapter 187, Laws of 1937;
- (47) Chapter 190, Laws of 1937;
- (48) Chapter 207, Laws of 1937;
- (49) Chapter 5, Laws of 1939;
- (50) Chapter 81, Laws of 1939;
- (51) Sections 7 and 8, chapter 181, Laws of 1939;
- (52) Chapter 9, Laws of 1941;
- (53) Chapter 136, Laws of 1941;
- (54) Sections 9 through 11, chapter 82, Laws of 1943;
- (55) Chapter 132, Laws of 1943;
- (56) Chapter 135, Laws of 1943;
- (57) Chapter 147, Laws of 1943;
- (58) Chapter 212, Laws of 1943;
- (59) Chapter 239, Laws of 1943;
- (60) Chapter 253, Laws of 1943;
- (61) Chapter 265, Laws of 1943;
- (62) Chapter 266, Laws of 1943;
- (63) Chapter 27, Laws of 1945;
- (64) Chapter 127, Laws of 1945;
- (65) Chapter 146, Laws of 1945;
- (66) Chapter 176, Laws of 1945;
- (67) Chapter 178, Laws of 1945;

- (68) Chapter 248, Laws of 1945;
- (69) Chapter 250, Laws of 1945;
- (70) Chapter 266, Laws of 1945;
- (71) Chapter 4, Laws of 1947;
- (72) Chapter 96, Laws of 1947;
- (73) Chapter 201, Laws of 1947;
- (74) Chapter 202, Laws of 1947;
- (75) Chapter 206, Laws of 1947;
- (76) Chapter 232, Laws of 1947;
- (77) Chapter 64, Laws of 1949;
- (78) Chapter 70, Laws of 1949;
- (79) Section 1, chapter 75, Laws of 1949;
- (80) Chapter 148, Laws of 1949;
- (81) Chapter 162, Laws of 1949;
- (82) Chapter 179, Laws of 1949;
- (83) Section 13, chapter 196, Laws of 1949;
- (84) Sections 1 through 6, 14 and 15, chapter 220, Laws of 1949;
- (85) Chapter 225, Laws of 1949;
- (86) Chapter 8, Laws of 1951;
- (87) Chapter 54, Laws of 1951;
- (88) Chapter 82, Laws of 1951;
- (89) Chapter 121, Laws of 1951;
- (90) Chapter 167, Laws of 1951;
- (91) Chapter 188, Laws of 1951;
- (92) Chapter 199, Laws of 1951;
- (93) Sections 1 through 15, chapter 247, Laws of 1951;
- (94) Chapter 259, Laws of 1951;
- (95) Sections 1 through 23, 25 through 28, and 30, chapter 273,
Laws of 1951;
- (96) Chapter 28, Laws of 1953;
- (97) Chapter 29, Laws of 1953;
- (98) Chapter 30, Laws of 1953;
- (99) Chapter 32, Laws of 1953;
- (100) Chapter 33, Laws of 1953;
- (101) Chapter 42, Laws of 1953;
- (102) Chapter 53, Laws of 1953;
- (103) Chapter 54, Laws of 1953;
- (104) Chapter 55, Laws of 1953;
- (105) Chapter 59, Laws of 1953;
- (106) Chapter 78, Laws of 1953;
- (107) Chapter 79, Laws of 1953;
- (108) Chapter 82, Laws of 1953;
- (109) Chapter 100, Laws of 1953;
- (110) Chapter 131, Laws of 1953;
- (111) Chapter 132, Laws of 1953;

- (112) Chapter 154, Laws of 1953;
- (113) Chapter 159, Laws of 1953;
- (114) Chapter 183, Laws of 1953;
- (115) Chapter 192, Laws of 1953;
- (116) Chapter 193, Laws of 1953;
- (117) Chapter 211, Laws of 1953;
- (118) Chapter 220, Laws of 1953;
- (119) Section 1, chapter 254, Laws of 1953;
- (120) Sections 1 through 28 and 30, chapter 280, Laws of 1953;
- (121) Chapter 285, Laws of 1953;
- (122) Chapter 17, Laws of 1955;
- (123) Chapter 21, Laws of 1955;
- (124) Chapter 22, Laws of 1955;
- (125) Chapter 49, Laws of 1955;
- (126) Chapter 54, Laws of 1955;
- (127) Chapter 63, Laws of 1955;
- (128) Chapter 75, Laws of 1955;
- (129) Chapter 83, Laws of 1955;
- (130) Chapter 84, Laws of 1955;
- (131) Chapter 117, Laws of 1955;
- (132) Section 6, chapter 146, Laws of 1955;
- (133) Chapter 147, Laws of 1955;
- (134) Chapter 152, Laws of 1955;
- (135) Chapter 161, Laws of 1955;
- (136) Chapter 166, Laws of 1955;
- (137) Chapter 178, Laws of 1955;
- (138) Chapter 179, Laws of 1955;
- (139) Chapter 203, Laws of 1955;
- (140) Chapter 208, Laws of 1955;
- (141) Section 20, chapter 285, Laws of 1955;
- (142) Sections 7 and 8, chapter 310, Laws of 1955;
- (143) Chapter 311, Laws of 1955;
- (144) Chapter 383, Laws of 1955;
- (145) Sections 8 and 12 through 14, chapter 384, Laws of 1955;
- (146) Chapter 83, Laws of 1957;
- (147) Chapter 95, Laws of 1957;
- (148) Chapter 141, Laws of 1957;
- (149) Chapter 142, Laws of 1957;
- (150) Chapter 152, Laws of 1957;
- (151) Sections 1 through 36 and 38 through 60, chapter 172, Laws of 1957;
- (152) Chapter 189, Laws of 1957;
- (153) Chapter 204, Laws of 1957;
- (154) Chapter 206, Laws of 1957;
- (155) Chapter 230, Laws of 1957;

- (156) Chapter 235, Laws of 1957;
- (157) Chapter 266, Laws of 1957;
- (158) Chapter 270, Laws of 1957;
- (159) Sections 1 and 2 and 5 through 12, chapter 271, Laws of 1957;
- (160) Chapter 144, Laws of 1959;
- (161) Chapter 160, Laws of 1959;
- (162) Chapter 162, Laws of 1959;
- (163) Chapter 167, Laws of 1959;
- (164) Chapter 184, Laws of 1959;
- (165) Chapter 198, Laws of 1959;
- (166) Chapter 199, Laws of 1959;
- (167) Chapter 242, Laws of 1959;
- (168) Sections 1 through 5 and 7, chapter 292, Laws of 1959;
- (169) Sections 1 through 19, and 33 through 35, chapter 319, Laws of 1959;
- (170) Section 3, chapter 326, Laws of 1959;
- (171) Chapter 330, Laws of 1959;
- (172) Section 2, chapter 4, Laws of 1959 first extraordinary session; and
- (173) RCW 43.27.020 through 43.27.200 (recodified herein as chapter 47.01).

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

Such repeals shall not affect the adoption by reference in sections 47.16.140, 47.16.190 and 47.20.380 of the highway routes established respectively by sections 5, 4, and 38, chapter 383, Laws of 1955.

47.98.060 Emergency. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions and shall take effect immediately: *Provided*, That the effective date of sections 47.16.160, 47.20.110, and 47.20.380 shall be July 1, 1961.

TITLE 47

Explanatory
note.

STATE HIGHWAYS AND TOLL BRIDGES

EXPLANATORY NOTE

I. Introductory.

a. General.

In the course of its current program to restore session law language to the Revised Code of Washington, the reviser's office and the codifications subcommittee of the Statute Law Committee have carefully examined the provisions of Title 47 relating to state highways and toll bridges and of Title 46 relating to motor vehicles. Pursuant to such

Explanatory
note.

study, and after thorough discussion between the reviser and the codifications subcommittee, the committee determined that because of the complicated statutory problems relating to these subjects the titles in question are nonrestorable and that the public interest could best be served by the preparation and submission to the legislature of companion bills to reenact these titles as primary law and which in the reenactment process would correct such statutory problems as might be corrected without altering the substance of the law.

In preparing these bills, the provisions of the Revised Code of Washington were carefully compared with their session law sources by the reviser's office, significant language and organizational variances were documented, and preliminary drafts were prepared. Such drafts and the comprehensive study materials which accompanied them were minutely considered by the codifications subcommittee of the Statute Law Committee in concert with representatives of the department of licenses, the state highway commission and the Washington state patrol and pursuant to hearings held by the subcommittee on October 21 and 22, 1960, the instant drafts were evolved. They were approved by the Statute Law Committee at its next regular meeting thereafter.

It should be noted that the appearance of the phrase "this Act" and similar phrases, as they appear in the session laws codified herein, have caused considerable difficulty due to the complex statutory background of these titles. Herein, such phrases have been translated to "this title", "this chapter", "this section", or to specific code section numbers, in accordance with what most nearly corresponds to their original application, but at the same time taking into consideration the doctrine of statutes in *pari materia*, and the necessity for harmonizing the provisions of this reenactment. While many other statutes are herein contained, the basic acts comprising this title are the 1937 highway statutes. In view of the above stated purposes, the broad translation of the phrase "this act" and other similar phrases appear to be justified by the fact that the numerous highway and vehicle acts enacted by the 1937 legislative session were prepared and submitted to the 1937 legislature pursuant to the mandate of 1935 c 111 § 10 which provided:

"That for the purpose of securing a complete codification of the laws of this state with reference to highways and the licensing and regulation of vehicles thereon, the director of highways is hereby directed to submit to the legislature at its regular session of 1937 a complete code of highway law. Advanced copies of such code of highway law shall be submitted to every elected member of the Senate and House of Representatives by November 15, 1936."

In addition, the *pari materia* nature of the 1937 highway and vehicles acts was recognized by our court in *Great Northern Railroad Co. v. Glover*, 194 Wash. 146, wherein the court observed that:

"Chapters 53, 187 and 207, Laws of 1937 are *in pari materia*, announce the same classification, reflect a legislative intent to integrate our entire highway system throughout the state, and to legislate completely with respect to all roads and highways located within the state . . .".

In a footnote appended to the recent decision of *City of Bellingham v. Shampera*, 157 Wash. Dec. 1, construing the 1937 motor vehicle acts which were enacted in concert with the highway legislation of that year, our court has pointed out that in the present state of Title 46 of the Revised Code of Washington, being a mere compilation of the various statutes relating to motor vehicles, the translations of the 1941 Code Committee of the phrase "this act" should be viewed with caution.

In order to clarify the matter of *pari materia* construction to be accorded to this reenactment, a provision has been inserted in chapter

47.98 hereof declaring that the provisions of this title shall be construed **Explanatory**
in pari materia. **note.**

b. *Devolution of powers and duties of director of highways to state highway commission.*

The powers and duties of the director of highways and the department of highways have comprehensively devolved upon the state highway commission as provided by the highway commission act: 1951 c 247, chapter 43.27 RCW, herein codified as chapter 47.01. In accordance with this broad transfer of powers and duties, the terms "state highway commission" and "highway commission" have been generally substituted for "director of highways" and "department of highways" but such substitution has generally not been made when related to certain past actions of the director, e.g. Sec. 47.20.580, in the bonding acts, chapter 47.10, and in certain enactments or amendments subsequent to 1951 wherein the legislature has referred both to the commission and to the director. Nor has it been made with respect to the department as an administrative entity, e.g. Secs. 47.01.160 and 47.01.200. Each substitution is documented below in the section comment; correlative changes in pronouns have likewise been made but are not documented.

c. *"Primary state highway."*

The problem relating to the use of "primary state highway" is inherent in the series of major 1937 highway acts. Briefly stated: One of these acts, 1937 c 53, in section 5 thereof, classified all highways as primary state highways, city streets, and county roads. A later 1937 act, 1937 c 207, which created and designated the basic secondary highway system, (in section 1 thereof; herein 47.04.020), classified all highways into primary state highways, secondary state highways, city streets and county roads, and further granted to the director of highways (in section 20 thereof; herein 47.04.030) all the powers and duties with relation to state secondary highways as are granted by law with respect to primary highways. Thus in many instances where "Primary state highway" is used in the session laws, such designation appears to be too restrictive to be carried forward in reenactment, in view of the provisions of the later 1937 act and other subsequent laws. As documented in the section comment below, the term "state highway" has been generally substituted herein for "primary state highway". Similar translations by the 1941 Code Committee have appeared in RCW since 1951.

Each of the above translations, substitutions, and deletions was carefully considered and discussed at the series of meetings mentioned above. The remainder of these notes consist of source notes and a section by section comment regarding this reenactment. The complete study materials relating to these titles are on permanent file in the office of the code reviser, at Olympia.

II. Section Comment.

Chapter 47.01 Highway Commission

The provisions of this chapter 43.27 are herein codified as chapter 47.01.

47.01.010 Source—[1951 c 247 § 1.]

47.01.020 Source—[1951 c 247 § 2.]

Formerly 43.27.070.

"the passage of this act" to "March 19, 1951".

This was the date the governor signed the act.

47.01.030 Source—[1951 c 247 § 3.]

Formerly 43.27.080.

47.01.040 Source—[1951 c 247 § 13.]

Formerly 43.27.090.

47.01.050 Source—[1951 c 247 § 4.]

Formerly 43.27.100.

"duties now vested" to "duties vested . . . as of July 1,

Explanatory
note.

- 1951", to conform to date of transfer of powers and duties as prescribed in 47.01.060.
- 47.01.060 Source—[1951 c 247 § 7.]
Formerly 43.27.110.
"section 4 of this act" to "RCW 47.01.050".
"this act" to "this title".
"now vested in" to "then vested in" as it relates to the date of July 1, 1951.
- 47.01.070 Source—[1951 c 247 § 5.]
Formerly 43.27.120.
"is now designated" to "was on July 1, 1951 designated" to conform to date of transfer of powers and duties as prescribed in 47.01.060.
- 47.01.080 Source—[1951 c 247 § 6.]
Formerly 43.27.130.
"this act" to "this title".
- 47.01.090 Source—[1951 c 247 § 8.]
Formerly 43.27.140.
- 47.01.100 Source—[1951 c 247 § 9.]
Formerly 43.27.150.
- 47.01.110 Source—[1951 c 247 § 10.]
Formerly 43.27.160.
- 47.01.120 Source—[1951 c 247 § 11.]
Formerly 43.27.170.
- 47.01.130 Source—[1957 c 172 § 31; 1951 c 247 § 12.]
Formerly 43.27.180.
- 47.01.140 Source—[1951 c 247 § 14.]
Formerly 43.27.190.
- 47.01.150 Source—[1955 c 383 § 45; 1953 c 254 § 1; 1951 c 247 § 15.]
Formerly 43.27.200.
- 47.01.160 Source—[1937 c 53 § 3; RRS § 6400-3.]
Formerly 43.27.020.
Section edited to reflect devolution of powers and duties formerly vested in director, to highway commission.
"director of highways" to "state highway commission" and "commission".
"primary state highway" to "state highway".
"at the office of the director of highways" to "at the office of the highway commission".
Concerning subd. (7) of this section, see note for sec. 47.98.050.
- 47.01.170 Source—[1945 c 176 § 1; Rem. Supp. 1945 § 6400-3f.]
Formerly 43.27.030.
"director of highways" to "commission".
- 47.01.180 Source—[1943 c 253 § 1; Rem. Supp. 1943 § 6402-35.]
Formerly 43.27.040.
"director of highways" to "commission".
- 47.01.190 Source—[1949 c 220 § 2; Rem. Supp. 1949 § 6400-3g.]
Formerly 43.27.050.
"director of highways" to "commission".
- 47.01.200 Source—[1955 c 383 § 44; 1949 c 220 § 3; Rem. Supp. 1949 § 6400-3h.]
Formerly 43.27.060.
Repealed by 1961 c 1 § 33(9) (Initiative 207).
See note for sec. 47.98.050.
- 47.01.210 Source—[1955 c 84 § 1; 1953 c 100 § 1.]
Formerly 43.27.105.
In first clause "state department of highways acting through" deleted.
- 47.01.220 Source—[1957 c 172 § 30.]
Formerly 43.27.192.

Chapter 47.04 General Provisions

Explanatory
note.

- 47.04.010 Source—[1937 c 53 § 1; RRS § 6400-1.]
Words “or unless otherwise defined in the chapter of which they are a part” have been added to introductory paragraph to provide for subsequent enactments after 1937.
Words “or secondary” have been added to the definition of “county road” to conform it to the classification of highways set forth in 47.04.020.
Under “commercial vehicle” “(of) the” changed to “the”.
“this act” to “this title” throughout.
Definition of “secondary state highway” added on basis of 47.04.020, 47.04.030 and other sections in chapter 47.20 derived from 1937 c 207 which established the system of secondary state highways.
Definition of “state highway” added as this term appears throughout the title, often as a result of deletion of the word “primary” from the phrase “primary state highway”. See introductory note, *supra*.
- 47.04.020 Source—[1937 c 207 § 1; RRS § 6402-1; 1937 c 53 § 5; RRS § 6400-5; 1913 c 65 § 1; RRS § 6790.]
- 47.04.030 Source—[1937 c 207 § 20; RRS § 6402-20.]
“this act” to “this title”.
“director of highways” to “highway commission”.
- 47.04.040 Source—[1937 c 53 § 29; RRS § 6400-29.]
“Upon the taking effect of this act” changed to “Upon and after April 1, 1937”.
“the effective date of this act” changed to “April 1, 1937”.
“director of highways” to “highway commission”.
- 47.04.050 Source—[1937 c 53 § 43; RRS § 6400-43; 1917 c 76 § 1; RRS § 6844.]
- 47.04.060 Source—[1937 c 53 § 47; RRS § 6400-47; 1917 c 76 § 5, part; RRS § 6848, part.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.
“secretary of commerce” is substituted for “secretary of agriculture”. Functions of the Federal Bureau of Public Roads are now vested in the Secretary of Commerce by virtue of reorganization plan #7 (63 Stat. 1070) adopted pursuant to the reorganization act of 1949 (63 Stat. 203). Earlier transfers of this function are as follows: From the secretary of agriculture to the Federal Works Agency, reorganization plan # 1 (53 Stat. 1423) adopted pursuant to the reorganization act of 1939 (53 Stat. 561) and from the Federal Works Agency to the General Service Administration by Section 103(a), Act of June 30, 1949 (63 Stat. 380).
- 47.04.070 Source—[1937 c 53 § 44; RRS § 6400-44; 1917 c 76 § 5, part; RRS § 6848, part.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.
“secretary of agriculture” to “secretary of commerce”; see 47.04.060, above.
- 47.04.080 Source—[1937 c 53 § 47½; RRS § 6400-47 ½.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.
- 47.04.090 Source—[1937 c 53 § 95; RRS § 6400-95.]
“this act” to “this title”.

Chapter 47.08 Highway Funds

- 47.08.010 Source—[1937 c 53 § 32, part; RRS § 6400-32, part.]
The 1941 Code Committee codified the first sentence of this section as 47.08.010 and codified the remainder of the section

Explanatory
note.

- as 47.28.040. The RCW division is herein retained while restoring session law language.
 "primary state highway" to "state highway".
 "director of highways" to "highway commission".
- 47.08.020 Source—[1937 c 53 § 46; RRS § 6400-46; 1917 c 76 § 3; RRS § 6846.]
 "primary state highways" to "state highways".
 "secretary of agriculture" to "secretary of commerce"; see 47.04.060, above.
- 47.08.030 Source—[1949 c 75 § 1; 1937 c 53 § 96; Rem. Supp. 1949 § 6400-96.]
 "this act" to "this title".
- 47.08.040 Source—[1937 c 113 § 1; RRS § 6450-91.]
 "primary highway" to "highway".
 "director of highways" to "highway commission".
- 47.08.050 Source—[1937 c 113 § 2; RRS § 6450-92.]
 "section 1 of this act" to "RCW 47.08.040".
 "director of highways" to "highway commission".
- 47.08.060 Source—[1937 c 113 § 3; RRS § 6450-93.]
 "section 1 hereof" to "RCW 47.08.040".
- 47.08.070 Source—[1945 c 127 § 2; Rem. Supp. 1945 § 6400-121.]
 "director of highways" to "highway commission".
 "department of highways" to "highway commission".
- 47.08.080 Source—[1937 c 187 § 59; RRS § 6450-59.]
 "director of highways" to "highway commission".
 "primary state highways" to "state highways".
- 47.08.090 Source—[1937 c 187 § 65; RRS § 6450-65.]
 "created" to "credited" to correct manifest clerical error.
 "director of highways" to "highway commission".
 "primary" deleted from "primary state highway".
- 47.08.100 Source—[1943 c 82 § 13, part; 1937 c 187 § 66, part; Rem. Supp. 1943 § 6450-66, part.]
 1943 c 82 § 13 was divided by the 1941 Code Committee, the first paragraph thereof being codified as rewritten in 47.08.110 and 36.75.290 and the remainder as 47.08.100; such division and codification is here retained with a restoration of session law language. Due to the inclusion of part thereof in Title 36, 1943 c 82 § 13 and 1937 c 187 § 66 are not herein presented for repeal, but will be considered in connection with a later bill for the reenactment of Title 36.
 For a general penalty comparable to that part of this section which is codified in 36.75.290, see herein 47.04.090. See also 9.01.090 and 9.92.030.
 "director of highways" to "highway commission".
- 47.08.110 Source—[1943 c 82 § 13, part; 1937 c 187 § 66, part; Rem. Supp. 1943 § 6450-66, part.]
 See 47.08.100 above.
 "this act" to "this title".
 At end of section, "authorized by this act" to "authorized by law" as much of the authority pertaining to the funds mentioned herein is contained in Title 36 and some in Title 35.
- 47.08.120 Source—[1943 c 135 § 1; 1935 c 144 § 10; Rem. Supp. 1943 § 6600-1c.]
 "director of highways" and "department of highways" to "highway commission".
- 47.08.121 Source—[1959 c 326 § 3.]
 Emergency clause omitted.
- 47.08.130 Source—[1937 c 53 § 45; RRS § 6400-45; 1931 c 129 § 1; 1929 c 146 § 1; 1927 c 214 § 1; 1925 c 4 § 1; 1923 c 41 § 1; 1921 c 89 § 1; 1919 c 56 § 1; RRS § 6850.]
 "director of highways" to "highway commission".
 "secretary of agriculture" to "secretary of commerce"; see 47.04.060, above.

**Chapter 47.10 Highway Construction Bonds
First Priority project—1951 Act**

Explanatory
note.

This chapter reenacts prior laws authorizing the issuance of bonds, including the appropriation of moneys. For provisions directing that this reenactment shall be construed as a continuation of existing laws and not as new legislation, see chapter 47.98, *infra*. Consistent herewith, reference to the terminal date of the biennium appropriated for has been inserted in all sections declaring an appropriation.

- 47.10.010 Source—[1951 c 121 § 1.]
 47.10.020 Source—[1955 c 117 § 1; 1951 c 121 § 2.]
 47.10.030 Source—[1951 c 121 § 3.]
 “this act” to “RCW 47.10.010 through 47.10.140”. 1951 c 121 is so codified except for section 14 thereof which amends 47.60-.100 and section 16, an emergency section not qualified for codification.
 47.10.040 Source—[1951 c 121 § 4.]
 “this chapter” to “RCW 47.10.010 through 47.10.140”. 1951 c 121 uses both “this act” (see 47.10.030 above) and “this chapter”. Due to subsequent acts being codified in this chapter under separate subheadings it is thus necessary to translate “this chapter” when used in session law language in the 1951 act.
 47.10.050 Source—[1951 c 121 § 5.]
 “this chapter” to “RCW 47.10.010 through 47.10.140”.
 47.10.060 Source—[1951 c 121 § 6.]
 47.10.070 Source—[1951 c 121 § 7.]
 “section 9 of this act” to “RCW 47.10.110”.
 47.10.080 Source—[1951 c 121 § 8.]
 “section 7” changed to “RCW 47.10.070”.
 47.10.090 Source—[1951 c 121 § 11.]
 47.10.100 Source—[1951 c 121 § 12.]
 “section 9” to “RCW 47.10.110”.
 47.10.110 Source—[1951 c 121 § 9.]
 “this chapter” to “RCW 47.10.010 through 47.10.140”.
 47.10.120 Source—[1951 c 121 § 10.]
 47.10.130 Source—[1951 c 121 § 13.]
 47.10.140 Source—[1951 c 121 § 15.]
 “this chapter” to “RCW 47.10.010 through 47.10.140”.
 “for the biennium ending March 31, 1953” added, see note at beginning of chapter.

Additional Bonds—1953 Act

- 47.10.150 Source—[1953 c 154 § 1.]
 “the act” to “RCW 47.10.010 through 47.10.140”. 1951 c 121 is so codified with the exception of section 14 thereof which amended 47.60.100 and section 16 thereof, an emergency section not qualified for codification.
 47.10.160 Source—[1955 c 117 § 2; 1953 c 154 § 2.]
 47.10.170 Source—[1953 c 154 § 3.]
 “this act” to “RCW 47.10.150 through 47.10.270”.
 47.10.180 Source—[1953 c 154 § 4.]
 “this chapter” to “RCW 47.10.150 through 47.10.270”.
 47.10.190 Source—[1953 c 154 § 5.]
 “issued hereunder” to “issued under RCW 47.10.150 through 47.10.270”.
 “this chapter” to “RCW 47.10.150 through 47.10.270”.
 47.10.200—Source—[1953 c 154 § 6.]
 47.10.210 Source—[1953 c 154 § 7.]
 47.10.220 Source—[1953 c 154 § 8.]
 “payments hereunder” to “payments under RCW 47.10.150 through 47.10.270”.

Explanatory
note.

- 47.10.230 Source—[1953 c 154 § 9.]
 47.10.240 Source—[1953 c 154 § 10.]
 “authorized herein” to “authorized by RCW 47.10.150 through 47.10.270”.
 47.10.250 Source—[1953 c 154 § 11.]
 “authorized herein” to “authorized by RCW 47.10.150 through 47.10.270”.
 47.10.260 Source—[1953 c 154 § 12.]
 “authorized herein” to “authorized by RCW 47.10.150 through 47.10.270”.
 47.10.270 Source—[1953 c 154 § 13.]
 “authorized herein” to “authorized by RCW 47.10.150 through 47.10.270”.

Additional Bonds—1955 Act

- 47.10.280 Source—[1955 c 311 § 1.]
 47.10.290 Source—[1955 c 311 § 2.]
 47.10.300 Source—[1955 c 311 § 3.]
 “this act” to “RCW 47.10.280 through 47.10.400”.
 47.10.310 Source—[1955 c 311 § 4.]
 “this chapter” to “RCW 47.10.280 through 47.10.400”.
 47.10.320 Source—[1955 c 311 § 5.]
 “this chapter” to “RCW 47.10.280 through 47.10.400”.
 47.10.330 Source—[1955 c 311 § 6.]
 47.10.340 Source—[1955 c 311 § 7.]
 “section 9 of this act” to “RCW 47.10.360”.
 47.10.350 Source—[1955 c 311 § 8.]
 “section 7 of this act” to “RCW 47.10.340”.
 47.10.360 Source—[1955 c 311 § 9.]
 “this chapter” to “RCW 47.10.280 through 47.10.400”.
 47.10.370 Source—[1955 c 311 § 10.]
 47.10.380 Source—[1955 c 311 § 11.]
 47.10.390 Source—[1955 c 311 § 12.]
 47.10.400 Source—[1955 c 311 § 13.]
 “this chapter” to “RCW 47.10.280 through 47.10.400”.
 “for the biennium ending June 30, 1957” added, see note at beginning of chapter.

Additional Bonds—1957 Act

- 47.10.410 Source—[1957 c 206 § 1.]
 47.10.420 Source—[1957 c 206 § 2.]
 47.10.430 Source—[1957 c 206 § 3.]
 “this chapter” to “RCW 47.10.410 through 47.10.500”.
 47.10.440 Source—[1957 c 206 § 4.]
 “this chapter” to “RCW 47.10.410 through 47.10.500”.
 47.10.450 Source—[1957 c 206 § 5.]
 “this chapter” to “RCW 47.10.410 through 47.10.500”.
 47.10.460 Source—[1957 c 206 § 6.]
 “section 1 of this chapter” to “RCW 47.10.410”.
 47.10.470 Source—[1957 c 206 § 7.]
 47.10.480 Source—[1957 c 206 § 8.]
 “this chapter” to “RCW 47.10.410 through 47.10.500”.
 47.10.490 Source—[1957 c 206 § 9.]
 47.10.500 Source—[1957 c 206 § 10.]
 “this chapter” to “RCW 47.10.410 through 47.10.500”.
 “for the biennium ending June 30, 1959” added, see note at beginning of chapter.

Tacoma-Seattle-Everett Facility—1957 Act

- 47.10.700 Source—[1957 c 189 § 1.]
 47.10.702 Source—[1957 c 189 § 2.]
 “this act” to “RCW 47.10.700 through 47.10.724”.

- 47.10.704 Source—[1957 c 189 § 3.]
- 47.10.706 Source—[1957 c 189 § 4.]
 “section 1 above” to “RCW 47.10.700”.
 “this chapter” to “RCW 47.10.700 through 47.10.724”.
- 47.10.708 Source—[1957 c 189 § 5.]
- 47.10.710 Source—[1957 c 189 § 6.]
 “this chapter” to “RCW 47.10.700 through 47.10.724”.
- 47.10.712 Source—[1957 c 189 § 7.]
 “sections 1, 2 and 3 hereof” to “RCW 47.10.700, 47.10.702 and 47.10.704”.
- 47.10.714 Source—[1957 c 189 § 8.]
 “this chapter” to “RCW 47.10.700 through 47.10.724”.
- 47.10.716 Source—[1957 c 189 § 9.]
- 47.10.718 Source—[1957 c 189 § 10.]
 “sections 1, 2 and 3 of this act” to “RCW 47.10.700, 47.10.702 and 47.10.704”.
- 47.10.720 Source—[1957 c 189 § 11.]
 “section 9 of this act” to “RCW 47.10.716”.
 “section 10 of this act” to “RCW 47.10.718”.
- 47.10.722 Source—[1957 c 189 § 12.]
 “section 10 of this act” to “RCW 47.10.718”.
- 47.10.724 Source—[1957 c 189 § 13.]
 “this chapter” to “RCW 47.10.700 through 47.10.724”.
 “for the biennium ending June 30, 1959” added, see note at beginning of chapter.

Explanatory
note.

Chapter 47.12 Acquisition and Disposition of State Highway Property

- 47.12.010 Source—[1937 c 53 § 25, part; RRS § 6400-25, part.]
 “primary state highway” to “state highway”.
 The 1941 Code Committee drastically streamlined the provisions of 1937 c 53 § 25 and divided it into 47.12.010, 47.12.020 and 47.12.030. Subsequently, in 1953, 47.12.020 was amended by adding the phrase “including lands or property rights needed in connection with limited access facilities established pursuant to chapter 47.52 . . .” We have herein restored this section to session law language and have accepted the RCW division as to RCW 47.12.010 and 47.12.020 but in order to preserve the proviso form of the session law we have rejoined 47.12.030 with 47.12.020. The 1953 amendment to 47.12.020 which was written to blend in with the 1941 Code Committee’s revision of that section, cannot, in its exact 1953 language, be made to harmonize with the 1937 session law language herein restored as 47.12.020. The sense and effect of the 1953 amendment are preserved herein by adding at the end of 47.12.020 the following sentence: “‘State highway’ as used in this section shall include limited access facilities established under chapter 47.52.”
 “primary state highway” to “state highway”.
 “director of highways” to “highway commission”.
- 47.12.011 Source—[1955 c 49 § 1.]
- 47.12.020 Source—[1953 c 54 § 1; 1937 c 53 § 25, part; RRS § 6400-25, part.]
 See 47.12.010 above.
- 47.12.030 Source—[1937 c 53 § 25, part; RRS § 6400-25, part.]
 See 47.12.010 above.
- 47.12.040 Source—[1943 c 266 § 1; 1937 c 53 § 26; Rem. Supp. 1943 § 6400-26.]
 “director of highways” to “highway commission”.
- 47.12.050 Source—[1937 c 53 § 27; RRS § 6400-27.]
 “primary state highway” to “state highway”.
 “director of highways” to “highway commission”.
- 47.12.060 Source—[1955 c 384 § 13. Prior: 1945 c 146 § 1, part; 1937 c 53 § 28, part; Rem. Supp. 1945 § 6400-28, part.]

- Explanatory note.
- 47.12.070 Source—[1955 c 384 § 14. Prior: 1945 c 146 § 1, part; 1937 c 53 § 28, part; Rem. Supp. 1945 § 6400-28, part.]
- 47.12.080 Source—[1945 c 127 § 1; Rem. Supp. 1945 § 6400-120.]
- 47.12.090 Source—[1937 c 185 § 1; RRS § 6400-111.]
“director of highways” to “highway commission”.
- 47.12.100 Source—[1937 c 185 § 2; RRS § 6400-112.]
47.12.100 combined 1937 c 185 §§ 2 and 3; 1937 c 185 § 3 is herein recodified as 47.12.105.
“director of highways” to “highway commission”.
- 47.12.105 Source—[1937 c 185 § 3; RRS § 6400-113.]
See 47.12.100 above.
“director of highways” to “highway commission”.
- 47.12.110 Source—[1937 c 185 § 4; RRS § 6400-114.]
“this act” to “RCW 47.12.090 through 47.12.105”.
“director of highways” to “highway commission”.
- 47.12.120 Source—[1949 c 162 § 1; Rem. Supp. 1949 § 6400-122.]
47.12.120 combined 1949 c 162 §§ 1 and 2; 1949 c 162 § 2 is herein recodified as 47.12.125.
“director of highways” to “highway commission”.
- 47.12.125 Source—[1949 c 162 § 2; Rem. Supp. 1949 § 6400-123.]
See 47.12.120 above. “hereof” to “RCW 47.12.120”.
- 47.12.130 Source—[1953 c 28 § 1.]
- 47.12.140 Source—[1953 c 42 § 1.]
- 47.12.150 Source—[1953 c 55 § 1.]
“state highway department” to “highway commission”.
- 47.12.160 Source—[1953 c 131 § 1.]

Chapter 47.16 Primary Highway Routes

- 47.16.010 Source—[1957 c 172 § 2; 1937 c 190 § 1; RRS § 6401-1. Prior: (i) 1931 c 36 § 1; 1925 c 26 § 8; 1923 c 185 § 1; 1915 c 164 § 1; 1913 c 65 § 2(a); RRS § 6791-1. (ii) 1931 c 38 § 1; RRS § 6791-1a.]
- 47.16.020 Source—[1955 c 383 § 2; 1949 c 225 § 3; 1939 c 5 § 1; 1937 c 190 § 2; Rem. Supp. 1949 § 6401-2. Prior: 1925 c 26 § 7; 1923 c 185 § 2; RRS § 6791-2.]
- 47.16.030 Source—[1937 c 190 § 3; RRS § 6401-3. Prior: 1925 c 26 § 6; 1923 c 185 § 3; RRS § 6791-3.]
- 47.16.040 Source—[1937 c 190 § 4; RRS § 6401-4. Prior: 1925 c 26 § 1; 1923 c 185 § 14; RRS § 6791-14.]
- 47.16.050 Source—[1959 c 319 § 1. Prior: (i) 1937 c 190 § 5; RRS § 6401-5; 1931 c 29 § 1; 1925 c 26 § 4; 1923 c 185 § 4; RRS § 6791-4. (ii) 1943 c 239 § 1; Rem. Supp. 1943 § 6401-5d.]
- 47.16.060 Source—[1959 c 319 § 2; 1937 c 190 § 6; RRS § 6401-6. Prior: 1923 c 185 § 5; RRS § 6791-5.]
- 47.16.070 Source—[1949 c 225 § 7; 1937 c 190 § 7; Rem. Supp. 1949 § 6401-7. Prior: 1923 c 185 § 6; RRS § 6791-6.]
- 47.16.080 Source—[1957 c 172 § 9; 1953 c 280 § 1. Prior: (i) 1937 c 190 § 8; RRS § 6401-8; 1923 c 185 § 7; RRS § 6791-7. (ii) 1943 c 239 § 3; Rem. Supp. 1943 § 6401-8a.]
- 47.16.090 Source—[1959 c 319 § 3; 1937 c 190 § 9; RRS § 6401-9. Prior: 1925 c 26 § 5; 1923 c 185 § 8; RRS § 6791-8.]
- 47.16.100 Source—[1955 c 383 § 3; 1951 c 273 § 2; 1937 c 190 § 10; RRS § 6401-10. Prior: 1931 c 31 § 1; 1923 c 185 § 9; RRS § 6791-9.]
- 47.16.110 Source—[1957 c 172 § 13; 1941 c 136 § 1; 1937 c 190 § 11; Rem. Supp. 1941 § 6401-11. Prior: 1929 c 171 § 1; 1923 c 185 § 10; RRS § 6791-10.]
- 47.16.120 Source—[1937 c 190 § 12; RRS § 6401-12. Prior: 1923 c 185 § 11; RRS § 6791-11.]
- 47.16.130 Source—[1937 c 190 § 13; RRS § 6401-13. Prior: 1931 c 30 § 1; 1923 c 185 § 12; RRS § 6791-12.]
- 47.16.140 Source—[1957 c 172 § 10; 1955 c 383 § 5; 1951 c 8 § 1; 1949 c 225 § 4; 1939 c 5 § 2; 1937 c 190 § 14; Rem. Supp. 1949 § 6401-14. Prior: 1923 c 185 § 13; RRS § 6791-13.]

- 47.16.150 Source—[(i) 1937 c 190 § 15; RRS § 6401-15. Prior: 1931 c 35 § 1; RRS § 6791-13a. (ii) 1943 c 239 § 4; Rem. Supp. 1943 § 6401-15a.] This section enacts the two session law sources as combined by the 1941 Code Committee. Explanatory note.
- 47.16.159 Source—[1949 c 225 § 1; 1937 c 190 § 16; Rem. Supp. 1949 § 6401-16. Prior: 1925 c 26 § 2; 1923 c 185 § 15; RRS § 6791-15.] As the effective date of the 1959 amendment to 47.16.160 was expressly delayed until July 1, 1961, 47.16.160 as in effect prior to the effective date of the 1959 amendment is here presented as 47.16.159, with the last sentence added to limit its duration.
- 47.16.160 Source—[1959 c 319 § 12; 1949 c 225 § 1; 1937 c 190 § 16; Rem. Supp. 1949 § 6401-16. Prior: 1925 c 26 § 2; 1923 c 185 § 15; RRS § 6791-15.]
See note to 47.16.159 above.
“director of highways” and “state department” to “highway commission”.
- 47.16.170 Source—[1949 c 225 § 2; 1937 c 190 § 17; Rem. Supp. 1949 § 6401-17.]
- 47.16.180 Source—[1953 c 285 § 1. Prior: (i) 1937 c 190 § 18; RRS § 6401-18. (ii) 1943 c 239 § 5; Rem. Supp. 1943 § 6401-18a.]
- 47.16.190 Source—[1957 c 172 § 11; 1955 c 383 § 4; 1949 c 225 § 5; 1937 c 190 § 19; Rem. Supp. 1949 § 6401-19. Prior: 1929 c 116 § 1; RRS § 6806-1; 1915 c 164 § 21; RRS § 6814.]
- 47.16.200 Source—[1937 c 190 § 20; RRS § 6401-20. Prior: 1931 c 37 § 1; 1925 c 26 § 3; 1915 c 164 § 12; RRS § 6810.]

Chapter 47.20 Secondary Highway Routes—Miscellaneous Projects

- 47.20.010 Source—[1957 c 172 § 14; 1955 c 383 § 7. Prior: 1953 c 280 § 2; 1951 c 273 § 3; 1943 c 239 § 6(a), (b); 1943 c 212 § 1 (a), (b); 1937 c 207 § 2 (a), (b); Rem. Supp. 1943 § 6402-2 (a), (b).]
- 47.20.020 Source—[1959 c 319 § 4; 1955 c 383 § 8. Prior: 1943 c 239 § 6 (c), (d); 1943 c 212 § 1 (c), (d); 1937 c 207 § 2 (c), (d); Rem. Supp. 1943 § 6402-2 (c), (d).]
- 47.20.030 Source—[1959 c 319 § 5; 1957 c 172 § 15; 1955 c 383 § 9. Prior: 1953 c 280 § 3; 1943 c 239 § 6 (e), (f); 1943 c 212 § 1 (e), (f); 1937 c 207 § 2 (e), (f); Rem. Supp. 1943 § 6402-2 (e), (f).]
- 47.20.040 Source—[1955 c 383 § 10. Prior: 1943 c 239 § 6(g), (h); 1943 c 212 § 1(g), (h); 1937 c 207 § 2(g), (h); Rem. Supp. 1943 § 6402-2 (g), (h).]
- 47.20.050 Source—[1955 c 383 § 11. Prior: 1943 c 239 § 6(i), (j); 1943 c 212 § 1(i), (j); 1937 c 207 § 2(i), (j); Rem. Supp. 1943 § 6402-2 (i), (j).]
- 47.20.060 Source—[1957 c 172 § 3; 1955 c 383 § 12. Prior: 1943 c 239 § 6(k), (l); 1943 c 212 § 1(k), (l); 1937 c 207 § 2(k), (l); Rem. Supp. 1943 § 6402-2(k), (l).]
- 47.20.070 Source—[1959 c 319 § 6; 1955 c 383 § 13. Prior: 1953 c 280 § 4; 1943 c 239 § 6(m), (n); 1943 c 212 § 1(m), (n); 1937 c 207 § 2(m), (n); Rem. Supp. 1943 § 6402-2(m), (n).]
- 47.20.080 Source—[1955 c 383 § 14. Prior: 1943 c 239 § 6(o), (p); 1943 c 212 § 1(o), (p); 1937 c 207 § 2(o), (p); Rem. Supp. 1943 § 6402-2(o), (p).]
- 47.20.090 Source—[1955 c 383 § 15. Prior: 1943 c 239 § 6(q), (r); 1943 c 212 § 1(q), (r); 1937 c 207 § 2(q), (r); Rem. Supp. 1943 § 6402-2(q), (r).]
- 47.20.100 Source—[1955 c 383 § 16. Prior: 1943 c 239 § 6(s), (t); 1943 c 212 § 1(s), (t); 1937 c 207 § 2(s), (t); Rem. Supp. 1943 § 6402-2(s), (t).]
- 47.20.109 Source—[1957 c 172 § 16; 1955 c 383 § 17. Prior: 1943 c 239 § 6(u), (v); 1943 c 212 § 1(u), (v); 1937 c 207 § 2(u), (v); Rem. Supp. 1943 § 6402-2(u), (v).]
As the effective date of the 1959 amendment to 47.20.110 was expressly delayed until July 1, 1961, 47.20.110 as in effect prior

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note.

to the effective date of the 1959 amendment is here presented as 47.20.109, with the last sentence added to limit its duration.

- 47.20.110 Source—[1959 c 319 § 13; 1957 c 172 § 16; 1955 c 383 § 17. Prior: 1943 c 239 § 6(u), (v); 1943 c 212 § 1(u), (v); 1937 c 207 § 2(u), (v); Rem. Supp. 1943 § 6402-2(u), (v).] “director of highways” and “state department” to “highway commission”.
- 47.20.120 Source—[1955 c 383 § 18. Prior: 1953 c 280 § 5. (i) 1943 c 239 § 6(w); 1943 c 212 § 1(w); 1937 c 207 § 2(w); Rem. Supp. 1943 § 6402-2(w). (ii) 1945 c 248 § 2; Rem. Supp. 1945 § 6402-2a.]
- 47.20.130 Source—[1937 c 172 § 5. Prior: 1943 c 239 § 7(a), (b); 1937 c 207 § 3(a), (b); Rem. Supp. 1943 § 6402-3(a), (b).]
- 47.20.140 Source—[1959 c 319 § 7; 1957 c 172 § 6. Prior: 1943 c 239 § 7(d), (e); 1937 c 207 § 3(d), (e); Rem. Supp. 1943 § 6402-3(d), (e).]
- 47.20.150 Source—[1957 c 172 § 7. Prior: 1943 c 239 § 7(f), (g); 1937 c 207 § 3(f), (g); Rem. Supp. 1943 § 6402-3(f), (g).]
- 47.20.160 Source—[1957 c 172 § 8. Prior: 1953 c 280 § 6; 1951 c 273 § 4; 1943 c 239 § 7(h), (i); 1937 c 207 § 3(h), (i); Rem. Supp. 1943 § 6402-3(h), (i).]
- 47.20.161 Source—[1957 c 172 § 17.]
- 47.20.165 Source—[1959 c 319 § 8.]
- 47.20.170 Source—[1957 c 172 § 18; 1955 c 383 § 20. Prior: 1937 c 207 § 4(a), (b); RRS § 6402-4(a), (b).]
- 47.20.180 Source—[1957 c 172 § 19; 1955 c 383 § 21. Prior: 1951 c 273 § 5; 1937 c 207 § 4(c), (d); RRS § 6402-4(c), (d).]
- 47.20.190 Source—[1955 c 383 § 22. Prior: 1937 c 207 § 4(e), (f); RRS § 6402-4(e), (f).]
- 47.20.200 Source—[1955 c 383 § 23. Prior: 1953 c 280 § 7; 1937 c 207 § 4(g), (h); RRS § 6402-4(g), (h).]
- 47.20.210 Source—[1959 c 319 § 14; 1957 c 172 § 20; 1955 c 383 § 24. Prior: 1937 c 207 § 4 (i), (j); RRS § 6402-4 (i), (j).]
- 47.20.220 Source—[1959 c 319 § 15; 1955 c 383 § 25. Prior: 1953 c 280 § 8; 1937 c 207 § 4 (k), (l); RRS § 6402-4 (k), (l).]
- 47.20.230 Source—[1937 c 207 § 5 (a), (b); RRS § 6402-5 (a), (b).] 1937 c 207 § 5 was divided into two RCW sections by the 1941 Code Committee, sub-section (c) thereof being codified as 47.20.240; the division is herein retained.
- 47.20.240 Source—[1937 c 207 § 5(c); RRS § 6402-5(c).] See 47.20.230 above.
- 47.20.250 Source—[1955 c 383 § 27. Prior: 1943 c 212 § 2 (a), (b); 1937 c 207 § 6(a), (b); Rem. Supp. 1943 § 6402-6(a), (b).]
- 47.20.260 Source—[1955 c 383 § 28. Prior: 1943 c 212 § 2 (c), (d); 1937 c 207 § 6 (c), (d); Rem. Supp. 1943 § 6402-6 (c), (d).]
- 47.20.270 Source—[1955 c 383 § 29. Prior: 1943 c 212 § 2 (e), (f); 1937 c 207 § 6 (e), (f); Rem. Supp. 1943 § 6402-6 (e), (f).]
- 47.20.280 Source—[1959 c 319 § 9; 1955 c 383 § 30. Prior: 1943 c 212 § 2 (g), (h); 1937 c 207 § 6 (g), (h); Rem. Supp. 1943 § 6402-6 (g), (h).]
- 47.20.290 Source—[1955 c 383 § 31. Prior: 1943 c 212 § 2 (i), (j); 1937 c 207 § 6 (i), (j); Rem. Supp. 1943 § 6402-6 (i), (j); Rem. Supp. 1943 § 6402-6 (i), (j).]
- 47.20.300 Source—[1959 c 319 § 10; 1955 c 383 § 32. Prior: 1943 c 212 § 2(k), (l); 1937 c 207 § 6(k), (l); Rem. Supp. 1943 § 6402-6(k), (l).]
- 47.20.310 Source—[1937 c 207 § 7; RRS § 6402-7.]
- 47.20.320 Source—[1957 c 172 § 21; 1955 c 383 § 33; 1953 c 280 § 9; 1951 c 273 § 6; 1937 c 207 § 8; RRS § 6402-8.] “director of highways” and “state department” to “highway commission”.
- 47.20.325 Source—[1959 c 319 § 16; 1955 c 383 § 34.] “director of highways” and “state department” to “highway commission”.

- 47.20.330 Source—[1943 c 239 § 8(a), (b); 1937 c 207 § 9(a), (b); Rem. Supp. 1943 § 6402-9(a), (b).]
The 1941 Code Committee divided 1943 c 239 § 8 into three sections, subsections (c) and (d) as subsequently amended by 1951 c 273 § 7 appearing as 47.20.340 and subsection (e) as 47.20.350, repealed by 1953 c 280 § 10. The division is herein retained.
- 47.20.340 Source—[1951 c 273 § 7; 1943 c 239 § 8(c), (d); 1937 c 207 § 9(c), (d); Rem. Supp. 1943 § 6402-9(c), (d).]
See 47.20.330 above.
- 47.20.360 Source—[1955 c 383 § 36. Prior: 1947 c 232 § 1(a), (b); 1937 c 207 § 10(a), (b); Rem. Supp. 1947 § 6402-10(a), (b).]
- 47.20.370 Source—[1955 c 383 § 37. Prior: 1951 c 273 § 8; 1947 c 232 § 1(c), (d); 1937 c 207 § 10(c), (d); Rem. Supp. 1947 § 6402-10(c), (d).]
- 47.20.379 Source—[(i) 1959 c 319 § 17, part. (ii) 1957 c 172 § 12, part.]
- 47.20.380 Source—[1959 c 319 § 17; 1957 c 172 § 12; 1955 c 383 § 38. Prior: 1947 c 232 § 1(e), (f); 1937 c 207 § 10(e), (f); Rem. Supp. 1947 § 6402-10(e), (f).]
“director of highways” and “state department” to “highway commission”.
As the effective date of that portion of the 1959 amendment to 47.20.380 which deletes SSH No. 9F and adds SSH No. 9G was expressly delayed until July 1, 1961, 47.20.380 as in effect prior to the effective date of the 1959 amendment is here presented as 47.20.379, with the last sentence added to limit its duration.
- 47.20.390 Source—[1955 c 383 § 40. Prior: 1951 c 273 § 9; 1937 c 207 § 11(a), (b); RRS § 6402-11(a), (b).]
“the effective date of this section, June 7, 1951” to “June 7, 1951”.
“highway department” to “highway commission”.
- 47.20.400 Source—[1959 c 319 § 18; 1955 c 383 § 41. Prior: 1937 c 207 § 11(c), (d); RRS § 6402-11 (c), (d).]
- 47.20.410 Source—[1957 c 172 § 23. Prior: 1943 c 239 § 9(a), (b); 1937 c 207 § 12(a), (b); Rem. Supp. 1943 § 6402-12(a), (b).]
“director”, “director of highways” and “state highway department” to “highway commission”.
- 47.20.415 Source—[1953 c 59 § 1.]
“director” and “director of highways” to “highway commission”.
- 47.20.420 Source—[1959 c 319 § 11; 1957 c 172 § 24. Prior: 1953 c 285 § 2; 1953 c 280 § 11; 1943 c 239 § 9(c), (d); 1937 c 207 § 12(c), (d); Rem. Supp. 1943 § 6402-12(c), (d).]
- 47.20.430 Source—[1957 c 172 § 25. Prior: 1951 c 273 § 10; 1943 c 239 § 9 (e); 1937 c 207 § 12 (e); Rem. Supp. 1943 § 6402-12 (e).]
- 47.20.440 Source—[1943 c 147 § 1 (a), (b); 1937 c 207 § 13 (a), (b); Rem. Supp. 1943 § 6402-13 (a), (b).]
The 1941 Code Committee divided 1943 c 147 into three sections, subsections (c) and (d) appearing as 47.20.450 and subsections (e) and (f) appearing as 47.20.460. The division is herein retained.
- 47.20.450 Source—[1943 c 147 § 1 (c), (d); 1937 c 207 § 13 (c), (d); Rem. Supp. 1943 § 6402-13 (c), (d).]
See 47.20.440 above.
- 47.20.460 Source—[1943 c 147 § 1(e), (f); 1937 c 207 § 13(e), (f); Rem. Supp. 1943 § 6402-13 (e), (f).]
See 47.20.440 above.
- 47.20.461 Source—[1959 c 319 § 19.]
- 47.20.462 Source—[1957 c 172 § 26.]
- 47.20.470 Source—[1937 c 207 § 14; RRS § 6402-14.]
- 47.20.480 Source—[1955 c 383 § 42; 1939 c 5 § 3; 1937 c 207 § 15; RRS § 6402-15.]

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- 47.20.490 Source—[1937 c 207 § 16 (a), (b); RRS § 6402-16 (a), (b).]
The 1941 Code Committee divided 1937 c 207 § 16 into two RCW sections, subsections (c) and (d) appearing as 47.20.500. The division is herein retained.
- 47.20.500 Source—[1937 c 207 § 16 (c), (d); RRS § 6402-16 (c), (d).]
See 47.20.490 above.
- 47.20.520 Source—[1937 c 207 § 17; RRS § 6402-17.]
- 47.20.540 Source—[1951 c 273 § 11; 1949 c 225 § 6; 1937 c 207 § 18; Rem. Supp. 1949 § 6402-18.]
- 47.20.541 Source—[1957 c 172 § 27.]
- 47.20.550 Source—[1937 c 207 § 19; RRS § 6402-19.]
- 47.20.570 Source—[1947 c 4 p 6 § 2; Rem. Supp 1947 § 6584a-1.]
- 47.20.580 Source—[1945 c 27 § 1; Rem. Supp. 1945 § 6402-40.]
“Washington State College” to “Washington State University”.
See 1959 c 77 § 1.
- 47.20.590 Source—[1945 c 27 § 2; Rem. Supp. 1945 § 6402-41.]
- 47.20.600 Source—[1945 c 27 § 3; Rem. Supp. 1945 § 6402-42.]
47.20.600 combined 1945 c 27 §§ 3 and 4; 1945 c 27 § 4 is herein recodified as 47.20.605.
“College” to “University”. See 47.20.580 above.
- 47.20.605 Source—[1945 c 27 § 4; Rem. Supp. 1945 § 6402-43.]
- 47.20.610 Source—[1945 c 27 § 5; Rem. Supp. 1945 § 6402-44.]
- 47.20.620 Source—[1945 c 27 § 6; Rem. Supp. 1945 § 6402-45.]
- 47.20.630 Source—[1945 c 27 § 7; Rem. Supp. 1945 § 6402-46.]
- 47.20.635 Source—[1945 c 27 § 8; Rem. Supp. 1945 § 6402-47.]
Not heretofore codified in RCW.
- 47.20.640 Source—[1953 c 82 § 1.]

Chapter 47.22 Combination Highway Routes

- 47.22.010 Source—[1951 c 273 § 1.]
- 47.22.020 Source—[1955 c 178 § 1.]

Chapter 47.24 City Streets as Part of State Highways

- 47.24.010 Source—[1959 c 160 § 1; 1957 c 83 § 2; 1955 c 179 § 2; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61; Rem. Supp. 1949 § 6450-61, part.]
The 1941 Code Committee divided 1949 c 220 § 5 into 47.24.010 subsequently amended by 1955 c 179 § 2 and last amended by 1959 c 160 § 1, 47.24.020 subsequently amended by 1953 c 193 § 1 and last amended by 1957 c 83 § 3, and 47.24.030, which is the last paragraph of the 1949 act; the division is herein retained, that portion of 1949 c 220 § 5 codified as 47.24.030 being restored to session law language.
“director of highways” to “highway commission”.
- 47.24.020 Source—[1957 c 83 § 3; 1955 c 179 § 3; 1953 c 193 § 1; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]
See 47.24.010 above.
- 47.24.030 Source—[1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]
See 47.24.010 above.
- 47.24.040 Source—[1949 c 220 § 4; 1947 c 96 § 1; 1943 c 82 § 9; 1939 c 181 § 8; 1937 c 187 § 60; Rem. Supp. 1949 § 6450-60.]
- 47.24.050 Source—[1951 c 54 § 1; 1949 c 220 § 6; 1943 c 82 § 11; 1937 c 187 § 63, Rem. Supp. 1949 § 6450-63.]
“director of highways” to “highway commission”.

Chapter 47.28 Construction and Maintenance of Highways

- 47.28.010 Source—[1937 c 53 § 31; RRS § 6400-31.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.

- 47.28.020 Source—[1937 c 53 § 30; RRS § 6400-30; 1913 c 65 § 8; RRS § 6831.] Explanatory note.
 “That from and after the taking effect of this act” in first sentence changed to “From and after April 1, 1937”.
 In second sentence “at the time of the taking effect of this act” to “on such date”.
 “primary state highway” to “state highway”.
 “director of highways” to “highway commission”.
- 47.28.025 Source—[1955 c 161 § 1.]
- 47.28.026 Source—[1955 c 161 § 2.]
 “this act” to “RCW 47.28.025”. Contents necessitate reference only to section 1 of this two section act.
 “section 1 of this act” to “RCW 47.28.025”.
- 47.28.030 Source—[1953 c 29 § 1; 1949 c 70 § 1, part; 1943 c 132 § 1, part; 1937 c 53 § 41, part; Rem. Supp. 1949 § 6400-41, part.]
 “department” to “commission”.
- 47.28.040 Source—[1937 c 53 § 32, part; RRS § 6400-32, part.]
 See 47.08.010 above.
 “director of highways” to “highway commission”.
 “department of highways” to “highway commission”.
- 47.28.050 Source—[1959 c 319 § 33; 1955 c 147 § 1; 1937 c 53 § 33; RRS § 6400-33.]
 “director” to “commission”.
- 47.28.060 Source—[1937 c 53 § 34; RRS § 6400-34.]
 “director of highways” to “highway commission”.
- 47.28.070 Source—[1937 c 53 § 35; RRS § 6400-35.]
 “primary state highway” to “state highway”.
 “director of highways” and “department of highways” to “highway commission”.
- 47.28.080 Source—[1937 c 53 § 36; RRS § 6400-36.]
 “primary state highway” to “state highway”.
 “director of highways” to “highway commission”.
- 47.28.090 Source—[1955 c 83 § 1; 1949 c 64 § 1; 1937 c 53 § 37; Rem. Supp. 1949 § 6400-37.]
- 47.28.100 Source—[1953 c 53 § 1; 1937 c 53 § 38; RRS § 6400-38.]
 “director of highways” to “highway commission” and “commission”.
- 47.28.110 Source—[1937 c 53 § 39; RRS § 6400-39.]
 “director of highways” to “highway commission”.
- 47.28.120 Source—[1937 c 53 § 40; RRS § 6400-40.]
 “director of highways” to “highway commission”.
- 47.28.130 Source—[1955 c 147 § 2; 1949 c 70 § 1, part; 1943 c 132 § 1, part; 1937 c 53 § 41, part; Rem. Supp. 1941 § 6400-41, part.]
 “department of highways” and “director of highways” to “highway commission”.
- 47.28.140 Source—[1955 c 384 § 8.]
- 47.28.150 Source—[1959 c 319 § 34.]
 Matter in parentheses added in recognition of the renumbering of RCW 81.52.160 in the 1961 companion bill to reenact Titles 80 and 81 RCW.
- 47.28.160 Source—[1959 c 319 § 35.]
 Herein codified as Sec. 47.52.027.

Chapter 47.32 Obstructions on Right of Way

- 47.32.010 Source—[1937 c 53 § 68; RRS § 6400-68. Prior: 1925 ex.s. c 131 § 1; RRS § 6837-1.]
 “primary state highway” to “state highway”.
 “director of highways” to “highway commission”.
- 47.32.020 Source—[1937 c 53 § 69; RRS § 6400-69. Prior: 1925 ex.s. c 131 § 2; RRS § 6837-2.]
 “primary state highway” to “state highway”.
 “director of highways” to “highway commission”.

- Explanatory
note.
- 47.32.030 Source—[1937 c 53 § 70; RRS § 6400-70. Prior: 1925 ex.s. c 131 § 3; RRS § 6837-3.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.
- 47.32.040 Source—[1937 c 53 § 71; RRS § 6400-71. Prior: 1925 ex.s. c 131 § 4; RRS § 6837-4.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.
- 47.32.050 Source—[1937 c 53 § 72; RRS § 6400-72. Prior: 1925 ex.s. c 131 § 5; RRS § 6837-5.]
“primary state highway” to “state highway”.
- 47.32.060 Source—[1937 c 53 § 73; RRS § 6400-73. Prior: 1925 ex.s. c 131 § 7; RRS § 6837-7.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.
- 47.32.070 Source—[1937 c 53 § 74; RRS § 6400-74. Prior: 1925 ex.s. c 131 § 8; RRS § 6837-8.]
- 47.32.080 Source—[1937 c 53 § 75; RRS § 6400-75. Prior: 1925 ex.s. c 131 § 9; RRS § 6837-9.]
“primary state highway” to “state highway”.
- 47.32.090 Source—[1937 c 53 § 76; RRS § 6400-76. Prior: 1925 ex.s. c 131 § 10; RRS § 6837-10.]
- 47.32.100 Source—[1937 c 53 § 77; RRS § 6400-77. Prior: 1925 ex.s. c 131 § 11; RRS § 6837-11.]
“director of highways” to “highway commission”.
- 47.32.110 Source—[1937 c 53 § 78; RRS § 6400-78; 1927 c 309 § 48; RRS § 6362-48; 1923 c 181 § 10; RRS § 6358-1.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.
- 47.32.120 Source—[1937 c 53 § 79; RRS § 6400-79.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.
- 47.32.130 Source—[1937 c 206 § 3; 1937 c 53 § 80; Rem. Supp. 1947 § 6400-80.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.
- 47.32.140 Source—[1955 c 310 § 7; 1937 c 53 § 81; RRS § 6400-81. Prior: 1923 c 129 §§ 1-6; RRS §§ 10510-1—10510-6.]
- 47.32.150 Source—[1947 c 201 § 1; Rem. Supp. 1947 § 6402-50.]
“director of highways” to “highway commission”.
- 47.32.160 Source—[1947 c 201 § 2; Rem. Supp. 1947 § 6402-51.]
“provisions of requirements” to “provisions or requirements”
in correction of clerical error.
“director of highways” to “highway commission”.
- 47.32.170 Source—[1947 c 201 § 3; Rem. Supp. 1947 § 6402-52.]
“director of highways” to “highway commission”.

Chapter 47.36 Traffic Control Devices

- 47.36.010 Source—[1937 c 53 § 42; RRS § 6400-42; 1931 c 117 § 1; RRS § 6830-1.]
“primary state highway” to “state highway”.
“director of highways” and “Department of Highways” to
“highway commission”.
- 47.36.020 Source—[1937 c 53 § 50; RRS § 6400-50. Prior: 1927 c 309 § 6; RRS § 6362-6.]
“this act” to “this title”.
“director of highways” to “highway commission”.
- 47.36.030 Source—[1945 c 178 § 1, part; 1937 c 53 § 48, part; Rem. Supp. 1945 § 6400-48, part. Prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; 1917 c 78 § 1, part; RRS § 6303, part.]
1945 c 178 § 1 was divided and codified by the 1941 Code Committee as 47.36.030 and 47.36.040; the division is herein retained.

- “primary state highways” to “state highways”.
 “director of highways” to “highway commission”.
 47.36.040 Source—[1945 c 178 § 1, part; 1937 c 53 § 48, part; Rem. Supp. 1945 § 6400-48, part. Prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; 1917 c 78 § 1, part; RRS § 6303, part.] See 47.36.030 above.
 “director of highways” and “Department of Highways” to “highway commission”.
- 47.36.050 Source—[1937 c 53 § 49; RRS § 6400-49. Prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; RRS § 6303, part; 1919 c 146 § 1; 1917 c 78 § 2; RRS § 6304.]
 47.36.050 combined two session law sections, 1937 c 53 § 49 and 1937 c 53 § 51; 1937 c 53 § 51 is herein recodified as 47.36.053.
 “primary state highway” to “state highway”.
 “department of public service” to “public service commission”.
 “director of highways” to “highway commission”.
- 47.36.053 Source—[1937 c 53 § 51; RRS § 6400-51.]
 See 47.36.050 above.
 “this act” to “this title”.
 “primary state highway” to “state highway”.
 “director of highways” to “highway commission”.
- 47.36.060 Source—[1955 c 179 § 4; 1939 c 81 § 1; 1937 c 53 § 52; RRS § 6400-52.]
 “state auditor” to “state treasurer” in view of transfer of duties by the budget and accounting act (1959 c 328).
- 47.36.070 Source—[1937 c 53 § 54; RRS § 6400-54.]
 “primary state highway” to “state highway”.
 “department of public service” to “public service commission”.
 “director of highways” to “highway commission”.
- 47.36.080 Source—[1937 c 53 § 57; RRS § 6400-57.]
 “primary state highway” to “state highway”.
 “director of highways” to “highway commission”.
- 47.36.090 Source—[1937 c 53 § 55; RRS § 6400-55. Prior: 1925 c 24 § 1; RRS § 6303-1.]
 “primary state highways” to “state highways”.
 “director of highways” to “highway commission”.
 “department of agriculture” to “department of commerce”, see 47.04.060, above.
- 47.36.100 Source—[1947 c 206 § 1; 1937 c 53 § 56; Rem. Supp. 1947 § 6400-56.]
 “director of highways” to “highway commission”.
- 47.36.110 Source—[1955 c 146 § 6; 1937 c 53 § 59; RRS § 6400-59.]
- 47.36.120 Source—[1937 c 53 § 58; RRS § 6400-58.]
 “primary state highways” to “state highways”.
 “director of highways” to “highway commission”.
- 47.36.130 Source—[1937 c 53 § 53; RRS § 6400-53.]
- 47.36.140 Source—[1937 c 53 § 63; RRS § 6400-63.]
- 47.36.150 Source—[1951 c 188 § 1; 1937 c 53 § 64; RRS § 6400-64.]
 “director of highways” to “highway commission”.
- 47.36.160 Source—[1947 c 206 § 2; 1937 c 53 § 60; Rem. Supp. 1947 § 6400-60.]
 “director of highways” to “highway commission”.
- 47.36.170 Source—[1937 c 53 § 61; RRS § 6400-61.]
 “primary state highway” to “state highway”.
 “director of highways” to “highway commission”.
- 47.36.180 Source—[1957 c 204 § 1; 1937 c 53 § 62; RRS § 6400-62.]
- 47.36.200 Source—[1957 c 95 § 1.]
 “department of highways” to “highway commission”.
- 47.36.210 Source—[1957 c 95 § 2.]
 “this act” to “RCW 47.36.200 through 47.36.230”; 1957 c 95 is so codified.

Explanatory
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Explanatory
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- 47.36.220 Source—[1957 c 95 § 3.]
- 47.36.230 Source—[1957 c 95 § 4.]
“this act” to “RCW 47.36.200 through 47.36.220”.

Chapter 47.40 Roadside Improvement and Beautification

- 47.40.010 Source—[1937 c 53 § 88; RRS § 6400-88.]
“primary state highway” to “state highway”.
- 47.40.020 Source—[1937 c 53 § 89; RRS § 6400-89.]
“director of highways” to “highway commission”.
- 47.40.030 Source—[1937 c 53 § 90; RRS § 6400-90. Prior: 1927 c 242 § 1; RRS § 6437-1.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.
- 47.40.040 Source—[1937 c 53 § 91; RRS § 6400-91. Prior: 1927 c 242 § 2; RRS § 6437-2.]
“primary state highway” to “state highway”.
- 47.40.050 Source—[1937 c 53 § 92; RRS § 6400-92. Prior: 1927 c 242 § 3, part; RRS § 6437, part.]
“primary state highway” to “state highway”.
“this act” to “this title”.
“director of highways” to “highway commission”.
- 47.40.060 Source—[1937 c 53 § 93; RRS § 6400-93. Prior: 1927 c 242 § 3, part; RRS § 6437-3, part.]
“director of highways” and “Department of Highways” to “highway commission”.
- 47.40.070 Source—[1937 c 53 § 94; RRS § 6400-94. Prior: 1927 c 242 § 4; RRS § 6437-4.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.
- 47.40.080 Source—[1933 c 133 § 1; 1925 ex.s. c 59 § 1; RRS § 2787-1.]

Chapter 47.44 Franchises on State Highways

- 47.44.010 Source—[1943 c 265 § 2; 1937 c 53 § 83; Rem. Supp. 1943 § 6400-83.]
“director of highways” to “highway commission”.
- 47.44.020 Source—[1959 c 330 § 1; 1937 c 53 § 84; RRS § 6400-84.]
“section 2 of this act” to “RCW 47.44.030”.
“The hearing shall be conducted by the director or his assistant” to “The hearing shall be conducted by the commission or such person as it may designate . . .”.
“director” to “highway commission”.
- 47.44.030 Source—[1959 c 330 § 2; 1937 c 53 § 85; RRS § 6400-85.]
“director” to “highway commission”.
- 47.44.031 Source—[1959 c 330 § 3.]
- 47.44.040 Source—[1937 c 53 § 86; RRS § 6400-86.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.
- 47.44.050 Source—[1943 c 265 § 3; 1937 c 53 § 87; Rem. Supp. 1943 § 6400-87.]
“director of highways” to “highway commission”.
- 47.44.060 Source—[1943 c 265 § 1; 1937 c 53 § 82; Rem. Supp. 1943 § 6400-82.]

Chapter 47.48 Closing Highways and Restricting Traffic

- 47.48.010 Source—[1937 c 53 § 65; RRS § 6400-65. Prior: 1929 c 214 § 1; 1927 c 232 § 1; 1921 c 21 § 1; RRS § 6839.]
“primary state highway” to “state highway”.
“director of highways” to “highway commission”.
- 47.48.020 Source—[1937 c 53 § 66, part; RRS § 6400-66, part. Prior: 1921 c 21 § 2, part; RRS § 6840, part.]
The 1941 Code Committee divided 1937 c 53 § 66 into 47.48.020

and 47.48.030 thereby making straight matter of the proviso relating to emergency closure. It is here rejoined and the caption revised accordingly. Explanatory note.

- 47.48.030 "primary state highway" to "state highway".
Source—[1937 c 53 § 66, part; RRS § 6400-66, part. Prior: 1921 c 21 § 2, part; RRS § 6840, part.]
Herein codified in 47.48.020 above.
- 47.48.040 Source—[1937 c 53 § 67; RRS § 6400-67. Prior: 1921 c 21 § 3; RRS § 6841.]
"primary state highway" to "state highway".

Chapter 47.52 Limited Access Facilities

- 47.52.001 Source—[1951 c 167 § 1.]
- 47.52.010 Source—[1951 c 167 § 2; 1947 c 202 § 1; Rem. Supp. 1947 § 6402-60.]
- 47.52.011 Source—[1951 c 167 § 3.]
"this act" to "this chapter".
- 47.52.020 Source—[1957 c 235 § 2. Prior: 1953 c 30 § 1; 1951 c 167 § 4; 1947 c 202 § 2, part; Rem. Supp. 1947 § 6402-61, part.]
- 47.52.025 Source—[1957 c 235 § 3. Prior: 1951 c 167 § 5; 1947 c 202 § 2, part; Rem. Supp. 1947 § 6402-61, part.]
- 47.52.027 Source—[1959 c 319 § 35.]
Presently codified as RCW 47.28.160.
- 47.52.030 Source—[1949 c 196 § 13; RRS § 6360-98f.]
"director of highways" to "highway commission".
- 47.52.040 Source—[1955 c 75 § 1; 1947 c 202 § 3; Rem. Supp. 1947 § 6402-62.]
- 47.52.041 Source—[1955 c 75 § 2.]
- 47.52.042 Source—[1955 c 75 § 3.]
"Sections 1 and 2 of this act" to "RCW 47.52.040 and 47.52.041".
- 47.52.050 Source—[1947 c 202 § 4; Rem. Supp. 1947 § 6402-63.]
"this act" to "this chapter".
- 47.52.060 Source—[1947 c 202 § 5; Rem. Supp. 1947 § 6402-64.]
"this act" to "this chapter".
- 47.52.070 Source—[1951 c 167 § 10; 1947 c 202 § 6; Rem. Supp. 1947 § 6402-65.]
In the second sentence "sections" to "intersections".
- 47.52.072 Source—[1955 c 54 § 1; 1951 c 167 § 6.]
- 47.52.073 Source—[1951 c 167 § 7.]
- 47.52.074 Source—[1951 c 167 § 8.]
In third sentence "findings of order" to "findings and order".
- 47.52.075 Source—[1951 c 167 § 9.]
- 47.52.080 Source—[1955 c 54 § 2; 1951 c 167 § 11; 1947 c 202 § 7; Rem. Supp. 1947 § 6402-66.]
- 47.52.090 Source—[1957 c 235 § 4; 1947 c 202 § 8; Rem. Supp. 1947 § 6402-67.]
- 47.52.100 Source—[1947 c 202 § 9; Rem. Supp. 1947 § 6402-68.]
"this act" to "this chapter".
- 47.52.105 Source—[1955 c 63 § 1.]
- 47.52.110 Source—[1947 c 202 § 10; Rem. Supp. 1947 § 6402-69.]
- 47.52.120 Source—[1959 c 167 § 1; 1947 c 202 § 11; Rem. Supp. 1947 § 6402-70.]
- 47.52.121 Source—[1951 c 167 § 12.]
"Any prior determinations of an authority establishing a limited access facility subsequent to the effective date of chapter 202, Laws of 1947" to "Any determinations of an authority establishing a limited access facility subsequent to March 19, 1947 and prior to March 16, 1951 . . ." March 19, 1947 was the effective date of 1947 c 202 and March 16, 1951 was the effective date of 1951 c 167 which enacted this section.
- 47.52.130 Source—[1959 c 242 § 1; 1957 c 235 § 5.]

Explanatory
note.

- 47.52.140 Source—[1959 c 242 § 2; 1957 c 235 § 6.]
“section 1 of this amendatory act” to “RCW 47.52.130”. 1959
c 242 § 1 is so codified.
- 47.52.150 Source—[1959 c 242 § 3; 1957 c 235 § 7.]
- 47.52.160 Source—[1957 c 235 § 8.]
- 47.52.170 Source—[1957 c 235 § 9.]
- 47.52.180 Source—[1957 c 235 § 10.]
- 47.52.190 Source—[1957 c 235 § 11.]

Chapter 47.54 Limited Access Facilities—Parking Facilities

- 47.54.010 Source—[1959 c 184 § 2.]
- 47.54.020 Source—[1959 c 184 § 3.]
- 47.54.030 Source—[1959 c 184 § 4.]
“section 2 of this chapter” to “RCW 47.54.010”.
- 47.54.040 Source—[1959 c 184 § 5.]
“sections 6 through 12” to “RCW 47.54.050 through 47.54.110”.
“section 2 hereof” to “RCW 47.54.010”.
“this act” to “this chapter”.
- 47.54.050 Source—[1959 c 184 § 6.]
- 47.54.060 Source—[1959 c 184 § 7.]
- 47.54.070 Source—[1959 c 184 § 8.]
- 47.54.080 Source—[1959 c 184 § 9.]
- 47.54.090 Source—[1959 c 184 § 10.]
- 47.54.100 Source—[1959 c 184 § 11.]
- 47.54.110 Source—[1959 c 184 § 12.]
- 47.54.120 Source—[1959 c 184 § 13.]
- 47.54.130 Source—[1959 c 184 § 14.]
- 47.54.900 Source—[1959 c 184 § 15.]

Chapter 47.56 State Toll Bridges, Tunnels, and Ferries

- 47.56.010 Source—[1953 c 220 § 1; 1937 c 173 § 1, part; RRS § 6524-1, part.]
1937 c 173 § 1 defined the following terms:
 - subdivision (a) defined “Washington toll bridge authority”.
 - subdivision (b) defined “Governor”, “State auditor” etc.
 - subdivision (c) defined “Toll bridge”.
 - subdivision (d) defined “Bonds”.
 - subdivision (e) defined “Person”.

The last paragraph related to tense and gender.
The 1941 Code Committee omitted subdivisions (b), (e) and the last paragraph. This section was subsequently amended by 1953 c 220 § 1 which deleted the definition of “Authority” and “bonds”. The 1953 amendment is codified herein. Note that a comprehensive definition of “person” appears herein in 47.04.010.
- 47.56.020 Source—[1955 c 285 § 20; 1953 c 220 § 2; 1937 c 173 § 2; RRS § 6524-2.]
Note that while under the provisions of the 1951 commission act (herein 47.01.070) the director's membership on boards and commissions shall be determined by the highway commission, he is expressly made an ex officio member of the Toll Bridge Authority by the 1953 amendment to the instant section.
- 47.56.030 Source—[1937 c 173 § 10; RRS § 6524-10.]
- 47.56.040 Source—[1937 c 173 § 3; RRS 6524-3. Prior: 1913 c 56 § 2; RRS § 6525.]
“this act” to “this chapter”.
- 47.56.042 Source—[1955 c 203 § 1.]
- 47.56.050 Source—[1945 c 266 § 1; Rem. Supp. 1945 § 6524-3a.]
“this act” to “this chapter”.
“section 13 of this act” to “RCW 47.56.220”.
1945 c 266 § 1 added section 3 A to 1937 c 173; 1937 c 173 § 13 is so codified.
“director of highways” to “state highway commission”.

- 47.56.060 Source—[1937 c 173 § 17; RRS § 6524-17.]
 “director of highways” to “highway commission”. Explanatory note.
- 47.56.070 Source—[1953 c 220 § 3; 1937 c 173 § 3½; RRS § 6524-3½.]
- 47.56.075 Source—[1953 c 220 § 7.]
 47.56.075; 47.56.077; 47.56.380; 47.56.390; 47.56.400. The session law source of these sections (1953 c 220 §§ 8, 9 and 1953 c 183 §§ 1-3) as well as these RCW sections were repealed by 1955 c 268 § 29; 1955 c 268 was subsequently declared unconstitutional in its entirety in *Washington Toll Bridge Authority v. State*, 149 Wn. Dec. 502.
 Sutherland says in such instances “ . . . where the repeal is intended to clear the way for the operation of the act containing the repealing clause, thereby showing an intention to displace the old law with the new, if the latter is unconstitutional, the repealing clause will be dependent and inoperative.” (See Chapter VIII, page 457, Lewis Sutherland Statutory Construction, Vol. 1, Second Edition, for cases cited.)
 Subsequent to the *Toll Bridge* case, 1957 c 211 § 1 repealed all of 1955 c 268 except section 29 which was the 1955 section which purported to repeal 47.56.075, 47.56.077, and 47.56.380 through 47.56.400. In the 1957 action of repealing all of the 1955 act except section 29 thereof, the draftsman was possibly attempting to preserve the 1955 repealer (sec. 29 of the 1955 act) thus wiping out the above enumerated 1953 sections. If, however, the *Toll Bridge* case in declaring the 1955 act unconstitutional had the effect of reinstating the 1953 act, it correlatively destroyed the 1955 repealer and the omission of the 1955 repealer from the 1957 repealing act could not breathe new life into the 1955 repealer. It seems that the only manner in which the 1957 bill could have repealed the 1953 sections would have been to do so expressly.
 In view of these uncertainties we have deemed it best to include 47.56.75, 47.56.077, and 47.56.380 through 47.56.400 for reenactment.
- 47.56.077 Source—[1953 c 220 § 8.]
 See note to 47.56.075 above.
- 47.56.080 Source—[1937 c 173 § 6; RRS § 6524-6.]
 “this act” to “this chapter”.
 “director of highways” to “highway commission”.
- 47.56.090 Source—[1937 c 173 § 5; RRS § 6524-5.]
 “director of highways” to “highway commission”.
- 47.56.100 Source—[1937 c 173 § 16; RRS § 6524-16.]
- 47.56.110 Source—[1937 c 173 § 11; RRS § 6524-11.]
 “this act” to “this chapter”.
 “director of highways” to “highway commission”.
- 47.56.120 Source—[1937 c 173 § 4; RRS § 6524-4.]
 “this act” to “this chapter”.
 “director of highways” to “highway commission”.
- 47.56.130 Source—[1937 c 173 § 7; RRS § 6524-7.]
 “this act” to “this chapter”.
- 47.56.140 Source—[1937 c 79 § 1; 1937 c 173 § 8; RRS § 6524-8.]
- 47.56.150 Source—[1937 c 173 § 14, part; RRS § 6524-14, part.]
 The 1941 Code Committee codified 1937 c 173 in RCW 47.56.150 through 47.56.200; the division is herein retained.
 “this act” to “this chapter”.
- 47.56.160 Source—[1937 c 173 § 14, part; RRS § 6524-14, part.]
 “director of highways” to “highway commission”.
 See 47.56.150 above.
- 47.56.170 Source—[1937 c 173 § 14, part; RRS § 6524-14, part.]
 See 47.56.150 above.
- 47.56.180 Source—[1937 c 173 § 14, part; RRS § 6524-14, part.]
 See 47.56.150 above.
 “director of highways” to “highway commission”.

- Explanatory
note.
- 47.56.190 Source—[1937 c 173 § 14, part; RRS § 6524-14, part.]
See 47.56.150 above.
- 47.56.200 Source—[1937 c 173 § 14, part; RRS § 6524-14, part.]
See 47.56.150 above.
“this act” to “this chapter”.
- 47.56.210 Source—[1937 c 173 § 18; RRS § 6524-18.]
“director of highways” to “highway commission”.
- 47.56.220 Source—[1937 c 173 § 13; RRS § 6524-13.]
- 47.56.230 Source—[1937 c 173 § 15; RRS § 6524-15.]
“this act” to “this chapter”.
“director of highways” to “highway commission”.
- 47.56.240 Source—[1937 c 173 § 9; RRS § 6524-9.]
- 47.56.245 Source—[1953 c 220 § 6.]
- 47.56.250 Source—[1959 c 162 § 1; 1955 c 166 § 1; 1937 c 173 § 12; RRS § 6524-12.]
- 47.56.260 Source—[1941 c 9 § 1; Rem. Supp. 1941 § 6524-3b.]
47.56.260 codified two session law sections, 1941 c 9 §§ 1 and 2; 1941 c 9 § 2 is herein recodified as 47.56.261.
- 47.56.261 Source—[1941 c 9 § 2; Rem. Supp. 1941 § 6524-3c.]
See 47.56.260 above.
- 47.56.270 Source—[1939 c 5 § 4; RRS § 6524-3a.]
“this act” to “chapter 47.16”. Those sections of 1939 c 5 making the bridges a part of the primary highway of the state are §§ 1, 2, codified as 47.16.020 and 47.16.140.
“manner provided in chapter 173, Session Laws of 1937” to “this chapter”. 1937 c 173 as amended is codified in its entirety herein, chapter 47.56.
“director of highways” to “highway commission”.
- 47.56.273 Source—[1957 c 270 § 1.]
- 47.56.274 Source—[1957 c 270 § 2.]
“section 3 of this act” to “RCW 47.56.275”.
“this act” to “RCW 47.56.273 through 47.56.278”.
“For the biennium ending June 30, 1959” added; see note at the beginning of chapter 47.10.
- 47.56.275 Source—[1957 c 270 § 3.]
“section 2 above” to “RCW 47.56.274”.
- 47.56.276 Source—[1957 c 270 § 4.]
“section 2 above” to “RCW 47.56.274”.
“sections 2 and 3 of this act” to “RCW 47.56.274 and 47.56.275”.
“this act” to “RCW 47.56.273 through 47.56.278”.
- 47.56.277 Source—[1957 c 270 § 5.]
“section 3 of this act” to “RCW 47.56.275”.
- 47.56.278 Source—[1957 c 270 § 6.]
“section 2 of this act” to “RCW 47.56.274”.
“section 5 of this act” to “RCW 47.56.277”.
- 47.56.281 Source—[1957 c 266 § 1. Prior: 1953 c 192 § 1.]
- 47.56.282 Source—[1957 c 266 § 2.]
- 47.56.283 Source—[1957 c 266 § 3.]
- 47.56.284 Source—[1957 c 266 § 4.]
- 47.56.285 Source—[1957 c 266 § 5.]
“upon the sale of bonds as provided in section 3 of this act” to “upon the sale of bonds as provided in RCW 47.56.282”. 1957 c 266 § 3 deals with the imposition of tolls and disposition of receipts therefor while 1957 c 266 § 2 (RCW 47.56.282) deals with bonds and the sale thereof; use of section 3 in session law language was apparently a clerical error. “For the biennium ending June 30, 1959”, see note at beginning of chapter 47.10.
- 47.56.286 Source—[1957 c 266 § 6.]
“this act” to “RCW 47.56.281 through 47.56.286”.
- 47.56.290 Source—[1953 c 192 § 2.]
“this act” to “chapter 192, Laws of 1953”. The other two

- two sections of 1953 c 192 codified as RCW 47.56.280 and 47.56-.300 were repealed by 1957 c 266. The instant section is retained herein because of the repayment provision. Explanatory note.
- "for the biennium ending March 31, 1955" added, see note at beginning of chapter 47.10.
- 47.56.310 Source—[1955 c 152 § 1; 1953 c 132 § 1.]
- 47.56.320 Source—[1955 c 152 § 2; 1953 c 132 § 2.]
"this act" to "RCW 47.56.310 through 47.56.345".
- 47.56.330 Source—[1955 c 152 § 4; 1953 c 132 § 3.]
"this act" to "RCW 47.56.310 through 47.56.345".
In second subdivision (2): "principal of the interest on" changed to "principal of and the interest on" to correct manifest clerical error.
- 47.56.340 Source—[1955 c 152 § 3; 1953 c 132 § 4.]
"this act" to "RCW 47.56.310 through 47.56.345".
- 47.56.343 Source—[1955 c 152 § 5.]
"this act" to "RCW 47.56.310 through 47.56.345".
- 47.56.345 Source—[1955 c 152 § 6.]
"this act" to "RCW 47.56.310 through 47.56.345".
- 47.56.350 Source—[1953 c 78 § 1.]
With respect to the appropriation, note that the session law already limits it to "the biennium ending March 31, 1955".
- 47.56.360 Source—[1953 c 78 § 2.]
- 47.56.370 Source—[1953 c 272 § 1.]
- 47.56.380 Source—[1953 c 183 § 1.]
See note to 47.56.075 above.
- 47.56.390 Source—[1953 c 183 § 2.]
See note to 47.56.075 above.
- 47.56.400 Source—[1953 c 183 § 3.]
See note to 47.56.075 above.
"this act" to "RCW 47.56.380 through 47.56.400". 1953 c 183 was a six section act, section 6 thereof being vetoed by the governor; sections 4 and 5 being appropriations sections, were not codified.
- 47.56.410 Source—[1957 c 141 § 1.]
"for the biennium ending June 30, 1959" added, see note at beginning of chapter 47.10.
- 47.56.420 Source—[1957 c 141 § 2.]
- 47.56.430 Source—[1957 c 141 § 3.]
- 47.56.440 Source—[1957 c 141 § 4.]
"this act" to "RCW 47.56.410 through 47.56.440".
- 47.56.450 Source—[1957 c 142 § 1.]
- 47.56.460 Source—[1957 c 142 § 2.]
"section 3 of this act" to "RCW 47.56.470".
"For the biennium ending June 30, 1959" added, see note at beginning of chapter 47.10.
- 47.56.470 Source—[1957 c 142 § 3.]
"this act" to "RCW 47.56.450 through 47.56.500".
- 47.56.480 Source—[1957 c 142 § 4.]
"this act" to "RCW 47.56.450 through 47.56.500".
- 47.56.490 Source—[1957 c 142 § 5.]
"section 3 of this act" to "RCW 47.56.470".
- 47.56.500 Source—[1957 c 142 § 6.]
"this act" to "RCW 47.56.450 through 47.56.500".
- 47.56.510 Source—[1957 c 172 § 39.]
- 47.56.520 Source—[1959 c 144 § 1.]
- 47.56.530 Source—[1959 c 144 § 2.]
"section 1 of this act" to "RCW 47.56.520".
- 47.56.540 Source—[1959 c 144 § 3.]
"section 1 of this act" to "RCW 47.56.520".
- 47.56.550 Source—[1959 c 144 § 4.]
"section 1 of this act" to "RCW 47.56.520".

Explanatory
note.

- 47.56.560 Source—[1959 c 144 § 5.]
 “this act” to “RCW 47.56.520 through 47.56.560”.
- 47.56.570 Source—[1959 c 292 § 1.]
- 47.56.580 Source—[1959 c 292 § 2.]
- 47.56.590 Source—[1959 c 292 § 3.]
- 47.56.600 Source—[1959 c 292 § 4.]
- 47.56.610 Source—[1959 c 292 § 5.]
- 47.56.620 Source—[1959 c 292 § 6.]
 “this act” to “RCW 47.56.570 through 47.56.630”.
- 47.56.630 Source—[1959 c 292 § 7.]

Chapter 47.57 Bridge, Tunnel or Ferry Districts

- 47.57.010 Source—[1951 c 199 § 1.]
 “this act” to “this chapter”.
- 47.57.020 Source—[1951 c 199 § 2.]
 “this act” to “this chapter”.
- 47.57.030 Source—[1951 c 199 § 3.]
 “this act” to “this chapter”.
- 47.57.040 Source—[1951 c 199 § 4.]
- 47.57.050 Source—[1951 c 199 § 5.]
- 47.57.060 Source—[1951 c 199 § 6.]
- 47.57.070 Source—[1951 c 199 § 7.]
- 47.57.080 Source—[1951 c 199 § 8.]
 “this act” to “this chapter”.
- 47.57.090 Source—[1951 c 199 § 9.]
- 47.57.100 Source—[1951 c 199 § 10.]
 “this act” to “this chapter”.
- 47.57.110 Source—[1951 c 199 § 11.]
- 47.57.120 Source—[1951 c 199 § 12.]
- 47.57.130 Source—[1951 c 199 § 13.]
 “section 12” to “RCW 47.57.120”.
- 47.57.140 Source—[1951 c 199 § 14.]
 “this act” to “this chapter”.
- 47.57.150 Source—[1951 c 199 § 15.]
 “this act” to “this chapter”.
- 47.57.160 Source—[1951 c 199 § 18.]
- 47.57.170 Source—[1951 c 199 § 19.]
 “this act” to “this chapter”.
- 47.57.180 Source—[1951 c 199 § 16.]
- 47.57.190 Source—[1951 c 199 § 17.]
- 47.57.200 Source—[1951 c 199 § 20.]
- 47.57.210 Source—[1951 c 199 § 21.]
 “this act” to “this chapter”.
- 47.57.220 Source—[1951 c 199 § 22.]
 “this act” to “this chapter”.
- 47.57.900 Source—[1951 c 199 § 23, part.]
 This section presently codified as a footnote to RCW 47.57.010 is here made 47.57.900 with the severability sentence deleted as covered by the major severability section to be included in chapter 47.98.

Chapter 47.58 Existing and Additional Bridges

- 47.58.010 Source—[1955 c 208 § 1.]
 “this act” to “this chapter”.
- 47.58.020 Source—[1955 c 208 § 2.]
 “this act” to “this chapter”.
- 47.58.030 Source—[1955 c 208 § 3.]
 “this act” to “this chapter”.
- 47.58.040 Source—[1955 c 208 § 4.]
 “this act” to “this chapter”.
- 47.58.050 Source—[1955 c 208 § 5.]
- 47.58.060 Source—[1955 c 208 § 6.]

- 47.58.070 Source—[1955 c 208 § 7.]
“this act” to “this chapter”. Explanatory note.
- 47.58.080 Source—[1955 c 208 § 8.]
“this act” to “this chapter”.
- 47.58.090 Source—[1955 c 208 § 11.]
“this act” to “this chapter”.
- 47.58.500 Source—[1955 c 208 § 10.]
“this act” to “this chapter”.
- 47.58.900 Source—[1955 c 208 § 9.]
“this act” to “this chapter”.
“any powers now existing” to “any powers existing on June 8, 1955”.
- 47.58.910 Source—[1955 c 208 § 12.]
severability section decodified as covered by major severability section in chapter 47.98.
- Chapter 47.60 Puget Sound Ferry and Toll Bridge System
- 47.60.010 Source—[1949 c 179 § 1; Rem. Supp. 1949 § 6584-30.]
- 47.60.015 Source—[1953 c 33 § 1.]
- 47.60.020 Source—[1949 c 179 § 2; Rem. Supp. 1949 § 6584-31.]
“this act” to “this chapter”.
“chapter 64, Laws of 1891, as amended (sec. 891, et seq. Rem. Rev. Stat.)” changed to “chapter 8.04”. The use of “chapter 64” in session law language was apparently a clerical error. 1891 c 64 does not apply to eminent domain but was an act establishing municipal courts. 1891 c 74 does relate to eminent domain by the state and is the act compiled as “sec. 891 et seq., Rem. Rev. Stat.” and is codified as chapter 8.04 RCW. The other later acts codified therein, appear to be in pari materia.
- 47.60.030 Source—[1949 c 179 § 7; Rem. Supp. 1949 § 6584-36.]
“this act” to “this chapter”.
“prior to the passage of this act” to “prior to April 1, 1949”.
- 47.60.040 Source—[1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]
The 1941 Code Committee divided and codified 1949 c 179 § 4 into 47.60.040, 47.60.060, 47.60.080, 47.60.090 and 47.60.110; the division is herein retained.
“this act” to “this chapter”.
“Director of highways” and “Department of highways” to “highway commission”.
- 47.60.050 Source—[1949 c 179 § 3, part; Rem. Supp. 1949 § 6584-32, part.]
The 1941 Code Committee divided 1949 c 179 § 3 into 47.60.050 and 47.60.130, the latter receiving legislative recognition by a 1953 and a 1955 amendment; the division is herein retained.
“this act” to “this chapter”.
“which Authority acquires” to “which the authority acquires”.
- 47.60.060 Source—[1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]
See 47.60.040 above.
“this act” to “this chapter”.
- 47.60.070 Source—[1957 c 230 § 1; 1955 c 21 § 1; 1953 c 220 § 4; 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]
The 1941 Code Committee divided 1949 c 179 § 5 into 47.60.070, 47.60.140, 47.60.150 and 47.60.160; history note above indicates legislative recognition of division and it is herein retained through amendment; 47.60.140 was also amended by 1951 c 259 § 1; 47.60.150 and 47.60.160 parts restored herein to session law language.
- 47.60.080 Source—[1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]
See 47.60.040 above.
- 47.60.090 Source—[1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]
See 47.60.040 above.
- 47.60.100 Source—[1953 c 154 § 14; 1951 c 259 § 3; 1951 c 121 § 14; 1949 c 179 § 8; Rem. Supp. 1949 § 6584-37.]

- Explanatory
note.
- 47.60.110 Source—[1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]
See 47.60.040 above.
- 47.60.113 Source—[1957 c 152 § 1; 1955 c 17 § 1.]
- 47.60.114 Source—[1957 c 152 § 2; 1955 c 17 § 2.]
- 47.60.115 Source—[1957 c 152 § 3; 1955 c 17 § 3.]
- 47.60.120 Source—[1949 c 179 § 6; Rem. Supp. 1949 § 6584-35.]
“this act” to “this chapter”.
- 47.60.122 Source—[1953 c 159 § 1.]
- 47.60.124 Source—[1953 c 159 § 2.]
- 47.60.126 Source—[1953 c 159 § 3.]
“this act” to “RCW 47.60.122 through 47.60.126”.
- 47.60.130 Source—[1955 c 22 § 1; 1953 c 32 § 1; 1949 c 179 § 3, part; Rem. Supp. 1949 § 6584-32, part.]
See 47.60.050 above.
- 47.60.140 Source—[1951 c 259 § 1; 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]
See 47.60.070 above.
“Director of highways” to “highway commission”.
- 47.60.150 Source—[1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]
See 47.60.070 above.
- 47.60.160 Source—[1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]
“this act” to “this chapter”.
“Director of highways” to “highway commission”.
- 47.60.170 Source—[1951 c 259 § 13.]
“this act” to “this chapter”.
See 47.60.020 above.
- 47.60.180 Source—[1953 c 220 § 5; 1951 c 259 § 14.]
“from the motor vehicle fund said authority shall use” to
“from the motor vehicle fund. Said authority shall use”. Cor-
rection of grammatical omission in session law.
- 47.60.190 Source—[1951 c 259 § 15.]
“section 14” to “RCW 47.60.180”.
- 47.60.200 Source—[1951 c 259 § 5.]
“this act” to “this chapter”.
- 47.60.210 Source—[1951 c 259 § 6.]
- 47.60.220 Source—[1951 c 259 § 7.]
- 47.60.230 Source—[1951 c 259 § 8.]
- 47.60.240 Source—[1951 c 259 § 9.]
“this act” to “this chapter”.
- 47.60.250 Source—[1951 c 259 § 10.]
- 47.60.260 Source—[1951 c 259 § 11.]
- 47.60.270 Source—[1951 c 259 § 12.]
“all the foregoing provisions of this act except section 6” to
“RCW 47.60.220 through 47.60.260”. 1951 c 259 § 12 reads “Actions
for . . . damages under all the foregoing provisions of
this act except section 6.” Only foregoing sections of act
[1951 c 259] dealing with recovery of damages are §§ 6-11,
§ 7-11 being codified as 47.60.220 through 47.60.260.
- 47.60.280 Source—[1959 c 198 § 1.]
- 47.60.290 Source—[1959 c 199 § 1.]
- 47.60.300 Source—[1959 c 199 § 2.]
- 47.60.310 Source—[1959 c 199 § 3.]
“this act” to “RCW 47.60.290 through 47.60.320”.
- 47.60.320 Source—[1959 c 199 § 4.]
- Chapter 47.64 Marine Employee Commission**
- 47.64.005 Source—[1949 c 148 § 1; Rem. Supp. 1949 § 6524-22.]
Presently codified as a footnote to RCW 47.64.010.
- 47.64.010 Source—[1949 c 148 § 2; Rem. Supp. 1949 § 6524-23.]
“this act” to “this chapter”.
- 47.64.020 Source—[1953 c 211 § 1; 1949 c 148 § 3, part; Rem Supp. 1949 § 6524-24, part.]
See 47.64.040 below.

- 47.64.030 Source—[1953 c 211 § 2; 1949 c 148 § 3, part; Rem. Supp. 1949 § 6524-24, part.] Explanatory note.
See 47.64.040 below.
- 47.64.040 Source—[1949 c 148 § 3, part; Rem. Supp. 1949 § 6524-24, part.]
The 1941 Code Committee divided 1949 c 148 § 3 into 47.64.020, 47.64.030 and 47.64.040; the division received legislative ratification through 1953 amendments of 47.64.020 and 47.64.030 and is thus preserved for reenactment purposes.
“this act” to “this chapter”.
- 47.64.050 Source—[1951 c 82 § 1; 1949 c 148 § 4; Rem. Supp. 1949 § 6524-25.]
- 47.64.060 Source—[1957 c 271 § 7; 1951 c 82 § 2; 1949 c 148 § 5; Rem. Supp. 1949 § 6524-26.]
- 47.64.070 Source—[1951 c 259 § 2; 1949 c 148 § 6; Rem. Supp. 1949 § 6524-27.]
- 47.64.080 Source—[1949 c 148 § 7; Rem. Supp. 1949 § 6524-28.]
- 47.64.090 Source—[1949 c 148 § 8; Rem. Supp. 1949 § 6524-29.]
“this act” to “this chapter”.

Chapter 47.65 Puget Sound Transportation
System—Employees' Retirement

- 47.65.010 Source—[1957 c 271 § 1.]
“section 2 of this act” to “RCW 47.65.020”.
- 47.65.020 Source—[1957 c 271 § 2.]
- 47.65.030 } Cross reference sections to 46.68.100 and 46.68.130. To be
47.65.040 } omitted from reenactment but recodified after bill has passed.
- 47.65.050 Source—[1957 c 271 § 5.]
- 47.65.060 Source—[1957 c 271 § 6.]
- 47.65.070 Cross reference section to 47.64.060. To be omitted from
reenactment but recodified after bill has passed.
- 47.65.080 Source—[1957 c 271 § 8.]
“section 6” to “RCW 47.65.060”.
- 47.65.090 Source—[1957 c 271 § 9.]
An obsolete appropriation section to be repealed without
reenactment.
- 47.65.091 Source—[1959 1st ex.s. c 4 § 3.]
- 47.65.100 Source—[1957 c 271 § 10.]
Temporary section relating to a subsidization study. To be
repealed without reenactment.
- 47.65.110 Source—[1959 1st ex.s. c 4 § 2; 1957 c 271 § 12.]

Chapter 47.98 Construction

- 47.98.010 This section has been added to preserve the continuity of
the laws which this bill reenacts.
- 47.98.020 See part I of these notes.
- 47.98.030 Provides that chapter, headings are not part of the law.
- 47.98.040 Severability.
- 47.98.050 Repeals and saving.
The laws set forth in the schedule of repeals were either
repealed previously or are substantially reenacted by this
bill. Omitted from reenactment without comment are certain
emergency and effective date sections, obsolete appropriations
and other obsolete or temporary sections heretofore uncodified.
A list of said sections is permanently filed in the reviser's
office.
RCW 43.27.060 [1955 c 383 § 14; 1949 c 220 § 3] relating to the
Highway Department personnel merit system was included
herein as Sec. 47.01.200. It has been subsequently deleted
prior to introduction of this bill, since it was expressly re-
pealed by 1961 c 1 § 33(9) (Initiative 207, approved Nov. 8,
1960). Note also the provisions of RCW 43.27.020 (7) [1937 c

Explanatory
note.

53 8 3(7)] herein Sec. 47.01.160(7) relating to the same subject but not expressly repealed by the initiative and hence not deleted herefrom. However, the relative time sequence of the two acts, for purposes of a possible repeal by implication of the 1937 act by the initiative, is believed to be preserved by the construction section, 47.98.010, which directs that the instant act shall be construed as a reenactment and continuation of existing law and not as a new enactment.

47.98.060 Emergency clause.

CHAPTER 14.

[H. B. 5.]

PUBLIC UTILITIES—TRANSPORTATION—TITLES 80 AND 81
RCW REENACTMENTS.

AN ACT Relating to public service properties and utilities, providing for the regulation thereof, enacting a public utilities and transportation code to be known as Titles 80 and 81 of the Revised Code of Washington; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

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

TITLE 80

PUBLIC UTILITIES

Chapter 80.01

PUBLIC SERVICE COMMISSION

80.01.010 Commission created—Appointment of members—Terms—Removal. There is hereby created and established a state commission to be known and designated as the Washington public service commission, and in this chapter referred to as the commission.

The commission shall be composed of three members appointed by the governor, with the consent of the senate. Not more than two members of said commission shall belong to the same political party.

The members of the first commission to be appointed after taking effect of this section shall be appointed for terms beginning April 1, 1951, and expiring as follows: One commissioner for the term expiring January 1, 1953; one commissioner for the term expiring January 1, 1955; one commissioner for the term expiring January 1, 1957. Each of the commissioners shall hold office until his successor is appointed and qualified. Upon the expiration of the terms of the three commissioners first to be appointed as herein provided, each succeeding commissioner shall be appointed and hold office for the term of six years. One of such commissioners to be designated by the governor, shall, during the term of the appointing governor, be the chairman of the commission.

Each commissioner shall receive a salary of not less than ten thousand dollars nor more than twelve thousand dollars per annum, payable monthly, as may be fixed by the governor.

Any member of the commission may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges

filed by the governor, who shall transmit such written charges to the member accused and to the chief justice of the supreme court. The chief justice shall thereupon designate a special tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time, place and procedure for the hearing, and the hearing shall be public. The decision of such tribunal shall be final and not subject to review.

If the tribunal specified herein finds the charges of the governor to be true, the governor shall have the right to immediately remove the commissioner from office, to declare the position of the commissioner vacant, and appoint another commissioner to the position in accordance with the provisions of the law.

Any vacancy arising in the office of commissioner shall be filled by appointment by the governor, and an appointee selected to fill such vacancy shall hold office for the balance of the full term for which his predecessor on the commission was appointed.

If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to the senate his nomination or nominations for the office to be filled.

Note: See also section 4, chapter 307, Laws of 1961.

80.01.020 Commissioners, oath, bond and qualifications—Persons excluded from office and employment. Each commissioner shall, before entering upon the duties of his office, take and subscribe the constitutional oath of office, and furnish bond to the state in the sum of twenty thousand dollars conditioned for the faithful discharge of the duties of his office and for the proper accounting for all funds that may come into his possession by virtue of his office. Each commissioner shall be a qualified elector of this state and no person in the employ of or holding any official relation to any corporation or person, which corporation or person is subject in whole or in part to regulation by the commission, and no person owning stocks or bonds of any such corporation or who is in any manner pecuniarily interested therein shall be appointed or hold the office of commissioner or be appointed or employed by the commission: *Provided*, That if any such person shall become the owner of such stocks or bonds or become pecuniarily interested in such corporation otherwise than voluntarily, he shall within a reasonable time divest himself of such ownership or interest, and failing to do so his office or employment shall become vacant.

80.01.030 Commission to employ secretary and other assistants—Secretary's duties—Deputies. The commission shall appoint and employ a secretary and such accounting, engineering, expert and clerical assistants, and such other qualified assistants as may be necessary to carry on the administrative work of the commission.

The secretary shall be the custodian of the commission's official seal, and shall keep full and accurate minutes of all transactions, proceedings and determinations of the commission and perform such other duties as may be required by the commission.

The commission may deputize one or more of its assistants to perform, in the name of the commission, such duties of the commission as it deems expedient.

80.01.040 General powers and duties of commission. The public service commission shall:

(1) Exercise all the powers and perform all the duties prescribed therefor by this title and by Title 81, or by any other law.

(2) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging in the transportation by whatever means of persons or property within this state for compensation, and related activities; including, but not limited to, air transportation companies, auto transportation companies, express companies, freight and freight line companies, motor freight companies, motor transportation agents, private car companies, railway companies, sleeping car companies, steamboat companies, street railway companies, toll bridge companies, storage warehousemen, and wharfingers and warehousemen.

(3) Regulate in the public interest, as provided by the public service laws, the rates, services, facilities, and practices of all persons engaging within this state in the business of supplying any utility service or commodity to the public for compensation, and related activities; including, but not limited to, electrical companies, gas companies, irrigation companies, telegraph companies, telephone companies, and water companies.

(4) Make such rules and regulations as may be necessary to carry out its other powers and duties.

80.01.050 Quorum—Hearings—Actions deemed those of the commission. A majority of the commissioners shall constitute a quorum for the transaction of any business, for the performance of any duty, or for the exercise of any power of the commission, and may hold hearings at any time or place within or without the state. Any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner or any examiner designated and authorized by the commission as provided in RCW 80.01.060. All investigations, inquiries and hearings of the commission, and all findings, orders or decisions, made by a commissioner, when approved and confirmed by the commission and filed in its office, shall be and be deemed to be the orders or decisions of the commission.

80.01.060 Examiners—Powers. The commission shall have the power to designate employees of the commission as examiners when it deems such action necessary for its general administration. Such examiners shall have power to administer oaths, to issue subpoenas for the attendance of witnesses and the production of papers, way-bills, books, accounts, documents and testimony, to examine witnesses, and to receive testimony in any inquiry, investigation, hearing or proceeding in any part of the state, under such rules and regulations as the commission may adopt.

80.01.070 Joint investigations, hearings, orders. The commission shall have full power to make joint or concurrent investigations, hold joint or concurrent hearings, and issue joint or concurrent orders in conjunction or concurrence with any official, board, or commission of any state or of the United States, whether in the holding of such investigations or hearings or in the making of such orders the commission functions under agreements or compacts between states or under the concurrent power of states to regulate interstate commerce or as an agency of the federal government or otherwise. When necessary the commission may hold such joint hearing or investigation outside the state.

80.01.080 Public service revolving fund. The transportation revolving fund and the public utilities revolving fund are abolished as of April 1, 1949, and as of such date there is created in the state treasury a "Public Service Revolving Fund" to which shall be transferred all moneys which then remain on hand to the credit of the transportation revolving fund and the public utilities revolving fund, subject, however, to outstanding warrants and other obligations chargeable to appropriations made from such funds. From and after April 1, 1949, regulatory fees payable by all types of public service companies shall be deposited to the credit of the public service revolving fund. All expense of operation of the Washington public service commission shall be payable out of the public service revolving fund.

80.01.090 Proceedings public records—Seal—Biennial report. All proceedings of the commission and all documents and records in its possession shall be public records, and it shall adopt and use an official seal. The commission shall make and submit to the governor and the legislature a biennial report containing a statement of the transactions and proceedings of its office, together with the information gathered by the commission and such other facts, suggestions and recommendations as may be by it deemed necessary.

80.01.100 Duties of attorney general. It shall be the duty of the attorney general to represent and appear for the people of

the state of Washington and the commission in all actions and proceedings involving any question under this title or Title 81, or under or in reference to any act or order of the commission; and it shall be the duty of the attorney general generally to see that all laws affecting any of the persons or corporations herein enumerated are complied with, and that all laws, the enforcement of which devolves upon the commission, are enforced, and to that end he is authorized to institute, prosecute and defend all necessary actions and proceedings.

Chapter 80.04

REGULATIONS—GENERAL

80.04.010 Definitions. As used in this title, unless specifically defined otherwise or unless the context indicates otherwise:

“Commission” means the public service 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.

“Gas plant” includes all real estate, fixtures and personal property, owned, leased, controlled, used or to be used for or in connection with the transmission, distribution, sale or furnishing of natural gas, or the manufacture, transmission, distribution, sale or furnishing of other type gas, for light, heat or power.

“Gas company” includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receiver appointed by any court whatsoever, and every city or town, owning, controlling, operating or managing any gas plant within this state.

“Electric plant” includes all real estate, fixtures and personal property operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale or furnishing of electricity for light, heat, or power for hire; and any conduits, ducts, or other devices, materials, apparatus or property for containing, holding or carrying conductors used or to be used for the transmission of electricity for light, heat or power.

“Electrical company” includes any corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever (other than a railroad or street railroad company generating electricity solely for railroad or street railroad purposes or for the use of its tenants and not for sale to others), and every city or town owning, operating or managing any electric plant for hire within this state.

“Telephone 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, operating or managing any telephone line or part of telephone line used in the conduct of the business of affording telephonic communication for hire within this state.

“Telephone line” includes conduits, ducts, poles, wires, cables, cross-arms, receivers, transmitters, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated, owned or controlled by any telephone company to facilitate the business of affording telephonic communication.

“Telegraph company” includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, owning, operating or managing any telegraph line or part of telegraph line used in the conduct of the business of affording for hire communication by telegraph within this state.

“Telegraph line” includes conduits, poles, wire, cables, cross-arms, instruments, machines, appliances, instrumentalities and all devices, real estate, easements, apparatus, property and routes used, operated or owned by any telegraph company to facilitate the business of affording communication by telegraph.

“Water system” includes all real estate, easements, fixtures, personal property, dams, dikes, head gates, weirs, canals, reservoirs, flumes or other structures or appliances operated, owned, used or to be used for or in connection with or to facilitate the supply, storage, distribution, sale, furnishing, diversion, carriage, apportionment or measurement of water for power, irrigation, reclamation, manufacturing, municipal, domestic or other beneficial uses for hire.

“Water 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 water system for hire within this state.

“Public service company” includes every gas company, electrical company, telephone company, telegraph company and water company.

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

80.04.020 Procedure before commission and courts. Each commissioner shall have power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses

and the production of papers, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state.

The superior court of the county in which any such inquiry, investigation, hearing or proceeding may be had, shall have power to compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony as required by such subpoena. The commission or the commissioner before which the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by the subpoena, shall report to the superior court in and for the county in which the proceeding is pending by petition, setting forth that due notice has been given of the time and place of attendance of said witnesses, or the production of said papers, and that the witness has been summoned in the manner prescribed in this chapter, and that the fees and mileage of the witness have been paid or tendered to the witness for his attendance and testimony, and that the witness has failed and refused to attend or produce the papers required by the subpoena, before the commission, in the cause or proceedings named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify before the commission. The court, upon the petition of the commission, shall enter an order directing the witness to appear before said court at a time and place to be fixed by the court in such order, and then and there show cause why he has not responded to said subpoena. A copy of said order shall be served upon said witness. If it shall appear to the court that said subpoena was regularly issued by the commission, the court shall thereupon enter an order that said witness appear before the commission at said time and place as fixed in said order, and testify or produce the required papers, and upon failing to obey said order, said witness shall be dealt with as for contempt of court.

80.04.030 Number of witnesses may be limited. In all proceedings before the commission the commission shall have the right, in their discretion, to limit the number of witnesses testifying upon any subject or proceeding to be inquired of before the commission.

80.04.040 Witness fees and mileage. Each witness who shall appear under subpoena shall receive for his attendance four dollars per day and ten cents per mile traveled by the nearest practicable route in going to and returning from the place of hearing. No witness shall be entitled to fees or mileage from the state when summoned at the instance of the public service companies affected.

80.04.050 Protection against self-incrimination. The claim by any witness that any testimony sought to be elicited may tend to incriminate him shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding, excepting in a prosecution for perjury. The commissioner shall have power to compel the attendance of witnesses at any place within the state.

80.04.060 Depositions—Service of process. The commission shall have the right to take the testimony of any witness by deposition, and for that purpose the attendance of witnesses and the production of books, documents, papers and accounts may be enforced in the same manner as in the case of hearings before the commission, or any member thereof. Process issued under the provisions of this chapter shall be served as in civil cases.

80.04.070 Inspection of books, papers and documents. The commission and each commissioner, or any person employed by the commission, shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public service company, and the commission, or any commissioner, may examine under oath any officer, agent or employee of such public service company in relation thereto, and with reference to the affairs of such company: *Provided*, That any person other than a commissioner who shall make any such demand shall produce his authority from the commission to make such inspection.

80.04.075 Manner of serving papers. All notices, applications, complaints, findings of fact, opinions and orders required by this title to be served may be served by mail and service thereof shall be deemed complete when a true copy of such paper or document is deposited in the post office properly addressed and stamped.

80.04.080 Annual reports. Every public service company shall annually furnish to the commission a report in such form as the commission may require, and shall specifically answer all questions propounded to it by the commission, upon or concerning which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor and the manner of payment for same, the dividends paid, the surplus fund, if any, and the number of stockholders, the funded and floating debts and the interest paid thereon, the cost and value of the company's property, franchises and equipment, the number of employees and the salaries paid each class, the accidents to employees and other persons and the cost thereof, the amounts expended for improvements each year, how expended and the character of such improvements, the earnings or receipts from each franchise or business and from all sources, the propor-

tion thereof earned from business moving wholly within the state and the proportion earned from interstate business, the operating and other expenses and the proportion of such expense incurred in transacting business wholly within the state, and proportion incurred in transacting interstate business, such division to be shown according to such rules of division as the commission may prescribe, the balances of profit and loss, and a complete exhibit of the financial operations of the company each year, including an annual balance sheet. Such report shall also contain such information in relation to rates, charges or regulations concerning charges, or agreements, arrangements or contracts affecting the same, as the commission may require; and the commission may, in its discretion, for the purpose of enabling it the better to carry out the provisions of this title, prescribe the period of time within which all public service companies subject to the provisions of this title shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept. Such detailed report shall contain all the required statistics for the period of twelve months ending on the last day of any particular month prescribed by the commission for any public service company. Such reports shall be made out under oath and filed with the commission at its office in Olympia within three months after the close of the designated year for which such report is made, unless additional time be granted in any case by the commission. The commission shall have authority to require any public service company to file monthly reports of earnings and expenses, and to file periodical or special, or both periodical and special, reports concerning any matter about which the commission is authorized or required by this or any other law, to inquire into or keep itself informed about, or which it is required to enforce, such periodical or special reports to be under oath whenever the commission so requires.

80.04.090 Forms of records to be prescribed. The commission may, in its discretion, prescribe the forms of any and all accounts, records and memoranda to be kept by public service companies, including the accounts, records and memoranda of the movement of traffic, sales of its product, the receipts and expenditures of money. The commission shall at all times have access to all accounts, records and memoranda kept by public service companies, and may employ special agents or examiners, who shall have power to administer oaths and authority, under the order of the commission, to examine witnesses and to inspect and examine any and all accounts, records and memoranda kept by such companies. The commission may, in its discretion, prescribe the forms of any and all reports, accounts, records and memoranda to be fur-

nished and kept by any public service company whose line or lines extend beyond the limits of this state, which are operated partly within and partly without the state, so that the same shall show any information required by the commission concerning the traffic movement, receipts and expenditures appertaining to those parts of the line within the state.

80.04.100 Production of out-of-state books and records. The commission may by order with or without hearing require the production within this state, at such time and place as it may designate, of any books, accounts, papers or records kept by any public service company in any office or place without this state, or at the option of the company verified copies thereof, so that an examination thereof may be made by the commission or under its direction.

80.04.110 Complaints—Hearings. Complaint may be made by the commission of its own motion or by any person or corporation, chamber of commerce, board of trade, or any commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public service corporation in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission: *Provided*, That no complaint shall be entertained by the commission except upon its own motion, as to the reasonableness of the schedule of the rates or charges of any gas company, electrical company, water company, or telephone company, unless the same be signed by the mayor, council or commission of the city or town in which the company complained of is engaged in business, or not less than twenty-five consumers or purchasers of such gas, electricity, water or telephone service: *Provided further*, That when two or more public service corporations, (meaning to exclude municipal and other public corporations) are engaged in competition in any locality or localities in the state, either may make complaint against the other or others that the rates, charges, rules, regulations or practices of such other or others with or in respect to which the complainant is in competition, are unreasonable, unremunerative, discriminatory, illegal, unfair or intending or tending to oppress the complainant, to stifle competition, or to create or encourage the creation of monopoly, and upon such complaint or upon complaint of the commission upon its own motion, the commission shall have power, after notice and hearing as in other cases, to, by its order, subject to appeal as in other cases, correct the abuse complained of by establishing such uniform rates, charges, rules, regulations or practices in lieu of those complained of, to be observed by all of such competing public service

corporations in the locality or localities specified as shall be found reasonable, remunerative, nondiscriminatory, legal, and fair or tending to prevent oppression or monopoly or to encourage competition, and upon any such hearing it shall be proper for the commission to take into consideration the rates, charges, rules, regulations and practices of the public service corporation or corporations complained of in any other locality or localities in the state.

All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of complaints or grievances or misjoinder of parties; and in any review of the courts of orders of the commission the same rule shall apply and pertain with regard to the joinder of complaints and parties as herein provided: *Provided*, All grievances to be inquired into shall be plainly set forth in the complaint. No complaint shall be dismissed because of the absence of direct damage to the complainant.

Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the person or corporation complained of, which shall be accompanied by a notice fixing the time when and place where a hearing will be had upon such complaint. The time fixed for such hearing shall not be less than ten days after the date of the service of such notice and complaint, excepting as herein provided. Rules of practice and procedure not otherwise provided for in this title may be prescribed by the commission.

80.04.120 Hearings, order, record. At the time fixed for the hearing mentioned in RCW 80.04.110, the complainant and the person or corporation complained of shall be entitled to be heard and introduce such evidence as he or it may desire. The commission shall issue process to enforce the attendance of all necessary witnesses. At the conclusion of such hearing the commission shall make and render findings concerning the subject matter and facts inquired into and enter its order based thereon. A copy of such order, certified under the seal of the commission, shall be served upon the person or corporation complained of, or his or its attorney, which order shall, of its own force, take effect and become operative twenty days after the service thereof, except as otherwise provided. Where an order cannot, in the judgment of the commission, be complied with within twenty days, the commission may prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in its order. A full and complete record of all proceedings had before the commission, or any member thereof, on any formal hearing had, and all testimony shall be taken down by a stenographer appointed by the commission, and the parties shall be entitled to be heard in

person or by attorney. In case of an action to review any order of the commission, a transcript of such testimony, together with all exhibits introduced, and of the record and proceedings in the cause, shall constitute the record of the commission.

80.04.130 Suspension of tariff changes. Whenever any public service company shall file with the commission any schedule, classification, rule or regulation, the effect of which is to change any rate, charge, rental or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justness thereof, and pending such hearing and the decision thereon the commission may suspend the operation of such rate, charge, rental or toll for a period not exceeding ten months from the time the same would otherwise go into effect, and after a full hearing the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective.

At any hearing involving any change in any schedule, classification, rule or regulation the effect of which is to increase any rate, charge, rental or toll theretofore charged, the burden of proof to show that such increase is just and reasonable shall be upon the public service company.

80.04.140 Order requiring joint action. Whenever any order of the commission shall require joint action by two or more public service companies, such order shall specify that the same shall be made at their joint cost, and the companies affected shall have thirty days, or such further time, as the commission may prescribe, within which to agree upon the part or division of cost which each shall bear, and costs of operation and maintenance in the future, or the proportion of charges or revenue each shall receive from such joint service and the rules to govern future operations. If at the expiration of such time such companies shall fail to file with the commission a statement that an agreement has been made for the division or apportionment of such cost, the division of costs of operation and maintenance to be incurred in the future and the proportion of charges or revenue each shall receive from such joint service and the rules to govern future operations, the commission shall have authority, after further hearing, to enter a supplemental order fixing the proportion of such cost or expense to be borne by each company, and the manner in which the same shall be paid and secured.

80.04.150 Remunerative rates cannot be changed without approval. Whenever the commission shall find, after hearing had upon its own motion or upon complaint as herein provided, that any rate,

toll, rental or charge which has been the subject of complaint and inquiry is sufficiently remunerative to the public service company affected thereby, it may order that such rate, toll, rental or charge shall not be changed, altered, abrogated or discontinued, nor shall there be any change in the classification which will change or alter such rate, toll, rental or charge without first obtaining the consent of the commission authorizing such change to be made.

80.04.160 Rules and regulations. The commission is hereby authorized and empowered to adopt, promulgate and issue rules and regulations covering the transmission and delivery of messages and conversations, and the furnishing and supply of gas, electricity and water, and any and all services concerning the same, or connected therewith; and generally such rules as pertain to the comfort and convenience of the public concerning the subjects treated of in this title. Such rules and regulations shall be promulgated and issued by the commission on its own motion, and shall be served on the public service company affected thereby as other orders of the commission are served. Any public service company affected thereby, and deeming such rules and regulations, or any of them, improper, unjust, unreasonable, or contrary to law, may within twenty days from the date of service of such order upon it file objections thereto with the commission, specifying the particular grounds of such objections. The commission shall, upon receipt of such objections, fix a time and place for hearing the same, and after a full hearing may make such changes or modifications thereto, if any, as the evidence may justify. The commission shall have, and it is hereby given, power to adopt rules to govern its proceedings, and to regulate the mode and manner of all investigations and hearings: *Provided*, No person desiring to be present at such hearing shall be denied permission. Actions may be instituted to review rules and regulations promulgated under this section as in the case of orders of the commission.

80.04.165 Reconsideration of orders—Review. After any order has been made by the commission, any public service company affected thereby may apply for a writ of review as provided in RCW 80.04.170, or within ten days after service of the order, file with the commission and serve upon all other parties to the proceeding a petition for reconsideration of said order or any part thereof. The petition shall be in such form as the commission may prescribe and shall set forth specifically the portion or portions on which reconsideration is requested and the grounds and reasons therefor.

If the commission does not grant or deny the petition within ten days from the date of filing, it shall be deemed denied. Application for a writ of review may be made as provided for in RCW 80.04.170, within thirty days after the date of service of the order

denying the petition or if no order of denial is entered within thirty days after the date when the petition shall be deemed denied. Should the commission grant the petition for reconsideration, it shall thereafter take such further proceedings and issue such further order or orders as may be appropriate, and application for a writ of review as provided in RCW 80.04.170, may be made within thirty days after the date of service of the order on reconsideration.

A writ of review applied for within the time provided herein may include for review the original order and all supplemental orders relevant thereto: *Provided*, That an order limited to granting a petition for reconsideration may not be reviewed.

80.04.170 Review of orders. Any complainant or any public service company affected by any findings or order of the commission, and deeming such findings or order to be contrary to law, may, within thirty days after the service of the findings or order upon him or it, apply to the superior court of Thurston county for a writ of review, for the purpose of having the reasonableness and lawfulness of such findings or order inquired into and determined. Such writ shall be made returnable not later than thirty days from and after the date of the issuance thereof, unless upon notice to all parties affected further time be allowed by the court, and shall direct the commission to certify its record in the case to the court. Such cause shall be heard by the court without the intervention of a jury on the evidence and exhibits introduced before the commission and certified to by it. Upon such hearing the superior court shall enter judgment either affirming or setting aside or remanding for further action the findings or order of the commission under review. The reasonable cost of preparing the transcript of testimony taken before the commission shall be assessable as part of the statutory court costs, and the amount thereof, if collected by the commission, shall be deposited in the public service revolving fund. In case such findings or order be set aside, or reversed and remanded, the court shall make specific findings based upon evidence in the record indicating clearly all respects in which the commission's findings or order are erroneous.

80.04.180 Supersedeas. The pendency of any writ of review shall not of itself stay or suspend the operation of the order of the commission, but the superior court, in its discretion may restrain or suspend, in whole or in part, the operation of the commission's order pending the final hearing and determination of the suit.

No order so restraining or suspending an order of the commission relating to rates, charges, tolls or rentals, or rules or regulations, practices, classifications or contracts affecting the same, shall be made by the superior court otherwise than upon three days' notice and after hearing, and if a supersedeas is granted the order

granting the same shall contain a specific finding, based upon evidence submitted to the court making the order, and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner, and specifying the nature of the damage.

In case the order of the commission under review is superseded by the court, it shall require a bond, with good and sufficient surety, conditioned that such company petitioning for such review shall answer for all damages caused by the delay in the enforcement of the order of the commission, and all compensation for whatever sums for transmission or service any person or corporation shall be compelled to pay pending the review proceedings in excess of the sum such person or corporations would have been compelled to pay if the order of the commission had not been suspended.

The court may, in addition to or in lieu of the bond herein provided for, require such other or further security for the payment of such excess charges or damages as it may deem proper.

80.04.190 Appeal to supreme court. The commission, any public service company or any complainant may, within twenty days after the entry of judgment in the superior court in any action of review, prosecute an appeal to the supreme court of the state of Washington. The appellant shall have fifty days after the entry of such judgment in which to serve and file his opening brief, and the respondent shall have thirty days after the service of such opening brief in which to answer the same. The appellant shall have twenty days after the service of respondent's brief in which to reply to the same. After the filing of such brief, or the expiration of the time for filing briefs, the cause shall be assigned for hearing at the earliest motion day of the court, or at such other time as the court shall fix, and the clerk of the court shall notify the attorneys for the respective parties of the date set for the hearing in time to permit the parties to participate in the hearing. Such appeal shall be taken by giving a notice of appeal in open court at the time of the rendition of judgment, or by the service and filing of a notice of appeal within twenty days from and after the entry of judgment.

The original transcript of the record and testimony filed in the superior court in any action to review an order of the commission, together with a transcript of the proceedings in the superior court, shall constitute the record on appeal to the supreme court.

No appeal shall be effective, when taken by a public service company or a complainant, unless a cost bond on appeal in the sum of two hundred dollars shall be filed within five days after the service of the notice of appeal.

The superior court may, in its discretion, suspend its judgment pending the hearing in the supreme court, upon the filing of a bond, with good and sufficient surety, conditioned as provided for

bonds upon actions for review, or upon such other or further terms and conditions as it may deem proper. The general laws relating to appeals to the supreme court shall, so far as applicable and not in conflict with the provisions of this title, apply to appeals taken under the provisions of this title.

80.04.200 Rehearing before commission. Any public service company affected by any order of the commission, and deeming itself aggrieved, may, after the expiration of two years from the date of such order taking effect, petition the commission for a rehearing upon the matters involved in such order, setting forth in such petition the grounds and reasons for such rehearing, which grounds and reasons may comprise and consist of changed conditions since the issuance of such order, or by showing a result injuriously affecting the petitioner which was not considered or anticipated at the former hearing, or that the effect of such order has been such as was not contemplated by the commission or the petitioner, or for any good and sufficient cause which for any reason was not considered and determined in such former hearing. Upon the filing of such petition, such proceedings shall be had thereon as are provided for hearings upon complaint, and such orders may be reviewed as are other orders of the commission: *Provided*, That no order superseding the order of the commission denying such rehearing shall be granted by the court pending the review. In case any order of the commission shall not be reviewed, but shall be complied with by the public service company, such petition for rehearing may be filed within six months from and after the date of the taking effect of such order, and the proceedings thereon shall be as in this section provided. The commission, may, in its discretion, permit the filing of a petition for rehearing at any time. No order of the commission upon a rehearing shall affect any right of action or penalty accruing under the original order unless so ordered by the commission.

80.04.210 Commission may change orders. The commission may at any time, upon notice to the public service company affected, and after opportunity to be heard as provided in the case of complaints rescind, alter or amend any order or rule made, issued or promulgated by it, and any order or rule rescinding, altering or amending any prior order or rule shall, when served upon the public service company affected, have the same effect as herein provided for original orders and rules.

80.04.220 Reparations. When complaint has been made to the commission concerning the reasonableness of any rate, toll, rental or charge for any service performed by any public service company, and the same has been investigated by the commission, and the

commission has determined that the public service company has charged an excessive or exorbitant amount for such service, and the commission has determined that any party complainant is entitled to an award of damages, the commission shall order that the public service company pay to the complainant the excess amount found to have been charged, whether such excess amount was charged and collected before or after the filing of said complaint, with interest from the date of the collection of said excess amount.

80.04.230 Overcharges, refund of. When complaint has been made to the commission that any public service company has charged an amount for any service rendered in excess of the lawful rate in force at the time such charge was made, and the same has been investigated and the commission has determined that the overcharge allegation is true, the commission may order that the public service company pay to the complainant the amount of the overcharge so found, whether such overcharge was made before or after the filing of said complaint, with interest from the date of collection of such overcharge.

80.04.240 Action in court on reparations and overcharges. If the public service company does not comply with the order of the commission for the payment of the overcharge within the time limited in such order, suit may be instituted in any superior court where service may be had upon the said company to recover the amount of the overcharge with interest. It shall be the duty of the commission to certify its record in the case, including all exhibits, to the court. Such record shall be filed with the clerk of said court within thirty days after such suit shall have been started and said suit shall be heard on the evidence and exhibits introduced before the commission and certified to by it. If the complainant shall prevail in such action, the superior court shall enter judgment for the amount of the overcharge with interest and shall allow complainant a reasonable attorney's fee, and the cost of preparing and certifying said record for the benefit of and to be paid to the commission by complainant, and deposited by the commission in the public service revolving fund, said sums to be fixed and collected as a part of the costs of the suit. If the order of the commission shall be found to be contrary to law or erroneous by reason of the rejection of testimony properly offered, the court shall remand the cause to the commission with instructions to receive the testimony so proffered and rejected and enter a new order based upon the evidence theretofore taken and such as it is directed to receive. The court may in its discretion remand any cause which is reversed by it to the commission for further action. Appeals to the supreme court shall lie as in other civil cases. All complaints

concerning overcharges resulting from collecting unreasonable rates and charges or from collecting amounts in excess of lawful rates shall be filed with the commission within six months in cases involving the collection of unreasonable rates and two years in cases involving the collection of more than lawful rates from the time the cause of action accrues, and the suit to recover the overcharge shall be filed in the superior court within one year from the date of the order of the commission.

The procedure provided in this section is exclusive, and neither the supreme court nor any superior court shall have jurisdiction save in the manner hereinbefore provided.

80.04.250 Valuation of public service property. The commission shall have power upon complaint or upon its own motion to ascertain and determine the fair value for rate making purposes of the property of any public service company used and useful for service in this state and shall exercise such power whenever it shall deem such valuation or determination necessary or proper under any of the provisions of this title.

The commission shall have the power to make revaluations of the property of any public service company from time to time.

The commission shall, before any hearing is had, notify the complainants and the public service company concerned of the time and place of such hearing by giving at least thirty days' written notice thereof, specifying that at the time and place designated a hearing will be held for the purpose of ascertaining the value of the company's property, used and useful as aforesaid, which notice shall be sufficient to authorize the commission to inquire into and pass upon the matters designated in this section.

80.04.260 Summary proceedings. Whenever the commission shall be of opinion that any public service company is failing or omitting, or about to fail or omit, to do anything required of it by law, or by order, direction or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything to be done contrary to or in violation of law or of any order, direction or requirement of the commission authorized by this title, it shall direct the attorney general to commence an action or proceeding in the superior court of the state of Washington for Thurston county, or in the superior court of any county in which such company may do business, in the name of the state of Washington on the relation of the commission, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney general shall thereupon begin such action or proceeding by petition to such superior court, alleging the violation complained of, and praying for the appropriate relief by way of mandamus or

injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public service company complained of must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct, without other or formal pleadings, and without respect to any technical requirement. Such persons or corporations as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction, or both, issue as prayed for in the petition, or in such other modified form as the court may determine will afford appropriate relief. An appeal may be taken to the supreme court from such final judgment in the same manner and with the same effect as appeals from judgments of the superior court in actions to review orders of the commission. All provisions of this chapter relating to the time of appeal, the manner of perfecting the same, the filing of briefs, hearings and supersedeas, shall apply to appeals to the supreme court under the provisions of this section.

80.04.270 Merchandise accounts to be kept separate. Any public service company engaging in the sale of merchandise or appliances or equipment shall keep separate accounts, as prescribed by the commission, of its capital employed in such business and of its revenues therefrom and operating expenses thereof. The capital employed in such business shall not constitute a part of the fair value of said company's property for rate making purposes, nor shall the revenues from or operating expenses of such business constitute a part of the operating revenues and expenses of said company as a public service company.

80.04.280 Purchase and sale of stock by employees. No public service company shall permit any employee to sell, offer for sale, or solicit the purchase of any security of any other person or corporation during such hours as such employee is engaged to perform any duty of such public service company; nor shall any public service company by any means or device require any employee to purchase or contract to purchase any of its securities or those of any other person or corporation; nor shall any public service company require any employee to permit the deduction from his wages or salary of any sum as a payment or to be applied as a payment of any purchase or contract to purchase any security of such public service company or of any other person or corporation.

80.04.290 Sales of stock to employees and customers. A corporate public service company, either heretofore or hereafter organized under the laws of this state, may sell to its employees and customers any increase of its capital stock, or part thereof, without first offering it to existing stockholders: *Provided*, That such sale is approved by the holders of a majority of the capital stock, at a regular or special meeting held after notice given as to the time, place, and object thereof as provided by law and the bylaws of the company. Such sales shall be at prices and in amounts for each purchaser and upon terms and conditions as set forth in the resolution passed at the stockholders' meeting, or in a resolution passed at a subsequent meeting of the board of trustees if the resolution passed at the stockholders' meeting shall authorize the board to determine prices, amounts, terms, and conditions, except that in either event, a minimum price for the stock must be fixed in the resolution passed at the stockholders' meeting.

80.04.300 Budgets to be filed by companies—Supplementary budgets. The commission may regulate, restrict, and control the budgets of expenditures of public service companies. Each company shall prepare a budget showing the amount of money which, in its judgment, will be needed during the ensuing year for maintenance, operation, and construction, classified by accounts as prescribed by the commission, and shall within ten days of the date it is approved by the company file it with the commission for its investigation and approval or rejection. When a budget has been filed the commission shall examine into and investigate it to determine whether the expenditures therein proposed are fair and reasonable and not contrary to public interest.

Adjustments or additions to budget expenditures may be made from time to time during the year by filing a supplementary budget with the commission for its investigation and approval or rejection.

80.04.310 Commission's control over expenditures. The commission may, both as to original and supplementary budgets, prior to the making or contracting for the expenditure of any item therein, and after notice to the company and a hearing thereon, reject any item of the budget. The commission may require any company to furnish further information, data, or detail as to any proposed item of expenditure.

Failure of the commission to object to any item of expenditure within sixty days of the filing of any original budget or within thirty days of the filing of any supplementary budget shall constitute authority to the company to proceed with the making of or contracting for such expenditure, but such authority may be terminated any time by objection made thereto by the commission prior to the making of or contracting for such expenditure.

Examination, investigation, and determination of the budget by the commission shall not bar or estop it from later determining whether any of the expenditures made thereunder are fair, reasonable, and commensurate with the service, material, supplies, or equipment received.

80.04.320 Budget rules and regulations. The commission may prescribe the necessary rules and regulations to place RCW 80.04.300 through 80.04.330 in operation. It may, by general order, exempt in whole or in part from the operation thereof companies whose gross operating revenues are less than twenty-five thousand dollars a year. The commission may upon request of any company withhold from publication during such time as the commission may deem advisable any portion of any original or supplementary budget relating to proposed capital expenditures.

80.04.330 Effect of unauthorized expenditure — Emergencies. Any public service company may make or contract for any rejected item of expenditure, but in such case the same shall not be allowed as an operating expense, or as to items of construction, as a part of the fair value of the company's property used and useful in serving the public: *Provided*, That such items of construction may at any time thereafter be so allowed in whole or in part upon proof that they are used and useful. Any company may upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, riot, or insurrection, or for the immediate preservation or restoration to condition of usefulness of any of its property, the usefulness of which has been destroyed by accident, make the necessary expenditure therefor free from the operation of RCW 80.04.300 through 80.04.330.

Any finding and order entered by the commission shall be in effect until vacated and set aside in proper proceedings for review thereof.

80.04.340 Dividends, control of. No public service company engaged in intrastate business in this state shall pay any dividend upon its common stock until:

1. The public service company's earnings and earned surplus are sufficient to declare and pay the same after provisions are made for reasonable and proper reserves.

2. The dividend then proposed to be paid upon such common stock can reasonably be paid without impairing the ability of the public service company to perform its duty to render reasonable and adequate service at reasonable rates.

Before any common stock dividend is paid, the public service company shall make application to the commission for approval

thereof, and shall furnish to the commission such information and data relating thereto as the commission shall require.

If the commission finds after notice and an opportunity to be heard that the payment of such dividend will not be in violation of the provisions of this section it shall approve the declaration and payment thereof, otherwise it shall disapprove the same. No such dividend so disapproved shall be paid unless and until the findings and order of the commission with respect thereto, have been vacated and set aside in proper proceeding for review thereof.

If at any time the commission shall find that the capital of any public service company is impaired, it may, after due notice, investigation and hearing, issue an order directing such company to cease paying dividends on its common stock until reasonable proof has been made to the commission that such impairment has been made good, and the status of the public service company has become such that common stock dividends may reasonably and properly be paid in full compliance with this section.

80.04.350 Depreciation and retirement accounts. The commission shall have power after hearing to require any or all public service companies to carry proper and adequate depreciation or retirement accounts in accordance with such rules, regulations and forms of accounts as the commission may prescribe. The commission may from time to time ascertain and by order fix the proper and adequate rates of depreciation or retirement of the several classes of property of each public service company. Each public service company shall conform its depreciation or retirement accounts to the rates so prescribed. In fixing the rate of the annual depreciation or retirement charge, the commission may consider the rate and amount theretofore charged by the company for depreciation or retirement.

The commission shall have and exercise like power and authority over all other reserve accounts of public service companies.

80.04.360 Excessive earnings to reserve fund. If any public service company earns in the period of five consecutive years immediately preceding the commission order fixing rates for such company a net utility operating income in excess of a reasonable rate of return upon the fair value of its property used and useful in the public service, the commission shall take official notice of such fact and of whether any such excess earnings shall have been invested in such company's plant or otherwise used for purposes beneficial to the consumers of such company and may consider such facts in fixing rates for such company.

80.04.380 Penalties—Violations by public service companies. Every public service company, and all officers, agents and employees

of any public service company, shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of this title, so long as the same shall be and remain in force. Any public service company which shall violate or fail to comply with any provision of this title, or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense. Every violation of any such order, direction or requirement of this title 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.

80.04.385 ————**Violations by officers, agents, and employees of public service companies.** Every officer, agent or employee of any public service company, who shall violate or fail to comply with, or who procures, aids or abets any violation by any public service company of any provision of this title, 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 public service company in its failure to obey, observe and comply with any such order or provision, shall be guilty of a gross misdemeanor.

80.04.387 ————**Violations by other corporations.** Every corporation, other than a public service company, which shall violate any provision of this title, or which shall fail to obey, observe or comply with any order of the commission under authority of this title, so long as the same shall be and remain in force, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense. Every such violation shall be a separate and distinct offense, and the penalty shall be recovered in an action as provided in RCW 80.04.400.

80.04.390 ————**Violations by persons.** Every person who, either individually, or acting as an officer or agent of a corporation other than a public service company, shall violate any provision of this title, or fail to observe, obey or comply with any order made by the commission under this title, so long as the same shall be or remain in force, or who shall procure, aid or abet any such corporation in its violation of this title, or in its failure to obey, observe or comply with any such order, shall be guilty of a gross misdemeanor.

80.04.400 **Actions to recover penalties.** Actions to recover penalties under this title shall be brought in the name of the state of Washington in the superior court of Thurston county, or in the

superior court of any county in or through which such public service company may do business. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the state under this title shall be paid into the treasury of the state and credited to the state general fund or such other fund as provided by law.

80.04.410 Orders and rules conclusive. In all actions between private parties and public service companies involving any rule or order of the commission, and in all actions for the recovery of penalties provided for in this title, or for the enforcement of the orders or rules issued and promulgated by the commission, the said orders and rules shall be conclusive unless set aside or annulled in a review as in this title provided.

80.04.420 Intervention by commission where order or rule is involved. In all court actions involving any rule or order of the commission, where the commission has not been made a party, the commission shall be served with a copy of all pleadings, and shall be entitled to intervene. Where the fact that the action involves a rule or order of the commission does not appear until the time of trial, the court shall immediately direct the clerk to notify the commission of the pendency of such action, and shall permit the commission to intervene in such action.

The failure to comply with the provisions of this section shall render void and of no effect any judgment in such action, where the effect of such judgment is to modify or nullify any rule or order of the commission.

80.04.430 Findings of commission prima facie correct. Whenever the commission has issued or promulgated any order or rule, in any writ of review brought by a public service company to determine the reasonableness of such order or rule, the findings of fact made by the commission shall be prima facie correct, and the burden shall be upon said public service company to establish the order or rule to be unreasonable or unlawful.

80.04.440 Companies liable for damages. In case any public service company shall do, cause to be done or permit to be done any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done, either by any law of this state, by this title or by any order or rule of the commission, such public service company shall be liable to the persons or corporations affected thereby for all loss, damage or injury caused thereby or resulting therefrom, and in case of recovery if the court shall find that such act or omission was wilful, it may, in its discretion, fix a reasonable counsel or at-

torney's fee, which shall be taxed and collected as part of the costs in the case. An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by any person or corporation.

80.04.450 Certified copies of orders, rules, etc.—Evidentiary effect. Upon application of any person the commission shall furnish certified copies of any classification, rate, rule, regulation or order established by such commission, and the printed copies published by authority of the commission, or any certified copy of any such classification, rate, rule, regulation or order, with seal affixed, shall be admissible in evidence in any action or proceeding, and shall be sufficient to establish the fact that the charge, rate, rule, order or classification therein contained is the official act of the commission. When copies of any classification, rate, rule, regulation or order not contained in the printed reports, or copies of papers, accounts or records of public service companies filed with the commission shall be demanded from the commission for proper use, the commission shall charge a reasonable compensation therefor.

80.04.460 Investigation of accidents. Every public service company shall give immediate notice to the commission of every accident resulting in death or injury to any person occurring in its plant or system, in such manner as the commission may prescribe. Such notice shall not be admitted as evidence or used for any purpose against the company giving it in any action for damages growing out of any matter mentioned in the notice.

The commission may investigate any accident resulting in death or injury to any person occurring in connection with the plant or system of any public service company. Notice of the investigation shall be given in all cases for a sufficient length of time to enable the company affected to participate in the hearing and may be given orally or in writing, in such manner as the commission may prescribe.

Such witnesses may be examined as the commission deems necessary and proper to thoroughly ascertain the cause of the accident and fix the responsibility therefor. The examination and investigation may be conducted by an inspector or deputy inspector, and they may administer oaths, issue subpoenas, and compel the attendance of witnesses, and when the examination is conducted by an inspector or deputy inspector, he shall make a full and complete report thereof to the commission.

80.04.470 Commission to enforce public service laws. It shall be the duty of the commission to enforce the provisions of this title and all other acts of this state affecting public service companies,

the enforcement of which is not specifically vested in some other officer or tribunal.

Note: See also section 1, chapter 173, Laws of 1961.

80.04.480 Rights of action not released—Penalties cumulative. This title shall not have the effect to release or waive any right of action by the state or any person for any right, penalty or forfeiture which may have arisen or may hereafter arise under any law of this state; and all penalties accruing under this title shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to the recovery of any other.

80.04.500 Application to municipal utilities. Nothing in this title shall authorize the commission to make or enforce any order affecting rates, tolls, rentals, contracts or charges or service rendered, or the safety, adequacy or sufficiency of the facilities, equipment, instrumentalities or buildings, or the reasonableness of rules or regulations made, furnished, used, supplied or in force affecting any telephone line, gas plant, electrical plant or water system owned and operated by any city or town, but all other provisions enumerated herein shall apply to public utilities owned by any city or town.

80.04.510 Duties of attorney general. It shall be the duty of the attorney general to represent and appear for the people of the state of Washington and the commission in all actions and proceedings involving any question under this title, or under or in reference to any act or order of the commission; and it shall be the duty of the attorney general generally to see that all laws affecting any of the persons or corporations herein enumerated are complied with, and that all laws, the enforcement of which devolves upon the commission, are enforced, and to that end he is authorized to institute, prosecute and defend all necessary actions and proceedings.

Chapter 80.08

SECURITIES

80.08.010 Definition. 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 public service commission under the provisions of this title.

80.08.020 Control vested in state. The power of public service companies to issue stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness and to create liens on their property situated within

this state is a special privilege, the right of supervision, regulation, restriction, and control of which is and shall continue to be vested in the state, and such power shall be exercised as provided by law and under such rules and regulations as the commission may prescribe.

80.08.030 Authority to issue. A public service company may issue stock and stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness payable on demand or at periods of more than twelve months after the date thereof, for the following purposes only: The acquisition of property, or the construction, completion, extension, or improvement of its facilities, or the improvement or maintenance of its service, or the issuance of stock dividends, or the discharge or refunding of its obligations, or the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the company not secured by or obtained from the issue of stock or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness of the company for any of the aforesaid purposes except maintenance of service, in cases where the applicant keeps its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of money so expended and the purpose for which the expenditure was made.

80.08.040 Application for authority—Hearing—Joint action. Application for authorization to issue such stocks and stock certificates or other evidence of interest or ownership, and bonds, notes or other evidences of indebtedness shall be made to the commission stating the amount, character, terms and purpose of each proposed issue thereof, and stating such other pertinent details as the commission may require.

To enable it to determine whether it will issue such order, the commission may hold a hearing and may make such additional inquiry or investigation, and examine such witnesses, books, papers, documents and contracts, and require the filing of such data as it may deem of assistance. The commission may by its order grant permission for the issuance of such stocks or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidences of indebtedness in the amount applied for, or in a lesser amount, or not at all, and may attach to the exercise of its permission such condition or conditions as it may deem reasonable and necessary.

If a commission or other agency or agencies is empowered by another state to regulate and control the amount and character of securities to be issued by any public service company within such other state, then the commission shall have the power to agree with

such commission or other agency or agencies of such other state on the issuance of stocks and stock certificates or other evidence of interest or ownership, and bonds, notes or other evidences of indebtedness by a public service company owning or operating a public utility both in such state and in this state, and shall have the power to approve such issue jointly with such commission or other agency or agencies and to issue a joint certificate of such approval: *Provided, however,* That no such joint approval shall be required in order to express the consent to and approval of such issue by the state of Washington if said issue is separately approved by the commission.

The public service company making the application may have the decision or order of the commission reviewed in the courts in the same manner and by the same procedure as any other order or decision of the commission, when the public service company shall deem such decision or order to be in any respect or manner improper, unjust or unreasonable.

80.08.050 Use of proceeds limited. No public service company shall, without the consent of the commission, apply the issue of any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, or any part thereof, or any proceeds thereof, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or issue or dispose of the same on any terms less favorable than those specified in such order, or a modification thereof.

80.08.060 Short term notes excepted. A public service company may issue notes, except demand notes, for proper purposes and not in violation of any provision of this chapter, or any other law, payable at periods of not more than twelve months after the date of issuance, without the consent of the commission, but no such note shall, in whole or in part, be refunded by any issue of stock or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness, without the consent of the commission: *Provided,* That the consent of the commission shall be required for the issuance of any note or notes issued as part of a single borrowing transaction of one million dollars or more payable at periods of less than twelve months after date of issuance by any public service company which is subject to the Federal Power Act unless such note or notes aggregates together with all other then outstanding notes and drafts of a maturity of twelve months or less on which such public service company is primarily or secondarily liable not more than five percent of the par value of other securities of such company then outstanding, computed, in the case of securi-

ties having no par value, on the basis of the fair market value as of the date of issue.

80.08.070 Fee schedule. Each public service company making application to the commission for authority to issue stock and stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness, shall pay to the commission the following fees: For each order authorizing an issue of bonds, notes or other evidence of indebtedness, one dollar for each one thousand dollars of the principal amount of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and ten cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of ten dollars; for each order authorizing an issue of stock, stock certificates, or other evidence of interest or ownership, one dollar for each one thousand dollars of the par or stated value of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and ten cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of ten dollars: *Provided*, That only twenty-five percent of the specified fees need be paid on any issue or on such portion thereof as may be used to guarantee, take over, refund, or discharge any stock issue or stock certificates, bonds, notes, or other evidence of interest, ownership, or indebtedness on which a fee has theretofore been paid: *Provided further*, That if the property of the public utility subject to the provisions of this title, proposing to issue such securities shall be located in part in the state of Washington and in part in some other state or states, the fees payable to the public service commission of Washington under this section shall be computed only on such amount of such securities as shall bear the same proportion to the total amount so authorized, as the book value of such property located within the state of Washington shall bear to the total book value of the property of such public utility proposing to issue such securities; for the purpose of computing such fees the book value of the property shall be determined as of the close of business of the last quarter preceding the application: *And provided further*, That if the commission modifies the amount of the issues requested and the applicant elects not to avail itself of the authorization, no fee need be paid. All fees collected under this section shall be paid at least once each month to the state treasurer and deposited in the public service revolving fund.

80.08.080 Capitalization of franchises or merger contracts prohibited. The commission shall have no power to authorize the capi-

talization of the right to be a corporation, or to authorize the capitalization of any franchise or permit whatsoever or the right to own, operate or enjoy any such franchise or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the state or to a political subdivision thereof as the consideration for the grant of such franchise, permit or right; nor shall any contract for consolidation or lease be capitalized, nor shall any public service company hereafter issue any bonds, notes or other evidences of indebtedness against or as a lien upon any contract for consolidation or merger.

80.08.090 Accounting for disposition of proceeds. The commission shall have the power to require public service companies to account for the disposition of the proceeds of all sales of stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness, in such form and detail as it may deem advisable, and to establish such rules and regulations as it may deem reasonable and necessary to insure the disposition of such proceeds for the purpose or purposes specified in its order.

80.08.100 Unauthorized and nonconforming issues void. All stock and every stock certificate or other evidence of interest or ownership, and every bond, note or other evidence of indebtedness, of a public service company, issued without an order of the commission authorizing the same then in effect shall be void, and likewise all stock and every stock certificate or other evidence of interest or ownership, and every bond, note or other evidence of indebtedness, of a public service company, issued with the authorization of the commission, but not conforming in substance in its provisions to the provisions, if any, which it is required by the order of authorization of the commission to contain, shall be void; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the commission and no defect in, or in connection with the application for or issuance of, such order shall render void any stock or stock certificate or other evidence of interest or ownership, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice.

80.08.105 ———Issues after effective date of chapter 151, Laws of 1933 based upon corporate authority prior to said date. All stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness issued by any public service company after chapter 151, Laws of 1933 takes effect, upon the authority of any articles of incorporation or amendments thereto or vote of the stockholders or directors filed, taken or had,

or other proceedings taken or had, previous to the taking effect of chapter 151, Laws of 1933, shall be void, unless an order of the department authorizing the issuance of such stock or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidences of indebtedness shall have been obtained from the department prior to such issue; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the department and no defect in, or in connection with the application for or issuance of, such order shall render void any stock or stock certificate or other evidence of interest or ownership, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice. The department may by its order impose such condition or conditions as it may deem reasonable and necessary.

For the purposes of this section "department" shall mean the department of public works or such body as shall have succeeded to the powers and duties thereof.

80.08.110 Penalty against companies. Every public service company which, directly or indirectly, issues or causes to be issued, any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, in nonconformity with the order of the commission authorizing the same, or contrary to the provisions of this chapter, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes specified in the commission's order, as herein provided or to any purpose specified in the commission's order in excess of the amount in said order authorized for such purpose shall be subject to a penalty of not more than one thousand dollars for each offense. Every violation of any such order, rules, direction, demand or requirement of the commission, or of any provision of this chapter, shall be a separate and distinct offense and in case of a continuing violation every day's continuance thereof shall be deemed to be a separate and distinct offense.

The act, omission or failure of any officer, agent or employee of any public service company acting within the scope of his official duties or employment, shall in every case be deemed to be the act, omission or failure of such public service company.

80.08.120 Penalty against individuals. Every officer, agent or employee of a public service company, and every other person who knowingly authorizes, directs, aids in, issues or executes, or causes to be issued or executed, any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, in nonconformity with the order of the commission authorizing the same, or contrary to the provisions of this chapter,

or who, in any proceedings before the commission, knowingly makes any false statement or representation or with knowledge of its falsity files or causes to be filed with the commission any false statement or representation which said statement or representation so made, filed or caused to be filed may tend in any way to influence the commission to make an order authorizing the issuance of any stock or stock certificate or other evidence of interest or ownership, or any bond, note or other evidence of indebtedness, or which results in procuring from the commission the making of any such order, or who, with knowledge that any false statement or representation was made to the commission in any proceedings tending in any way to influence the commission to make such order, issues or executes or negotiates, or causes to be issued, executed or negotiated any such stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, or who, directly or indirectly, knowingly applies, or causes or assists to be applied the proceeds or any part thereof, from the sale of any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or who, with knowledge that any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, has been issued or executed in violation of any of the provisions of this chapter, negotiates, or causes the same to be negotiated, shall be guilty of a gross misdemeanor.

80.08.130 Permit to assume liability as guarantor, etc. No public service company shall henceforth assume any obligation or liability as guarantor, indorser, surety or otherwise in respect to the securities of any other person, firm or corporation, when such securities are payable at periods of more than twelve months after the date thereof, without having first secured from the commission an order authorizing it so to do. Every such assumption made other than in accordance with the order of the commission authorizing the same shall be void.

80.08.140 State not obligated. No provision of this chapter, and no deed or act done or performed under or in connection therewith, shall be held or construed to obligate the state of Washington to pay or guarantee, in any manner whatsoever, any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, authorized, issued or executed under the provisions of this chapter.

Chapter 80.12**TRANSFERS OF PROPERTY**

80.12.010 Definition. 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 public service commission under the provisions of this title.

80.12.020 Order required to sell, merge, etc. No public service company shall sell, lease, assign or otherwise dispose of the whole or any part of its franchises, properties or facilities whatsoever, which are necessary or useful in the performance of its duties to the public, and no public service company shall, by any means whatsoever, directly or indirectly, merge or consolidate any of its franchises, properties or facilities with any other public service company, without having secured from the commission an order authorizing it so to do: *Provided*, That this section shall not apply to any sale, lease, assignment or other disposal of such franchises, properties or facilities to a public utility district.

80.12.030 Disposal without authorization void. Any such sale, lease, assignment, or other disposition, merger or consolidation made without authority of the commission shall be void.

80.12.040 Authority required to acquire property or securities of utility. No public service company shall, directly or indirectly, purchase, acquire, or become the owner of any of the franchises, properties, facilities, capital stocks or bonds of any other public service company unless authorized so to do by the commission. Nothing contained in this chapter shall prevent the holding of stocks or other securities heretofore lawfully acquired or prohibit, upon the surrender or exchange of said stocks or other securities pursuant to a reorganization plan, the purchase, acquisition, taking or holding by the owner of a proportionate amount of the stocks or other securities of any new corporation organized to take over at foreclosure or other sale, the property of the corporation the stocks or securities of which have been thus surrendered or exchanged. Any contract by any public service company for the purchase, acquisition, assignment or transfer to it of any of the stocks or other securities of any other public service company, directly or indirectly, without the approval of the commission shall be void and of no effect.

80.12.050 Rules and regulations. The commission shall have power to promulgate rules and regulations to make effective the provisions of this chapter.

80.12.060 Penalty. The provisions of RCW 80.04.380 and 80.04.385 as to penalties shall be applicable to public service companies, their officers, agents and employees failing to comply with the provisions of this chapter.

Chapter 80.16

AFFILIATED INTERESTS

80.16.010 Definitions. As used in this chapter the term "public service company" shall include every corporation engaged in business as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title.

As used in this chapter, the term "affiliated interest" means:

Every corporation and person owning or holding directly or indirectly five percent or more of the voting securities of any public service company engaged in any intrastate business in this state;

Every corporation and person, other than those above specified, in any chain of successive ownership of five percent or more of voting securities, the chain beginning with the holder of the voting securities of such public service company;

Every corporation five percent or more of whose voting securities are owned by any person or corporation owning five percent or more of the voting securities of such public service company or by any person or corporation in any such chain of successive ownership of five percent or more of voting securities;

Every corporation or person with which the public service company has a management or service contract; and

Every person who is an officer or director of such public service company or of any corporation in any chain of successive ownership of five percent or more of voting securities.

80.16.020 Dealings with affiliated interests must be approved. No contract or arrangement providing for the furnishing of management, supervisory construction, engineering, accounting, legal, financial or similar services, and no contract or arrangement for the purchase, sale, lease or exchange of any property, right, or thing, or for the furnishing of any service, property, right, or thing, other than those above enumerated, hereafter made or entered into between a public service company and any affiliated interest as defined in this chapter, including open account advances from or to such affiliated interests, shall be valid or effective unless and until such contract or arrangement shall have received the approval of the commission. It shall be the duty of every public service company to file with the commission, a verified copy or a verified summary of any such unwritten contract or arrangement, and also of all such

contracts and arrangements, whether written or unwritten, entered into prior to March 18, 1933 and in force and effect at that time. The commission shall approve such contract or arrangement hereafter made or entered into only if it shall clearly appear and be established upon investigation that it is reasonable and consistent with the public interest; otherwise the contract or arrangement shall not be approved. The commission shall not be required to approve any such contract or arrangement unless satisfactory proof is submitted to the commission of the cost to the affiliated interest of rendering the services or of furnishing the property or service described herein.

80.16.030 Payments to affiliated interest disallowed if not reasonable. In any proceeding, whether upon the commission's own motion or upon complaint, involving the rates or practices of any public service company, the commission may exclude from the accounts of such public service company any payment or compensation to an affiliated interest for any services rendered or property or service furnished, as above described, under existing contracts or arrangements with such affiliated interest unless such public service company shall establish the reasonableness of such payment or compensation. In such proceeding the commission shall disallow such payment or compensation, in whole or in part, in the absence of satisfactory proof that it is reasonable in amount. In such proceeding any payment or compensation may be disapproved or disallowed by the commission, in whole or in part, unless satisfactory proof is submitted to the commission of the cost to the affiliated interest of rendering the service or furnishing the property or service above described.

80.16.040 Satisfactory proof, what constitutes. No proof shall be satisfactory, within the meaning of RCW 80.16.010 through 80.16.030, unless it includes the original (or verified copies) of the relevant cost records and other relevant accounts of the affiliated interest, or such abstract thereof or summary taken therefrom, as the commission may deem adequate, properly identified and duly authenticated: *Provided, however,* That the commission may, where reasonable, approve or disapprove such contracts or arrangements without the submission of such cost records or accounts.

80.16.050 Commission's control is continuing. The commission shall have continuing supervisory control over the terms and conditions of such contracts and arrangements as are herein described so far as necessary to protect and promote the public interest. The commission shall have the same jurisdiction over the modifications or amendment of contracts or arrangements as are herein described as it has over such original contracts or arrangements. The fact that the commission shall have approved entry into such contracts or

arrangements as described herein shall not preclude disallowance or disapproval of payments made pursuant thereto, if upon actual experience under such contract or arrangement, it appears that the payments provided for or made were or are unreasonable. Every order of the commission approving any such contract or arrangement shall be expressly conditioned upon the reserved power of the commission to revise and amend the terms and conditions thereof, if, when and as necessary to protect and promote the public interest.

80.16.060 Summary order on nonapproved payments. Whenever the commission shall find upon investigation that any public service company is giving effect to any such contract or arrangement without such contract or arrangement having received the commission's approval, the commission may issue a summary order prohibiting the public service company from treating any payments made under the terms of such contract or arrangement as operating expenses or as capital expenditures for rate or valuation purposes, unless and until such payments shall have received the approval of the commission.

80.16.070 Summary order on payments after disallowance. Whenever the commission shall find upon investigation that any public service company is making payments to an affiliated interest, although such payments have been disallowed and disapproved by the commission in a proceeding involving the public service company's rates or practices, the commission shall issue a summary order directing the public service company from treating such payments as operating expenses or capital expenditures for rate or valuation purposes, unless and until such payments shall have received the approval of the commission.

80.16.080 Court action to enforce orders. The superior court of Thurston county is authorized to enforce such orders to cease and desist by appropriate process, including the issuance of a preliminary injunction, upon the suit of the commission.

80.16.090 Review of orders. Any public service company or affiliated interest deeming any decision or order of the commission to be in any respect or manner improper, unjust or unreasonable may have the same reviewed in the courts in the same manner and by the same procedure as is now provided by law for review of any other order or decision of the commission.

Chapter 80.20

INVESTIGATION OF PUBLIC SERVICE COMPANIES

80.20.010 Definition. As used in this chapter, the term "public service company" means any person, firm, association, or corpora-

tion, whether public or private, operating a utility or public service enterprise subject in any respect to regulation by the commission under the provisions of this title.

80.20.020 Cost of investigation may be assessed against company.

Whenever the commission in any proceeding upon its own motion or upon complaint shall deem it necessary in order to carry out the duties imposed upon it by law to investigate the books, accounts, practices and activities of, or make any valuation or appraisal of the property of any public service company, or to investigate or appraise any phase of its operations, or to render any engineering or accounting service to or in connection with any public service company, and the cost thereof to the commission exceeds in amount the ordinary regulatory fees paid by such public service company during the preceding calendar year or estimated to be paid during the current year, whichever is more, such public service company shall pay the expenses reasonably attributable and allocable to such investigation, valuation, appraisal or services. The commission shall ascertain such expenses, and, after giving notice and an opportunity to be heard, shall render a bill therefor by registered mail to the public service company, either at the conclusion of the investigation, valuation, appraisal or services, or from time to time during its progress. Within thirty days after a bill has been mailed such public service company shall pay to the commission the amount of the bill, and the commission shall transmit such payment to the state treasurer who shall credit it to the public service revolving fund. The total amount which any public service company shall be required to pay under the provisions of this section in any calendar year shall not exceed one percent of the gross operating revenues derived by such public service company from its intrastate operations during the last preceding calendar year. If such company did not operate during all of the preceding year the calculations shall be based upon estimated gross revenues for the current year.

80.20.030 Interest on unpaid assessment — Action to collect.

Amounts so assessed against any public service company not paid within thirty days after mailing of the bill therefor, shall draw interest at the rate of six percent per annum from the date of mailing of the bill. Upon failure of the public service company to pay the bill, the attorney general shall proceed in the name of the state by civil action in the superior court for Thurston county against such public service company to collect the amount due, together with interest and costs of suit.

80.20.040 Commission's determination of necessity as evidence.

In such action the commission's determination of the necessity of

the investigation, valuation, appraisal or services shall be conclusive evidence of such necessity, and its findings and determination of facts expressed in bills rendered pursuant to RCW 80.20.020 through 80.20.060 or in any proceedings determinative of such bills shall be prima facie evidence of such facts.

80.20.050 Order of commission not subject to review. In view of the civil action provided for in RCW 80.20.020 through 80.20.060 any order made by the commission in determining the amount of such bill shall not be reviewable in court, but the mere absence of such right of review shall not prejudice the rights of defendants in the civil action.

80.20.060 Limitation on frequency of investigation. Expenses of a complete valuation, rate and service investigation shall not be assessed against a public service company under this chapter if such company shall have been subjected to and paid the expenses of a complete valuation, rate and service investigation during the preceding five years, unless the properties or operations of the company have materially changed or there has been a substantial change in its value for rate making purposes or in other circumstances and conditions affecting rates and services.

Chapter 80.24

REGULATORY FEES

80.24.010 Companies to file reports of gross revenue and pay fees. Every public service company subject to regulation by the commission 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 equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars: *Provided*, That the fee shall in no case be less than one dollar.

The percentage rates of gross operating revenue to be paid in any year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows:

Electrical, gas, water, telephone, telegraph, and irrigation companies shall constitute class one. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

80.24.020 Fees to approximate reasonable cost of regulation. In fixing the percentage rates of gross operating revenue to be paid in any year, the commission shall consider all moneys then in the public service revolving fund and the fees currently to be paid into such fund, to the end that the fees collected from the several classes of companies shall be approximately the same as the reasonable cost of supervising and regulating such classes of companies.

80.24.030 Intent of legislature—Regulatory cost records to be kept by commission. It is the intent and purpose of the legislature that the several groups of public service companies shall each contribute sufficient in fees to the commission to pay the reasonable cost of regulating the several groups respectively. The commission shall keep accurate records of the costs incurred in regulating and supervising the several groups of companies subject to regulation or supervision and such records shall be open to inspection by all interested parties. The records and data upon which the commission's determination is made shall be considered prima facie correct in any proceeding instituted to challenge the reasonableness or correctness of any order of the commission fixing fees and distributing regulatory expenses.

80.24.040 Disposition of fees. All moneys collected under the provisions of this chapter shall within thirty days be paid to the state treasurer and by him deposited to the public service revolving fund.

80.24.050 Penalty for failure to pay fees. Every person, firm, company or corporation, or the officers, agents or employees thereof, failing or neglecting to pay the fees herein required shall be guilty of a misdemeanor, and in addition thereto shall be subject to a penalty of twenty-five dollars for each and every day that the fee remains unpaid after it becomes due, said penalty to be collected by the commission in a civil action. All fines and penalties collected under the provisions of this chapter shall be deposited into the public service revolving fund of the state treasury.

Chapter 80.28

GAS, ELECTRICAL AND WATER COMPANIES

80.28.010 Duties as to rates, services and facilities. All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as

shall be safe, adequate and efficient, and in all respects just and reasonable.

All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

80.28.020 Commission to fix just, reasonable and compensatory rates. Whenever the commission shall find, after a hearing had upon its own motion, or upon complaint, that the rates or charges demanded, exacted, charged or collected by any gas company, electrical company or water company, for gas, electricity or water, or in connection therewith, or that the rules, regulations, practices or contracts affecting such rates or charges are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in any wise in violation of the provisions of the law, or that such rates or charges are insufficient to yield a reasonable compensation for the service rendered, the commission shall determine the just, reasonable, or sufficient rates, charges, regulations, practices or contracts to be thereafter observed and in force, and shall fix the same by order.

80.28.030 Commission may order improved quality of commodity. Whenever the commission shall find, after such hearing, that the illuminating or heating power, purity or pressure of gas, the efficiency of electric lamp supply, the voltage of the current supplied for light, heat or power, or the purity, volume and pressure of water, supplied by any gas company, electrical company or water company, as the case may be, is insufficient, impure, inadequate or inefficient, it shall order such improvement in the manufacture, distribution or supply of gas, in the manufacture, transmission or supply of electricity, or in the storage, distribution or supply of water, or in the methods employed by such gas company, electrical company or water company, as will in its judgment be efficient, adequate, just and reasonable.

80.28.040 Commission may order improved service. Whenever the commission shall find, after hearing, that any rules, regulations, measurements or the standard thereof, practices, acts or services of any such gas company, electrical company or water company are unjust, unreasonable, improper, insufficient, inefficient or inadequate, or that any service which may be reasonably demanded is not furnished, the commission shall fix the reasonable rules, regulations, measurements or the standard thereof, practices, acts

or service to be thereafter furnished, imposed, observed and followed, and shall fix the same by order or rule.

80.28.050 Tariff schedules to be filed with commission—Public schedules. Every gas company, electrical company and water company shall file with the commission and shall print and keep open to public inspection schedules in such form as the commission may prescribe, showing all rates and charges made, established or enforced, or to be charged or enforced, all forms of contract or agreement, all rules and regulations relating to rates, charges or service, used or to be used, and all general privileges and facilities granted or allowed by such gas company, electrical company or water company.

80.28.060 Tariff changes—Statutory notice—Exception. Unless the commission otherwise orders, no change shall be made in any rate or charge or in any form of contract or agreement or in any rule or regulation relating to any rate, charge or service, or in any general privilege or facility which shall have been filed and published by a gas company, electrical company or water company in compliance with the requirements of RCW 80.28.050 except after thirty days' notice to the commission and publication for thirty days, which notice shall plainly state the changes proposed to be made in the schedule then in force and the time when the change will go into effect and all proposed changes shall be shown by printing, filing and publishing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. The commission, for good cause shown, may allow changes without requiring the thirty days' notice by duly filing, in such manner as it may direct, an order specifying the changes so to be made and the time when it shall take effect. All such changes shall be immediately indicated upon its schedules by the company affected. When any change is made in any rate or charge, form of contract or agreement, or any rule or regulation relating to any rate or charge or service, or in any general privilege or facility, the effect of which is to increase any rate or charge, then in existence, attention shall be directed on the copy filed with the commission to such increase by some character immediately preceding or following the item in such schedule, such character to be in form as designated by the commission.

80.28.070 Sliding scale of charges permitted. Nothing in this chapter shall be taken to prohibit a gas company, electrical company or water company from establishing a sliding scale of charges, whereby a greater charge is made per unit for a lesser than a greater quantity for gas, electricity or water, or any service rendered or to be rendered.

80.28.080 Published rates to be charged—Exceptions. No gas company, electrical company or water company shall charge, demand, collect or receive a greater or less or different compensation for any service rendered or to be rendered than the rates and charges applicable to such service as specified in its schedule filed and in effect at the time, nor shall any such company directly or indirectly refund or remit in any manner or by any device any portion of the rates or charges so specified, or furnish its product at free or reduced rates except to its employees and their families, and its officers, attorneys, and agents; to hospitals, charitable and eleemosynary institutions and persons engaged in charitable and eleemosynary work; to indigent and destitute persons; to national homes or state homes for disabled volunteer soldiers and soldiers' and sailors' homes: *Provided*, That the term "employees" as used in this paragraph shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of any such company; and the term "families," as used in this paragraph, shall include the families of those persons named in this proviso, the families of persons killed or dying in the service, also the families of persons killed, and the widows during widowhood, and the minor children during minority of persons who died while in the service of any of the companies named in this paragraph: *And provided, further*, That water companies may furnish free or at reduced rates water for the use of the state, or for any project in which the state is interested.

No gas company, electrical company or water company shall extend to any person or corporation any form of contract or agreement or any rule or regulation or any privilege or facility except such as are regularly and uniformly extended to all persons and corporations under like circumstances.

80.28.090 Unreasonable preferences prohibited. No gas company, electrical company or water company shall make or grant any undue or unreasonable preference or advantage to any person, corporation, or locality, or to any particular description of service in any respect whatsoever, or subject any particular person, corporation or locality or any particular description of service to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

80.28.100 Rate discrimination prohibited—Exception. No gas company, electrical company or water company shall, directly or indirectly, or by any special rate, rebate, drawback or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for gas, electricity or water, or for any service rendered or to be rendered, or in connection therewith, except as authorized in this chapter, than it

charges, demands, collects or receives from any other person or corporation for doing a like or contemporaneous service with respect thereto under the same or substantially similar circumstances or conditions.

80.28.110 Service to be furnished on reasonable notice. Every gas company, electrical company or water company, engaged in the sale and distribution of gas, electricity or water, shall, upon reasonable notice, furnish to all persons and corporations who may apply therefor and be reasonably entitled thereto, suitable facilities for furnishing and furnish all available gas, electricity and water as demanded.

80.28.120 Effect on existing contracts. Every gas, water or electrical company owning, operating or managing a plant or system for the distribution and sale of gas, water or electricity to the public for hire shall be and be held to be a public service company as to such plant or system and as to all gas, water or electricity distributed or furnished therefrom, whether such gas, water or electricity be sold wholesale or retail or be distributed wholly to the general public or in part as surplus gas, water or electricity to manufacturing or industrial concerns or to other public service companies or municipalities for redistribution. Nothing in this title shall be construed to prevent any gas company, electrical company or water company from continuing to furnish its product or the use of its lines, equipment or service under any contract or contracts in force on June 7, 1911, at the rates fixed in such contract or contracts: *Provided*, That the commission shall have power, in its discretion, to direct by order that such contract or contracts shall be terminated by the company party thereto and thereupon such contract or contracts shall be terminated by such company as and when directed by such order.

80.28.130 Repairs, improvements, changes, additions or extensions may be directed. Whenever the commission shall find, after hearing had upon its own motion or upon complaint, that repairs or improvements, to, or changes in, any gas plant, electrical plant or water system ought to be made, or that any additions or extensions should reasonably be made thereto, in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for manufacturing, distributing or supplying gas, electricity or water, the commission may enter an order directing that such reasonable repairs, improvements, changes, additions or extensions of such gas plant, electrical plant or water system be made.

80.28.140 Inspection of gas and water meters. The commission may appoint inspectors of gas and water meters whose duty it shall

be when required by the commission to inspect, examine, prove and ascertain the accuracy of any and all gas and water meters used or intended to be used for measuring or ascertaining the quantity of gas for light, heat or power, or the quantity of water furnished for any purpose by any public service company to or for the use of any person or corporation, and when found to be or made to be correct such inspectors shall seal all such meters and each of them with some suitable device to be prescribed by the commission.

No public service company shall thereafter furnish, set or put in use any gas or water meter which shall not have been inspected, proved and sealed by an inspector of the commission under such rules and regulations as the commission may prescribe.

80.28.150 Inspection of electric meters. The commission may appoint inspectors of electric meters whose duty it shall be when required by the commission to inspect, examine, prove and ascertain the accuracy of any and all electric meters used or intended to be used for measuring and ascertaining the quantity of electric current furnished for light, heat or power by any public service company to or for the use of any person or corporation, and to inspect, examine and ascertain the accuracy of all apparatus for testing and proving the accuracy of electric meters, and when found to be or made to be correct the inspector shall stamp or mark all such meters and apparatus with some suitable device to be prescribed by the commission. No public service company shall furnish, set or put in use any electric meters the type of which shall not have been approved by the commission.

80.28.160 Testing apparatus to be furnished. Every gas company, electrical company and water company shall prepare and maintain such suitable premises, apparatus and facilities as may be required and approved by the commission for testing and proving the accuracy of gas, electric or water meters furnished for use by it by which apparatus every meter may be tested.

80.28.170 Testing at consumer's request. If any consumer to whom a meter has been furnished shall request the commission in writing to inspect such meter, the commission shall have the same inspected and tested, and if the same, on being so tested, shall be found to be more than four percent if an electric meter, or more than two percent if a gas meter, or more than two percent if a water meter, defective or incorrect to the prejudice of the consumer, the expense of such inspection and test shall be borne by the gas company, electrical company or water company, and if the same, on being so tested shall be found to be correct within the limits of error prescribed by the provisions of this section, the expense of such inspection and test shall be borne by the consumer.

80.28.180 Rules and regulations. The commission shall prescribe such rules and regulations to carry into effect the provisions of RCW 80.28.140 through 80.28.170 as it may deem necessary, and shall fix the uniform and reasonable charges for the inspection and testing of meters upon complaint.

80.28.190 Gas companies—Certificate—Violations—Commission powers—Penalty—Fees. No gas company shall, after January 1, 1956, operate in this state any gas plant for hire without first having obtained from the commission under the provisions of this chapter a certificate declaring that public convenience and necessity requires or will require such operation and setting forth the area or areas within which service is to be rendered; but a certificate shall be granted where it appears to the satisfaction of the commission that such gas company was actually operating in good faith, within the confines of the area for which such certificate shall be sought, on June 8, 1955. Any right, privilege, certificate held, owned or obtained by a gas company may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the commission. The commission shall have power, after hearing, when the applicant requests a certificate to render service in an area already served by a certificate holder under this chapter only when the existing gas company or companies serving such area will not provide the same to the satisfaction of the commission and in all other cases, with or without hearing, to issue said certificate as prayed for; or for good cause shown to refuse to issue same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require.

The commission may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate hereunder, and an opportunity to such holder to be heard, at which it shall be proven that such holder wilfully violates or refuses to observe any of its proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of this section, but the holder of such certificate shall have all the rights of rehearing, review and appeal as to such order of the commission as is provided herein.

In all respects in which the commission has power and authority under this chapter 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 laws of this state.

Every officer, agent, or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of any of the provisions of this section or who fails to obey, observe or comply with any order, decision, rule or regulation, directive, demand or requirements, or any provision of this section, is guilty of a gross misdemeanor and punishable as such.

Neither this section, RCW 80.28.200, 80.28.210, nor any provisions thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union except insofar as the same may be permitted under the provisions of the Constitution of the United States and acts of congress.

The commission shall collect the following miscellaneous fees from gas companies: Application for a certificate of public convenience and necessity or to amend a certificate, twenty-five dollars; application to sell, lease, mortgage or transfer a certificate of public convenience and necessity or any interest therein, ten dollars.

80.28.200 Gas companies—Refunds of charges. Whenever any gas company whose rates are subject to the jurisdiction of the commission shall receive any refund of amounts charged and collected from it on account of natural gas purchased by it, by reason of any reduction of rates or disallowance of an increase in rates of the seller of such natural gas pursuant to an order of the federal power commission, whether such refund shall be directed by the federal power commission or by any court upon review of such an order or shall otherwise accrue to such company, the commission shall have power after a hearing, upon its own motion, upon complaint, or upon the application of such company, to determine whether or not such refund should be passed on, in whole or in part, to the consumers of such company and to order such company to pass such refund on to its consumers, in the manner and to the extent determined just and reasonable by the commission.

80.28.210 Safety rules—Pipeline transporters—Penalty. Every person or corporation, except a city or town, transporting natural gas by pipeline, or having for one or more of its principal purposes the construction, maintenance or operation of pipelines for transporting natural gas, in this state, even though such person or corporation not be a public service company under chapter 80.28, and even though such person or corporation does not deliver, sell or furnish any such gas to any person or corporation within this state, shall be subject to regulation by the public service commission insofar as the construction and operation of such facilities shall affect matters of public safety, and every such company shall con-

struct and maintain such facilities as will be safe and efficient. The commission shall have the authority to prescribe rules and regulations in the manner prescribed in RCW 80.04.160 to effectuate the purpose of this enactment. Every such person and every such officer, agent and employee of a corporation who, as an individual or as an officer or agent of such corporation, violates or fails to comply with, or who procures, aids, or abets another, or his company, in the violation of, or noncompliance with, any provision of this section or any order, rule or requirement of the commission hereunder, shall be guilty of a gross misdemeanor.

80.28.220 Gas companies—Right of eminent domain—Purposes. Every corporation having for one of its principal purposes the transmission, distribution, sale, or furnishing of natural gas or other type gas for light, heat, or power and holding and owning a certificate of public convenience and necessity from the public service commission authorizing the operation of a gas plant, may appropriate, by condemnation, lands and property and interests therein, for the transmission, distribution, sale, or furnishing of such natural gas or other type gas through gas mains or pipelines under the provisions of chapter 8.20.

80.28.230 ————Use for purpose acquired exclusive—Disposition of property. Any property or interest acquired as provided in RCW 80.28.220 shall be used exclusively for the purposes for which it was acquired: *Provided, however,* That if any such property be sold or otherwise disposed of by said corporations, such sale or disposition shall be by public sale or disposition and advertised in the manner of public sales in the county where such property is located.

Chapter 80.32

ELECTRIC FRANCHISES AND RIGHTS OF WAY

80.32.010 Cities and counties may grant franchises—Procedure—Liability to restore road for travel. The legislative authority of the city or town having control of any public street or road, or, where such street or road is not within the limits of any incorporated city or town, then the board of county commissioners of the county wherein such road or street is situated, may grant authority for the construction, maintenance and operation of transmission lines for transmitting electric power, together with poles, wires and other appurtenances, upon, over, along and across any such public street or road, and in granting such authority the legislative authority of such city or town, or the board of county commissioners, as the case may be, may prescribe the terms and conditions on which such transmission line and its appurtenances, shall be constructed, maintained and operated upon, over, along and across such road or street, and

the grade or elevation at which the same shall be constructed, maintained and operated: *Provided*, That on application being made to the board of county commissioners for such authority, the board shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting written or printed notices in three public places in the county seat of the county, and in at least one conspicuous place on the road or street or part thereof, for which application is made, at least fifteen days before the day fixed for such hearing, and by publishing a like notice three times in some daily newspaper published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be at least five days before the day fixed for such hearing, which notice shall state the name or names of the applicant or applicants, a description of the roads or streets or parts thereof for which the application is made, and the time and place fixed for the hearing. Such hearing may be adjourned from time to time by order of the board. If after such hearing the board shall deem it to be for the public interest to grant such authority in whole or in part, the board may make and enter the proper order granting the authority applied for or such part thereof as the board deems to be for the public interest, and shall require such transmission line and its appurtenances to be placed in such location on or along the road or street as the board finds will cause the least interference with other uses of the road or street. In case any such transmission line is or shall be located in part on private right of way, the owner thereof shall have the right to construct and operate the same across any county road or county street which intersects such private right of way, if such crossing is so constructed and maintained as to do no unnecessary damage: *Provided*, That any person or corporation constructing such crossing or operating such transmission line on or along such county road or county street shall be liable to the county for all necessary expense incurred in restoring such county road or county street to a suitable condition for travel.

80.32.040 Grant of franchise subject to referendum. All grants of franchises or rights for the conduct or distribution of electric energy, electric power, or electric light within any city or town of the state of Washington by the city council or other legislative body or legislative authority thereof, whether granted by ordinance, resolution, or other form of grant, contract, permission or license, shall be subject to popular referendum under the general laws of this state heretofore or hereafter enacted, or as may be provided by the charter provisions, heretofore or hereafter adopted, of any such city or town: *Provided*, That no petition for referendum may be filed after six months from the date of ordinance, resolution, or

other form of grant, contract, permission, or license granting such franchise.

80.32.050 Sale or lease of plant and franchises. Any corporation incorporated or that may hereafter be incorporated under the laws of this state or any state or territory of the United States, for the purpose of manufacturing, transmitting or selling electric power, may lease or purchase and operate (except in cases where such lease or purchase is prohibited by the constitution of this state) the whole or any part of the plant for manufacturing or distributing electric power or energy of any other corporation, heretofore or hereafter constructed, together with the franchises, powers, immunities and all other property or appurtenances appertaining thereto: *Provided*, That such lease or purchase has been or shall be consented to by stockholders of record holding at least two-thirds in amount of the capital stock or the lessor or grantor corporation; and all such leases and purchases made or entered into prior to the effective date of chapter 173, Laws of 1903, by consent of stockholders as aforesaid are for all intents and purposes hereby ratified and confirmed, saving, however, any vested rights of private parties.

80.32.060 Eminent domain. Every corporation, incorporated or that may hereafter be incorporated under the laws of this state, or of any other state or territory of the United States, and doing business in this state, for the purpose of manufacturing or transmitting electric power, shall have the right to appropriate real estate and other property for right-of-way or for any corporate purpose, in the same manner and under the same procedure as now is or may hereafter be provided by law in the case of ordinary railroad corporations authorized by the laws of this state to exercise the right of eminent domain: *Provided*, That such right of eminent domain shall not be exercised with respect to any public road or street until the location of the transmission line thereon has been authorized in accordance with RCW 80.32.010.

80.32.070 Right of entry. Every such corporation shall have the right to enter upon any land between the termini of the proposed lines for the purpose of examining, locating and surveying such lines, doing no unnecessary damage thereby.

80.32.080 Duties of electrical companies exercising power of eminent domain. Any corporation authorized to do business in this state, which, under the present laws of the state, is authorized to condemn property for the purpose of generating and transmitting electrical power for the operation of railroads or railways, or for municipal lighting, and which by its charter or articles of incorporation, assumes the additional right to sell electric power and electric light to private consumers outside the limits of a municipality and

to sell electric power to private consumers within the limits of a municipality, which shall provide in its articles that in respect of the purposes mentioned in this section it will assume and undertake to the state and to the inhabitants thereof the duties and obligations of a public service corporation, shall be deemed to be in respect of such purposes a public service corporation, and shall be held to all the duties, obligations and control, which by law are or may be imposed upon public service corporations. Any such corporation shall have the right to sell electric light outside the limits of a municipality and electric power both inside and outside such limits to private consumers from the electricity generated and transmitted by it for public purposes and not needed by it therefor: *Provided*, That such corporation shall furnish such excess power at equal rates, quantity and conditions considered, to all consumers alike, and shall supply it to the first applicants therefor until the amount available shall be exhausted: *Provided further*, That no such corporation shall be obliged to furnish such excess power to any one consumer to an amount exceeding twenty-five percent of the total amount of such excess power generated or transmitted by it. In exercising the power of eminent domain for public purposes it shall not be an objection thereto that a portion of the electric current generated will be applied to private purposes, provided the principal uses intended are public: *Provided*, That all public service or quasi public service corporations shall at no time sell, deliver and dispose of electrical power in bulk to manufacturing concerns at the expense of its public service functions, and any person, firm or corporation that is a patron of such corporation as to such public function, shall have the right to apply to any court of competent jurisdiction to correct any violation of the provisions of RCW 80.32-.080 through 80.32.100.

80.32.090 Limitation on use of electricity. Whenever any corporation has acquired any property by decree of appropriation based on proceedings in court under the provisions of RCW 80.32.080 through 80.32.100, no portion of the electricity generated or transmitted by it by means of the property appropriated under the provisions of RCW 80.32.080 through 80.32.100 shall be used or applied by such corporation for or to a business or trade not under the present laws deemed public or quasi public conducted by itself.

80.32.100 Remedy for violations. In the event of the violation of any of the requirements of RCW 80.32.080 and 80.32.090 by any corporation availing itself of its provisions, an appropriate suit may be maintained in the name of the state upon the relation of the attorney general, or, if he shall refuse or neglect to act, upon the relation of any individual aggrieved by the violation, or violations, complained of, to compel such corporation to comply with the requirements of

RCW 80.32.080 and 80.32.090. A violation of RCW 80.32.080 and 80.32.090 shall cause the forfeiture of the corporate franchise if the corporation refuses or neglects to comply with the orders with respect thereto made in the suit herein provided for.

Chapter 80.36

TELEPHONE AND TELEGRAPH COMPANIES

80.36.010 Eminent domain. The right of eminent domain is hereby extended to all telegraph and telephone corporations and companies organized or doing business in this state.

80.36.020 Right of entry. Every corporation incorporated under the laws of this state or any state or territory of the United States for the purpose of constructing, operating or maintaining any telegraph or telephone in this state shall have the right to enter upon any land between the termini of its proposed lines of telegraph or telephone for the purpose of examining, locating and surveying the line of such telegraph or telephone, doing no unnecessary damage thereby.

80.36.030 Extent of appropriation. Such telegraph or telephone company may appropriate so much land as may be actually necessary for its line of telegraph or telephone, with the right to enter upon lands immediately adjacent thereto, for the purpose of constructing, maintaining and operating its line and making all necessary repair. Such telegraph or telephone company may also, for the purpose aforesaid, enter upon and appropriate such portion of the right-of-way of any railroad company as may be necessary for the construction, maintenance and operation of its telegraph or telephone line: *Provided*, That such appropriation shall not obstruct such railroad of the travel thereupon, nor interfere with the operation of such railroad.

80.36.040 Use of roads, streets and railroad right-of-way—When consent of city necessary. Any telegraph or telephone corporation or company, or the lessees thereof, doing business in this state, shall have the right to construct and maintain all necessary lines of telegraph or telephone for public traffic along and upon any public road, street or highway, along or across the right-of-way of any railroad corporation, and may erect poles, posts, piers or abutments for supporting the insulators, wires and any other necessary fixture of their lines, in such manner and at such points as not to incommode the public use of the railroad or highway, or interrupt the navigation of the waters: *Provided*, That when the right-of-way of such corporation has not been acquired by or through any grant or donation from the United States, or this state, or any county, city or

town therein, then the right to construct and maintain such lines shall be secured only by the exercise of right of eminent domain, as provided by law: *Provided further*, That where the right-of-way as herein contemplated is within the corporate limits of any incorporated city, the consent of the city council thereof shall be first obtained before such telegraph or telephone lines can be erected thereon.

80.36.050 Use of railroad rights-of-way—Penalty for refusal by railroad. Every railroad operated in this state, and carrying freight and passengers for hire, or doing business in this state, is and shall be designated a "post road," and the corporation or company owning the same shall allow telegraph and telephone companies to construct and maintain telegraph and telephone lines on and along the right-of-way of such railroad.

In case of the refusal or neglect of any railroad company or corporation to comply with the provisions of this section, said company or corporation shall be liable for damages in the sum of not less than one thousand dollars nor more than five thousand dollars for each offense, and one hundred dollars per day during the continuance thereof.

80.36.060 Liability for wilful injury to telephone or telegraph property. Any person who wilfully and maliciously does any injury to any telegraph or telephone property mentioned in RCW 80.36.070, is liable to the corporation or company for five times the amount of actual damages sustained thereby, to be recovered in any court of competent jurisdiction.

80.36.070 Liability for negligent injury to property—Notice of underwater cable. Any person who injures or destroys, through want of proper care, any necessary or useful fixtures of any telegraph or telephone corporation or company, is liable to the corporation or company for all damages sustained thereby. Any vessel which, by dragging its anchor or otherwise, breaks, injures or destroys the subaqueous cable of a telegraph or telephone corporation or company, subjects its owners to the damages hereinbefore specified.

No telegraph or telephone corporation or company can recover damages for the breaking or injury of any subaqueous telegraph cable, unless such corporation or company has previously erected on either bank of the waters under which the cable is placed, a monument indicating the place where the cable lies, and publishes for one month, in some newspaper most likely to give notice to navigators, a notice giving a description and the purpose of the monuments, and the general course, landings and termini of the cable.

80.36.080 Rates, services and facilities. All rates, tolls, contracts and charges, rules and regulations of telephone and telegraph companies, for messages, conversations, services rendered and equipment and facilities supplied, whether such message, conversation or service to be performed be over one company or line or over or by two or more companies or lines, shall be fair, just, reasonable and sufficient, and the service so to be rendered any person, firm or corporation by any telephone or telegraph company shall be rendered and performed in a prompt, expeditious and efficient manner and the facilities, instrumentalities and equipment furnished by it shall be safe, kept in good condition and repair, and its appliances, instrumentalities and service shall be modern, adequate, sufficient and efficient.

80.36.090 Service to be furnished on demand. Every telephone and telegraph company operating in this state shall provide and maintain suitable and adequate buildings and facilities therein, or connected therewith, for the accommodation, comfort and convenience of its patrons and employees.

Every telephone company shall, upon reasonable notice, furnish to all persons and corporations who may apply therefor and be reasonably entitled thereto suitable and proper facilities and connections for telephonic communication and furnish telephone service as demanded.

80.36.100 Tariff schedules to be filed and open to public. Every telephone and telegraph company shall file with the commission and shall print and keep open to public inspection at such points as the commission may designate, schedules showing the rates, tolls, rentals, contracts and charges of such companies for messages, conversations and services rendered and equipment and facilities supplied for messages and services to be performed within the state between each point upon its line and all other points thereon, and between each point upon its line and all points upon every other similar line operated or controlled by it, and between each point on its line or upon any line leased, operated or controlled by it and all points upon the line of any other similar company, whenever a through service and joint rate shall have been established or ordered between any two such points. If no joint rate covering a through service has been established, the several companies in such through service shall file, print and keep open to public inspection as aforesaid the separately established rates, tolls, rentals, contracts and charges applicable for such through service. The schedules printed as aforesaid shall plainly state the places between which telephone or telegraph service, or both, will be rendered, and shall also state separately all charges and all privileges or facilities granted or allowed, and any rules or regulations or forms of contract which

may in anywise change, affect or determine any of the aggregate of the rates, tolls, rentals or charges for the service rendered. A schedule shall be plainly printed in large type, and a copy thereof shall be kept by every telephone company and telegraph company readily accessible to and for convenient inspection by the public at such places as may be designated by the commission, which schedule shall state the rates charged from such station to every other station on such company's line, or on any line controlled and used by it within the state. All or any of such schedules kept as aforesaid shall be immediately produced by such telephone company or telegraph company upon the demand of any person. A notice printed in bold type, and stating that such schedules are on file and open to inspection by any person, the places where the same are kept, and that the agent will assist such person to determine from such schedules any rate, toll, rental, rule or regulation which is in force shall be kept posted by every telephone company and telegraph company in a conspicuous place in every station or office of such company.

80.36.110 Tariff changes—Statutory notice—Exception. Unless the commission otherwise orders, no change shall be made in any rate, toll, rental, contract or charge, which shall have been filed and published by any telephone or telegraph company in compliance with the requirements of RCW 80.36.100, except after thirty days' notice to the commission and publication for thirty days as required in the case of original schedules in RCW 80.36.100, which notice shall plainly state the changes proposed to be made in the schedule then in force, and the time when the changed rate, toll, contract or charge will go into effect, and all proposed changes shall be shown by printing, filing and publishing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. The commission for good cause shown may allow changes in rates, charges, tolls, rentals or contracts without requiring the thirty days' notice and publication herein provided for, by an order specifying the change so to be made and the time when it shall take effect, and the manner in which the same shall be filed and published. When any change is made in any rate, toll, contract, rental or charge, the effect of which is to increase any rate, toll, rental or change then existing, attention shall be directed on the copy filed with the commission to such increase by some character immediately preceding or following the item in such schedule, which character shall be in such form as the commission may designate.

80.36.120 Joint rates, contracts, etc. The names of the several companies which are parties to any joint rates, tolls, contracts or charges of telephone companies and telegraph companies for messages, conversations and service to be rendered shall be specified therein, and each of the parties thereto, other than the one filing the

same, shall file with the commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the commission; and where such evidence of concurrence or acceptance is filed, it shall not be necessary for the companies filing the same to also file copies of the tariff in which they are named as parties.

80.36.130 Published rates to be charged—Exceptions. No telephone or telegraph company shall charge, demand, collect or receive different compensation for any service rendered or to be rendered than the charge applicable to such service as specified in its schedule on file and in effect at that time, nor shall any telephone company or telegraph company refund or remit, directly or indirectly, any portion of the rate or charge so specified, nor extend to any person or corporation any form of contract or agreement or any rule or regulation or any privilege or facility except such as are specified in its schedule filed and in effect at the time, and regularly and uniformly extended to all persons and corporations under like circumstances for like or substantially similar service.

No telephone company or telegraph company subject to the provisions of this title shall, directly or indirectly, give any free or reduced service or any free pass or frank for the transmission of messages by either telephone or telegraph between points within this state, except to its officers, employees, agents, pensioners, surgeons, physicians, attorneys at law, and their families, and persons and corporations exclusively engaged in charitable and eleemosynary work, and ministers of religion, Young Men's Christian Associations, Young Women's Christian Associations; to indigent and destitute persons, and to officers and employees of other telephone companies, telegraph companies, railroad companies and street railroad companies.

80.36.140 Commission to fix rates and services. Whenever the commission shall find, after a hearing had upon its own motion or upon complaint, that the rates, charges, tolls or rentals demanded, exacted, charged or collected by any telegraph company or telephone company for the transmission of messages by telegraph or telephone, or for the rental or use of any telegraph line, telephone line or any telegraph instrument, wire, appliance, apparatus or device or any telephone receiver, transmitter, instrument, wire, cable, apparatus, conduit, machine, appliance or device, or any telephone extension or extension system, or that the rules, regulations or practices of any telegraph company or telephone company affecting such rates, charges, tolls, rentals or service are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in anywise in violation of law, or that such rates, charges, tolls or rentals are insufficient to yield reasonable compensation for the service ren-

dered, the commission shall determine the just and reasonable rates, charges, tolls or rentals to be thereafter observed and in force, and fix the same by order as provided in this title.

Whenever the commission shall find, after such hearing that the rules, regulations or practices of any telegraph company or telephone company are unjust or unreasonable, or that the equipment, facilities or service of any telegraph company or telephone company is inadequate, inefficient, improper or insufficient, the commission shall determine the just, reasonable, proper, adequate and efficient rules, regulations, practices, equipment, facilities and service to be thereafter installed, observed and used, and fix the same by order or rule as provided in this title.

80.36.150 Contracts to be filed with commission. Every telephone and telegraph company shall file with the commission, as and when required by it, a copy of any contract, agreement or arrangement in writing with any other telephone company or telegraph company, or with any other corporation, association or person relating in any way to the construction, maintenance or use of a telephone line or telegraph line or service by, or rates and charges over and upon, any such telephone line or telegraph line.

80.36.160 Physical connections may be ordered, routing prescribed and joint rates established. In order to provide toll telephone service where no such service is available, or to promote the most expeditious handling or most direct routing of toll messages and conversations, or to prevent arbitrary or unreasonable practices which may result in the failure to utilize the toll facilities of all telephone companies equitably and effectively, the commission may, on its own motion, or upon complaint, notwithstanding any contract or arrangement between telephone companies, investigate, ascertain and, after hearing, by order (1) require the construction and maintenance of suitable connections between telephone lines for the transfer of messages and conversations at a common point or points and, if the companies affected fail to agree on the proportion of the cost thereof to be borne by each such company, prescribe said proportion of cost to be borne by each; and/or (2) prescribe the routing of toll messages and conversations over such connections and the practices and regulations to be followed with respect to such routing; and/or (3) establish reasonable joint rates or charges by or over said lines and connections and just, reasonable and equitable divisions thereof as between the telephone companies participating therein.

This section shall not be construed as conferring on the commission jurisdiction, supervision or control of the rates, service or facilities of any mutual, cooperative or farmer line company or

association, except for the purpose of carrying out the provisions of this section.

80.36.170 Unreasonable preferences prohibited. No telegraph company or telephone company shall make or give any undue or unreasonable preference or advantage to any person, corporation or locality, or subject any particular person, corporation or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

80.36.180 Rate discrimination prohibited. No telegraph or telephone company shall, directly or indirectly, or by any special rate, rebate, drawback or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for any service rendered or to be rendered with respect to communication by telegraph or telephone or in connection therewith, except as authorized in this title or Title 81 than it charges, demands, collects or receives from any other person or corporation for doing a like and contemporaneous service with respect to communication by telegraph or telephone under the same or substantially the same circumstances and conditions.

80.36.190 Long and short distance provision. No telephone or telegraph company subject to the provisions of this title shall charge or receive any greater compensation in the aggregate for the transmission of any long distance conversation or message of like kind for a shorter than for a longer distance over the same line, in the same direction, within this state, the shorter being included within the longer distance, or charge any greater compensation for a through service than the aggregate of the intermediate rates subject to the provision of this title, but this shall not be construed as authorizing any such telephone company or telegraph company to charge and receive as great a compensation for a shorter as for a longer distance. Upon application of any telephone company or telegraph company the commission may, by order, authorize it to charge less for longer than for a shorter distance service for the transmission of conversation or messages in special cases after investigation, but the order must specify and prescribe the extent to which the telephone company or telegraph company making such application is relieved from the operation of this section, and only to the extent so specified and prescribed shall any telephone company or telegraph company be relieved from the requirements of this section.

80.36.200 Transmission of messages of other lines. Every telephone company or telegraph company operating in this state shall receive, transmit and deliver, without discrimination or delay, the messages of any other telephone or telegraph company.

80.36.210 Order of sending messages. It shall be the duty of any telegraph company, doing business in this state, to transmit all dispatches in the order in which they are received, under the penalty of one hundred dollars, to be recovered with costs of suit, by the person or persons whose dispatch is postponed out of its order: *Provided*, That communications to and from public officers on official business, may have precedence over all other communications: *And, provided further*, That intelligence of general and public interest may be transmitted for publication out of its order.

80.36.220 Duty to transmit messages—Penalty for refusal or neglect. Telegraph and telephone companies shall receive, exchange and transmit each other's messages without delay or discrimination, and all telephone companies shall receive and transmit messages for any person.

In case of the refusal or neglect of any telegraph or telephone company to comply with the provisions of this section, the penalty for the same shall be a fine of not more than five hundred nor less than one hundred dollars for each offense.

80.36.230 Exchange areas for telephone companies. The commission is hereby granted the power to prescribe exchange area boundaries and/or territorial boundaries for telephone companies.

80.36.240 ————Procedure to establish. The commission in conducting hearings, promulgating rules, and otherwise proceeding to make effective the provisions of RCW 80.36.230 and 80.36.240, shall be governed by, and shall have the powers provided in this title, as amended; all provisions as to review of the commission's orders and appeals to the supreme court contained in said title, as amended, shall be available to all companies and parties affected by the commission's orders issued under authority of RCW 80.36.230 and 80.36.240.

80.36.250 Commission may complain of interstate rates. The commission may investigate all interstate rates and charges, classifications, or rules or practices relating thereto, for or in relation to the transmission of messages or conversations. Where any acts in relation thereto take place within this state, which, in the opinion of the commission, are excessive or discriminatory, or are levied or laid in violation of the federal communications act of June 19, 1934, and acts amendatory thereof or supplementary thereto, or are in conflict with the rulings, orders, or regulations of the Federal Communications Commission, the commission shall apply by petition to the Federal Communications Commission for relief, and may present to such federal commission all facts coming to its knowledge respecting violations of such act or the rulings, orders, or regulations of the federal commission.

80.36.260 Betterments may be ordered. Whenever the commission shall find, after a hearing had on its own motion or upon complaint, that repairs or improvements to, or changes in, any telegraph line or telephone line ought reasonably be made, or that any additions or extensions should reasonably be made thereto in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for telegraphic or telephonic communications, the commission shall make and serve an order directing that such repairs, improvements, changes, additions or extensions be made in the manner to be specified therein.

80.36.270 Effect on existing contracts. Nothing in this title shall be construed to prevent any telegraph company or telephone company from continuing to furnish the use of its line, equipment or service under any contract or contracts in force on June 7, 1911 or upon the taking effect of any schedule or schedules of rates subsequently filed with the commission, as herein provided, at the rates fixed in such contract or contracts: *Provided*, That the commission shall have power, in its discretion, to direct by order that such contract or contracts shall be terminated by the telephone company or telegraph company party thereto, and thereupon such contract or contracts shall be terminated by such telephone company or telegraph company as and when directed by such order.

Chapter 80.98

CONSTRUCTION

80.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

80.98.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

80.98.030 Invalidity of part of title not to affect remainder. If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

80.98.040 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Section 2361, Code 1881;
- (2) Chapter 33, Laws of 1888;
- (3) Sections 1 through 3, page 292, and 5 through 11, pages 292 through 294, Laws of 1890;

- (4) Chapter 47, Laws of 1895;
- (5) Chapter 94, Laws of 1899;
- (6) Chapter 173, Laws of 1903;
- (7) Chapter 159, Laws of 1907;
- (8) Chapter 117, Laws of 1911;
- (9) Chapter 145, Laws of 1913;
- (10) Chapter 182, Laws of 1913;
- (11) Chapter 133, Laws of 1915;
- (12) Sections 21, 22, 23, 25, 26 and 27, chapter 7, Laws of 1921;
- (13) Chapter 110, Laws of 1921;
- (14) Chapter 113, Laws of 1921;
- (15) Chapter 107, Laws of 1923;
- (16) Chapter 110, Laws of 1923;
- (17) Chapter 116, Laws of 1923;
- (18) Chapter 118, Laws of 1923;
- (19) Chapter 164, Laws of 1925, extraordinary session;
- (20) Chapter 177, Laws of 1925, extraordinary session;
- (21) Chapter 107, Laws of 1929;
- (22) Chapter 223, Laws of 1929;
- (23) Chapter 119, Laws of 1931;
- (24) Chapter 148, Laws of 1933;
- (25) Chapter 151, Laws of 1933;
- (26) Chapter 152, Laws of 1933;
- (27) Chapter 165, Laws of 1933;
- (28) Chapter 8, Laws of 1935;
- (29) Chapter 29, Laws of 1937;
- (30) Chapter 30, Laws of 1937;
- (31) Chapter 158, Laws of 1937;
- (32) Chapter 169, Laws of 1937;
- (33) Chapter 123, Laws of 1939;
- (34) Chapter 203, Laws of 1939;
- (35) Chapter 114, Laws of 1941;
- (36) Chapter 137, Laws of 1941;
- (37) Chapter 159, Laws of 1941;
- (38) Chapter 160, Laws of 1941;
- (39) Chapter 162, Laws of 1941;
- (40) Chapter 67, Laws of 1943;
- (41) Chapter 68, Laws of 1943;
- (42) Chapter 258, Laws of 1943;
- (43) Chapter 75, Laws of 1945;
- (44) Chapter 267, Laws of 1945;
- (45) Chapter 117, Laws of 1949;
- (46) Section 1, chapter 227, Laws of 1951;
- (47) Chapter 260, Laws of 1951;
- (48) Sections 4 through 8, chapter 95, Laws of 1953;
- (49) Sections 1 and 2, chapter 104, Laws of 1953;

- (50) Section 1, chapter 120, Laws of 1953;
- (51) Sections 1 and 2, chapter 79, Laws of 1955;
- (52) Sections 1 through 3, chapter 125, Laws of 1955;
- (53) Sections 1, 2, and 4 through 6, chapter 316, Laws of 1955;
- (54) Section 7, chapter 340, Laws of 1955;
- (55) Chapter 191, Laws of 1957;
- (56) Sections 1, 2, 10 through 14, 19 through 21, chapter 248, Laws of 1959;
- (57) Sections 1 and 2, chapter 285, Laws of 1959.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

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

TITLE 81

TRANSPORTATION

Chapter 81.01

GENERAL PROVISIONS

81.01.010 Adoption of provisions of chapter 80.01. The provisions of chapter 80.01, as now or hereafter amended, apply to Title 81 as fully as though they were set forth herein.

Chapter 81.04

REGULATIONS—GENERAL

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

“Commission” means the public service 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, high-

way, 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.

81.04.020 Procedure before commission and courts. Each commissioner shall have power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the state.

The superior court of the county in which any such inquiry, investigation, hearing or proceeding may be had, shall have power to compel the attendance of witnesses and the production of papers, waybills, books, accounts, documents and testimony as required by such subpoena. The commission or the commissioner before which the testimony is to be given or produced, in case of the refusal of any witness to attend or testify or produce any papers required by the subpoena, shall report to the superior court in and for the county in which the proceeding is pending by petition, setting forth that due notice has been given of the time and place of attendance of said witnesses, or the production of said papers, and that the witness has been summoned in the manner prescribed in this chapter, and that the fees and mileage of the witness have been paid or tendered to the witness for his attendance and testimony, and that the witness has failed and refused to attend or produce the papers required by the subpoena, before the commission, in the cause or proceedings named in the notice and subpoena, or has refused to answer questions propounded to him in the course of such proceeding, and ask an order of said court, compelling the witness to attend and testify before the commission. The court, upon the petition of the commission, shall enter an order directing the witness to appear before said court at a time and place to be fixed by the court in such order, and then and there show cause why he has not responded to said subpoena. A copy of said order shall be served upon said witness. If

it shall appear to the court that said subpoena was regularly issued by the commission, the court shall thereupon enter an order that said witness appear before the commission at said time and place as fixed in said order, and testify or produce the required papers, and upon failing to obey said order, said witness shall be dealt with as for contempt of court.

81.04.030 Number of witnesses may be limited. In all proceedings before the commission the commission shall have the right, in their discretion, to limit the number of witnesses testifying upon any subject or proceeding to be inquired of before the commission.

81.04.040 Witness fees and mileage. Each witness who appears under subpoena shall receive for his attendance four dollars per day and ten cents per mile traveled by the nearest practicable route in going to and returning from the place of hearing. No witness shall be entitled to fees or mileage from the state when summoned at the instance of the public service companies affected.

81.04.050 Protection against self-incrimination. The claim by any witness that any testimony sought to be elicited may tend to incriminate him shall not excuse such witness from testifying, but such evidence or testimony shall not be used against such person on the trial of any criminal proceeding, excepting in a prosecution for perjury. The commissioner shall have power to compel the attendance of witnesses at any place within the state.

81.04.060 Depositions—Service of process. The commission shall have the right to take the testimony of any witness by deposition, and for that purpose the attendance of witnesses and the production of books, waybills, documents, papers and accounts may be enforced in the same manner as in the case of hearings before the commission, or any member thereof. Process issued under the provisions of this chapter shall be served as in civil cases.

81.04.070 Inspection of books, papers and documents. The commission and each commissioner, or any person employed by the commission, shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public service company, and the commission, or any commissioner, may examine under oath any officer, agent or employee of such public service company in relation thereto, and with reference to the affairs of such company: *Provided*, That any person other than a commissioner who shall make any such demand shall produce his authority from the commission to make such inspection.

81.04.075 Manner of serving papers. All notices, applications, complaints, findings of fact, opinions and orders required by this title to be served may be served by mail and service thereof shall be

deemed complete when a true copy of such paper or document is deposited in the post office properly addressed and stamped.

81.04.080 Annual reports. Every public service company shall annually furnish to the commission a report in such form as the commission may require, and shall specifically answer all questions propounded to it by the commission, upon or concerning which the commission may need information. Such annual reports shall show in detail the amount of capital stock issued, the amounts paid therefor and the manner of payment for same, the dividends paid, the surplus fund, if any, and the number of stockholders, the funded and floating debts and the interest paid thereon, the cost and value of the company's property, franchises and equipment, the number of employees and the salaries paid each class, the accidents to passengers, employees and other persons and the cost thereof, the amounts expended for improvements each year, how expended and the character of such improvements, the earnings or receipts from each franchise or business and from all sources, the proportion thereof earned from business moving wholly within the state and the proportion earned from interstate traffic, the nature of the traffic movement showing the percentage of the ton miles each class of commodity bears to the total ton mileage, the operating and other expenses and the proportion of such expense incurred in transacting business wholly within the state, and the proportion incurred in transacting interstate business, such division to be shown according to such rules of division as the commission may prescribe, the balances of profit and loss, and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such report shall also contain such information in relation to rates, charges or regulations concerning fares, charges or freights, or agreements, arrangements or contracts affecting the same, as the commission may require; and the commission may, in its discretion, for the purpose of enabling it the better to carry out the provisions of this title, prescribe the period of time within which all public service companies subject to the provisions of this title shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept. Such detailed report shall contain all the required statistics for the period of twelve months ending on the last day of any particular month prescribed by the commission for any public service company. Such reports shall be made out under oath and filed with the commission at its office in Olympia within three months after the close of the designated year for which such report is made, unless additional time be granted in any case by the commission. The commission shall have authority to require any public service company to file monthly reports of earnings and expenses, and to file periodical or special, or both

periodical and special, reports concerning any matter about which the commission is authorized or required by this or any other law, to inquire into or keep itself informed about, or which it is required to enforce, such periodical or special reports to be under oath whenever the commission so requires.

81.04.090 Forms of records to be prescribed. The commission may, in its discretion, prescribe the forms of any and all accounts, records and memoranda to be kept by public service companies, including the accounts, records and memoranda of the movement of traffic, sales of its product, the receipts and expenditures of money. The commission shall at all times have access to all accounts, records and memoranda kept by public service companies, and may employ special agents or examiners, who shall have power to administer oaths and authority, under the order of the commission, to examine witnesses and to inspect and examine any and all accounts, records and memoranda kept by such companies. The commission may, in its discretion, prescribe the forms of any and all reports, accounts, records and memoranda to be furnished and kept by any public service company whose line or lines extend beyond the limits of this state, which are operated partly within and partly without the state, so that the same shall show any information required by the commission concerning the traffic movement, receipts and expenditures appertaining to those parts of the line within the state.

81.04.100 Production of out-of-state books and records. The commission may by order with or without hearing require the production within this state, at such time and place as it may designate, of any books, accounts, papers or records kept by any public service company in any office or place without this state, or at the option of the company verified copies thereof, so that an examination thereof may be made by the commission or under its direction.

81.04.110 Complaints—Hearings. Complaint may be made by the commission of its own motion or by any person or corporation, chamber of commerce, board of trade, or any commercial, mercantile, agricultural or manufacturing society, or any body politic or municipal corporation, by petition or complaint in writing, setting forth any act or thing done or omitted to be done by any public service corporation in violation, or claimed to be in violation, of any provision of law or of any order or rule of the commission.

When two or more public service corporations, (meaning to exclude municipal and other public corporations) are engaged in competition in any locality or localities in the state, either may make complaint against the other or others that the rates, charges, rules, regulations or practices of such other or others with or in

respect to which the complainant is in competition, are unreasonable, unremunerative, discriminatory, illegal, unfair or intending or tending to oppress the complainant, to stifle competition, or to create or encourage the creation of monopoly, and upon such complaint or upon complaint of the commission upon its own motion, the commission shall have power, after notice and hearing as in other cases, to, by its order, subject to appeal as in other cases, correct the abuse complained of by establishing such uniform rates, charges, rules, regulations or practices in lieu of those complained of, to be observed by all of such competing public service corporations in the locality or localities specified as shall be found reasonable, remunerative, nondiscriminatory, legal, and fair or tending to prevent oppression or monopoly or to encourage competition, and upon any such hearing it shall be proper for the commission to take into consideration the rates, charges, rules, regulations and practices of the public service corporation or corporations complained of in any other locality or localities in the state.

All matters upon which complaint may be founded may be joined in one hearing, and no motion shall be entertained against a complaint for misjoinder of complaints or grievances or misjoinder of parties; and in any review of the courts of orders of the commission the same rule shall apply and pertain with regard to the joinder of complaints and parties as herein provided: *Provided*, All grievances to be inquired into shall be plainly set forth in the complaint. No complaint shall be dismissed because of the absence of direct damage to the complainant.

Upon the filing of a complaint, the commission shall cause a copy thereof to be served upon the person or corporation complained of, which shall be accompanied by a notice fixing the time when and place where a hearing will be had upon such complaint. The time fixed for such hearing shall not be less than ten days after the date of the service of such notice and complaint, excepting as herein provided. Rules of practice and procedure not otherwise provided for in this title may be prescribed by the commission.

81.04.120 Hearings—Order—Record. At the time fixed for the hearing mentioned in RCW 81.04.110, the complainant and the person or corporation complained of shall be entitled to be heard and introduce such evidence as he or it may desire. The commission shall issue process to enforce the attendance of all necessary witnesses. At the conclusion of such hearing the commission shall make and render findings concerning the subject matter and facts inquired into and enter its order based thereon. A copy of such order, certified under the seal of the commission, shall be served upon the person or corporation complained of, or his or its attorney, which order shall, of its own force, take effect and become operative

twenty days after the service thereof, except as otherwise provided. Where an order cannot, in the judgment of the commission, be complied with within twenty days, the commission may prescribe such additional time as in its judgment is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in its order. A full and complete record of all proceedings had before the commission, or any member thereof, on any formal hearing had, and all testimony shall be taken down by a stenographer appointed by the commission, and the parties shall be entitled to be heard in person or by attorney. In case of an action to review any order of the commission, a transcript of such testimony, together with all exhibits introduced, and of the record and proceedings in the cause, shall constitute the record of the commission.

81.04.130 Suspension of tariff changes. Whenever any public service company shall file with the commission any schedule, classification, rule or regulation, the effect of which is to change any rate, fare, charge, rental or toll theretofore charged, the commission shall have power, either upon its own motion or upon complaint, upon notice, to enter upon a hearing concerning such proposed change and the reasonableness and justness thereof, and pending such hearing and the decision thereon the commission may suspend the operation of such rate, fare, charge, rental or toll, if such change is proposed by a common carrier subject to the jurisdiction of the commission for a period not exceeding seven months, and, if proposed by a public service company other than such a common carrier, for a period not exceeding ten months from the time the same would otherwise go into effect, and after a full hearing the commission may make such order in reference thereto as would be provided in a hearing initiated after the same had become effective.

At any hearing involving any change in any schedule, classification, rule or regulation the effect of which is to increase any rate, fare, charge, rental or toll theretofore charged, the burden of proof to show that such increase is just and reasonable shall be upon the public service company: *Provided, however,* That when any common carrier subject to the jurisdiction of the commission shall file any tariff, classification, rule or regulation the effect of which is to decrease any rate, fare, or charge, the burden of proof to show that such decrease is just and reasonable shall be upon such common carrier.

81.04.140 Order requiring joint action. Whenever any order of the commission shall require joint action by two or more public service companies, such order shall specify that the same shall be made at their joint cost, and the companies affected shall have thirty days, or such further time, as the commission may prescribe,

within which to agree upon the part or division of cost which each shall bear, and costs of operation and maintenance in the future, or the proportion of charges or revenue each shall receive from such joint service and the rules to govern future operations. If at the expiration of such time such companies shall fail to file with the commission a statement that an agreement has been made for the division or apportionment of such cost, the division of costs of operation and maintenance to be incurred in the future and the proportion of charges or revenue each shall receive from such joint service and the rules to govern future operations, the commission shall have authority, after further hearing, to enter a supplemental order fixing the proportion of such cost or expense to be borne by each company, and the manner in which the same shall be paid and secured.

81.04.150 Remunerative rates cannot be changed without approval. Whenever the commission shall find, after hearing had upon its own motion or upon complaint as herein provided, that any rate, toll, rental or charge which has been the subject of complaint and inquiry is sufficiently remunerative to the public service company affected thereby, it may order that such rate, toll, rental or charge shall not be changed, altered, abrogated or discontinued, nor shall there be any change in the classification which will change or alter such rate, toll, rental or charge without first obtaining the consent of the commission authorizing such change to be made.

81.04.160 Rules and regulations. The commission is hereby authorized and empowered to adopt, promulgate and issue rules and regulations covering the bulletining of trains, showing the time of arrival and departure of all trains, and the probable arrival and departure of delayed trains; the conditions to be contained in and become a part of contracts for transportation of persons and property, and any and all services concerning the same, or connected therewith; the time that station rooms and offices shall be kept open; rules governing demurrage and reciprocal demurrage, and to provide reasonable penalties to expedite the prompt movement of freight and release of cars, the limits of express deliveries in cities and towns, and generally such rules as pertain to the comfort and convenience of the public concerning the subjects treated of in this title. Such rules and regulations shall be promulgated and issued by the commission on its own motion, and shall be served on the public service company affected thereby as other orders of the commission are served. Any public service company affected thereby, and deeming such rules and regulations, or any of them, improper, unjust, unreasonable, or contrary to law, may within twenty days from the date of service of such order upon it file objections thereto with the commission, specifying the particular grounds of such objections. The commission shall, upon receipt of such objec-

tions, fix a time and place for hearing the same, and after a full hearing may make such changes or modifications thereto, if any, as the evidence may justify. The commission shall have, and it is hereby given, power to adopt rules to govern its proceedings, and to regulate the mode and manner of all investigations and hearings: *Provided*, No person desiring to be present at such hearing shall be denied permission. Actions may be instituted to review rules and regulations promulgated under this section as in the case of orders of the commission.

81.04.165 Reconsideration of orders—Review. After any order has been made by the commission, any public service company affected thereby may apply for a writ of review as provided in RCW 81.04.170, or within ten days after service of the order, file with the commission and serve upon all other parties to the proceeding a petition for reconsideration of said order or any part thereof. The petition shall be in such form as the commission may prescribe and shall set forth specifically the portion or portions on which reconsideration is requested and the grounds and reasons therefor.

If the commission does not grant or deny the petition within ten days from the date of filing, it shall be deemed denied. Application for a writ of review may be made as provided for in RCW 81.04.170, within thirty days after the date of service of the order denying the petition or if no order of denial is entered within thirty days after the date when the petition shall be deemed denied. Should the commission grant the petition for reconsideration, it shall thereafter take such further proceedings and issue such further order or orders as may be appropriate, and application for a writ of review as provided in RCW 81.04.170, may be made within thirty days after the date of service of the order on reconsideration.

A writ of review applied for within the time provided herein may include for review the original order and all supplemental orders relevant thereto: *Provided*, That an order limited to granting a petition for reconsideration may not be reviewed.

81.04.170 Review of orders. Any complainant or any public service company affected by any findings or order of the commission, and deeming such findings or order to be contrary to law, may, within thirty days after the service of the findings or order upon him or it, apply to the superior court of Thurston county for a writ of review, for the purpose of having the reasonableness and lawfulness of such findings or order inquired into and determined. Such writ shall be made returnable not later than thirty days from and after the date of the issuance thereof, unless upon notice to all parties affected further time be allowed by the court, and shall direct the commission to certify its record in the case to the court. Such cause shall be heard by the court without the intervention of a jury

on the evidence and exhibits introduced before the commission and certified to by it. Upon such hearing the superior court shall enter judgment either affirming or setting aside or remanding for further action the findings or order of the commission under review. The reasonable cost of preparing the transcript of testimony taken before the commission shall be assessable as part of the statutory court costs, and the amount thereof, if collected by the commission, shall be deposited in the public service revolving fund. In case such findings or order be set aside, or reversed and remanded, the court shall make specific findings based upon evidence in the record indicating clearly all respects in which the commission's findings or order are erroneous.

81.04.180 Supersedeas. The pendency of any writ of review shall not of itself stay or suspend the operation of the order of the commission, but the superior court in its discretion may restrain or suspend, in whole or in part, the operation of the commission's order pending the final hearing and determination of the suit.

No order so restraining or suspending an order of the commission relating to rates, fares, charges, tolls or rentals, or rules or regulations, practices, classifications or contracts affecting the same, shall be made by the superior court otherwise than upon three days' notice and after hearing, and if a supersedeas is granted the order granting the same shall contain a specific finding, based upon evidence submitted to the court making the order, and identified by reference thereto, that great or irreparable damage would otherwise result to the petitioner, and specifying the nature of the damage.

In case the order of the commission under review is superseded by the court, it shall require a bond, with good and sufficient surety, conditioned that such company petitioning for such review shall answer for all damages caused by the delay in the enforcement of the order of the commission, and all compensation for whatever sums for transportation any person or corporation shall be compelled to pay pending the review proceedings in excess of the sum such person or corporations would have been compelled to pay if the order of the commission had not been suspended.

The court may, in addition to or in lieu of the bond herein provided for, require such other or further security for the payment of such excess charges or damages as it may deem proper.

81.04.190 Appeal to supreme court. The commission, any public service company or any complainant may, within twenty days after the entry of judgment in the superior court in any action of review, prosecute an appeal to the supreme court of the state of Washington. The appellant shall have fifty days after the entry of such judgment in which to serve and file his opening brief, and the respondent shall have thirty days after the service of such opening brief in which to

answer the same. The appellant shall have twenty days after the service of respondent's brief in which to reply to the same. After the filing of such brief, or the expiration of the time for filing briefs, the cause shall be assigned for hearing at the earliest motion day of the court, or at such other time as the court shall fix, and the clerk of the court shall notify the attorneys for the respective parties of the date set for the hearing in time to permit the parties to participate in the hearing. Such appeal shall be taken by giving a notice of appeal in open court at the time of the rendition of judgment, or by the service and filing of a notice of appeal within twenty days from and after the entry of the judgment.

The original transcript of the record and testimony filed in the superior court in any action to review an order of the commission, together with a transcript of the proceedings in the superior court, shall constitute the record on appeal to the supreme court.

No appeal shall be effective, when taken by a public service company or a complainant, unless a cost bond on appeal in the sum of two hundred dollars shall be filed within five days after the service of the notice of appeal.

The superior court may, in its discretion, suspend its judgment pending the hearing in the supreme court, upon the filing of a bond, with good and sufficient surety, conditioned as provided for bonds upon actions for review, or upon such other or further terms and conditions as it may deem proper. The general laws relating to appeals to the supreme court shall, so far as applicable and not in conflict with the provisions of this title, apply to appeals taken under the provisions of this title.

81.04.200 Rehearings before commission. Any public service company affected by any order of the commission, and deeming itself aggrieved, may, after the expiration of two years from the date of such order taking effect, petition the commission for a rehearing upon the matters involved in such order, setting forth in such petition the grounds and reasons for such rehearing, which grounds and reasons may comprise and consist of changed conditions since the issuance of such order, or by showing a result injuriously affecting the petitioner which was not considered or anticipated at the former hearing, or that the effect of such order has been such as was not contemplated by the commission or the petitioner, or for any good and sufficient cause which for any reason was not considered and determined in such former hearing. Upon the filing of such petition, such proceedings shall be had thereon as are provided for hearings upon complaint, and such orders may be reviewed as are other orders of the commission: *Provided*, That no order superseding the order of the commission denying such rehearing shall be granted by the court pending the review. In case any order of the commission

shall not be reviewed, but shall be complied with by the public service company, such petition for rehearing may be filed within six months from and after the date of the taking effect of such order, and the proceedings thereon shall be as in this section provided. The commission, may, in its discretion, permit the filing of a petition for rehearing at any time. No order of the commission upon a rehearing shall affect any right of action or penalty accruing under the original order unless so ordered by the commission.

81.04.210 Commission may change orders. The commission may at any time, upon notice to the public service company affected, and after opportunity to be heard as provided in the case of complaints rescind, alter or amend any order or rule made, issued or promulgated by it, and any order or rule rescinding, altering or amending any prior order or rule shall, when served upon the public service company affected, have the same effect as herein provided for original orders and rules.

81.04.220 Reparations. When complaint has been made to the commission concerning the reasonableness of any rate, fare, toll, rental or charge for any service performed by any public service company, and the same has been investigated by the commission, and the commission has determined that the public service company has charged an excessive or exorbitant amount for such service, and the commission has determined that any party complainant is entitled to an award of damages, the commission shall order that the public service company pay to the complainant the excess amount found to have been charged, whether such excess amount was charged and collected before or after the filing of said complaint, with interest from the date of the collection of said excess amount.

81.04.230 Overcharges—Refund of. When complaint has been made to the commission that any public service company has charged an amount for any service rendered in excess of the lawful rate in force at the time such charge was made, and the same has been investigated and the commission has determined that the overcharge allegation is true, the commission may order that the public service company pay to the complainant the amount of the overcharge so found, whether such overcharge was made before or after the filing of said complaint, with interest from the date of collection of such overcharge.

81.04.235 Limitation of actions. All complaints against public service companies for the recovery of damages not based on overcharges shall be filed with the commission within six months from the time the cause of action accrues, and not after, except as hereinafter provided.

All complaints against public service companies for recovery of overcharges shall be filed with the commission within two years from the time the cause of action accrues, and not after, except as hereinafter provided, and except that if claim for the overcharge has been presented in writing to the public service company within the two-year period of limitation, said period shall be extended to include six months from the time notice in writing is given by the public service company to the claimant of disallowance of the claim, or any part or parts thereof, specified in the notice.

If on or before expiration of the six-month period of limitation for the recovery of damages not based on overcharges or of the two-year period of limitation for the recovery of overcharges, a public service company begins action under RCW 81.28.270 for recovery of charges in respect of the same transportation service, or, without beginning action, collects charges in respect of that service, said period of limitation shall be extended to include ninety days from the time such action is begun or such charges are collected by the carrier.

81.04.236 When cause of action deemed to accrue. The cause of action for the purposes of RCW 81.04.235, 81.04.240, and 81.28.270 shall be deemed to accrue: (a) In respect of a shipment of property, upon delivery or tender of delivery thereof by the carrier, and not after; (b) in respect of goods or service or services other than a shipment of property, upon the rendering of an invoice or statement of charges by the public service company, and not after.

The provisions of this section shall extend to and embrace cases in which the cause of action has heretofore accrued as well as cases in which the cause of action may hereafter accrue.

81.04.240 Action in court on reparations and overcharges. If the public service company does not comply with the order of the commission for the payment of damages or overcharges within the time limited in the order, action may be brought in any superior court where service may be had upon the company to recover the amount of damages or overcharges with interest. The commission shall certify and file its record in the case, including all exhibits, with the clerk of the court within thirty days after such action is started and the action shall be heard on the evidence and exhibits introduced before the commission and certified to by it.

If the complainant shall prevail in the action, the court shall enter judgment for the amount of damages or overcharges with interest and shall allow complainant a reasonable attorney's fee, and the cost of preparing and certifying the record for the benefit of and to be paid to the commission by complainant, and deposited by the commission in the public service revolving fund, said sums to be fixed and collected as a part of the costs of the action.

If the order of the commission is found contrary to law or erroneous by reason of the rejection of testimony properly offered, the court shall remand the cause to the commission with instructions to receive the testimony so proffered and rejected and enter a new order based upon the evidence theretofore taken and such as it is directed to receive.

The court may remand any action which is reversed by it to the commission for further action.

Appeals to the supreme court shall lie as in other civil cases. Action to recover damages or overcharges shall be filed in the superior court within one year from the date of the order of the commission.

The procedure provided in this section is exclusive, and neither the supreme court nor any superior court shall have jurisdiction save in the manner hereinbefore provided.

81.04.250 Determination of rates. The commission shall have the power upon complaint or upon its own motion to prescribe and authorize just and reasonable rates for the transportation of persons or property by carriers, and shall exercise such power whenever and as often as it shall deem necessary or proper. The commission shall, before any hearing is had upon such complaint or motion, notify the complainants and the carrier concerned of the time and place of such hearing by giving at least ten days' written notice thereof, specifying that at the time and place designated a hearing will be held for the purpose of prescribing and authorizing such rates, which notice shall be sufficient to authorize the commission to inquire into and pass upon the matters designated in this section.

In exercising its aforesaid power the commission may use any standard, formula, method or theory of valuation reasonably calculated to arrive at the objective of prescribing and authorizing just and reasonable rates.

In the exercise of said power the commission may in its discretion give consideration in lieu of other factors to the following:

(1) To the effect of such rates upon movement of traffic by such carriers;

(2) To the public need for adequate transportation facilities, equipment and service at the lowest level of charges consistent with the provision, maintenance and renewal of such facilities, equipment and service; and

(3) To the carrier need for revenue of a level which under honest, efficient and economical management is sufficient to cover the cost (including all operating expenses, depreciation accruals, rents and taxes of every kind) of providing adequate transportation service, plus an amount equal to such percentage of said cost as shall be reasonably necessary for the provision, maintenance and

renewal of said transportation facilities or equipment and a reasonable profit to the carrier. The relation of carrier expenses to carrier revenues may be deemed the proper test of a reasonable profit.

81.04.260 Summary proceedings. Whenever the commission shall be of opinion that any public service company is failing or omitting, or about to fail or omit, to do anything required of it by law, or by order, direction or requirement of the commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything to be done contrary to or in violation of law or of any order, direction or requirement of the commission authorized by this title, it shall direct the attorney general to commence an action or proceeding in the superior court of the state of Washington for Thurston county, or in the superior court of any county in which such company may do business, in the name of the state of Washington on the relation of the commission, for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney general shall thereupon begin such action or proceeding by petition to such superior court, alleging the violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty days after the service of the copy of the petition, within which the public service company complained of must answer the petition. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances in such manner as the court shall direct, without other or formal pleadings, and without respect to any technical requirement. Such persons or corporations as the court may deem necessary or proper to be joined as parties, in order to make its judgment, order or writ effective, may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction, or both, issue as prayed for in the petition, or in such other modified form as the court may determine will afford appropriate relief. An appeal may be taken to the supreme court from such final judgment in the same manner and with the same effect as appeals from judgments of the superior court in actions to review orders of the commission. All provisions of this chapter relating to the time of appeal, the manner of perfecting the same, the filing of briefs, hearings and supersedeas, shall apply to appeals to the supreme court under the provisions of this section.

81.04.270 Merchandise accounts to be kept separate. Any public service company engaging in the sale of merchandise or appliances or equipment shall keep separate accounts, as prescribed by the

commission, of its capital employed in such business and of its revenues therefrom and operating expenses thereof. The capital employed in such business shall not constitute a part of the fair value of said company's property for rate making purposes, nor shall the revenues from or operating expenses of such business constitute a part of the operating revenues and expenses of said company as a public service company.

81.04.280 Purchase and sale of stock by employees. No public service company shall permit any employee to sell, offer for sale, or solicit the purchase of any security of any other person or corporation during such hours as such employee is engaged to perform any duty of such public service company; nor shall any public service company by any means or device require any employee to purchase or contract to purchase any of its securities or those of any other person or corporation; nor shall any public service company require any employee to permit the deduction from his wages or salary of any sum as a payment or to be applied as a payment of any purchase or contract to purchase any security of such public service company or of any other person or corporation.

81.04.290 Sales of stock to employees and patrons. A corporate public service company, either heretofore or hereafter organized under the laws of this state, may sell to its employees and patrons any increase of its capital stock, or part thereof, without first offering it to existing stockholders: *Provided*, That such sale is approved by the holders of a majority of the capital stock, at a regular or special meeting held after notice given as to the time, place, and object thereof as provided by law and the bylaws of the company. Such sales shall be at prices and in amounts for each purchaser and upon terms and conditions as set forth in the resolution passed at the stockholders' meeting, or in a resolution passed at a subsequent meeting of the board of trustees if the resolution passed at the stockholders' meeting shall authorize the board to determine prices, amounts, terms, and conditions, except that in either event a minimum price for the stock must be fixed in the resolution passed at the stockholders' meeting.

81.04.300 Budgets to be filed by companies—Supplementary budgets. The commission may regulate, restrict, and control the budgets of expenditures of public service companies. Each company shall prepare a budget showing the amount of money which, in its judgment, will be needed during the ensuing year for maintenance, operation, and construction, classified by accounts as prescribed by the commission, and shall within ten days of the date it is approved by the company file it with the commission for its investigation and approval or rejection. When a budget has been filed

with the commission it shall examine into and investigate it to determine whether the expenditures therein proposed are fair and reasonable and not contrary to public interest.

Adjustments or additions to budget expenditures may be made from time to time during the year by filing a supplementary budget with the commission for its investigation and approval or rejection.

81.04.310 Commission's control over expenditures. The commission may, both as to original and supplementary budgets, prior to the making or contracting for the expenditure of any item therein, and after notice to the company and a hearing thereon, reject any item of the budget. The commission may require any company to furnish further information, data, or detail as to any proposed item of expenditure.

Failure of the commission to object to any item of expenditure within sixty days of the filing of any original budget or within thirty days of the filing of any supplementary budget shall constitute authority to the company to proceed with the making of or contracting for such expenditure, but such authority may be terminated at any time by objection made thereto by the commission prior to the making of or contracting for such expenditure.

Examination, investigation, and determination of the budget by the commission shall not bar or estop it from later determining whether any of the expenditures made thereunder are fair, reasonable, and commensurate with the service, material, supplies, or equipment received.

81.04.320 Budget rules and regulations. The commission may prescribe the necessary rules and regulations to place RCW 81.04.300 through 81.04.330 in operation. It may by general order, exempt in whole or in part from the operation thereof companies whose gross operating revenues are less than twenty-five thousand dollars a year. The commission may upon request of any company withhold from publication during such time as the commission may deem advisable, any portion of any original or supplementary budget relating to proposed capital expenditures.

81.04.330 Effect of unauthorized expenditures—Emergencies. Any public service company may make or contract for any rejected item of expenditure, but in such case the same shall not be allowed as an operating expense, or as to items of construction, as a part of the fair value of the company's property used and useful in serving the public: *Provided*, That such items of construction may at any time thereafter be so allowed in whole or in part upon proof that they are used and useful. Any company may upon the happening of any emergency caused by fire, flood, explosion, storm, earthquake, riot, or insurrection, or for the immediate preservation

or restoration to condition of usefulness of any of its property, the usefulness of which has been destroyed by accident, make the necessary expenditure therefor free from the operation of RCW 81.04.300 through 81.04.330.

Any finding and order entered by the commission shall be in effect until vacated and set aside in proper proceedings for review thereof.

81.04.340 Dividends, control of. No public service company engaged in intrastate business in this state shall pay any dividend upon its common stock until:

1. The public service company's earnings and earned surplus are sufficient to declare and pay the same after provisions are made for reasonable and proper reserves.

2. The dividend then proposed to be paid upon such common stock can reasonably be paid without impairing the ability of the public service company to perform its duty to render reasonable and adequate service at reasonable rates.

Before any common stock dividend is paid, the public service company shall make application to the commission for approval thereof, and shall furnish to the commission such information and data relating thereto as the commission shall require.

If the commission finds after notice and an opportunity to be heard that the payment of such dividend will not be in violation of the provisions of this section it shall approve the declaration and payment thereof, otherwise it shall disapprove the same. No such dividend so disapproved shall be paid unless and until the findings and order of the commission with respect thereto, have been vacated and set aside in proper proceeding for review thereof.

If at any time the commission shall find that the capital of any public service company is impaired, it may, after due notice, investigation and hearing, issue an order directing such company to cease paying dividends on its common stock until reasonable proof has been made to the commission that such impairment has been made good, and the status of the public service company has become such that common stock dividends may reasonably and properly be paid in full compliance with this section.

81.04.350 Depreciation and retirement accounts. The commission shall have power after hearing to require any or all public service companies to carry proper and adequate depreciation or retirement accounts in accordance with such rules, regulations and forms of accounts as the commission may prescribe. The commission may from time to time ascertain and by order fix the proper and adequate rates of depreciation or retirement of the several classes of property of each public service company. Each public

service company shall conform its depreciation or retirement accounts to the rates so prescribed. In fixing the rate of the annual depreciation or retirement charge, the commission may consider the rate and amount theretofore charged by the company for depreciation or retirement.

The commission shall have and exercise like power and authority over all other reserve accounts of public service companies.

81.04.360 Excessive earnings to reserve fund. If any public service company earns in the period of five consecutive years immediately preceding the commission order fixing rates for such company a net utility operating income in excess of a reasonable rate of return upon the fair value of its property used and useful in the public service, the commission shall take official notice of such fact and of whether any such excess earnings shall have been invested in such company's plant or otherwise used for purposes beneficial to the consumers of such company and may consider such facts in fixing rates for such company.

81.04.380 Penalties—Violations by public service companies. Every public service company, and all officers, agents and employees of any public service company, shall obey, observe and comply with every order, rule, direction or requirement made by the commission under authority of this title, so long as the same shall be and remain in force. Any public service company which shall violate or fail to comply with any provision of this title, or which fails, omits or neglects to obey, observe or comply with any order, rule, or any direction, demand or requirement of the commission, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense. Every violation of any such order, direction or requirement of this title 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.

81.04.385 ———Violations by officers, agents, and employees of public service companies. Every officer, agent or employee of any public service company, who shall violate or fail to comply with, or who procures, aids or abets any violation by any public service company of any provision of this title, 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 public service company in its failure to obey, observe and comply with any such order or provision, shall be guilty of a gross misdemeanor.

81.04.387 ———Violations by other corporations. Every corporation, other than a public service company, which shall violate

any provision of this title, or which shall fail to obey, observe or comply with any order of the commission under authority of this title, so long as the same shall be and remain in force, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense. Every such violation shall be a separate and distinct offense, and the penalty shall be recovered in an action as provided in section 81.04.400.

81.04.390 ————**Violations by persons.** Every person who, either individually, or acting as an officer or agent of a corporation other than a public service company, shall violate any provision of this title, or fail to observe, obey or comply with any order made by the commission under this title, so long as the same shall be or remain in force, or who shall procure, aid or abet any such corporation in its violation of this title, or in its failure to obey, observe or comply with any such order, shall be guilty of a gross misdemeanor.

81.04.400 **Actions to recover penalties.** Actions to recover penalties under this title shall be brought in the name of the state of Washington in the superior court of Thurston county, or in the superior court of any county in or through which such public service company may do business. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions, except as otherwise herein provided. All fines and penalties recovered by the state under this title shall be paid into the treasury of the state and credited to the state general fund or such other fund as provided by law.

81.04.410 **Orders and Rules conclusive.** In all actions between private parties and public service companies involving any rule or order of the commission, and in all actions for the recovery of penalties provided for in this title, or for the enforcement of the orders or rules issued and promulgated by the commission, the said orders and rules shall be conclusive unless set aside or annulled in a review as in this title provided.

81.04.420 **Commission intervention where order or rule is involved.** In all court actions involving any rule or order of the commission, where the commission has not been made a party, the commission shall be served with a copy of all pleadings, and shall be entitled to intervene. Where the fact that the action involves a rule or order of the commission does not appear until the time of trial, the court shall immediately direct the clerk to notify the commission of the pendency of such action, and shall permit the commission to intervene in such action.

The failure to comply with the provisions of this section shall render void and of no effect any judgment in such action, where

the effect of such judgment is to modify or nullify any rule or order of the commission.

81.04.430 Findings of department prima facie correct. Whenever the commission has issued or promulgated any order or rule, in any writ of review brought by a public service company to determine the reasonableness of such order or rule, the findings of fact made by the commission shall be prima facie correct, and the burden shall be upon said public service company to establish the order or rule to be unreasonable or unlawful.

81.04.440 Companies liable for damages. In case any public service company shall do, cause to be done or permit to be done any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done, either by any law of this state, by this title or by any order or rule of the commission, such public service company shall be liable to the persons or corporations affected thereby for all loss, damage or injury caused thereby or resulting therefrom, and in case of recovery if the court shall find that such act or omission was wilful, it may, in its discretion, fix a reasonable counsel or attorney's fee, which shall be taxed and collected as part of the costs in the case. An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by any person or corporation.

81.04.450 Certified copies of orders, rules, etc.—Evidentiary effect. Upon application of any person the commission shall furnish certified copies of any classification, rate, rule, regulation or order established by such commission, and the printed copies published by authority of the commission, or any certified copy of any such classification, rate, rule, regulation or order, with seal affixed, shall be admissible in evidence in any action or proceeding, and shall be sufficient to establish the fact that the charge, rate, rule, order or classification therein contained is the official act of the commission. When copies of any classification, rate, rule, regulation or order not contained in the printed reports, or copies of papers, accounts or records of public service companies filed with the commission shall be demanded from the commission for proper use, the commission shall charge a reasonable compensation therefor.

81.04.460 Commission to enforce public service laws. It shall be the duty of the commission to enforce the provisions of this title and all other acts of this state affecting public service companies, the enforcement of which is not specifically vested in some other officer or tribunal.

Note: See also section 2, chapter 173, Laws of 1961.

81.04.470 Rights of action not released—Penalties cumulative. This title shall not have the effect to release or waive any right

of action by the state or any person for any right, penalty or forfeiture which may have arisen or may hereafter arise under any law of this state; and all penalties accruing under this title shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to the recovery of any other: *Provided*, That no contract, receipt, rule or regulation shall exempt any corporation engaged in transporting livestock by railway from liability of a common carrier, or carrier of livestock which would exist had no contract, receipt, rule or regulation been made or entered into.

81.04.490 Application to municipal utilities. Nothing in this title shall authorize the commission to make or enforce any order affecting rates, tolls, rentals, contracts or charges or service rendered, or the safety, adequacy or sufficiency of the facilities, equipment, instrumentalities or buildings, or the reasonableness of rules or regulations made, furnished, used, supplied or in force affecting any street railroad owned and operated by any city or town, but all other provisions enumerated herein shall apply to public utilities owned by any city or town.

81.04.500 Duties of attorney general. It shall be the duty of the attorney general to represent and appear for the people of the state of Washington and the commission in all actions and proceedings involving any question under this title, or under or in reference to any act or order of the commission; and it shall be the duty of the attorney general generally to see that all laws affecting any of the persons or corporations herein enumerated are compiled with, and that all laws, the enforcement of which devolves upon the commission, are enforced, and to that end he is authorized to institute, prosecute and defend all necessary actions and proceedings.

Chapter 81.08

SECURITIES

81.08.010 Definition. 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 public service 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 22.20.010.

81.08.012 “Evidence of indebtedness”—Limitation of term. The term “evidence of indebtedness,” as used in this chapter, shall not include conditional sales contracts or purchase money chattel mortgages.

81.08.020 Control vested in state. The power of public service companies to issue stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness and to create liens on their property situated within this state is a special privilege, the right of supervision, regulation, restriction, and control of which is and shall continue to be vested in the state, and such power shall be exercised as provided by law and under such rules and regulations as the commission may prescribe.

81.08.030 Authority to issue. A public service company may issue stock and stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness payable on demand or at periods of more than twelve months after the date thereof, for the following purposes only: The acquisition of property, or the construction, completion, extension, or improvement of its facilities, or the improvement or maintenance of its service, or the issuance of stock dividends, or the discharge or refunding of its obligations, or the reimbursement of moneys actually expended from income or from any other moneys in the treasury of the company not secured by or obtained from the issue of stock or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidence of indebtedness of the company for any of the aforesaid purposes except maintenance of service, in cases where the applicant keeps its accounts and vouchers for such expenditures in such manner as to enable the commission to ascertain the amount of money so expended and the purpose for which the expenditure was made.

81.08.040 Application for authority—Hearing—Joint action. Application for authorization to issue such stocks and stock certificates or other evidence of interest or ownership, and bonds, notes or other evidences of indebtedness shall be made to the commission stating the amount, character, terms and purpose of each proposed issue thereof, and stating such other pertinent details as the commission may require.

To enable it to determine whether it will issue such order, the commission may hold a hearing and may make such additional inquiry or investigation, and examine such witnesses, books, papers, documents and contracts, and require the filing of such data as it may deem of assistance. The commission may by its order grant permission for the issuance of such stocks or stock certificates or

other evidence of interest or ownership, or bonds, notes or other evidences of indebtedness in the amount applied for, or in a lesser amount, or not at all, and may attach to the exercise of its permission such condition or conditions as it may deem reasonable and necessary.

If a commission or other agency or agencies is empowered by another state to regulate and control the amount and character of securities to be issued by any public service company within such other state, then the commission shall have the power to agree with such commission or other agency or agencies of such other state on the issuance of stocks and stock certificates or other evidence of interest or ownership, and bonds, notes or other evidences of indebtedness by a public service company owning or operating a public utility both in such state and in this state, and shall have the power to approve such issue jointly with such commission or other agency or agencies and to issue a joint certificate of such approval: *Provided, however,* That no such joint approval shall be required in order to express the consent to and approval of such issue by the state of Washington if said issue is separately approved by the commission.

The public service company making the application may have the decision or order of the commission reviewed in the courts in the same manner and by the same procedure as any other order or decision of the commission, when the public service company shall deem such decision or order to be in any respect or manner improper, unjust or unreasonable.

81.08.050 Use of proceeds limited. No public service company shall, without the consent of the commission, apply the issue of any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, or any part thereof, or any proceeds thereof, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or issue or dispose of the same on any terms less favorable than those specified in such order, or a modification thereof.

81.08.060 Short term notes excepted. A public service company may issue notes, except demand notes, for proper purposes and not in violation of any provision of this chapter, or any other law, payable at periods of not more than twelve months after the date of issuance, without the consent of the commission, but no such note shall, in whole or in part, be refunded by any issue of stock or stock certificates or other evidence of interest or ownership, or bonds, notes, or other evidence of indebtedness, without the consent of the commission.

81.08.070 Fee Schedule. Each public service company making application to the commission for authority to issue stock and stock certificates or other evidence of interest or ownership and bonds, notes or other evidence of indebtedness, shall pay to the commission the following fees: For each order authorizing an issue of bonds, notes or other evidence of indebtedness, one dollar for each one thousand dollars of the principal amount of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and ten cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of ten dollars; for each order authorizing an issue of stock, stock certificates, or other evidence of interest or ownership, one dollar for each one thousand dollars of the par or stated value of the authorized issue or fraction thereof up to one million dollars, and fifty cents for each one thousand dollars over one million dollars and up to ten million dollars, and ten cents for each one thousand dollars over ten million dollars, with a minimum fee in any case of ten dollars: *Provided*, That only twenty-five percent of the specified fees need be paid on any issue or on such portion thereof as may be used to guarantee, take over, refund, or discharge any stock issue or stock certificates, bonds, notes or other evidence of interest, ownership or indebtedness on which a fee has theretofore been paid: *Provided further*, That if the commission modifies the amount of the issue requested and the applicant elects not to avail itself of the authorization, no fee need be paid. All fees collected under this section shall be paid at least once each month to the state treasurer and deposited in the public service revolving fund.

81.08.080 Capitalization of franchises or merger contracts prohibited. The commission shall have no power to authorize the capitalization of the right to be a corporation, or to authorize the capitalization of any franchise or permit whatsoever or the right to own, operate or enjoy any such franchise or permit in excess of the amount (exclusive of any tax or annual charge) actually paid to the state or to a political subdivision thereof as the consideration for the grant of such franchise, permit or right; nor shall any contract for consolidation or lease be capitalized, nor shall any public service company hereafter issue any bonds, notes or other evidences of indebtedness against or as a lien upon any contract for consolidation or merger.

81.08.090 Accounting for disposition of proceeds. The commission shall have the power to require public service companies to account for the disposition of the proceeds of all sales of stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness, in such form

and detail as it may deem advisable, and to establish such rules and regulations as it may deem reasonable and necessary to insure the disposition of such proceeds for the purpose or purposes specified in its order.

81.08.100 Unauthorized and nonconforming issues void. All stock and every stock certificate or other evidence of interest or ownership, and every bond, note or other evidence of indebtedness, of a public service company, issued without an order of the commission authorizing the same then in effect shall be void, and likewise all stock and every stock certificate or other evidence of interest or ownership, and every bond, note or other evidence of indebtedness, of a public service company, issued with the authorization of the commission, but not conforming in substance in its provisions to the provisions, if any, which it is required by the order of authorization of the commission to contain, shall be void; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the commission and no defect in, or in connection with the application for or issuance of, such order shall render void any stock or stock certificate or other evidence of interest or ownership, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice.

81.08.105 ————Issues after effective date of chapter 151, Laws of 1933 based upon corporate authority prior to said date. All stocks and stock certificates or other evidence of interest or ownership, and bonds, notes and other evidences of indebtedness issued by any public service company after chapter 151, Laws of 1933 takes effect, upon the authority of any articles of incorporation or amendments thereto or vote of the stockholders or directors filed, taken or had, or other proceedings taken or had, previous to the taking effect of chapter 151, Laws of 1933, shall be void, unless an order of the department authorizing the issuance of such stock or stock certificates or other evidence of interest or ownership, or bonds, notes or other evidences of indebtedness shall have been obtained from the department prior to such issue; but no failure in any other respect to comply with the terms or conditions of the order of authorization of the department and no defect in, or in connection with the application for or issuance of, such order shall render void any stock or stock certificate or other evidence of interest or ownership, or any bond, note or other evidence of indebtedness, except as to a corporation or person taking the same otherwise than in good faith and for value and without actual notice. The department may by its order impose such condition or conditions as it may deem reasonable and necessary.

For the purposes of this section "department" shall mean the department of public works or such body as shall have succeeded to the powers and duties thereof.

81.08.110 Penalty against companies. Every public service company which, directly or indirectly, issues or causes to be issued, any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, in nonconformity with the order of the commission authorizing the same, or contrary to the provisions of this chapter, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes specified in the commission's order, as herein provided or to any purpose specified in the commission's order in excess of the amount in said order authorized for such purpose shall be subject to a penalty of not more than one thousand dollars for each offense. Every violation of any such order, rules, direction, demand or requirement of the department, or of any provision of this chapter, shall be a separate and distinct offense and in case of a continuing violation every day's continuance thereof shall be deemed to be a separate and distinct offense.

The act, omission or failure of any officer, agent or employee of any public service company acting within the scope of his official duties or employment, shall in every case be deemed to be the act, omission or failure of such public service company.

81.08.120 Penalty against individuals. Every officer, agent or employee of a public service company, and every other person who knowingly authorizes, directs, aids in, issues or executes, or causes to be issued or executed, any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, in nonconformity with the order of the commission authorizing the same, or contrary to the provisions of this chapter, or who, in any proceedings before the commission, knowingly makes any false statement or representation or with knowledge of its falsity files or causes to be filed with the commission any false statement or representation which said statement or representation so made, filed or caused to be filed may tend in any way to influence the commission to make an order authorizing the issuance of any stock or stock certificate or other evidence of interest or ownership, or any bond, note or other evidence of indebtedness, or which results in procuring from the commission the making of any such order, or who, with knowledge that any false statement or representation was made to the commission in any proceedings tending in any way to influence the commission to make such order, issues or executes or negotiates, or causes to be issued, executed or negotiated any such stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebted-

ness, or who, directly or indirectly, knowingly applies, or causes or assists to be applied the proceeds or any part thereof, from the sale of any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, to any purpose not specified in the commission's order, or to any purpose specified in the commission's order in excess of the amount authorized for such purpose, or who, with knowledge that any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, has been issued or executed in violation of any of the provisions of this chapter negotiates, or causes the same to be negotiated, shall be guilty of a gross misdemeanor.

81.08.130 Permit to assume liability as guarantor, etc. No public service company shall henceforth assume any obligation or liability as guarantor, indorser, surety or otherwise in respect to the securities of any other person, firm or corporation, when such securities are payable at periods of more than twelve months after the date thereof, without having first secured from the commission an order authorizing it so to do. Every such assumption made other than in accordance with the order of the commission authorizing the same shall be void.

81.08.140 State not obligated. No provision of this chapter, and no deed or act done or performed under or in connection therewith, shall be held or construed to obligate the state of Washington to pay or guarantee, in any manner whatsoever, any stock or stock certificate or other evidence of interest or ownership, or bond, note or other evidence of indebtedness, authorized, issued or executed under the provisions of this chapter.

Chapter 81.12

TRANSFERS OF PROPERTY

81.12.010 Definition. 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 public service commission under the provisions of this title or Title 22: *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.

81.12.020 Order required to sell, merge, etc. No public service company shall sell, lease, assign or otherwise dispose of the whole or any part of its franchises, properties or facilities whatsoever, which are necessary or useful in the performance of its duties

to the public, and no public service company shall, by any means whatsoever, directly or indirectly, merge or consolidate any of its franchises, properties or facilities with any other public service company, without having secured from the commission an order authorizing it so to do: *Provided*, That this section shall not apply to any sale, lease, assignment or other disposal of such franchises, properties or facilities to a public utility district.

81.12.030 Disposal without authorization void. Any such sale, lease, assignment, or other disposition, merger or consolidation made without authority of the commission shall be void.

81.12.040 Authority required to acquire property or securities of company. No public service company shall, directly or indirectly, purchase, acquire, or become the owner of any of the franchises, properties, facilities, capital stocks or bonds of any other public service company unless authorized so to do by the commission. Nothing contained in this chapter shall prevent the holding of stocks or other securities heretofore lawfully acquired or prohibit, upon the surrender or exchange of said stocks or other securities pursuant to a reorganization plan, the purchase, acquisition, taking or holding by the owner of a proportionate amount of the stocks or other securities of any new corporation organized to take over at foreclosure or other sale, the property of the corporation the stocks or securities of which have been thus surrendered or exchanged. Any contract by any public service company for the purchase, acquisition, assignment or transfer to it of any of the stocks or other securities of any other public service company, directly or indirectly, without the approval of the commission shall be void and of no effect.

81.12.050 Rules and regulations. The commission shall have power to promulgate rules and regulations to make effective the provisions of this chapter.

81.12.060 Penalty. The provisions of sections 81.04.380 and 81-.04.385 as to penalties shall be applicable to public service companies, their officers, agents and employees failing to comply with the provisions of this chapter.

Chapter 81.16

AFFILIATED INTERESTS

81.16.010 Definitions. As used in this chapter, the term "public service company" shall include every corporation engaged in business as a public utility and subject to regulation as to rates and service by the public service commission under the provisions of this title or Title 22.

As used in this chapter, the term "affiliated interest," means:

Every corporation and person owning or holding directly or indirectly five percent or more of the voting securities of any public service company engaged in any intrastate business in this state;

Every corporation and person, other than those above specified, in any chain of successive ownership of five percent or more of voting securities, the chain beginning with the holder of the voting securities of such public service company;

Every corporation five percent or more of whose voting securities are owned by any person or corporation owning five percent or more of the voting securities of such public service company or by any person or corporation in any such chain of successive ownership of five percent or more of voting securities;

Every corporation or person with which the public service company has a management or service contract; and

Every person who is an officer or director of such public service company or of any corporation in any chain of successive ownership of five percent or more of voting securities.

81.16.020 Dealings with affiliated interests must be approved. No contract or arrangement providing for the furnishing of management, supervisory construction, engineering, accounting, legal, financial or similar services, and no contract or arrangement for the purchase, sale, lease or exchange of any property, right, or thing, or for the furnishing of any service, property, right, or thing, other than those above enumerated, hereafter made or entered into between a public service company and any affiliated interest as defined in this chapter, including open account advances from or to such affiliated interests, except open account advances from or to a common carrier subject to the provisions of part one of the interstate commerce act, shall be valid or effective unless and until such contract or arrangement shall have received the approval of the commission. It shall be the duty of every public service company to file with the commission, a verified copy or a verified summary of any such unwritten contract or arrangement, and also of all such contracts and arrangements, whether written or unwritten, entered into prior to March 18, 1933 and in force and effect at that time. The commission shall approve such contract or arrangement hereafter made or entered into only if it shall clearly appear and be established upon investigation that it is reasonable and consistent with the public interest; otherwise the contract or arrangement shall not be approved. The commission shall not be required to approve any such contract or arrangement unless satisfactory proof is submitted to the commission of the cost to the affiliated interest of rendering the services or of furnishing the property or service described herein.

81.16.030 Payments to affiliated interest disallowed if not reasonable. In any proceeding, whether upon the commission's own motion or upon complaint, involving the rates or practices of any public service company, the commission may exclude from the accounts of such public service company any payment or compensation to an affiliated interest for any services rendered or property or service furnished, as above described, under existing contracts or arrangements with such affiliated interest unless such public service company shall establish the reasonableness of such payment or compensation. In such proceeding the commission shall disallow such payment or compensation, in whole or in part, in the absence of satisfactory proof that it is reasonable in amount. In such proceeding any payment or compensation may be disapproved or disallowed by the commission, in whole or in part, unless satisfactory proof is submitted to the commission of the cost to the affiliated interest of rendering the service or furnishing the property or service above described.

81.16.040 Satisfactory proof, what constitutes. No proof shall be satisfactory, within the meaning of RCW 81.16.010 through 81.16.030, unless it includes the original (or verified copies) of the relevant cost records and other relevant accounts of the affiliated interest, or such abstract thereof or summary taken therefrom, as the commission may deem adequate, properly identified and duly authenticated: *Provided, however,* That the commission may, where reasonable, approve or disapprove such contracts or arrangements without the submission of such cost records or accounts.

81.16.050 Commission's control is continuing. The commission shall have continuing supervisory control over the terms and conditions of such contracts and arrangements as are herein described so far as necessary to protect and promote the public interest. The commission shall have the same jurisdiction over the modifications or amendment of contracts or arrangements as are herein described as it has over such original contracts or arrangements. The fact that the commission shall have approved entry into such contracts or arrangements as described herein shall not preclude disallowance or disapproval of payments made pursuant thereto, if upon actual experience under such contract or arrangement, it appears that the payments provided for or made were or are unreasonable. Every order of the commission approving any such contract or arrangement shall be expressly conditioned upon the reserved power of the commission to revise and amend the terms and conditions thereof, if, when and as necessary to protect and promote the public interest.

81.16.060 Summary order on nonapproved payments. Whenever the commission shall find upon investigation that any public service company is giving effect to any such contract or arrangement without such contract or arrangement having received the commission's approval, the commission may issue a summary order prohibiting the public service company from treating any payments made under the terms of such contract or arrangement as operating expenses or as capital expenditures for rate or valuation purposes, unless and until such payments shall have received the approval of the commission.

81.16.070 Summary order on payments after disallowance. Whenever the commission shall find upon investigation that any public service company is making payments to an affiliated interest, although such payments have been disallowed and disapproved by the commission in a proceeding involving the public service company's rates or practices, the commission shall issue a summary order directing the public service company from treating such payments as operating expenses or capital expenditures for rate or valuation purposes, unless and until such payments shall have received the approval of the commission.

81.16.080 Court action to enforce orders. The superior court of Thurston county is authorized to enforce such orders to cease and desist by appropriate process, including the issuance of a preliminary injunction, upon the suit of the commission.

81.16.090 Review of orders. Any public service company or affiliated interest deeming any decision or order of the commission to be in any respect or manner improper, unjust or unreasonable may have the same reviewed in the courts in the same manner and by the same procedure as is now provided by law for review of any other order or decision of the commission.

Chapter 81.20

INVESTIGATION OF PUBLIC SERVICE COMPANIES

81.20.010 Definition. As used in this chapter, the term "public service company" means any person, firm, association, or corporation, whether public or private, operating a utility or public service enterprise subject in any respect to regulation by the public service commission under the provisions of this title or Title 22.

81.20.020 Cost of investigation may be assessed against company. Whenever the commission in any proceeding upon its own motion or upon complaint shall deem it necessary in order to carry out the duties imposed upon it by law to investigate the books, accounts, practices and activities of, or make any valuation or appraisal

of the property of any public service company, or to investigate or appraise any phase of its operations, or to render any engineering or accounting service to or in connection with any public service company, and the cost thereof to the commission exceeds in amount the ordinary regulatory fees paid by such public service company during the preceding calendar year or estimated to be paid during the current year, whichever is more, such public service company shall pay the expenses reasonably attributable and allocable to such investigation, valuation, appraisal or services. The commission shall ascertain such expenses, and, after giving notice and an opportunity to be heard, shall render a bill therefor by registered mail to the public service company, either at the conclusion of the investigation, valuation, appraisal or services, or from time to time during its progress. Within thirty days after a bill has been mailed such public service company shall pay to the commission the amount of the bill, and the commission shall transmit such payment to the state treasurer who shall credit it to the public service revolving fund. The total amount which any public service company shall be required to pay under the provisions of this section in any calendar year shall not exceed one percent of the gross operating revenues derived by such public service company from its intrastate operations during the last preceding calendar year. If such company did not operate during all of the preceding year the calculations shall be based upon estimated gross revenues for the current year.

81.20.030 Interest on unpaid assessment — Action to collect. Amounts so assessed against any public service company not paid within thirty days after mailing of the bill therefor, shall draw interest at the rate of six percent per annum from the date of mailing of the bill. Upon failure of the public service company to pay the bill, the attorney general shall proceed in the name of the state by civil action in the superior court for Thurston county against such public service company to collect the amount due, together with interest and costs of suit.

81.20.040 Commission's determination of necessity as evidence. In such action the commission's determination of the necessity of the investigation, valuation, appraisal or services shall be conclusive evidence of such necessity, and its findings and determination of facts expressed in bills rendered pursuant to sections 81.20.020 through 81.20.060 or in any proceedings determinative of such bills shall be prima facie evidence of such facts.

81.20.050 Order of commission not subject to review. In view of the civil action provided for in sections 81.20.020 through 81.20.060 any order made by the commission in determining the amount of

such bill shall not be reviewable in court, but the mere absence of such right of review shall not prejudice the rights of defendants in the civil action.

81.20.060 Limitation on frequency of investigations. Expenses of a complete valuation, rate and service investigation shall not be assessed against a public service company under this chapter if such company shall have been subjected to and paid the expenses of a complete valuation, rate and service investigation during the preceding five years, unless the properties or operations of the company have materially changed or there has been a substantial change in its value for rate making purposes or in other circumstances and conditions affecting rates and services.

Chapter 81.24

REGULATORY FEES

81.24.010 Companies to file reports of gross revenue and pay fees—General. Every company subject to regulation by the commission, except auto transportation companies, steamboat companies, wharfingers or warehousemen, motor freight carriers, and storage warehousemen 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 equal to one-tenth of one percent of the first fifty thousand dollars of gross operating revenue, plus two-tenths of one percent of any gross operating revenue in excess of fifty thousand dollars, except railroad companies which shall each pay to the commission a fee equal to three-tenths of one percent of its intrastate gross operating revenue: *Provided further*, That the fee shall in no case be less than one dollar.

The percentage rates of gross operating revenue to be paid in any one year may be decreased by the commission for any class of companies subject to the payment of such fees, by general order entered before March 1st of such year, and for such purpose such companies shall be classified as follows: Railroad, express, sleeping car, and toll bridge companies shall constitute class two. Every other company subject to regulation by the commission, for which regulatory fees are not otherwise fixed by law shall pay fees as herein provided and shall constitute additional classes according to kinds of businesses engaged in.

81.24.020 Fees of auto transportation companies. Every auto transportation company shall, between the first and fifteenth days of January, April, July and October of each year, file with the commission a statement showing its gross operating revenue from

intrastate operations for the preceding three months, 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 paid shall in no case be less than two dollars and fifty cents.

The percentage rate of gross operating revenue to be paid in any period may be decreased by the commission by general order entered before the fifteenth day of the month preceding the month in which such fees are due.

81.24.030 Fees of steamboat companies, wharfingers or warehousemen. 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.

81.24.040 Fees of storage warehousemen. Every storage warehouseman shall, on or before the thirty-first day of March, 1950, and of each year thereafter, file with the commission an annual report under oath, on forms to be provided by the commission, showing his gross operating revenue from intrastate operations for the preceding calendar year ending December 31st, or portion thereof, and pay to the commission one percent of such gross operating revenue: *Provided*, That the fee so paid shall in no case be less than ten dollars: *Provided further*, That for the year 1950 the amount yet remaining due shall be computed to give credit for amounts paid during that year. 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.

81.24.050 Fees to approximate reasonable cost of regulation. In fixing the percentage rates of gross operating revenue to be paid by companies under RCW 81.24.010, 81.24.020, 81.24.030 and 81.24.040, the commission shall consider all moneys then in the public service revolving fund and the fees currently to be paid into such fund, to the end that the fees collected from the companies, or classes of companies, covered by each respective section shall be approximately the same as the reasonable cost of supervising and regulating such companies, or classes of companies, respectively.

81.24.060 Intent of legislature—Regulatory cost records to be kept by commission. It is the intent and purpose of the legislature

that the several groups of public service companies shall each contribute sufficient in fees to the commission to pay the reasonable cost of regulating the several groups respectively. The commission shall keep accurate records of the costs incurred in regulating and supervising the several groups of companies subject to regulation or supervision and such records shall be open to inspection by all interested parties. The records and data upon which the commission's determination is made shall be considered prima facie correct in any proceeding instituted to challenge the reasonableness or correctness of any order of the commission fixing fees and distributing regulatory expenses.

81.24.070 Disposition of fees. All moneys collected under the provisions of this chapter shall within thirty days be paid to the state treasurer and by him deposited to the public service revolving fund.

81.24.080 Penalty for failure to pay fees. Every person, firm, company or corporation, or the officers, agents or employees thereof, failing or neglecting to pay the fees herein required shall be guilty of a misdemeanor, and in addition thereto shall be subject to a penalty of twenty-five dollars for each and every day that the fee remains unpaid after it becomes due, said penalty to be collected by the commission in a civil action. All fines and penalties collected under the provisions of this chapter shall be deposited into the public service revolving fund of the state treasury.

Chapter 81.28

COMMON CARRIERS IN GENERAL

81.28.010 Duties as to rates, services and facilities. All charges made for any service rendered or to be rendered in the transportation of persons or property, or in connection therewith, by any common carrier, or by any two or more common carriers, shall be just, fair, reasonable and sufficient.

Every common carrier shall construct, furnish, maintain and provide, safe, adequate and sufficient service facilities, trackage, sidings, railroad connections, industrial and commercial spurs and equipment to enable it to promptly, expeditiously, safely and properly receive, transport and deliver all persons or property offered to or received by it for transportation, and to promote the safety, health, comfort and convenience of its patrons, employees and the public.

All rules and regulations issued by any common carrier affecting or pertaining to the transportation of persons or property shall be just and reasonable.

81.28.020 Duty of carriers and shippers to expedite traffic.

Every common carrier shall under reasonable rules and regulations promptly and expeditiously receive, transport and deliver all persons or property offered to or received by it for transportation. All persons receiving cars for loading shall promptly and expeditiously load the same, and all persons receiving property shall promptly and expeditiously receive and remove the same from the cars and freight rooms.

81.28.030 Routing of freight—Connecting companies—Damages.

All transportation companies doing business wholly or in part within this state shall, upon receipt of any article of freight, promptly forward the same to its marked destination, by the route directed by the shipper, or if no directions are given by shipper, then to any connecting company whose line or route reaches nearest to the point to which such freight is marked.

Any transportation company failing to comply with this section shall be liable for any damages that may be sustained, either to the shipper or consignee, from any cause, upon proof that said damages resulted on account of a failure of the transportation company to comply with this section.

Suit for damages may be instituted either at the place of shipping or destination, either by the shipper or consignee, and before any court competent and qualified to hear and determine like causes between individuals resident of the district in which said court is holding.

81.28.040 Tariff schedules to be filed with commission—Public schedules—Commission's powers as to schedules. Every common carrier shall file with the commission and shall print and keep open to the public inspection schedules showing the rates, fares, charges and classification for the transportation of persons and property within the state between each point upon its route and all other points thereon; and between each point upon its route and all points upon every route leased, operated or controlled by it; and between each point on its route or upon any route leased, operated or controlled by it and all points upon the route of any other common carrier, whenever a through route and joint rate shall have been established or ordered between any two such points. If no joint rate over a through route has been established, the several carriers in such through route shall file, print and keep open to the public inspection, as aforesaid, the separately established rates, fares, charges and classifications, applied to the through transportation. The schedules printed as aforesaid, shall plainly state the places between which property and persons will be carried, and shall also contain classification of passengers or property in force, and shall also state separately all terminal charges, storage

charges, icing charges, and all other charges which the commission may require to be stated, all privileges or facilities granted or allowed, and any rules or regulations which may in anywise change, affect, or determine any part, or the aggregate of, such aforesaid rates, fares and charges, or the value of the service rendered to the passenger, shipper or consignee. Such schedule shall be plainly printed in large type, and a copy thereof shall be kept by every such carrier readily accessible to and for inspection by the public in every station or office of such carrier where passengers or property are respectively received for transportation, when such station or office is in charge of any agent, and in every station or office of such carrier where passenger tickets for transportation or tickets covering sleeping or parlor car or other train accommodation are sold or bills of lading or receipts for property are issued. All or any of such schedules kept as aforesaid shall be immediately produced by such carrier for inspection upon the demand of any person. A notice printed in bold type and stating that such schedules are on file with the agent and open to inspection by any person and that the agent will assist any such person to determine from such schedules any transportation rates or fares or rules or regulations which are in force shall be kept posted by the carrier in two public and conspicuous places in every such station or office. The form of every such schedule shall be prescribed by the commission and shall conform in the case of railroad companies as nearly as may be to the form of schedules required by the interstate commerce commission under the act of congress entitled "An act to regulate commerce," approved February 4, 1887, and the acts amendatory thereof, and supplementary thereto.

The commission shall have power, from time to time, in its discretion, to determine and prescribe by order such changes in the form of such schedules as may be found expedient, and to modify the requirements of this section in respect to publishing, posting and filing of schedules either in particular instances or by general rule or order applicable to special or peculiar circumstances or conditions.

The commission may, in its discretion, suspend the operation of this section in whole or in part as applied to vessels engaged in jobbing business not operating on regular routes.

81.28.050 Tariff changes—Statutory notice—Exception. Unless the commission otherwise orders, no change shall be made in any classification, rate, fare, charge, rule, or regulation filed and published by a common carrier, except after thirty days' notice to the commission and to the public published as provided in RCW 81.28-.040 which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the changed rate,

classification, fare, or charge will go into effect; and all proposed changes shall be shown by printing, filing and publishing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. The commission, for good cause shown, may by order allow changes in rates without requiring the thirty days' notice and the publication. When any change is made in any rate, fare, charge, classification, rule, or regulation, attention shall be directed to such change by some character on the schedule, such character and its placement to be designated by the commission. The commission may, by order, for good cause shown, allow changes in any rate, fare, charge, classification, rule, or regulation without requiring any character to indicate each and every change to be made.

81.28.060 Joint rates, contracts, etc. The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the commission; and where such evidence of concurrence or acceptance is filed, it shall not be necessary for the carriers filing the same also to file copies of the tariffs in which they are named as parties.

Every common carrier shall file with the commission copies of every contract, agreement or arrangement with any other common carrier or common carriers relating in any way to the transportation of persons or property.

81.28.070 Interstate tariffs. Every common carrier shall print and file or cause to be filed with the commission schedules showing the rates, fare, charges and classifications for the transportation of persons and property between all points within the state and all points without the state upon its route, and between each point within the state and all points without the state upon every route leased, operated or controlled by it, and between each point upon its route within the state and all points without the state upon the route of any common carrier, whenever a through route and joint rate shall have been established between any two such points. If no joint rate over a through route has been established, the carrier operating within this state shall print and file with the commission the separately established rates, fares, charges and classifications applied to the through transportation. The schedules printed aforesaid shall plainly state the places between which property and persons will be carried, and shall also contain the classification of passengers or property in force, and shall also state separately all terminal charges, storage charges, icing charges or other charges which the commission may require to be stated, all privileges

granted or allowed, and any rules or regulations which may in anywise change, affect or determine any part or the aggregate of such aforesaid rates, fares, and charges, or the value of the service rendered to the passenger, shipper or consignee.

81.28.080 Published rates to be charged—Exceptions. No common carrier shall charge, demand, collect or receive a greater or less or different compensation for transportation of persons or property, or for any service in connection therewith, than the rates, fares and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates, fares, or charges so specified excepting upon order of the commission as hereinafter provided, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property except such as are regularly and uniformly extended to all persons and corporations under like circumstances. No common carrier shall, directly or indirectly, issue or give any free ticket, free pass or free or reduced transportation for passengers between points within this state, except its employees and their families, surgeons and physicians and their families, its officers, agents and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals, charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to necessary caretakers of livestock, poultry, milk and fruit; to employees of sleeping car companies, express companies, and to linemen of telegraph and telephone companies; to railway mail service employees; post office inspectors, customs inspectors and immigration inspectors; to newsboys on trains; baggage agents, witnesses attending any legal investigation in which the common carrier is interested; to persons injured in accidents or wrecks and physicians and nurses attending such persons; to the National Guard of Washington when on official duty, and students going to and returning from state institutions of learning: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, attorneys, agents and employees and their families, of railroad companies, steamboat companies, express companies and sleeping car companies with other railroad companies, steamboat companies, express companies and sleeping car

companies, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation: *And provided, further,* That this provision shall not be construed to prohibit the exchange of passes or franks for the officers, attorneys, agents, employees, and their families of such telegraph, telephone and cable lines, and the officers, attorneys, agents, employees, and their families of other telegraph, telephone or cable lines, or with railroad companies, express companies or sleeping car companies: *Provided, further,* That the term "employee" as used in this section shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed or dying in the employment of a carrier, those entering or leaving its service and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term "families" as used in this section shall include the families of those persons named in this proviso, also the families of persons killed and the widows during widowhood and minor children during minority, of persons who died while in the service of any such common carrier: *And provided, further,* That nothing herein contained shall prevent the issuance of mileage, commutation tickets or excursion passenger tickets: *And provided, further,* That nothing in this section shall be construed to prevent the issuance of free or reduced transportation by any street railroad company for mail carriers, or policemen or members of fire departments, city officers, and employees when engaged in the performance of their duties as such city employees.

Common carriers subject to the provisions of this title may carry, store or handle, free or at reduced rates, property for the United States, state, county or municipal governments, or for charitable purposes, or to or from fairs and exhibitions for exhibition thereat, and may carry, store or handle, free or at reduced rates, the household goods and personal effects of its employees and those entering or leaving its service and those killed or dying while in its service.

Nothing in this title shall be construed to prohibit the making of a special contract providing for the mutual exchange of service between any railroad company and any telegraph or telephone company, where the line of such telegraph or telephone company is situated upon or along the railroad right of way and used by both of such companies.

81.28.140 Free passage for "seeing eye" dogs. Any sightless person who is a passenger for hire on any common carrier, motor vehicle, railroad train, motor bus, street car, boat or other public

conveyance or mode of transportation, operating within the state, shall be entitled to have with him as his "seeing eye" a dog specially trained for that purpose, without being required to pay any additional charge therefor and the transportation thereof shall be included in such passenger's regular standard fare.

81.28.180 Rate discrimination prohibited. No common carrier shall, directly or indirectly, by any special rate, rebate, drawback, or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for any service rendered or to be rendered in the transportation of persons or property, except as authorized in this title, than it charges, demands, collects or receives from any person or corporation for doing a like and contemporaneous service in the transportation of a like kind of traffic under the same or substantially similar circumstances and conditions.

81.28.190 Unreasonable preferences prohibited. No common carrier shall make or give any undue or unreasonable preference or advantage to any person or corporation or to any locality or to any particular description of traffic in any respect whatsoever, or subject any particular person or corporation or locality or any particular description of traffic, to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

81.28.200 Long and short haul. No common carrier, subject to the provisions of this title, shall charge or receive any greater compensation in the aggregate for the transportation of persons or of a like kind of property, for a shorter than for a longer distance over the same line in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates, subject to the provisions of this title; but this shall not be construed as authorizing any such common carrier to charge and receive as great a compensation for a shorter as for a longer distance or haul. Upon application of a common carrier the commission may by order authorize it to charge less for a longer than for a shorter distance for the transportation of persons or property in special cases after investigation by the commission, but the order must specify and prescribe the extent to which the common carrier making such application is relieved from the operation of this section, and only to the extent so specified and prescribed shall any common carrier be relieved from the operation and requirements of this section.

81.28.210 Transportation at less than published rates—Rebating. No common carrier, or any officer or agent thereof, or any person acting for or employed by it, shall assist, suffer or permit any person or corporation to obtain transportation for any person or

property between points within this state at less than the rates then established and in force in accordance with the schedules filed and published in accordance with the provisions of this title, by means of false billing, false classification, false weight or weighing, or false report of weight, or by any other device or means. No person, corporation, or any officer, agent or employee of a corporation, who shall deliver property for transportation within the state to a common carrier, shall seek to obtain or obtain such transportation for such property at less than the rates then established and in force therefor, as aforesaid, by false billing, false or incorrect classification, false weight or weighing, false representation of the contents or substance of a package, or false report or statement of weight, or by any device or means, whether with or without the consent or connivance of a common carrier or any of its officers, agents or employees.

No person, corporation, or any officer, agent or employee, of a corporation, shall knowingly or wilfully, directly or indirectly, by false statement or representation as to the cost, value, nature or extent of injury, or by the use of any false billing, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit or deposition, knowing the same to be false, fictitious or fraudulent, or to upon any false, fictitious or fraudulent statement or entry, obtain or attempt to obtain any allowance, rebate or payment for damage, or otherwise, in connection with or growing out of the transportation of persons or property, or agreement to transport such persons or property, whether with or without the consent or connivance of such common carrier or any of its officers, agents or employees, whereby the compensation of such carrier for such transportation shall be in fact made less than the rates then established and in force therefor.

No person, corporation, or any officer, agent or employee of a corporation, who shall deliver property for transportation within the state to a common carrier, shall seek to obtain or obtain such transportation by any false representation, false statement or false paper or token as to the contents or substance thereof, where the transportation of such property is prohibited by law.

81.28.220 Action for treble damages. The attorney general of the state of Washington is authorized and directed, whenever he has reasonable grounds to believe that any person, firm or corporation has knowingly accepted or received from any carriers of persons or property subject to the jurisdiction of the commission, either directly or indirectly, any unlawful rebate, discount, deduction, concession, refund or remittance from the rates or charges filed and open to public inspection as provided for in the public service laws of this state, to prosecute a civil action in the name

of the people of the state of Washington in the superior court of Thurston county to collect three times the total sum of such rebates, discounts, deductions, concessions, refunds or remittances so accepted or received within three years prior to the commencement of such action.

All penalties imposed under the provisions of this section shall be paid to the state treasurer and by him deposited in the public service revolving fund.

81.28.230 Commission to fix just, reasonable and compensatory rates. Whenever the commission shall find, after a hearing had upon its own motion or upon complaint, as herein provided, that the rates, fares or charges demanded, exacted, charged or collected by any common carrier for the transportation of persons or property within the state or in connection therewith, or that the regulations or practices of such common carrier affecting such rates are unjust, unreasonable, unjustly discriminatory, or unduly preferential, or in anywise in violation of the provisions of law, or that such rates, fares or charges are insufficient to yield a reasonable compensation for the service rendered, the commission shall determine the just, reasonable or sufficient rates, fares or charges, regulations or practices to be thereafter observed and enforced and shall fix the same by order.

81.28.240 Commission may order improved facilities and service. Whenever the commission shall find, after such hearing, that the rules, regulations, practices, equipment, appliances, facilities or service of any such common carrier in respect to the transportation of persons or property are unjust, unreasonable, unsafe, improper, inadequate or insufficient, the commission shall determine the just, reasonable, safe, adequate, sufficient and proper rules, regulations, practices, equipment, appliances, facilities or service to be observed, furnished, constructed or enforced and be used in the transportation of persons and property by such common carrier, and fix the same by its order or rule.

81.28.250 Commission may complain of interstate rates. The commission shall have power, and it is hereby made its duty, to investigate all interstate, rates, fares, charges, classifications or rules or practices in relation thereto, for or in relation to the transportation of persons or property where any act in relation thereto shall take place within this state, and when the same are, in the opinion of the commission, excessive or discriminatory, or are levied or laid in violation of the act of congress entitled "An act to regulate commerce," approved February 4, 1887, and the acts amendatory thereof and supplementary thereto, or in conflict with the rulings, orders or regulations of the interstate commerce

commission, the commission shall apply, by petition, to the interstate commerce commission for relief, and may present to the interstate commerce commission all facts coming to its knowledge as to violations of the rulings, orders or regulations of that commission, or as to violations of the said act to regulate commerce or acts amendatory thereof or supplementary thereto.

81.28.260 Bicycles as baggage. Bicycles are hereby declared to be and are deemed baggage, and shall be transported as baggage for passengers by railroad corporations and steamboats, and subject to the same liabilities as other baggage; and no such passenger shall be required to crate, cover, or otherwise protect any such bicycle: *Provided*, That a railroad corporation or steamboat shall not be required to transport under the provisions of this section more than one bicycle for one person.

81.28.270 Limitation of action for collection of transportation charges. All actions at law by railroads, common and contract carriers by motor truck and all other public carriers for recovery of their charges, or any part of them, for any common carrier service performed by said carriers, shall be begun within two years from the time the cause of action accrues, and not after.

81.28.280 Reports of wrecks, etc. Every public service company shall give immediate notice to the commission of every accident resulting in death or injury to any person occurring on its lines or system, in such manner as the commission may prescribe.

Such notice shall not be admitted as evidence or used for any purpose against the company giving it in any action for damages growing out of any matter mentioned in the notice. The commission may require reports to be made by any common carrier of all wrecks, collisions, or derailments occurring on its line.

81.28.290 Investigation of accidents, wrecks. The commission shall investigate all accidents that may occur upon the lines of any common carrier resulting in loss of life, to any passenger or employee, and may investigate any and all accidents or wrecks occurring on the line of any common carrier. Notice of the investigation shall be given in all cases for a sufficient length of time to enable the company affected to participate in the hearing and may be given orally or in writing, in such manner as the commission may prescribe.

Such witnesses may be examined as the commission deems necessary and proper to thoroughly ascertain the cause of the accident or wreck and fix the responsibility therefor. The examination and investigation may be conducted by an inspector or deputy inspector, and they may administer oaths, issue subpoenas, and

compel the attendance of witnesses, and when the examination is conducted by an inspector or deputy inspector, he shall make a full and complete report thereof to the commission.

Chapter 81.29

COMMON CARRIERS—LIMITATIONS ON LIABILITY

81.29.010 Definition. The term "common carrier" as used in this chapter shall include every individual, firm, copartnership, association or corporation, or their lessees, trustees or receivers, engaged in the transportation of property for the public for hire, whether by rail, water, motor vehicle, air or otherwise.

81.29.020 Carrier's liability for loss—Limitation—Exceptions—Tariff schedule—Time for filing claims or instituting suits. Any common carrier receiving property for transportation wholly within the state of Washington from one point in the state of Washington to another point in the state of Washington, shall issue a receipt or bill of lading therefor, and shall be liable to the lawful holder thereof for any loss, damage or injury to such property caused by it, or by any common carrier to which such property may be delivered, or over whose line or lines such property may pass when transported on a through bill of lading, and no contract, receipt, rule, regulation or other limitation of any character whatsoever, shall exempt such common carrier from the liability imposed; and any such common carrier so receiving property for transportation wholly within the state of Washington, or any common carrier delivering said property so received and transported, shall be liable to the lawful holder of said receipt or bill of lading, or to any party entitled to recover thereon, whether such receipt or bill of lading has been issued or not, for the full actual loss, damage or injury to such property caused by it or by any such common carrier to which such property may be delivered, or over whose line or lines such property may pass, when transported on a through bill of lading, notwithstanding any limitation of liability or limitation of the amount of recovery, or representation or agreement as to value in any such receipt or bill of lading, or in any contract, rule or regulation, or in any tariff filed with the commission; and any such limitation, without respect to the manner or form in which it is sought to be made, is hereby declared to be unlawful and void: *Provided, however,* That the provisions hereof respecting liability for full actual loss, damage or injury, notwithstanding any limitation of liability or recovery or representation or agreement or release as to value, and declaring any such limitation to be unlawful and void, shall not apply: First, to baggage carried on passenger trains, boats, motor

vehicles or aircraft, or trains, boats, motor vehicles or aircraft carrying passengers; second, to property, except ordinary livestock received for transportation concerning which the carrier shall have been or shall be expressly authorized or required by order of the commission, to establish and maintain rates dependent upon the value declared in writing by the shipper or agreed upon in writing as the released value of the property, in which case such declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or released; and any tariff schedule which may be filed with the commission pursuant to such order shall contain specific reference thereto and may establish rates varying with the value so declared and agreed upon; and the commission is hereby empowered to make such order in cases where rates dependent upon and varying with declared or agreed values would, in its opinion, be just and reasonable under the circumstances and conditions surrounding the transportation. The term "ordinary livestock" shall include all cattle, swine, sheep, goats, horses and mules, except such as are chiefly valuable for breeding, racing, show purposes, or other special uses: *Provided, further*, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under the existing law: *Provided, further*, That it shall be unlawful for any such receiving or delivering common carrier to provide by rule, contract, regulation, or otherwise a shorter period for the filing of claims than nine months, and for the institution of suits than two years, such period for institution of suits to be computed from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice: *And provided, further*, That for the purposes of this section and of RCW 81.29.030 the delivering carrier in the case of rail transportation shall be construed to be the carrier performing the linehaul service nearest to the point of destination, and not a carrier performing merely a switching service at the point of destination: *And provided further*, That the liability imposed by this section shall also apply in the case of property reconsigned or diverted in accordance with the applicable tariffs filed with the commission.

81.29.030 Carrier's right of action against other carrier. The common carrier issuing such receipt or bill of lading, or delivering such property so received and transported, shall be entitled to recover from the common carrier on whose line the loss, damage, or injury shall have been sustained, the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment or transcript thereof.

81.29.040 Penalty for violations. Any common carrier subject to the provisions of this chapter, or whenever such common carrier is a corporation, any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, who, alone, or with any other corporation, company, person, or party, shall wilfully do or cause to be done, or shall willingly suffer or permit to be done, any act, matter, or thing in this chapter prohibited or declared to be unlawful, or who shall aid or abet therein, or shall wilfully omit or fail to do any act, matter or thing in this chapter required to be done, or shall cause or willingly suffer or permit any act, matter or thing so directed or required by this chapter to be done, or not to be so done, or shall aid or abet any such omission or failure, or shall be guilty of any infraction of this chapter for which no penalty is otherwise provided, or who shall aid or abet therein, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof in any court of competent jurisdiction, be subject to a fine of not to exceed five thousand dollars for each offense.

81.29.050 Liability for baggage limited. The liability of any common carrier subject to regulation by the commission for the loss of or damage to any baggage shall not exceed the sum of two hundred dollars for each trunk and its contents, fifty dollars for each valise, suitcase or traveling bag and its contents, or twenty-five dollars for each box, bundle or package and its contents unless a higher valuation is declared at the time of the delivery of such baggage to the carrier and assented thereto in writing by such carrier: *Provided*, That in the case of the originating carrier the limitation of liability defined in this section shall only apply when the passenger or shipper shall have had constructive notice that the common law liability of such carrier has been so limited.

Chapter 81.32

BILLS OF LADING

PART I. THE ISSUE OF BILLS OF LADING

81.32.011 Bills governed by this chapter. Bills of lading issued by any common carrier shall be governed by this chapter.

81.32.021 Form of bills—Essential terms. Every bill must embody within its written or printed terms:

- (1) The date of its issue,
- (2) The name of the person from whom the goods have been received,
- (3) The place where the goods have been received,
- (4) The place to which the goods are to be transported,

(5) A statement whether the goods received will be delivered to a specified person, or to the order of a specified person,

(6) A description of the goods or of the packages containing them which may, however, be in such general terms as are referred to in RCW 81.32.231, and

(7) The signature of the carrier.

A negotiable bill shall have the words "order of" printed thereon immediately before the name of the person upon whose order the goods received are deliverable.

A carrier shall be liable to any person injured thereby for the damage caused by the omission from a negotiable bill of any of the provisions required in this section.

81.32.031 Form of bills—What terms may be inserted. A carrier may insert in a bill, issued by him, any other terms and conditions, provided that such terms and conditions shall not—

(1) Be contrary to law or public policy, or

(2) In anywise impair his obligation to exercise at least that degree of care in the transportation and safekeeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

81.32.041 Definition of nonnegotiable or straight bill. A bill in which it is stated that the goods are consigned or destined to a specified person, is a nonnegotiable or straight bill.

81.32.051 Definition of negotiable or order bill. A bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill, is a negotiable or order bill.

Any provision in such a bill that it is nonnegotiable shall not affect its negotiability within the meaning of this chapter.

81.32.061 Negotiable bills must not be issued in sets. Negotiable bills issued in this state for the transportation of goods to any place in the United States on the continent of North America, except Alaska, shall not be issued in parts or sets.

If so issued the carrier issuing them shall be liable for failure to deliver the goods described therein to anyone who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts.

81.32.071 Duplicate negotiable bills must be so marked. When more than one negotiable bill is issued in this state for the same goods to be transported to any place in the United States on the continent of North America, except Alaska, the word "duplicate" or some other word or words indicating that the document is not an original bill shall be placed plainly upon the face of every such

bill, except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to anyone who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill.

81.32.081 Nonnegotiable bills shall be so marked. A nonnegotiable bill shall have placed plainly upon its face by the carrier issuing it "nonnegotiable" or "not negotiable."

This section shall not apply, however, to memoranda or acknowledgements of an informal character.

81.32.091 Insertion of name of person to be notified. The insertion in a negotiable bill of the name of a person to be notified of the arrival of the goods shall not limit the negotiability of the bill, or constitute notice to a purchaser thereof of any rights or equities of such person in the goods.

81.32.101 Acceptance of bill indicates assent to its terms. Except as otherwise provided in this chapter, where a consignor receives a bill and makes no objection to its terms or conditions at the time he receives it, neither the consignor nor any person who accepts delivery of the goods, nor any person who seeks to enforce any provision of the bill, shall be allowed to deny that he is bound by such terms and conditions, so far as they are not contrary to law or public policy.

PART II. OBLIGATIONS AND RIGHTS OF CARRIERS UPON THEIR BILLS OF LADING

81.32.111 Obligation of carrier to deliver. A carrier, in the absence of some lawful excuse, is bound to deliver goods upon a demand made either by the consignee named in the bill for the goods, or if the bill is negotiable, by the holder thereof, if such demand is accompanied by—

(1) An offer in good faith to satisfy the carrier's lawful lien upon the goods,

(2) An offer in good faith to surrender, properly indorsed, the bill which was issued for the goods, if the bill is negotiable, and

(3) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the carrier.

In case the carrier refuses or fails to deliver the goods in compliance with a demand by the consignee or holder so accompanied, the burden shall be upon the carrier to establish the existence of a lawful excuse for such refusal or failure.

81.32.121 Justification of carrier in delivering. A carrier is justified, subject to the provisions of RCW 81.32.131, 81.32.141, and 81.32.151, in delivering goods to one who is

(1) A person lawfully entitled to the possession of the goods, or

(2) The consignee named in a nonnegotiable bill for the goods, or

(3) A person in possession of a negotiable bill for the goods by the terms of which the goods are deliverable to his order, or which has been indorsed to him or in blank by the consignee or by the mediate or immediate indorsee of the consignee.

81.32.131 Carrier's liability for misdelivery. Where a carrier delivers goods to one who is not lawfully entitled to the possession of them, the carrier shall be liable to anyone having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (2) and (3) of RCW 81.32-.121; and, though he delivered the goods as authorized by either of said subdivisions, he shall be so liable if prior to such delivery he—

(1) Had been requested, by or on behalf of a person having a right of property or possession in the goods, not to make such delivery, or

(2) Had information at the time of the delivery that it was to a person not lawfully entitled to the possession of the goods.

A request or information to be effective within the meaning of this section must be given to an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a request or information, and must be given in time to enable the officer or agent to whom it is given, acting with reasonable diligence, to stop delivery of the goods.

81.32.141 Negotiable bills must be canceled when goods delivered. Except as provided in RCW 81.32.271, and except when compelled by legal process, if a carrier delivers goods for which a negotiable bill had been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to anyone who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier and notwithstanding delivery was made to the person entitled thereto.

81.32.151 Negotiable bills must be canceled or marked when parts of goods delivered. Except as provided in RCW 81.32.271, and except when compelled by legal process, if a carrier delivers part of the goods for which a negotiable bill had been issued and fails either—

(1) To take up and cancel the bill, or

(2) To place plainly upon it a statement that a portion of the goods has been delivered, with a description, which may be in general terms, either of the goods or packages that have been so de-

livered or of the goods or packages which still remain in the carriers' possession, he shall be liable for failure to deliver all the goods specified in the bill, to anyone who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto.

81.32.161 Altered bills. Any alteration, addition or erasure in a bill after its issue without authority from the carrier issuing the same either in writing or noted on the bill shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor.

81.32.171 Lost or destroyed bills. Where a negotiable bill has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the carrier or any person injured by such delivery from any liability or loss, incurred by reason of the original bill remaining outstanding. The court may also in its discretion order the payment of the carrier's reasonable costs and counsel fees.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the carrier from liability to a person to whom the negotiable bill has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

81.32.181 Effect of duplicate bills. A bill upon the face of which the word "duplicate" or some other word or words indicating that the document is not an original bill is placed plainly shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability.

81.32.191 Carrier cannot set up title in himself. No title to goods or right to their possession, asserted by a carrier for his own benefit shall excuse him from liability for refusing to deliver the goods according to the terms of a bill issued for them, unless such title or right is derived directly or indirectly from a transfer made by the consignor or consignee after the shipment, or from the carrier's lien.

81.32.201 Interpleader of adverse claimants. If more than one person claims the title or possession of goods, the carrier may require all known claimants to interplead, either as a defense to an action brought against him for nondelivery of the goods, or as an original suit, whichever is appropriate.

81.32.211 Carrier has reasonable time to determine validity of claims. If some one other than the consignee or person in possession of the bill, has a claim to the title or possession of the goods, and the carrier has information of such claim, the carrier shall be excused from liability for refusing to deliver the goods either to the consignee or person in possession of the bill, or to the adverse claimant, until the carrier has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

81.32.221 Adverse title is no defense—Exceptions. Except as provided in RCW 81.32.121, 81.32.201 and 81.32.211, no right or title of a third person unless enforced by legal process shall be a defense to an action brought by the consignee of a nonnegotiable bill or by the holder of a negotiable bill against the carrier for failure to deliver the goods on demand.

81.32.231 Liability for nonreceipt or misdescription of goods. If a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of bills of lading, the carrier shall be liable to

- (1) The consignee named in a nonnegotiable bill, or
- (2) The holder of a negotiable bill,

Who has given value in good faith relying upon the description therein of the goods for damages caused by the nonreceipt by the carrier or a connecting carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue.

If, however, the goods are described in a bill merely by a statement of marks or labels upon them or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind or quantity, or in a certain condition, or it is stated in the bill that packages are said to contain goods of a certain kind or quantity or in a certain condition, or that the contents or condition of the contents of packages are unknown, or words of like purport are contained in the bill, such statements, if true, shall not make liable the carrier issuing the bill, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or of the kind or quantity or in the condition they were said to be by the consignor. The carrier may, also, by inserting in the bill the words "shipper's load and count" or other words of like purport indicate that the goods were loaded by the shipper and the description of them made by him; and if such statement be true, the carrier shall not be liable for damages caused by the improper loading or by the nonreceipt or by the misdescription of the goods described in the bill.

81.32.241 Attachment or levy upon goods for which a negotiable bill has been issued. If goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner and a negotiable bill is issued for them, they cannot thereafter, while in the possession of the carrier, be attached by garnishment or otherwise, or be levied upon under an execution, unless the bill be first surrendered to the carrier or its negotiation enjoined. The carrier shall in no such case be compelled to deliver the actual possession of the goods until the bill is surrendered to him or impounded by the court.

81.32.251 Creditor's remedies to reach negotiable bills. A creditor whose debtor is the owner of a negotiable bill shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such bill, or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

81.32.261 Negotiable bill must state charges for which lien is claimed. If a negotiable bill is issued the carrier shall have no lien on the goods therein mentioned, except for charges on those goods for freight, storage, demurrage and terminal charges, and expenses necessary for the preservation of the goods or incident to their transportation subsequent to the date of the bill, unless the bill expressly enumerates other charges for which a lien is claimed. In such case there shall also be a lien for the charges enumerated so far as they are allowed by law and the contract between the consignor and the carrier.

81.32.271 Effect of sale. After goods have been lawfully sold to satisfy a carrier's lien, or because they have not been claimed, or because they are perishable or hazardous, the carrier shall not thereafter be liable for failure to deliver the goods to the consignee or owner of the goods, or to a holder of the bill given for the goods when they were shipped, even if such bill be negotiable.

PART III. NEGOTIATION AND TRANSFER OF BILLS

81.32.281 Negotiation of negotiable bills by delivery. A negotiable bill may be negotiated by delivery where, by the terms of the bill, the carrier undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the bill has indorsed it in blank.

81.32.291 Negotiation of negotiable bills by indorsement. A negotiable bill may be negotiated by the indorsement of the person to whose order the goods are deliverable by the tenor of the bill.

Such indorsement may be in blank or to a specified person. If indorsed to a specified person, it may be negotiated again by the indorser or such person in blank or to another specified person. Subsequent negotiation may be made in like manner.

81.32.301 Transfer of bills. A bill may be transferred by the holder by delivery, accompanied with an agreement, express or implied, to transfer the title to the bill or to the goods represented thereby.

A nonnegotiable bill cannot be negotiated, and the indorsement of such a bill gives the transferee no additional right.

81.32.311 Who may negotiate a bill. A negotiable bill may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the bill, the carrier undertakes to deliver the goods to the order of such person, or if at the time of negotiation the bill is in such form that it may be negotiated by delivery.

81.32.321 Rights of person to whom a bill has been negotiated. A person to whom a negotiable bill has been duly negotiated acquires thereby—

(1) Such title to the goods as the person negotiating the bill to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the consignee and consignor had or had power to convey to a purchaser in good faith for value, and

(2) The direct obligation of the carrier to hold possession of the goods for him according to the terms of the bill as fully if the carrier had contracted directly with him.

81.32.331 Rights of person to whom a bill has been transferred. A person to whom a bill has been transferred but not negotiated acquires thereby as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor. If the bill is nonnegotiable, such person also acquires the right to notify the carrier of the transfer to him of such bill, and thereby to become the direct obligee of whatever obligations the carrier owed to the transferor of the bill immediately before the notification.

Prior to the notification of the carrier by the transferor or transferee of a nonnegotiable bill, the title of the transferee to the goods and the right to acquire the obligation of the carrier may be defeated by garnishment or by attachment or execution upon the goods by a creditor of the transferor, or by a notification to the carrier by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

A carrier has not received notification within the meaning of this section unless an officer or agent of the carrier, the actual or

apparent scope of whose duties includes action upon such a notification, has been notified; and no notification shall be effective until the officer or agent to whom it is given has had time with the exercise of reasonable diligence to communicate with the agent or agents having actual possession or control of the goods.

81.32.341 Transfer of negotiable bill without indorsement. Where a negotiable bill is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the bill, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

81.32.351 Warranties on sale of bill. A person who negotiates or transfers for value a bill by indorsement or delivery, including one who assigns for value a claim secured by a bill, unless, a contrary intention appears, warrants—

- (1) That the bill is genuine,
- (2) That he has a legal right to transfer it,
- (3) That he has knowledge of no fact which would impair the validity or worth of the bill, and
- (4) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a bill the goods represented thereby.

In the case of an assignment of a claim secured by a bill, the liability of the assignor shall not exceed the amount of the claim.

81.32.361 Indorser not a guarantor. The indorsement of a bill shall not make the indorser liable for any failure on the part of the carrier or previous indorsers of the bill to fulfill their respective obligations.

81.32.371 No warranty implied from accepting payment of a debt. A mortgagee or pledgee, or other holder of a bill for security who in good faith demands or receives payment of the debt for which such bill is security, whether from a party to a draft drawn for such debt or from any other person, shall not be deemed by so doing to represent or to warrant the genuineness of such bill or the quantity or quality of the goods therein described.

81.32.381 When negotiation not impaired by fraud, accident, mistake, duress or conversion. The validity of the negotiation of a bill is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the bill was deprived of the possession

of the same by fraud, accident, mistake, duress or conversion, if the person to whom the bill was negotiated, or a person to whom the bill was subsequently negotiated, gave value therefor, in good faith, without notice of the breach of duty, or fraud, accident, mistake, duress or conversion.

81.32.391 Subsequent negotiation. Where a person having sold, mortgaged, or pledged goods which are in a carrier's possession and for which a negotiable bill has been issued, or having sold, mortgaged, or pledged the negotiable bill representing such goods, continues in possession of the negotiable bill, the subsequent negotiation thereof by that person under any sale, pledge, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, shall have the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation.

81.32.401 Form of the bill as indicating rights of buyer and seller. Where goods are shipped by the consignor in accordance with a contract or order for their purchase, the form in which the bill is taken by the consignor shall indicate the transfer or retention of the property or right to the possession of the goods as follows:

(1) Where by the bill the goods are deliverable to the buyer or to his agent, or to the order of the buyer or of his agent, the consignor thereby transfers the property in the goods to the buyer.

(2) Where by the bill the goods are deliverable to the seller or to his agent, or to the order of the seller or his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(3) Where by the bill the goods are deliverable to the order of the buyer or of his agent, but possession of the bill is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods, as against the buyer.

(4) Where the seller draws on the buyer for the price and transmits the draft and bill together to the buyer to secure acceptance or payment of the draft, the buyer is bound to return the bill if he does not honor the draft, and if he wrongfully retains the bill he acquires no added right thereby. If, however, the bill provides that the goods are deliverable to the buyer, or to the order of the buyer, or is indorsed in blank or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill or goods from the buyer, shall obtain the title to the goods, although the draft has not been honored, if such purchaser has received de-

livery of the bill indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

81.32.411 Demand, presentation or sight draft must be paid, but draft on more than three days time merely accepted before buyer is entitled to the accompanying bill. Where the seller of goods draws on the buyer for the price of the goods and transmits the draft and a bill of lading for the goods either directly to the buyer or through a bank or other agency, unless a different intention on the part of the seller appears, the buyer and all other parties interested shall be justified in assuming:

(1) If the draft is by its terms or legal effect payable on demand or presentation or at sight, or not more than three days thereafter (whether such three days be termed days of grace or not), that the seller intended to require payment of the draft before the buyer should be entitled to receive or retain the bill.

(2) If the draft is by its terms payable on time, extending beyond three days after demand, presentation or sight (whether such three days be termed days of grace or not), that the seller intended to require acceptance, but not payment of the draft before the buyer should be entitled to receive or retain the bill.

The provisions of this section are applicable whether by the terms of the bill the goods are consigned to the seller, or to his order, or to the buyer, or to his order, or to a third person, or to his order.

81.32.421 Negotiation defeats vendor's lien. Where a negotiable bill has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such bill has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier who issued such bill of the seller's claim to a lien or right of stoppage in transitu. Nor shall the carrier be obliged to deliver or justified in delivering the goods to an unpaid seller unless such bill is first surrendered for cancellation.

81.32.431 When rights and remedies under mortgages and liens are not limited. Except as provided in RCW 81.32.421, nothing in this chapter shall limit the rights and remedies of a mortgagee or lienholder whose mortgage or lien on goods would be valid, apart from this chapter, as against one who for value and in good faith purchased from the owner, immediately prior to the time of their delivery to the carrier, the goods which are subject to the mortgage or lien and obtained possession of them.

PART IV. CRIMINAL OFFENSES

81.32.441 Issue of bill for goods not received—Penalty. Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a bill knowing that all or any part of the goods for which such bill is issued have not been received by such carrier, or by an agent of such carrier or by a connecting carrier, or are not under the carrier's control at the time of issuing such bill, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

81.32.451 Issue of bill containing false statement—Penalty. Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a bill for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

81.32.461 Issue of duplicate bills not so marked—Penalty. Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a duplicate or additional negotiable bill for goods in violation of the provisions of RCW 81.32.071, knowing that a former negotiable bill for the same goods or any part of them is outstanding and uncanceled, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

81.32.471 Negotiation of bill for mortgaged goods—Penalty. Any person who ships goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable bill which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

81.32.481 Negotiation of bill when goods are not in carrier's possession—Penalty. Any person who with intent to deceive negotiates or transfers for value a bill knowing that any or all of the goods which by the terms of such bill appear to have been received for transportation by the carrier which issued the bill, are not in the possession or control of such carrier, or of a connecting carrier, without disclosing this fact, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not

exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

81.32.491 Inducing carrier to issue bill when goods have not been received—Penalty. Any person who with intent to defraud secures the issue by a carrier of a bill knowing that at the time of such issue, any or all of the goods described in such bill as received for transportation have not been received by such carrier, or an agent of such carrier or a connecting carrier, or are not under the carrier's control, by inducing an officer, agent, or servant of such carrier falsely to believe that such goods have been received by such carrier, or are under its control, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

81.32.501 Issue of nonnegotiable bill not so marked—Penalty. Any person who with intent to defraud issues or aids in issuing a nonnegotiable bill without the words "not negotiable" placed plainly upon the face thereof, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both.

PART V. INTERPRETATION

81.32.511 Rule for cases not provided for in this chapter. In any case not provided for in this chapter, the rules of law and equity including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, accident, mistake, bankruptcy, or other invalidating cause, shall govern.

81.32.521 Interpretation shall give effect to purpose of uniformity. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

81.32.531 Definitions. (1) In this chapter, unless the context or subject matter otherwise requires—

"Action" includes counterclaim, setoff, and suit in equity.

"Bill" means bill of lading.

"Consignee" means the person named in the bill as the person to whom delivery of the goods is to be made.

"Consignor" means the person named in the bill as the person from whom the goods have been received for shipment.

"Goods" means merchandise or chattels in course of transportation, or which have been or are about to be transported.

“Holder” of a bill means a person who has both actual possession of such bill and a right of property therein.

“Order” means an order by indorsement on the bill.

“Owner” does not include mortgagee or pledgee.

“Person” includes a corporation or partnership of two or more persons having a joint or common interest.

To “purchase” includes to take as mortgagee and to take as pledgee.

“Purchaser” includes mortgagee and pledgee.

“Value” is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a bill is taken either in satisfaction thereof or as security therefor.

(2) A thing is done “in good faith” within the meaning of this chapter, when it is in fact done honestly, whether it be done negligently or not.

81.32.541 Chapter does not apply to bills prior to June 9, 1915. The provisions of this chapter do not apply to bills made and delivered prior to June 9, 1915.

81.32.561 Short title. This chapter may be cited as the Uniform Bills of Lading Act.

Chapter 81.36

RAILROADS—CORPORATE POWERS AND DUTIES

81.36.010 Right of eminent domain. Every corporation organized for the construction of any railway, macadamized road, plank road, clay road, canal or bridge, is hereby authorized and empowered to appropriate, by condemnation, land and any interest in land or contract right relating thereto, including any leasehold interest therein and any rights-of-way for tunnels beneath the surface of the land, and any elevated rights-of-way above the surface thereof, including lands granted to the state for university, school or other purposes, and also tide and shore lands belonging to the state (but not including harbor areas), which may be necessary for the line of such road, railway or canal, or site of such bridge, not exceeding two hundred feet in width, besides a sufficient quantity thereof for toll houses, workshops, materials for construction, excavations and embankments and a right-of-way over adjacent lands or property, to enable such corporation to construct and prepare its road, railway, canal or bridge, and to make proper drains; and in case of a canal, whenever the court shall deem it necessary, to appropriate a sufficient quantity of land, including lands granted to the state for university, school or other purposes, in addition to that before specified in this section, for the construction and excavation of such canal and of the slopes

and bermes thereof, not exceeding one thousand feet in total width; and in case of a railway to appropriate a sufficient quantity of any such land, including lands granted to the state for university, schools and other purposes and also tide and shore lands belonging to the state (but not including harbor areas) in addition to that before specified in this section, for the necessary side tracks, depots and water stations, and the right to conduct water thereto by aqueduct, and for yards, terminal, transfer and switching grounds, docks and warehouses required for receiving, delivering, storage and handling of freight, and such land, or any interest therein, as may be necessary for the security and safety of the public in the construction, maintenance and operation of its railways; compensation therefor to be made to the owner thereof irrespective of any benefit from any improvement proposed by such corporation, in the manner provided by law: *And provided further*, That if such corporation locate the bed of such railway or canal upon any part of the track now occupied by any established state or county road, said corporation shall be responsible to the state or county in which such state or county road so appropriated is located, for all expenses incurred by the state or county in relocating and opening the part of such road so appropriated. The term land as herein used includes tide and shore lands but not harbor areas; it also includes any interest in land or contract right relating thereto, including any leasehold interest therein.

81.36.020 Right of entry. A corporation organized for the construction of any railway, macadamized road, plank road, clay road, canal or bridge, shall have a right to enter upon any land, real estate or premises, or any of the lands granted to the state of Washington for school, university or other purposes, between the termini thereof, for the purpose of examining, locating and surveying the line of such road or canal, or the site of such bridge, doing no unnecessary damage thereby.

81.36.030 Intersections and connections with other roads or canals. Every corporation formed under the laws of this state for the construction of a railroad shall have the power to cross, intersect, join and unite its railway with any other railway before constructed, at any point in its route, and upon the grounds of such other railway company, with the necessary turn-outs, sidings, switches and other conveniences in furtherance of the objects of its connections, and every corporation whose railway is or shall be hereafter intersected by any new railway shall unite with the corporation owning such new railway in forming such intersections and connections and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined in the manner provided by law for

the taking of lands and other property which shall be necessary for the construction of its road, and every corporation formed under the laws of this state for the construction of a canal shall have the power to cross and intersect any railway before constructed at any point in its road and upon the grounds of such other railway company, and every corporation whose railway is or shall hereafter be crossed or intersected by any canal shall unite with the corporation owning such canal in forming such crossings and intersections and grant the facilities therefor; and if the two corporations cannot agree upon the compensation to be made therefor, or the points and manner of such crossings and connections, the same shall be ascertained and determined in the manner provided by law for the taking of lands and other property which shall be necessary for the construction of said canal.

81.36.040 Lines or canals across or along watercourses. Every corporation formed under the laws of this state for the construction of railroads or canals shall possess the power to construct its railway or canal, as the case may be, across, along or upon any river, stream of water, watercourses, plank road, turnpike or canal, which the route of such railway or canal shall intersect or touch; but such corporation shall restore the river, stream, watercourse, plank road or turnpike thus intersected or touched to its former state as near as may be, and pay any damages caused by such construction: *Provided*, That the construction of any railway or canal by such corporation along, across or upon any of the navigable rivers or waters of this state shall be in such manner as to not interfere with, impede or obstruct the navigation thereof; and all rights, privileges and powers of every description by law conferred upon road or railroad companies are hereby given and granted to canal companies so far as the same may be applicable, and all power and authority possessed by the public or municipal corporations of the state or their local authorities, with reference to road or railroad companies, may be exercised by them with reference to canal companies.

81.36.050 Change of grade or location of road or canal. Any corporation may change the grade or location of its road, or canal, not departing from the general route specified in the articles of incorporation, for the purpose of avoiding annoyances to public travel or dangerous or deficient curves or grades, or unsafe or unsubstantial grounds or foundation, or for other like reasonable causes, and for the accomplishment of such change, shall have the same right to enter upon, examine, survey and appropriate the necessary lands and materials, as in the original location and construction of such road or canal.

81.36.060 Extensions, branch lines. Any railroad corporation chartered by, or organized under, the laws of the state, or of any

state or territory, or under the laws of the United States, and authorized to do business in this state, may extend its railroads from any point named in its charter or articles of incorporation, or may build branch roads either from any point on its line of road or from any point on the line of any other railroad connecting, or to be connected, with its road, the use of which other road between such points and the connection with its own road such corporation shall have secured by lease or agreement for a term of not less than ten years from its date. Before making any such extension or building any such branch road, such corporation shall, by resolution of its directors or trustees, to be entered in the record of its proceedings, designate the route of such proposed extension or branch by indicating the place from and to which said railroad is to be constructed, and the estimated length of such railroad, and the name of each county in this state through or into which it is constructed or intended to be constructed, and file a copy of such record, certified by the president and secretary, in the office of the secretary of state, who shall endorse thereon the date of the filing thereof and record the same. Thereupon such corporation shall have all the rights and privileges to make such extension or build such branch and receive aid thereto which it would have had if it had been authorized in its charter or articles of incorporation.

81.36.070 Purchase, lease, sale, merger of railroads. Any railroad company now or hereafter incorporated pursuant to the laws of this state or of the United States, or of any state or territory of the United States, may at any time by means of subscription to the capital stock of any other railroad company, or by the purchase of its stock or bonds, or by guaranteeing its bonds, or otherwise, aid such company in the construction of its railroad within or without this state; and any such company owning or operating a railroad within or without this state, may extend the same into this or any other state or territory, and may build, buy, or lease the whole or any part of any other railroad, together with the franchises, powers and immunities and all other property and appurtenances appertaining thereto, whether located within or without this state; or may consolidate with any railroad or railroads in such other state or territory, or with any other railroad in this state, and may operate the same, and may own such real estate and other property in such other state or territory as may be necessary or convenient in the operation of such road; and any such railroad company may sell or lease the whole or any part of its railroad and branches, within or without this state, constructed or to be constructed, together with all property, rights, privileges, and franchises appertaining thereto, to any railroad company organized or existing pursuant to the laws of the United States or of this state, or of any

other state or territory of the United States; and any railroad company incorporated or existing under the laws of the United States, or of any state or territory of the United States, may extend, construct, maintain and operate its railroad, or any portion or branch thereof, into and through this state, and may build branches from any point on such extension to any place or places within this state, and the railroad company of any other state or territory of the United States which shall so purchase or lease a railroad, or any part thereof in this state, or consolidate with any such railroad in this state, or shall extend or construct its road, or any portion or branch thereof in this state, shall possess and may exercise and enjoy as to the location, control, management and operation of the said road, and as to the location, construction and operation of any extension or branch thereof, all the rights, powers, privileges and franchises possessed by railroad corporations organized under the laws of this state, including the exercise of the power of eminent domain. Such purchase, sale, consolidation or lease may be made, or such aid furnished upon such terms or conditions as may be agreed upon by the directors and trustees of the respective companies; but, except in the case of sale or lease of branch line railroads, the same shall be approved or ratified by persons holding or representing seventy-five percent of the capital stock of the company so selling or disposing of its stock or bonds, or selling, leasing, or otherwise disposing of its railroad property and appurtenances pertaining thereto, at any annual stockholders' meeting or at a special meeting of the stockholders called for that purpose, or by the approval in writing of seventy-five percent of the stockholders of such company. Articles stating the name selected for such consolidated corporation and the terms of such consolidation shall be approved by each corporation by the vote of the stockholders holding seventy-five percent of the stock, in person or by proxy, at a regular meeting thereof or a special meeting called for that purpose in the manner provided by the bylaws of the respective consolidating corporations, or by the consent in writing of such seventy-five percent of such stockholders annexed to such articles; and a copy thereof, with a copy of the records of such approval or consent, duly certified by the respective presidents and secretaries, with the corporate seals of such corporations affixed thereto, shall be filed for record in the office of the secretary of state, and a copy thereof be furnished to the commission; and thereupon such consolidating corporations shall be and become one corporation, by the name so selected, which, within this state, shall possess all the powers, franchises, and immunities, including the right of further consolidation with other corporations, and be subject to all the liabilities and restrictions now or hereafter imposed by law: *Provided*, That no

railroad corporation shall consolidate its stock, property, or franchises with any other railroad corporation owning a competing line, or purchase, either directly or indirectly, any stock or interest in a railroad corporation owning or operating a competing line: *And, provided further,* That nothing in the foregoing provisions shall be held or construed as curtailing the right of this state, or of the counties through which any such road or roads may be located to levy and collect taxes upon the same, and upon the rolling stock thereof, in conformity with the provisions of the laws of this state upon that subject, and all roads or branches thereof in this state so consolidated with, purchased or leased, or aided, or extended into this state, shall be subject to taxation and to regulation and control of its operation by the laws of this state in all respects the same as if constructed by corporations organized under the laws of this state; and any corporation of another state or territory or of the United States, being the purchaser or lessee of a railroad within this state or extending its railroad or any portion thereof into or through this state, shall establish and maintain an office or offices in this state, at some point or points on its line, at which legal process and notice may be served as upon railroad corporations of this state: *Provided, further,* That before any railroad corporation organized under the laws of any other state or territory, or of the United States, shall be permitted to avail itself of the benefits of this section and RCW 81.36.075 with respect to any railroad constructed, or to be constructed within this state, such corporation shall file with the secretary of state, a true copy of its charter or articles of incorporation, and otherwise comply with the laws of this state respecting foreign corporations doing business within the state: *Provided,* That any such consolidation shall be approved by the commission: *Provided, further,* That in no case shall the capital stock of the company formed by such consolidation exceed the sum of the capital stock of the companies so consolidated, at the par value thereof. Any sale or lease of a branch line railroad made in substantial compliance with the provisions of this section prior to April 8, 1926 is hereby legalized and made in all respects legal and binding from the date of its execution.

81.36.075 Proceedings prior to March 18, 1909 validated. Any sale or purchase of, and any consolidation by sale, or otherwise, or any lease, or agreement to sell, consolidate with or lease, the whole or any part of any railroad, or the branch lines of any company, whether organized or located within or without this state, with the franchises appertaining thereto, to, from or with any railroad company organized under the laws of the United States or of this state or any other state or territory, or any consolidation between such companies, executed prior to March 18, 1909 by the proper officers

of the respective companies, parties to such sale, lease or consolidation or contract, is hereby legalized and made in all respects valid and binding from the date of its execution: *Provided*, That the provisions of this section shall not apply when the railroads or transportation corporations involved are competing lines.

81.36.090 Requisites to building extension or branch line. Any railroad corporation chartered by or organized under the laws of the United States, or of any state or territory, whose constructed railroad shall reach or intersect the boundary line of this state at any point, may extend its railroad into this state from any such point or points to any place or places within the state, and may build branches from any point on such extension. Before making such extension or building any such branch road, such corporation shall, by resolution of its directors or trustees, to be entered in the record of its proceedings, designate the route of such proposed extension or branch by indicating the place from and to which such extension or branch is to be constructed, and the estimated length of such extension or branch, and the name of each county in this state through or into which it is constructed or intended to be constructed, and file a copy of such record, certified by the president and secretary, in the office of the secretary of state, who shall endorse thereon the date of filing thereof, and record the same. Thereupon such corporation shall have all the rights and privileges to make such extension or build such branch and receive such aid thereto as it would have had had it been authorized so to do by articles of incorporation duly filed in accordance with the laws of this state.

81.36.100 Bridges over navigable streams. Any railroad corporation heretofore duly incorporated and organized under the laws of this state or of the territory of Washington, or which may hereafter be duly incorporated and organized under the laws of this state, or heretofore or hereafter incorporated and organized under the laws of any other state or territory of the United States, and authorized to do business in this state and to construct and operate railroads therein, shall have and hereby is given the right to construct bridges across the navigable streams within this state over which the projected line or lines of railway of said railroad corporations will run: *Provided*, That said bridges are constructed in good faith for the purpose of being made a part of the constructed line of said railroad: *And provided*, That they shall be constructed in the course of the construction of said railroad or thereafter for the more convenient operation thereof: *And provided further*, That such bridges shall be so constructed as not to interfere with, impede or obstruct the navigation of such streams.

81.36.120 May own securities of irrigation companies. It shall be lawful for any corporation, whether such corporation is organized under the laws of the territory or state of Washington, the laws of any other state or territory, or the laws of the United States owning, leasing or operating any line or lines of railway within the state of Washington, or which may own, lease or operate in the future any such line or lines of railway within this state, to take, acquire, own, negotiate, sell and guarantee bonds and stocks of companies or corporations which are or may hereafter be organized for the purpose of irrigating and reclaiming lands within this state.

81.36.130 May construct and operate canals and ditches. It shall be lawful for any such corporation to build, own and operate irrigating ditches and canals in this state for the purpose of irrigating and reclaiming arid lands contiguous to or tributary to such line or lines of railway.

81.36.140 Contracts for sale or lease of equipment. In any contract of, or for the sale of railroad equipment or rolling stock, it shall be lawful to agree that the title to the property sold or contracted to be sold, although deliverable immediately, or at any future time, shall not vest in the purchaser until the purchase price shall be fully paid, or that the seller shall retain a lien thereon for the unpaid purchase money; if any such contract of or for the sale of railroad equipment or rolling stock, or any such contract of or for the leasing of such property, provides that the vendor, or lessor, as the case may be, in event of default by the purchaser or lessee may, in addition to and concurrently with the exercise of any and all other remedies provided in such contract, also have the right to sell such rolling stock or equipment at private or public sale and to recover from the purchaser or lessee any deficit remaining after application of the amount realized from such sale and from the exercise of such other remedies, the inclusion of such provision shall not operate to vest title in the purchaser or lessee or constitute such contract a chattel mortgage; and in any contract of, or for the leasing of such property, it shall be lawful to stipulate for a conditional sale thereof at the termination of the lease, and that the rentals received may, as paid, be applied and treated as purchase money, and that the title to the property shall not vest in the lessee or vendee until the purchase price is paid in full, notwithstanding delivery to and possession by the lessee or vendee; and the assignment of the vendor's or lessor's interest in any such contract shall give the assignee the right to all the vendor's or lessor's interest under such contract, and said assignee shall have such interest in the property covered thereby as the assignor had: *Provided*, That no such contract or assignment shall be valid as against any sub-

sequent judgment creditor, or any subsequent bona fide purchaser, for value and without notice, unless,—

(1) It is evidenced by an instrument duly acknowledged before some person authorized to take acknowledgments of deeds;

(2) It is filed for record in the office of the county auditor of the county in which, at the time of the execution thereof, is situated the principal office of the vendee or lessee within this state;

(3) Each locomotive engine or car so sold, or contracted to be sold, or leased, as aforesaid, shall have the name of the vendor or lessor plainly marked on each side thereof, followed by the word "owner" or "lessor," as the case may be.

81.36.150 Recording of contract. The contracts and assignments herein authorized and provided for shall be recorded by the said county auditor, in the book of records of mortgages of real estate in said county; and on payment in full of purchase money, and the performance of the terms and conditions stipulated in any such contract, a declaration in writing to that effect shall be made by the vendor, or his assignee, which declaration may be made on the margin of the record of the contract, attested by the said auditor, or it may be made by a separate instrument, to be acknowledged and recorded as aforesaid, and for such services the county auditor shall be entitled to the fees provided by law for the recording of deeds and mortgages of real estate.

81.36.160 Effect of recording. Compliance with the provisions of RCW 81.36.140, including the filing for record heretofore or hereafter, shall constitute notice to all persons of the rights of any such vendor, lessor or assignee, and no other filing or recording shall be required in order to validate any such instrument or to constitute such notice.

Chapter 81.40

RAILROADS—EMPLOYEE REQUIREMENTS AND REGULATIONS

81.40.010 Full train crews—Passenger. It shall be unlawful for any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway, in the state of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, to operate over its road or any part thereof, or suffer or permit to be run over its road outside of the yard limits, any passenger, mail or express train consisting of four or more cars with less than a full passenger crew consisting of five men, to wit: one engineer, one fireman, one conductor, one brakeman and one flagman (said flagman to have had at least one year's experience in train service) and none of the said crew shall

be required or permitted to perform the duties of train baggageman or express messenger while on the road.

81.40.020 Full train crews—Freight. It shall be unlawful for any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway, in the state of Washington, and engaged, as a common carrier, in the transportation of freight or passengers, to operate over its road or any part thereof, or suffer or permit to be run over its road outside of the yard limits, any freight train consisting of twenty-five or more cars exclusive of engine and caboose, with less than a full train crew consisting of six men, to wit: one engineer, one fireman, one conductor, two brakemen and one flagman (said flagman to have had at least one year's experience in train service): *Provided*, That light engine, without cars, shall have the following crew, to wit: one engineer, one fireman and one conductor.

81.40.030 Penalty — Exceptions from requirements — Enforcement. Each train or engine run in violation of RCW 81.40.010 or 81.40.020 shall constitute a separate offense: *Provided*, That nothing in RCW 81.40.010 through 81.40.030 shall be construed as applying in the case of disability of one or more of any train crew while out on the road between division terminals, wrecking trains, or to any line, or part of line, where not more than two trains are run in each twenty-four hours.

Any person, corporation, company, or officer of court operating any railroad or railway, or part of any railroad or railway in the state of Washington, and engaged as a common carrier, in the transportation of freight or passengers, who shall violate any of the provisions of RCW 81.40.010 through 81.40.030 shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

It shall be the duty of the commission to enforce RCW 81.40.010 through 81.40.030.

81.40.040 Trainmen—Hours of service. It shall be unlawful for any common carrier by railroad or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip; or, except by accident or unavoidable delay of trains scheduled to make connection with the train on which such employee is serving, he is prevented from reaching his terminal; or, to require or permit any such employee who has been on duty sixteen consecutive hours to go on duty without having had at least ten hours off duty; or, to require or permit any such

employee who has been on duty sixteen hours in the aggregate in any twenty-four hour period to continue on duty without having had at least eight hours off duty within the twenty-four hour period.

81.40.050 Enforcement. Any such common carrier, or any of its officers or agents violating any of the provisions of RCW 81.40.040 is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not less than one hundred or more than one thousand dollars for each and every such violation to be recovered in a suit or suits to be brought by the attorney general; and it shall be the duty of the attorney general to bring such suits upon duly verified information being lodged with him of such violation having occurred, in any superior court; and it shall also be the duty of the commission to fully investigate all cases of the violation of RCW 81.40.040, and to lodge with the attorney general information of any such violation as may come to its knowledge.

81.40.060 Purchase of apparel by employees. It shall be unlawful for any railroad or other transportation company doing business in the state of Washington, or of any officer, agent or servant of such railroad or other transportation company, to require any conductor, engineer, brakeman, fireman, purser, or other employee, as a condition of his continued employment, or otherwise to require or compel, or attempt to require or compel, any such employees to purchase of any such railroad or other transportation company or of any particular person, firm or corporation or at any particular place or places, any uniform or other clothing or apparel, required by any such railroad or other transportation company to be used by any such employee in the performance of his duties as such; and any such railroad or transportation company or any officer, agent or servant thereof, who shall order or require any conductor, engineer, brakeman, fireman, purser, or other person in its employ, to purchase any uniform or other clothing or apparel as aforesaid, shall be deemed to have required such purchase as a condition of such employee's continued employment.

81.40.070 Penalty. Any railroad or other transportation company doing business in the state of Washington, or any officer, agent or servant thereof, violating any of the provisions of RCW 81.40.060 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail of the county where the misdemeanor is committed, not exceeding six months.

81.40.080 Employee shelters. It shall be unlawful for any railroad company, corporation, association or other person owning, con-

trolling or operating any line of railroad in the state of Washington, to build, construct, reconstruct, or repair railroad car equipment or motive power in this state without first erecting and maintaining at every point where five employees or more are regularly employed on such work, a shed over a sufficient portion of the tracks used for such work, so as to provide that all men regularly employed in such work shall be sheltered and protected from rain and other inclement weather: *Provided*, That the provisions of this section shall not apply at points where it is necessary to make light repairs only on equipment or motive power, nor to equipment loaded with time or perishable freight, nor to equipment when trains are being held for the movement of equipment, nor to equipment on tracks where trains arrive or depart or are assembled or made up for departure. The term "light repairs," as herein used, shall not include repairs usually made in roundhouse, shop or shed upon well equipped railroads.

81.40.090 Penalty. Any railroad company or officer or agent thereof, or any other person, who shall violate the provisions of RCW 81.40.080, by failing or refusing to comply with its provisions, shall be deemed guilty of a misdemeanor, and each day's failure or refusal to comply with the provisions of RCW 81.40.080 shall be considered a separate offense.

81.40.095 Rules and regulations—Railroad employees—Sanitation, shelter. The public service commission shall adopt and enforce rules and regulations relating to sanitation and adequate shelter as it affects the health of all railroad employees, including but not limited to railroad trainmen, enginemen, yardmen, maintenance of way employees, highway crossing watchmen, clerical, platform, freight house and express employees.

81.40.100 Penalty for employing illiterate engineer—Penalty for illiterate person to act as engineer. Every person who, as an officer of a corporation or otherwise, shall knowingly employ as an engineer or engine driver, to run a locomotive or train on any railway, any person who cannot read time tables and ordinary handwriting; and every person who, being unable to read time tables and ordinary handwriting, shall act as an engineer or run a locomotive or train on any railway, shall be guilty of a gross misdemeanor.

81.40.110 Flagman must read, write and speak English. Any railroad operating within this state, shall not employ or use as flagman any person or persons who cannot read, write and speak the English language.

81.40.120 Cost of records or medical examinations—Definitions. As used in RCW 81.40.120 through 81.40.140:

(1) "Employer" means any common carrier by rail, doing business in or operating within the state, and any subsidiary thereof.

(2) "Employee" means every person who may be permitted, required, or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment.

81.40.130 ————**Unlawful to require employee or applicant to pay.** It is unlawful for any employer to require any employee or applicant for employment to pay the cost of a medical examination or the cost of furnishing any records required by the employer as a condition of employment.

81.40.140 ————**P e n a l t y.** Any employer who violates the provisions of RCW 81.40.120 through 81.40.140 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one hundred dollars. Each violation shall constitute a separate offense.

Chapter 81.44

COMMON CARRIERS—EQUIPMENT

81.44.010 Commission may order improved facilities. Whenever the commission shall, after a hearing had upon its own motion or upon complaint, find that, additional tracks, switches, terminals, terminal facilities, stations, motive power or any other property, apparatus, equipment, facilities or device for use by any common carrier in, or in connection with the transportation of persons or property, ought reasonably to be provided, or any repairs or improvements to, or changes in, any theretofore in use ought reasonably to be made, or any additions or changes in construction should reasonably be made thereto, in order to promote the security or convenience of the public or employees, or in order to secure adequate service or facilities for the transportation of passengers or property, the commission may, after a hearing, either on its own motion or after complaint, make and serve an order directing such repairs, improvements, changes or additions to be made.

81.44.020 Correction of unsafe or defective conditions. If upon investigation the commission shall find that the equipment or appliances in connection therewith, or the apparatus, tracks, bridges or other structures of any common carrier are defective, and that the operation thereof is dangerous to the employees of such common carrier or to the public, it shall immediately give notice to the superintendent or other officer of such common carrier of the repairs or reconstruction necessary to place the same in a safe condition, and may also prescribe the rate of speed for trains or cars passing over such dangerous or defective track, bridge or other structure

until the repairs or reconstruction required are made, and may also prescribe the time within which the same shall be made. Or if, in its opinion, it is needful or proper, it may forbid the running of trains or cars over any defective track, bridge or structure until the same be repaired and placed in a safe condition.

There shall be no appeal from or action to review any order of the commission made under the provisions of this section.

81.44.030 Safety appliances—Locomotives. Each locomotive on every railroad in this state shall be equipped with power driving wheel brakes and appliances for operating the train brake system, so equipped that the engineer on the locomotive drawing such train can control its speed without requiring brakeman to use the common hand brakes for that purpose, with couplers coupling automatically by impact, which can be coupled or uncoupled without the necessity of men going between the locomotive and the locomotive or car to which the same is being coupled or from which it is being uncoupled, and with proper flanges, sill steps and grab irons, or uncoupling levers in lieu of such grab irons, and, excepting such as may be assigned to daylight runs or switching service exclusively, with electric headlights of approved design and capacity (except that locomotives may be operated without such headlight upon permission and order of the commission), with proper cocks, valves, pistons, valve stems and appliances which will prevent the escape of steam in such volume as to obstruct the view of the engineman operating such locomotive, and, in the case of locomotives used in the switching service, with proper foot boards and toe boards, and with a headlight on each end, and with such other appliances, apparatus and machinery necessary for safe operation of the locomotive or the train to which the same is attached, as the commission may prescribe: *Provided*, That in case of emergency the commission may permit the use of road engines in switching service.

81.44.040 Safety appliances—Cars—Street cars. Each car shall be equipped with couplers coupling automatically, which can be coupled or uncoupled without the necessity of men going between the ends of the cars, with power brakes, with proper hand brakes, sill steps and grab irons, and, where secure ladders and running boards are required, with such ladders and running boards, and all cars having ladders shall also be equipped with secure hand holds or grab irons on their roofs at the tops of such ladders, and with such other appliances necessary for the safe operation of such cars, and the trains containing such cars, as may be prescribed by the commission: *Provided*, That in the loading and hauling of long commodities requiring more than one car, hand brakes may be omitted from all save one of the cars, while they are thus combined for such

purpose: *And provided further*, That in the operation of trains not less than eighty-five percent of the cars in such train, which are associated together, shall have their power brakes used and operated by the engineer of the locomotive drawing such train.

Every street car shall be equipped with proper and efficient brakes, steps, grab irons or hand rails, fenders or aprons or pilots, and with such other appliances, apparatus and machinery necessary for the safe operation of such street car as the commission may prescribe.

81.44.050 Power of commission as to appliances. The commission shall, as soon as practicable, after the taking effect of chapter 117, Laws of 1911, designate the number, dimensions, location and manner of application of the appliances provided for in RCW 81.44.030 and 81.44.040, or such as may be prescribed by the commission, and shall give notice of such designation to all railroad companies and street railroad companies subject to the provisions of this title, by such means as the commission may deem proper, and thereafter such number, dimensions, location and manner of application as designated by the commission shall remain as the standards of equipment to be used on all cars and locomotives subject to the provisions of this title. The commission shall have power to add to, change or modify said standards of equipment at any time or to provide different standards under different circumstances and conditions: *Provided*, That the commission may, upon full hearing, for good cause, extend the period within which any railroad or street railroad may comply with the provisions of RCW 81.44.030 through 81.44.060 with respect to the equipment of locomotives or cars actually in service on the date of passage of chapter 117, Laws of 1911. The commission is hereby given authority to fix the time within which such modification or change shall become effective or obligatory. After the time so fixed it shall be unlawful to use any car, motor, or locomotive which does not comply with the standards so prescribed by the commission: *Provided*, That when any car, motor or locomotive shall have been properly equipped as provided in this title, and such equipment shall have become defective or insecure while such car, motor or locomotive was being used by such railroad company upon its line of railroad, such car, motor or locomotive may be hauled from the place where such equipment was first discovered to be defective or insecure to the nearest available point where such car, motor or locomotive can be repaired, without liability for the penalties imposed herein if such movement is necessary to make such repairs, and such repairs cannot reasonably be made except at such repair point. Nothing in this proviso shall be construed to permit the hauling of defective cars by means of chains instead

of drawbars in revenue trains, or in association with other cars that are commercially used, unless such defective cars contain livestock or perishable freight.

81.44.060 Penalty. It shall be unlawful for any railroad company or street railroad company to use or operate any car, motor, locomotive or train that is defective, or any car, motor, locomotive or train upon which any appliance, machinery or attachment thereto belonging is defective, or to knowingly operate its train over any defective track, bridge or other structure, excepting in cases of emergency and under proper precautions: *Provided*, That RCW 81.44.030 through 81.44.060 shall not apply to boarding and outfit cars when moved as work trains, or to trains consisting wholly of logging trucks or of logging trucks and a passenger car or caboose at the rear end thereof, or of logging trucks and not to exceed five freight cars at the rear end thereof.

81.44.065 Devolution of powers and duties relative to safety of railroads. The public service commission shall exercise all powers and duties in relation to the inspection of tracks, bridges, structures, equipment, apparatus, and appliances of railroads with respect to the safety of employees and the public and the administration and enforcement of all laws providing for the protection of the public and employees of railroads which prior to April 1, 1955 were vested in and required to be performed by the director of labor and industries.

81.44.070 Duties of inspector of safety appliances. It shall be the duty of the inspector of tracks, bridges, structures, and equipment, and such deputies as may be appointed, to inspect all equipment, and appliances connected therewith, and all apparatus, tracks, bridges and structures, depots and facilities and accommodations connected therewith, and facilities and accommodations furnished for the use of employees, and make such reports of his inspection to the commission as may be required. He shall, on discovering any defective equipment or appliances connected therewith, rendering the use of such equipment dangerous, immediately report the same to the superintendent of the road on which it is found, and to the proper official at the nearest point where such defect is discovered, describing the defect. Such inspector may, on the discovery of any defect rendering the use of any car, motor or locomotive dangerous, condemn such car, motor or locomotive, and order the same out of service until repaired and put in good working order. He shall, on discovering any track, bridge or structure defective or unsafe in any particular, report such condition to the commission, and, in addition thereto, report the same to the official in charge of the division of such railroad upon which

such defect is found. In case any track, bridge or structure is found so defective as to be dangerous to the employees or public for a train or trains to be operated over the same, the inspector is hereby authorized to condemn such track, bridge or structure and notify the commission and the office in charge of the division of such railroad where such defect is found of his action concerning the same, reporting in detail the defect complained of, and the work or improvements necessary to repair such defect. He shall also report to the commission the violation of any law governing, controlling or affecting the conduct of public service companies in this state, as such companies are defined in this title or in Title 80.

The inspector, or such deputies as may be appointed, shall have the right and privilege of riding on any locomotive, either on freight or passenger trains, or on the caboose of any freight train, for the purpose of inspecting the track on any railroad in this state: *Provided*, That the engineer or conductor in charge of any such locomotive or caboose may require such inspector to produce his authority, under the seal of the commission, showing that he is such inspector or deputy inspector.

The inspector, or such deputy inspector or inspectors as may be appointed, shall, when required by the commission, inspect any street railroad, gas plant, electrical plant, water system, telephone line or telegraph line, and upon discovering any defective or dangerous track, bridge, structure, equipment, apparatus, machinery, appliance, facility, instrumentality or building, rendering the use of the same dangerous to the public or to the employees of the company owning or operating the same, report the same to the commission, and to the official in charge of such road, plant, system or line.

81.44.085 First aid kits and drinking water. Every person operating a common carrier railroad in this state shall equip each locomotive and caboose used in train or yard switching service, and every car used in passenger service with a first aid kit of a type to be approved by the commission: *Provided*, That such kits shall not be required on equipment used exclusively in yard or switching service where such kits are maintained in the yard or terminal.

Each locomotive and caboose shall also be furnished with sanitary cups and sanitary ice-cooled drinking water.

For the purpose of this section a "locomotive" shall include all railroad engines propelled by any form of energy and used in rail line haul or yard switching service.

Any person violating any provision of this section shall be guilty of a misdemeanor.

81.44.090 Cabooes—Size—Equipment. It shall be unlawful for any person, corporation or company operating any railroad or railway in this state to require or permit the use of any caboose cars, unless said caboose cars shall be at least twenty-four feet in length, exclusive of platforms, and shall be provided with a door in each end thereof, and with suitable water closets, cupolas, platforms, guard rails, grab irons and steps for the safety of persons in alighting or getting on said caboose cars and said caboose cars shall be equipped with at least two four wheel trucks and an operative hand brake on each end: *Provided*, That RCW 81.44.090 and 81.44.100 shall not apply to logging railways upon which passengers are not regularly carried for hire.

81.44.100 Penalty. Any person, corporation or company operating any railroad or railway in this state, violating any of the provisions of RCW 81.44.090, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five hundred dollars, nor more than one thousand dollars, for each offense.

81.44.101 Track motor cars—Windshield and canopy required. Every person, firm or corporation operating or controlling any railroad running through or within this state as a common carrier shall, on or before January 1, 1952, equip each of its track motor cars with:

(1) A windshield and a device for wiping rain, snow and other moisture therefrom, which device shall be maintained in good order and so constructed as to be controlled or operated by the operator of said track motor car;

(2) A canopy or top of such construction as to adequately protect the occupants thereof from the rays of the sun, rain, snow or other inclement weather.

81.44.102 ———Absence of windshield or canopy unlawful. It shall be unlawful after January 1, 1952, for any person, firm or corporation, operating or controlling any common carrier railroad running through or within this state to operate or use any track motor car which is not equipped with a windshield and canopy or top as provided in RCW 81.44.101.

81.44.103 ———Head and tail lights required. Every person, firm or corporation operating or controlling any railroad running as a common carrier through or within the state shall, on or before January 1, 1952, equip each of its track motor cars used during the period from thirty minutes before sunset to thirty minutes after sunrise, with an electric headlight of such construction and with sufficient candle power to render plainly visible at a distance of not less than three hundred feet in advance of such track motor

car, any track obstruction, landmark, warning sign or grade crossing, and further shall equip such track motor car with a red rear electric light of such construction and with sufficient candle power as to be plainly visible at a distance of three hundred feet.

81.44.104 ————**Absence of lights unlawful.** It shall be unlawful after January 1, 1952, for any person, firm or corporation operating or controlling any railroad running as a common carrier through or within this state to operate or use any track motor car from thirty minutes before sunset to thirty minutes after sunrise, which is not equipped with lights of the candle power, construction and utility described in RCW 81.44.103.

81.44.105 ————**Penalty for violation.** Every violation of RCW 81.44.101 through 81.44.105 is a misdemeanor and shall be punishable by a fine of not more than one hundred dollars.

81.44.110 **Equipment is part of cars—Tare weight.** The stakes, standards, supports, stays, railings and other equipments, appliances and contrivances necessary to effectually and suitably equip and supply every and all flat cars, and cars belonging to any and every railroad company, or person engaged in the business of carrying for hire in this state shall constitute and be held considered part and parcel of said cars, and the weight of same shall be added to the weight of the cars, and shall be deducted from the weight of the cargo, commodity, or product shipped on any and all such flat car or cars so that the freight charges shall be charged by the carrier only on the cargo, commodity or product carried.

81.44.120 **Reimbursement of shipper for supplying equipment.** Whenever any railroad company or any person engaged in the business of carrying for hire in this state shall set in or furnish any person or persons any flat car or cars that is, or are not, provided with stakes, standards, supports, stays, railings and other equipments, appliances and contrivances necessary to effectually and suitably equip and supply every and all such flat car or cars for the purpose of loading and transporting goods, commodities or products, and it shall be necessary and requisite that the shipper or loader of any goods, commodities or products shall furnish any stakes, standards, supports, stays, railings and other equipments, appliances and contrivances necessary to effectually and suitably equip and supply such flat car or cars for the purpose of transporting any goods, commodities or products, the carrier or railroad company, or person engaged in the business of carrying for hire, shall pay to the shipper or loader of any such flat car or cars the cost and expense of placing on any and all of such flat car or cars stakes, standards, supports, stays, railings or other equipments, appliances,

and contrivances necessary to effectually and suitably equip or supply every and all such flat car or cars.

81.44.130 Safeguarding frogs, switches and guard rails. Every railroad and street railroad operating in this state shall so adjust, fill, block and securely guard all frogs, switches and guard rails so as to protect and prevent the feet of persons being caught therein.

81.44.150 Track scale—Testing. It shall be the duty of all railroads operating in this state, to provide suitable facilities for the testing of all track scales used by such railroads. The commission is hereby authorized, after a hearing, upon its own motion and after notice to the railroads operating in this state, to order a suitable car or other device or facility to be provided by the railroad companies operating in this state, to be used in testing the track scales used by such railroads, the expenses of providing such car, device or facility to be equitably and reasonably apportioned among the different railroad companies by the commission. Such car, device or facility shall be used by the commission to test the accuracy of all track scales, and the different railroad companies shall transport and move such car, device or facility without charge therefor, to the different places designated by the commission under such reasonable rules and regulations as the commission may prescribe. Such car, device or facility may be used in adjoining states to test the scales of railroad companies and for that purpose may be taken beyond the limits of the state under such reasonable rules and regulations for the due care and return thereof as the commission may prescribe. The commission is hereby authorized to prescribe and collect a reasonable fee sufficient to cover the cost and expenses connected therewith for the inspection and testing of all scales.

81.44.160 Regulations for weighing. The commission shall have power to enforce reasonable regulations for the weighing of cars and freight offered for shipment over any line of railroad, and to test the weights made by any railroad and scales used in weighing freight on cars.

Chapter 81.48

RAILROADS—OPERATING REQUIREMENTS AND REGULATIONS

81.48.010 Failure to ring bell—Penalty. Every engineer driving a locomotive on any railway who shall fail to ring the bell or sound the whistle upon such locomotive, or cause the same to be rung or sounded at least eighty rods from any place where such railway crosses a traveled road or street on the same level (except

in cities), or to continue the ringing of such bell or sounding of such whistle until such locomotive shall have crossed such road or street, shall be guilty of a misdemeanor.

81.48.020 Obstructing or delaying train—Penalty. Every person who shall wilfully obstruct, hinder or delay the passage of any car lawfully operated upon any railway, shall be guilty of a misdemeanor.

81.48.030 Speed within cities may be regulated. The right to fix and regulate the speed of railway trains within the limits of cities of the second class, third class, and towns, is vested exclusively in the commission: *Provided*, That RCW 81.48.030 and 81.48-.040 shall not apply to street railways which may be operating or hereafter operated within the limits of said cities and towns.

81.48.040 Procedure to fix speed limits—Change in limits. After due investigation and within a reasonable time after June 9, 1943, the commission shall make and issue an order fixing and regulating the speed of railway trains within the limits of cities of the second class, cities of the thrid class, and towns. The speed limit to be fixed by the commission shall be discretionary, and it may fix different rates of speed for different cities and towns, which rates of speed shall be commensurate with the hazard presented and the practical operation of the trains. The commission shall have the right from time to time, as conditions change, to either increase or decrease speed limits established under RCW 81.48.030 and 81.48.040.

81.48.050 Trains to stop at railroad crossings. All railroads and street railroads, operating in this state shall cause their trains and cars to come to a full stop at a distance not greater than five hundred feet before crossing the tracks of another railroad crossing at grade, excepting at crossings where there are established signal towers and signal men, interlocking plants or gates.

81.48.060 Penalty for violation of duty endangering safety. Every engineer, motorman, gripman, conductor, brakeman, switch tender, train dispatcher or other officer, agent or servant of any railway company, who shall be guilty of any wilful violation or omission of his duty as such officer, agent or servant, by which human life or safety shall be endangered, for which no punishment is specially prescribed, shall be guilty of a misdemeanor.

Chapter 81.52

RAILROADS—RIGHTS OF WAY—SPURS—FENCES

81.52.010 Physical connections. Whenever the commission shall find, after a hearing made upon complaint or upon it own motion,

that the public necessities and conveniences would be subserved by having track connections made, between any two or more railroads at any of the points hereinafter specified, the commission shall order any two or more railroads of the same or similar gauge to make physical connections at any and all crossings, and at all points where a railroad shall begin or terminate at or near any other railroad, and at or near all towns or cities, so that the cars of any such railroad company may be speedily transferred from one railroad to another, and shall order whether the expense thereof shall be borne jointly or otherwise.

81.52.020 Sidetrack and switch connections, duty to construct. A railroad company upon the application of any shipper shall construct, maintain and operate upon reasonable terms a switch connection or connections with a lateral line of railway or private side track owned, operated or controlled by such shipper, and shall upon the application of any shipper, provide upon its own property a side track and switch connection with its line of railway, whenever such a side track and switch connection is reasonably practicable, and can be put in with safety and the business therefor is sufficient to justify the same.

81.52.030 Sidetrack and switch connection may be ordered by commission. Whenever the commission shall find, after a hearing had upon its own motion or upon complaint, as herein provided, that application has been made by any shipper for a switching connection or connections with a lateral line of railway or private side track owned, operated or controlled by such shipper, or that application has been made by any shipper for the installation of a side track upon the property of such railroad, and that such switch connection or side track is reasonably practicable, can be put in with reasonable safety, and the business therefor is sufficient to justify the same, and that the railroad company has refused to install or provide the same, the commission shall enter its order requiring such connection or the construction of such side track: *Provided*, That such shipper so to be served shall pay the legitimate cost and expense of constructing such connection or side track as shall be determined in separate items by the commission, and before the railroad company shall be compelled to incur any cost in connection therewith the same shall be secured to the railroad company in such manner as the commission may require. Whenever such lateral line of railway private side track or side track upon the property of the railroad company shall be constructed under the provisions of this section, any person or corporation shall be entitled to connect therewith or use the same upon the payment to the shipper incurring the primary expense of a reasonable proportion of the cost thereof, to be determined by the commission

after notice to the interested parties: *Provided*, That such connection can be made without unreasonable interference with the right of such shipper incurring the primary expense.

81.52.040 Spur tracks. Any railroad corporation organized under the laws of this state or of any other state, and authorized to do business in this state and owning or operating a railway in this state, may construct, maintain and operate public spur tracks, from its railroad or any branch thereof, to and upon the grounds of any mill, elevator, storehouse, warehouse, dock, wharf, pier, manufacturing establishment, lumber yard, coal dock or other industry or enterprise, with all side tracks, storage tracks, wyes, turnouts, and connections necessary or convenient to the use of the same; and such company may acquire by purchase or condemnation, in the manner provided by the laws of this state for the acquisition of real estate for railway purposes, all necessary rights of way for such spur tracks, side tracks, storage tracks, wyes, turnouts and connections; said spur when constructed to be a public spur for the use of all industries located or thereafter located thereon: *Provided*, That the right to acquire by condemnation herein granted shall not be exercised over unimproved lands for a greater distance than five miles, or over improved lands for a greater distance than one mile, or over lands within the limits of a municipal corporation for a greater distance than one-fourth of a mile: *Provided further*, That this section shall not be construed as limiting the rights granted under RCW 81.36.060 through 81.36.090, relating to the construction of branch lines.

81.52.050 Fences — Crossings — Cattle guards. Every person, company or corporation having the control or management of any railroad shall, outside of any corporate city or town, and outside the limits of any sidetrack or switch, cause to be constructed and maintained in good repair on each side of said railroad, along the line of said right of way of such person, company or corporation operating the same, a substantial fence, and at every point where any roadway or other public highway shall cross said railroad, a safe and sufficient crossing must be built and maintained, and on each side of such crossing and at each end of such sidetrack or switch, outside of any incorporated city or town, a sufficient cattle guard: *Provided*, That any person holding land on both sides of said right of way shall have the right to put in gates for his own use at such places as may be convenient.

81.52.060 ————Liability for injury to stock. Every such person, company or corporation owning or operating such railroad shall be liable for all damages sustained in the injury or killing of stock in any manner by reason of the failure of such person, com-

pany or corporation, to construct and maintain such fence or such crossing or cattle guard; but when such fences, crossings and guards have been duly made, and shall be kept in good repair, such person, company or corporation shall not be liable for any such damages, unless negligently or unlawfully done.

81.52.070 ————**Negligence, evidence of.** In all actions against persons, companies or corporations, operating steam or electric railroads in the state of Washington, for injury to stock by collision with moving trains, it is prima facie evidence of negligence on the part of such person, company or corporation, to show that the railroad track was not fenced with a substantial fence or protected by a sufficient cattle guard at the place where the stock was injured or killed.

Chapter 81.53

RAILROADS—CROSSINGS

81.53.010 Definitions. The term "commission," when used in this chapter, means the public service commission of Washington.

The term "highway," when used in this chapter, includes all state and county roads, streets, alleys, avenues, boulevards, parkways and other public places actually open and in use, or to be opened and used, for travel by the public.

The term "railroad," when used in this chapter, means every railroad, including interurban and suburban electric railroads, by whatsoever power operated, for the public use in the conveyance of persons or property for hire, with all bridges, ferries, tunnels, equipment, switches, spurs, sidings, tracks, stations and terminal facilities of every kind, used, operated, controlled, managed, or owned by or in connection therewith. The said term shall also include every logging and other industrial railway owned or operated primarily for the purpose of carrying the property of its owners or operators or of a limited class of persons, with all tracks, spurs and sidings used in connection therewith. The said term shall not include street railways operating within the limits of any incorporated city or town.

The term "railroad company," when used in this chapter, includes every corporation, company, association, joint stock association, partnership or person, its, their or his lessees, trustees or receivers appointed by any court whatsoever, owning, operating, controlling or managing any railroad, as that term is defined in this section.

The term "over-crossing," when used in this chapter, means any point or place where a highway crosses a railroad by passing above the same.

The term "under-crossing," when used in this chapter, means any point or place where a highway crosses a railroad by passing under the same.

The term "over-crossing" or "under-crossing," shall also mean any point or place where one railroad crosses another railroad not at grade.

The term "grade crossing," when used in this chapter, means any point or place where a railroad crosses a highway or a highway crosses a railroad or one railroad crosses another, at a common grade.

81.53.020 Grade separation required where practicable. All railroads and extensions of railroads hereafter constructed shall cross existing railroads and highways by passing either over or under the same, when practicable, and shall in no instance cross any railroad or highway at grade without authority first being obtained from the commission to do so. All highways and extensions of highways hereafter laid out and constructed shall cross existing railroads by passing either over or under the same, when practicable, and shall in no instance cross any railroad at grade without authority first being obtained from the commission to do so: *Provided*, That this section shall not be construed to prohibit a railroad company from constructing tracks at grade across other tracks owned or operated by it within established yard limits. In determining whether a separation of grades is practicable, the commission shall take into consideration the amount and character of travel on the railroad and on the highway; the grade and alignment of the railroad and the highway; the cost of separating grades; the topography of the county, and all other circumstances and conditions naturally involved in such an inquiry.

81.53.030 Petition for crossing—Hearing—Order. Whenever any railroad company desires to cross any highway or railroad at grade, it shall file a written petition with the commission setting forth the reasons why the crossing cannot be made either above or below grade, and whenever the county commissioners of any county, or the municipal authorities of any city, or the state officers authorized to lay out and construct state roads, or state parks and recreation commission, desire to extend any highway across any railroad at grade, they shall file a written petition with the commission, setting forth the reasons why the crossing cannot be made either above or below grade. Upon receiving such petition the commission shall immediately investigate it, giving at least ten days' notice to the railroad company and the county or city affected thereby, of the time and place of such investigation, to the end that all parties interested may be present and heard. If the highway involved is a state road or parkway, the director of highways or state

parks and recreation commission shall be notified of the time and place of hearing. The evidence introduced shall be reduced to writing and be filed by the commission. If it finds that it is not practicable to cross the railroad or highway either above or below grade, the commission shall enter a written order in the clause, either granting or denying the right to construct a grade crossing at the point in question. The commission may provide in the order authorizing a grade crossing, or at any subsequent time, that the railroad company shall install and maintain proper signals, warnings, flagmen, interlocking devices, or other devices or means to secure the safety of the public and its employees. In respect to existing railroad grade crossings over highways the construction of which grade crossings was accomplished other than pursuant to a commission order authorizing the same, the commission may in any event require the railroad company to install and maintain, at or near each crossing, on both sides thereof, a sign known as the sawbuck crossing sign with the lettering "Railroad Crossing" inscribed thereon with a suitable inscription indicating the number of tracks. Such a sign shall be of standard design conforming to specifications furnished by the Washington state highway commission.

81.53.040 Supplemental hearing—Change of route. If the commission finds that it is impracticable to construct an over-crossing or under-crossing on the established or proposed highway, and shall find that by deflecting the established or proposed highway a practicable and feasible over-crossing or under-crossing or a safer grade crossing can be provided, it shall continue the hearing and hold a supplemental hearing thereon. At least ten days' notice of the time and place of the supplemental hearing shall be given to all landowners that may be affected by the proposed change in location of the highways. At the supplemental hearing the commission shall inquire into the propriety and necessity of changing and deflecting the highway as proposed. If the proposed change in route of the highway involves the abandonment and vacation of a portion of an established highway, the owners of land contiguous to the portion of the highway to be vacated shall, in like manner, be notified of the time and place of the supplemental hearing. At the conclusion of the hearing, the commission shall enter its findings in writing, and shall determine the location of the crossing which may be constructed, and whether it shall be an under-crossing, over-crossing or grade crossing, and shall determine whether or not any proposed change in the route of an existing highway, or the abandonment of a portion thereof is advisable or necessary to secure an over-crossing, under-crossing, or safer grade crossing.

81.53.050 Requirements of order on change of route. If the commission finds and determines that a change in route of an existing highway, or vacation of a portion thereof, is necessary or advisable, it shall further find and determine what private property or property rights it is necessary to take, damage, or injuriously affect for the purpose of constructing the highway along a new route, and what private property or property rights, will be affected by the proposed vacation of a portion of an existing highway. The property and property rights found necessary to be taken, damaged, or affected shall be described in the findings with reasonable accuracy. In any action brought to acquire the right to take or damage any such property or property rights, the findings of the commission shall be conclusive as to the necessity therefor. A copy of the findings shall be served upon all parties to the cause.

81.53.060 Petition for alteration of crossing. The mayor and city council, or other governing body of any city or town, or the county commissioners of any county within which there exists any under-crossing, over-crossing or grade crossing, or where any street or highway is proposed to be located or established across any railroad, or any railroad company whose road is crossed by any highway, may file with the commission their or its petition in writing, alleging that the public safety requires the establishment of an under-crossing or over-crossing, or an alteration in the method and manner of an existing crossing, and its approaches, or in the style and nature of construction of any existing over-crossing, under-crossing or grade crossing, or a change in the location of an existing highway or crossing, the closing or discontinuance of an existing highway crossing, and the diversion of travel thereon to another highway or crossing, or if not practicable, to change such crossing from grade or to close and discontinue the same, the opening of an additional crossing for the partial diversion of travel and praying that the same may be ordered. If the existing or proposed crossing is on a state road, highway or parkway, the petition may be filed by the director of highways or state parks and recreation commission. Upon such petition being filed, the commission shall fix a time and place for hearing the petition and shall give not less than ten days' notice thereof to the petitioner, the railroad company and the municipality or county in which the crossing is situate. If the highway involved is a state highway or parkway, like notice shall be given to the director of highways or state parks and recreation commission. If the change petitioned for requires that private lands, property, or property rights be taken, damaged, or injuriously affected to open up a new route for the highway, or requires that any portion of any existing highway be vacated and abandoned, ten days' notice of the hearing shall be given to the owner or

owners of the private lands, property, and property rights which it is necessary to take, damage or injuriously affect, and to the owner or owners of the private lands, property, or property rights that will be affected by the proposed vacation and abandonment of the existing highway. The commission shall also cause said notice of hearing to be published once in some newspaper of general circulation in the community where such crossing is situate, which publication shall appear at least two days prior to the date of hearing. At the time and place fixed in the notice, all persons and parties interested shall be entitled to be heard and introduce evidence.

81.53.070 Hearing. At the conclusion of the hearing the commission shall make and file its written findings of fact concerning the matters inquired into in like manner as provided for findings of fact upon petition for new crossings. The commission shall also enter its order based upon said findings of fact, which shall specify whether the highway shall continue at grade or whether it shall be changed to cross over or under the railroad in its existing location or at some other point, and whether an over-crossing or under-crossing shall be established at the proposed location of any street or highway or at some other point, or whether the style and nature of construction of an existing crossing shall be changed, or whether said highway shall be closed and travel thereon diverted to another channel, or any other change that the commission may find advisable or necessary: *Provided*, That in an emergency where a highway is relocated to avoid a grade crossing, or a new crossing is constructed in the vicinity of an existing crossing in the interest of public safety, the commission may order such existing crossing closed without notice or hearing as specified herein. In case the order made requires that private lands, property, or property rights be taken, damaged or injuriously affected, the right to take, damage or injuriously affect the same shall be acquired as hereinafter provided.

Any petition herein authorized may be filed by the commission on its own motion, and proceedings thereon shall be the same as herein provided for the hearing and determination of a petition filed by a railroad company.

81.53.080 Restrictions on structures in proximity of crossings. After February 24, 1937, no building, loading platform, or other structure which will tend to obstruct the vision of travelers on a highway or parkway, of approaching railway traffic, shall be erected or placed on railroad or public highway rights of way within a distance of one hundred feet of any grade crossing located outside the corporate limits of any city or town unless authorized

by the commission, and no railway cars or equipment shall be spotted less than one hundred feet from such crossing except to serve existing facilities of industries.

The commission shall have the power to specify the minimum vertical and horizontal clearance of under-crossings constructed, repaired or reconstructed after February 24, 1937, except as to primary state highways.

81.53.090 Duty to maintain crossings. When a highway crosses a railroad by an over-crossing or under-crossing, the framework and abutments of the over-crossing or under-crossing, as the case may be, shall be maintained and kept in repair by the railroad company, and the roadway thereover or thereunder and approaches thereto shall be maintained and kept in repair by the county or municipality in which the same are situated, or if the highway is a state road or parkway, the roadway over or under the railroad shall be maintained and kept in repair as provided by law for the maintenance and repair of state roads and parkways.

The railings of over-crossings shall be considered a part of the roadway. Whenever a highway intersects a railroad at common grade, the roadway approaches within one foot of the outside of either rail shall be maintained and kept in repair by highway authority, and the planking or other materials between the rails and for one foot on the outside thereof shall be installed and maintained by the railroad company. At crossings involving more than one track, maintenance by the railroad company shall include that portion of the crossing between and for one foot on the outside of each outside rail. The minimum length of such planking or other materials shall be twenty feet on installation or repairs made after February 24, 1937.

81.53.100 Cost when railroad crosses highway. Whenever, under the provisions of this chapter, new railroads are constructed across existing highways, or highway changes are made either for the purpose of avoiding grade crossings on such new railroads, or for the purpose of crossing at a safer and more accessible point than otherwise available, the entire expense of crossing above or below the grade of the existing highway, or changing the route thereof, for the purpose mentioned in this section, shall be paid by the railroad company.

81.53.110 Cost when highway crosses railroad. Whenever, under the provisions of this chapter, a new highway is constructed across a railroad, or an existing grade crossing is eliminated or changed (or the style or nature of construction of an existing crossing is changed), the entire expense of constructing a new grade crossing, an over-crossing, under-crossing, or safer grade crossing, or changing the

nature and style of construction of an existing crossing, including the expense of constructing approaches to such crossing and the expense of securing rights of way for such approaches, as the case may be, shall be apportioned by the commission between the railroad, municipality or county affected, or if the highway is a state road or parkway, between the railroad and the state, in such manner as justice may require, regard being had for all facts relating to the establishment, reason for, and construction of said improvement. If the highway involved is a state road or parkway, the amount not apportioned to the railroad company shall be paid as provided by law for constructing such state road or parkway.

81.53.120 Cost when railroad crosses railroad. Whenever two or more lines of railroad owned or operated by different companies cross a highway, or each other, by an over-crossing, under-crossing, or grade crossing required or permitted by this chapter or by an order of the commission, the portion of the expense of making such crossing not chargeable to any municipality, county or to the state, and the expense of constructing and maintaining such signals, warnings, flagmen, interlocking devices, or other devices or means to secure the safety of the public and the employees of the railroad company, as the commission may require to be constructed and maintained, shall be apportioned between said railroad companies by the commission in such manner as justice may require, regard being had for all facts relating to the establishment, reason for, and construction of said improvement, unless said companies shall mutually agree upon an apportionment. If it becomes necessary for the commission to make an apportionment between the railroad companies, a hearing for that purpose shall be held, at least ten days' notice of which shall be given.

81.53.130 Apportionment of cost. In the construction of new railroads across existing highways, the railroads shall do or cause to be done all the work of constructing the crossings and road changes that may be required, and shall acquire and furnish whatever property or easements may be necessary, and shall pay, as provided in RCW 81.53.100 through 81.53.120, the entire expense of such work including all compensation or damages for property or property rights taken, damaged or injuriously affected. In all other cases the construction work may be apportioned by the commission between the parties who may be required to contribute to the cost thereof as the parties may agree, or as the commission may consider advisable. All work within the limits of railroad rights of way shall in every case be done by the railroad company owning or operating the same. The cost of acquiring additional lands, rights or easements to provide for the change of existing crossings shall, unless the parties otherwise agree, in the first instance be paid by the municipality or

county within which the crossing is located; or in the case of a state road or parkway, shall be paid in the manner provided by law for paying the cost of acquiring lands, rights or easements for the construction of state roads or parkways. The expense accruing on account of property taken or damaged shall be divided and paid in the manner provided for dividing and paying other costs of construction. Upon the completion of the work and its approval by the commission, an accounting shall be had, and if it shall appear that any party has expended more than its proportion of the total cost, a settlement shall be forthwith made. If the parties shall be unable to agree upon a settlement, the commission shall arbitrate, adjust and settle the account after notice to the parties. In the event of failure and refusal of any party to pay its proportion of the expense, the sum with interest from the date of the settlement may be recovered in a civil action by the party entitled thereto. In cases where the commission has settled the account, the finding of the commission as to the amount due shall be conclusive in any civil action brought to recover the same if such finding has not been reviewed or appealed from as herein provided, and the time for review or appeal has expired. If any party shall review or appeal from any finding or order of the commission apportioning the cost between the parties liable therefor, the superior court or the supreme court, as the case may be, shall cause judgment to be entered in such review proceedings for such sum or sums as may be found lawfully or justly due by one party to another.

81.53.140 Time for performance. The commission, in any order requiring work to be done, shall have power to fix the time within which the same shall be performed and completed: *Provided*, That if any party having a duty to perform within a fixed time under any order of the commission shall make it appear to the commission that the order cannot reasonably be complied with within the time fixed by reason either of facts arising after the entry of the order or of facts existing prior to the entry thereof that were not presented, and with reasonable diligence could not have been sooner presented to the commission, such party shall be entitled to a reasonable extension of time within which to perform the work. An order of the commission refusing to grant an extension of time may be reviewed as provided for the review of other orders of the commission.

81.53.150 Practice and procedure. Modes of procedure under this chapter, unless otherwise provided in this chapter, shall be as provided in other provisions of this title. The commission is hereby given power to adopt rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings under this chapter.

81.53.160 Service of process. All notices required to be served by this chapter shall be in writing, and shall briefly state the nature of the matter to be inquired into and investigated. Notices may be served in the manner provided by law for the service of summons in civil cases, or by registered United States mail. When service is made by registered mail, the receipt of the receiving post office shall be sufficient proof of service. When, under the provisions of this chapter, it is necessary to serve notice of hearings before the commission on owners of private lands, property, or property rights, and such owners cannot be found, service may be made by publication in the manner provided by law for the publication of summons in civil actions, except that publication need be made but once each week for three consecutive weeks, and the hearing may be held at any time after the expiration of thirty days from the date of the first publication of the notice.

81.53.170 Review and appeal. Upon the petition of any party to a proceeding before the commission, any finding or findings, or order or orders of the commission, made under color of authority of this chapter, except as otherwise provided, may be reviewed in the superior court of the county wherein the crossing is situated, and the reasonableness and lawfulness of such finding or findings, order or orders inquired into and determined, as provided in this title for the review of the commission's orders generally. An appeal may be taken to the supreme court from the judgment of the superior court in like manner as provided in said public service commission law for appeals to the supreme court.

81.53.180 Eminent domain. Whenever to carry out any work undertaken under this chapter it is necessary to take, damage, or injuriously affect any private lands, property, or property rights, the right so to take, damage, or injuriously affect the same may be acquired by condemnation as hereinafter provided:

(1) In cases where new railroads are constructed and laid out by railroad company authorized to exercise the power of eminent domain, the right to take, damage, or injuriously affect private lands, property, or property rights shall be acquired by the railroad company by a condemnation proceedings brought in its own name and prosecuted as provided by law for the exercise of the power of eminent domain by railroad companies, and the right of eminent domain is hereby conferred on railroad companies for the purpose of carrying out the requirements of this chapter or the requirements of any order of the commission.

(2) In cases where it is necessary to take, damage, or injuriously affect private lands, property, or property rights to permit the opening of a new highway or highway crossing across a railroad, the right to take, damage, or injuriously affect such lands, property, or prop-

erty rights shall be acquired by the municipality or county petitioning for such new crossing by a condemnation proceeding brought in the name of such municipality or county as provided by law for the exercise of the power of eminent domain by such municipality or county. If the highway involved be a state highway, then the right to take, damage, or injuriously affect private lands, property, or property rights shall be acquired by a condemnation proceeding prosecuted under the laws relative to the exercise of the power of eminent domain in aid of such state road.

(3) In cases where the commission orders changes in existing crossings to secure an under-crossing, over-crossing, or safer grade crossing, and it is necessary to take, damage, or injuriously affect private lands, property, or property rights to execute the work, the right to take, damage, or injuriously affect such lands, property, or property rights shall be acquired in a condemnation proceeding prosecuted in the name of the state of Washington by the attorney general under the laws relating to the exercise of the power of eminent domain by cities of the first class for street and highway purposes: *Provided*, That in the cases mentioned in this subdivision the full value of any lands taken shall be awarded, together with damages, if any accruing to the remainder of the land not taken by reason of the severance of the part taken, but in computing the damages to the remainder, if any, the jury shall offset against such damages, if any, the special benefits, if any, accruing to such remainder by reason of the proposed improvement. The right of eminent domain for the purposes mentioned in this subdivision is hereby granted.

81.53.190 Abatement of illegal crossings. If an under-crossing, over-crossing, or grade crossing is constructed, maintained, or operated, or is about to be constructed, operated, or maintained, in violation of the provisions of this chapter, or in violation of any order of the commission, such construction, operation, or maintenance may be enjoined, or may be abated, as provided by law for the abatement of nuisances. Suits to enjoin or abate may be brought by the attorney general, or by the prosecuting attorney of the county in which the unauthorized crossing is located.

81.53.200 Mandamus to compel performance. If any railroad company, county, municipality, or officers thereof, or other person, shall fail, neglect, or refuse to perform or discharge any duty required of it or them under this chapter or any order of the commission, the performance of such duty may be compelled by mandamus, or other appropriate proceeding, prosecuted by the attorney general upon request of the commission.

81.53.210 Penalty. If any railroad company shall fail or neglect to obey, comply with, or carry out the requirements of this chapter,

or any order of the commission made under it, such company shall be liable to a penalty not to exceed five thousand dollars, such penalty to be recovered in a civil action brought in the name of the state of Washington by the attorney general. All penalties recovered shall be paid into the state treasury.

81.53.220 Obstructions in highways. Whenever, to carry out any work ordered under RCW 81.52.080 through 81.52.300 and 81.52.330 through 81.52.380, it is necessary to erect and maintain posts, piers or abutments in a highway, the right and authority to erect and maintain the same is hereby granted: *Provided*, That, in case of a state highway the same shall be placed only at such points on such state highway as may be approved by the state director of highways and fixed after such approval by order of the commission.

81.53.230 No new right of action conferred. Nothing contained in this chapter shall be construed as conferring a right of action for the abandonment or vacation of any existing highway or portion thereof in cases where no right of action exists independent of this chapter.

81.53.240 Scope of chapter. This chapter shall not be operative within the limits of first class cities, and shall not apply to street railway lines operating on or across any street, alley, or other public place within the limits of any city, except that no street car line outside of cities of the first class shall cross a railroad at grade without express authority from the commission. The commission may not change the location of a state highway without the approval of the director of highways, or the location of any crossing thereon adopted or approved by the highway commission, or grant a railroad authority to cross a state highway at grade unless the director of highways consents thereto.

81.53.250 Employment of experts. The commission may employ temporarily such experts, engineers, and inspectors as may be necessary to supervise changes in existing crossings undertaken under this chapter; the expense thereof shall be paid by the railroad upon the request and certificate of the commission, said expense to be included in the cost of the particular change of grade on account of which it is incurred, and apportioned as provided in this chapter.

The commission may also employ such engineers and other persons as permanent employees as may be necessary to properly administer this chapter.

81.53.260 Crossing signals, warning devices—Petition, motion—Hearing—Order—Costs—Records not evidence for actions—Appeal. Whenever the director of highways or the governing body of any city, town or county shall deem that the public safety requires signals or other warning devices, other than sawbuck signs, at any

crossing of a railroad at common grade by any state or county highway, road, street, alley, avenue, boulevard, parkway or other public place actually open and in use or to be opened and used for travel by the public, he or it shall file with the public service commission a petition in writing, alleging that the public safety requires the installation of specified signals or other warning devices at such crossing or specified changes in the method and manner of existing crossing warning devices. Upon receiving such petition, the commission shall set the matter for hearing, giving at least ten days' notice to the railroad company or companies and the county or municipality affected thereby, or the director of highways in the case of a state highway, of the time and place of such hearing. At the time and place fixed in the notice, all persons and parties interested shall be entitled to be heard and introduce evidence, which shall be reduced to writing and filed by the commission. If the commission shall find from the evidence that public safety does not require the installation of the signal, other warning device or change in the existing warning device specified in the petition, it shall make findings to that effect and enter an order denying said petition in toto. If the commission shall find from the evidence that public safety requires the installation of such signals or other warning devices at such crossing or such change in the existing warning devices at said crossing, it shall make findings to that effect and enter an order directing the installation of such signals or other warning devices or directing that such changes shall be made in existing warning devices. The commission shall also at said hearing receive evidence as to the benefits to be derived by the railroad and the public, respectively, and shall on the basis of such benefits apportion the entire cost, including installation of such signals or other warning devices, other than sawbuck signs, between the railroad, municipality or county affected, or if the highway is a state road or parkway, between the railroad and the state: *Provided*, That the commission shall in no case apportion more than fifty percent of the cost of such installation or change in existing warning devices to the public body involved nor shall the commission require the public body involved to pay its share of the cost so apportioned sooner than one year from the date of the order: *And provided further*, That no railroad shall be required to install any such signal or other warning device until the public body involved has either paid or executed its promise to pay to the railroad its portion of the estimated cost thereof. Nothing herein shall be deemed to foreclose the right of the interested parties to enter into an agreement providing for the installation of signals or other warning devices at any such crossing or for the apportionment of the cost thereof.

The investigation herein authorized may be instituted by the commission on its own motion, and the proceedings, hearing and

determination thereon shall be the same as herein provided for the hearing and determination of any petition authorized by this section.

No part of the record, or a copy thereof, of the investigation herein provided for and no finding, conclusion or order made pursuant thereto shall be used as evidence in any trial, civil or criminal, arising out of an accident at or in the vicinity of any crossing prior to installation of signals or other warning devices pursuant to an order of the commission as a result of any such investigation.

Any order entered by the public service commission under this section shall be subject to review, supersedeas and appeal as provided in RCW 81.04.170 through RCW 81.04.190.

Nothing in this section shall be deemed to relieve any railroad from liability on account of failure to provide adequate protective devices at any such crossing.

81.53.270 ———Petition for funds to defray costs of crossing signals and warning devices. The governing body of any city or county may petition the public service commission requesting the commission to allocate to the city or county such funds as are needed by the city or county to defray the cost of installing railroad grade crossing signals and warning devices on city streets, highways or county roads. The petition shall set forth by description the location of the crossing or crossings, the type of signal or warning device to be installed, the necessity from the standpoint of public safety for such installation and the approximate cost of installation, the ability of the city or county to finance such installation from other funds available to it and such other information as will enable the commission to determine the necessity for such installation and the requirement for the allocation by the commission of funds to assist in such installation.

81.53.280 ———Allocation of funds, findings required to defray costs. Upon receipt of a petition as provided for in RCW 81.53.270 and upon finding (1) the public safety requires the installation of such signals or warning devices; (2) the need exists for an allocation of funds to effect such installation; (3) the circumstances and conditions at the crossing or crossings in question, when considered with the circumstances and conditions at grade crossings generally throughout the state, are such as to warrant an allocation of funds at that time and (4) all other matters necessary to the installation thereof have been resolved or provided for, the commission may allocate from any fund available to the commission from appropriations made for the purpose of carrying out the provisions of this chapter up to one-half of the cost of the city's or county's share of installing such signals or warning devices. The commission may make such investigation including the holding of a hearing as it may deem necessary before taking any action on the petition. The commission may

adopt reasonable rules and regulations to effectuate the making of equitable allocations.

81.53.290 ————**Certification of allocation of funds—Reimbursement of state—Audit by state auditor.** At the time the commission makes each allocation under RCW 81.53.280 it shall certify such to the state auditor. The public body involved shall present claims for reimbursement of the state's share of the cost of the projects under such allocations to the state auditor for payment. The state auditor shall make such audit as he deems necessary before or after disbursement for the purpose of determining that the money allocated has been expended for the purpose and under the conditions authorized under RCW 81.53.260 through 81.53.280.

Chapter 81.54

RAILROADS—INSPECTION OF INDUSTRIAL CROSSINGS

81.54.010 Definitions. The term "grade crossing" when used in this chapter means any point or place where a logging or industrial railroad crosses a highway or a highway crosses such railroad or such railroad crosses any other railroad, at a common grade.

The term "over-crossing" when used in this chapter means any point or place where a highway crosses a railroad by passing above the same.

The term "under-crossing" when used in this chapter means any point or place where a highway crosses a railroad by passing under the same.

The term "over-crossing" or "under-crossing" shall also mean any point or place where one railroad crosses another railroad not at grade.

The term "logging" or "industrial" railroad when used in this chapter shall include every railway owned or operated primarily for the purpose of carrying the property of its owners or operators or a limited class of persons, with all tracks, spurs and sidings used in connection therewith.

81.54.020 Annual inspection of industrial crossings. All grade crossings, under-crossings and over-crossings on the line of every logging and other industrial railway as herein defined shall be inspected annually by the commission as to condition, also maintenance, and safety in the interest of the public, for the purpose that the commission may, if it shall deem it necessary, require such improvements, changes and repairs as in its judgment are proper to the end that adequate safety shall be provided for the public.

81.54.030 Reimbursement of inspection cost. Every person operating any logging railroad or industrial railway shall, prior to July

1st of each year, file with the commission a statement showing the number of, and location, by name of highway, quarter section, section, township, and range of all crossings on his line and pay with the filing a fee not to exceed ten dollars for each crossing so reported. The commission shall, by order, fix the exact fee based on the cost of rendering such inspection service. All fees collected shall be deposited in the state treasury to the credit of the public service revolving fund. Intersections having one or more tracks shall be treated as a single crossing. Tracks separated a distance in excess of one hundred feet from the nearest track or group of tracks shall constitute an additional crossing. Where two or more independently operated railroads cross each other or the same highway intersection, each independent track shall constitute a separate crossing.

Every person failing to make the report and pay the fees required, shall be guilty of a misdemeanor and in addition be subject to a penalty of twenty-five dollars for each day that the fee remains unpaid after it becomes due.

81.54.040 Chapter not operative within first class cities. This chapter shall not be operative within the limits of cities of the first class.

Chapter 81.56

RAILROADS—SHIPPERS AND PASSENGERS

81.56.010 Distribution of cars. Every railroad company shall upon reasonable notice, furnish to all persons and corporations who may apply therefor and offer property for transportation sufficient and suitable cars for the transportation of such property in carload lots. In case at any particular time a railroad company has not sufficient cars to meet all the requirements for transportation of property in carload lots, all cars available for such purpose shall be distributed among the several applicants therefor, without unjust discrimination between shippers, localities or competitive or noncompetitive points.

81.56.020 Distributing book must be kept. Every railroad company shall keep, subject to the inspection of any bona fide shipper, a book or books known as "car distributing book," which shall be kept by such officer or officers, employees of such railroad, and in such manner and form as the commission shall direct, showing among other things all orders for cars received by such railroad company, the name of the person ordering the same, the time when and place where such cars are required, the time when and place where such cars were supplied, and such other matters and information as the commission may prescribe.

81.56.030 Discrimination prohibited — Connecting lines. Every railroad company shall, under such regulations as may be prescribed

by the commission, afford all reasonable, proper and equal facilities for the interchange of passengers, tonnage and cars, loaded or empty, between the lines, owned, operated, controlled or leased by it and the lines of every other railroad company; and shall, under such regulations as the commission may prescribe, receive and transport, without delay or discrimination, the passengers, tonnage and cars, loaded or empty, of any connecting line of railroad: *Provided*, That perishable freight of all kinds and livestock shall have precedence of shipment. Every railroad company as such is required to receive from every other railroad company at a connecting point the tonnage carried by such other railroad company in the cars in which the same may be loaded, and haul the same through to the point of destination if the destination be upon a line owned, operated or controlled by such railroad company, or, if the destination be upon the line of some other railroad company, to haul such tonnage in such cars through to the connecting point upon the line operated, owned, controlled or leased by it by way of route over which such car is billed, and there deliver the same to the next connecting carrier under such regulations as the commission may prescribe.

81.56.040 Must grant equal privileges. No railroad corporation or company organized or doing business in this state shall allow any telegraph or telephone company, or any individual, any facilities, privileges or rates for transportation of men or material, or for repairing their lines, not allowed to all telegraph and telephone companies and individuals.

81.56.050 Joint rates and through routes. Whenever the commission shall be of opinion, after hearing had upon its own motion or upon complaint, that the rates and charges in force over two or more railroads, between any two points in the state, are unjust, unreasonable or excessive, or that no satisfactory through route or joint rate exists between such points, and that the public necessities and convenience demand the establishment of a through route and a joint rate between such points, the commission may order such railroads to establish such through route, and may establish and fix a joint rate which will be fair, just, reasonable and sufficient, to be followed, charged, enforced, demanded and collected in the future, and the commission may order that carload freight moving between such points shall be carried by the different companies, parties to such through route and joint rate, without being transferred from the originating cars. In case no agreement exists between such railroads for the interchange of cars, then the commission, before making such order, shall be empowered to, and it shall be its duty, to make rules for the expeditious and safe return and proper compensation for the cars so loaded by the company or companies receiving the same.

81.56.060 Forest products—Scales at junctions. All railroad companies operating as common carriers within the limits of this state, shall be required to provide scales, and weigh at junction or at some common point within this state all cars loaded with lumber, shingles or other forest products for shipment.

81.56.070 ———Charges, how based. All charges for freight on said commodities, except where error is apparent, shall be based on the weights determined by the weighing stations within the limits of this state, and all bills of lading of railroad companies operating within the limits of this state shall specify these provisions: *Provided*, That RCW 81.56.060 through 81.56.110 shall not apply to switching charges or to the handling of logs where the charge is by the car or by the thousand feet.

81.56.080 ———Shipper's count and weight. Any railroad company's employee acting as weigher shall upon request of any shipper give him a statement showing gross and net weight of any shipment by him. Sworn count and weight of shipper shall be presumptive evidence of true weight where error in railroad weights is apparent.

81.56.090 ———Cars weighed separately. All cars shall be weighed on the scales separately, and not attached to other cars, and at a standstill.

Note: See also section 1, chapter 243, Laws of 1961.

81.56.100 ———Penalty. In case of violation of the provisions of RCW 81.56.060 through 81.56.110 by any railroad company, it shall pay a penalty of twenty dollars for every car it shall neglect to weigh and bill within the state as above provided, to be recovered from such company in action where there is any agent of such railroad company who may be served with process, and the penalties recovered under RCW 81.56.060 through 81.56.110 shall be paid into the county treasury in such county where action is taken.

81.56.110 ———Special contracts regarding weights. Nothing contained in RCW 81.56.060 through 81.56.110 shall interfere with the right of the shipper and carrier to enter into a private contract regarding weights when it is impracticable to weigh.

81.56.120 Cruelty to stock in transit—Penalty. Railroad companies in carrying or transporting animals shall not permit them to be confined in cars for a longer period than forty-eight consecutive hours without unloading them for rest, water and feeding for a period of at least two consecutive hours, unless prevented from so unloading them by unavoidable accident. In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included. Animals so unloaded shall, during such rest, be properly fed, watered by the owner or person having the custody of them, or

in case of his default in so doing, then by the railroad company transporting them, at the expense of said owner or person in custody thereof, and said company shall in such case have a lien upon such animals for food, care and custody furnished, and shall not be liable for such detention of such animals. If animals are transported where they can and do have proper food, water, space and opportunity for rest, the foregoing provision in regard to their being unloaded shall not apply. Violators of this section shall be punished by fine not exceeding one hundred dollars.

81.56.130 Commission rules to expedite traffic. The commission shall have, and it is hereby given, power to provide by proper rules and regulations the time within which all railroads shall furnish, after demand therefor, all cars, equipment and facilities for the handling of freight in carload and less than carload lots, and receiving, gathering and transporting, after demand, of all express packages and the delivery thereof at destination, the extent of free gathering and distributing limits for express packages in cities and towns, the distance that freight shall be transported each day after receipt, the time within which consignors or persons ordering cars shall load the same, and the time within which consignees and persons to whom freight may be consigned shall unload and discharge the same and receive freight from the freight rooms, and to provide the penalties to be paid to consignors and consignees for delays on the part of railroads to conform to such rules, and prescribe the penalty to be paid by consignors and consignees to railroads for failure to observe such rules.

81.56.140 Agent must have fixed place of business. Every agent, person, firm, or corporation engaged in selling, issuing or dealing in railroad passenger transportation in this state, must have a fixed place of business in the town or city wherein such agent, person, firm, or corporation transacts said business, and such agent, person, firm or corporation is hereby required to keep the certificate mentioned in RCW 81.56.150, posted in a conspicuous place in such place of business.

81.56.150 Regulating sale of passenger tickets. It shall be the duty of every person or corporation engaged wholly or in part in the business of carrying passengers for hire, to provide every agent authorized to sell its passage tickets in this state, with a certificate of his authority, attested by its seal and the signature of its manager, secretary or general passenger agent, which shall contain a designation of the place of business at which such authority shall be exercised.

Every person and every corporation or association, and every officer, agent or employee thereof who shall sell, exchange or trans-

fer, or have in his possession with intent to sell, exchange or transfer, or maintain, conduct or operate any office or place of business for the sale, exchange or transfer of any passage ticket or pass or part thereof, or any other evidence of a right to travel upon any railroad or boat, whether the same be owned or operated within or without the limits of this state, in any place except his place of business, or within such place of business without having rightfully in his possession and posted in a conspicuous place therein the certificate of authority hereinabove provided for, shall be guilty of a misdemeanor.

81.56.160 Redemption of unused tickets. Every person or corporation engaged wholly or in part in the business of carrying passengers for hire in this state, and every authorized ticket agent thereof, to whom there shall be presented by the holder thereof, within one year after its expiration, any passage ticket or part thereof, or other evidence of right to travel, wholly or in part upon the railroad or boat of such person or corporation, which shall be wholly or partially unused, who shall fail to redeem the same within three days after presentation, upon the following terms, to wit:

(1) When wholly unused, for the price paid therefor; and

(2) When partially unused, for the price paid therefor, less the regular toll or charge for the passage had;

Shall be punished by a fine of not more than five hundred dollars, and in addition thereto shall forfeit to the holder of such ticket or part thereof or other evidence of a right to travel, three times the redeemable value thereof.

Chapter 81.60

RAILROADS—SPECIAL POLICE AND POLICE REGULATIONS

81.60.010 Governor may appoint special police. The governor shall have the power to and may in his discretion appoint and commission special police officers at the request of any railroad corporation and may revoke any such appointment at his pleasure.

81.60.020 Application for appointment. Any railroad corporation desiring the appointment of any of its officers, agents or servants not exceeding twenty-five in number for any one division of any railroad operating in this state (division as herein intended, shall mean the part of any railroad or railroads under the jurisdiction of any one division superintendent), as special police officers shall file with the governor an application stating the name, age and place of residence of the person whose appointment it desires, the position he occupies with the railroad corporation, the nature of his duties and the reasons why his appointment is desired, which application shall be signed by the president or some managing officer of the railroad corporation

and shall be accompanied by an affidavit of such officer to the effect that he is acquainted with the person whose appointment is sought, that he believes him to be of good moral character, and that he is of such character and experience that he can be safely entrusted with the powers of a police officer.

81.60.030 Oath of policemen. Before receiving his commission each person appointed under the provisions of RCW 81.60.010 through 81.60.060 shall take, subscribe and file with the governor an oath to support the Constitution of the United States, the Constitution and laws of the state and to faithfully perform the duties of his office.

81.60.040 Duties of policemen. Every police officer appointed and commissioned under the provisions of RCW 81.60.010 through 81.60.060 shall when on duty have the power and authority conferred by law on peace officers, but shall exercise such power only in the protection of the property belonging to or under the control of the corporation at whose instance he is appointed and in preventing, and making arrest for, violations of law upon or in connection with such property.

81.60.050 Badge. Every such special police officer shall, when on duty, wear in plain view a metal shield bearing the words "special police" and the name of the corporation by which he is employed.

81.60.060 Liability for unlawful acts. The corporation procuring the appointment of any special police shall be solely responsible for the compensation for his services and shall be liable civilly for any unlawful act of such officer resulting in damage to any person or corporation.

81.60.070 Malicious injury to railroad property. Every person who, in such manner as might, if not discovered, endanger the safety of any engine, motor, car or train, or any person thereon, shall in any manner interfere or tamper with or obstruct any switch, frog, rail, roadbed, sleeper, viaduct, bridge, trestle, culvert, embankment, structure or appliance pertaining to or connected with any railway, or any train, engine, motor, or car on such railway; and every person who shall discharge any firearm or throw any dangerous missile at any train, engine, motor or car on any railway, shall be punished by imprisonment in the state penitentiary for not more than twenty-five years.

81.60.080 Sabotaging rolling stock. Any person or persons who shall wilfully or maliciously, with intent to injure or deprive the owner thereof, take, steal, remove, change, add to, alter, or in any manner interfere with any journal bearing, brass, waste, packing, triple valve, pressure cock, brake, air hose or any other part of the operating mechanism of any locomotive, engine, tender, coach, car,

caboose, or motor car used or capable of being used by any railroad or railway company in this state, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the penitentiary for not more than five years, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment.

81.60.090 Receiving stolen railroad property. Every person who shall buy or receive any of the property described in RCW 81.60.080, knowing the same to have been stolen, shall be guilty of a felony, and upon conviction thereof shall be punished as provided in RCW 81.60.080.

Chapter 81.64

STREET RAILWAYS

81.64.010 Grant of franchise. The legislative authority of the city or town having control of any public street or road, or where such street or road is not within the limits of any incorporated city or town, then the board of county commissioners wherein such road or street is situated, may grant authority for the construction, maintenance and operation of electric railroads or railways, motor railroads or railways and railroads and railways of which the motive power is any power other than steam, together with such poles, wires and other appurtenances upon, over, along and across any such public street or road and in granting such authority the legislative authority of such city or town or the board of county commissioners, as the case may be, may prescribe the terms and conditions on which such railroads or railways and their appurtenances shall be constructed, maintained and operated upon, over, along and across such road or street, and the grade or elevation at which the same shall be maintained and operated.

81.64.020 Application to county commissioners—Notice—Hearing—Order. On application being made to the board of county commissioners for such authority, the board shall fix a time and place for hearing the same, and shall cause the county auditor to give public notice thereof at the expense of the applicant, by posting written or printed notices in three public places in the county seat of the county, and in at least one conspicuous place on the road or street or part thereof, for which application is made, at least thirty days before the day fixed for such hearing, and by publishing a like notice three times in some daily newspaper published in the county, or if no daily newspaper is published in the county, then the newspaper doing the county printing, the last publication to be at least five days before the day fixed for such hearing, which notice shall state the name or names of the applicant or applicants, a description of the roads or streets or parts thereof for which the application is

made, and the time and place fixed for the hearing. Such hearing may be adjourned from time to time by order of the board. If, after such hearing, the board shall deem it to be for the public interest to grant such authority in whole or in part, the board may make and enter the proper order granting the authority applied for or such part thereof as the board deems to be for the public interest, and shall require such railroad or railway and its appurtenances to be placed in such location on or along the road or street as the board finds will cause the least interference with other uses of the road or street.

81.64.030 May cross public road. In case any such railroad or railway, is or shall be located in part on private right of way, the owner thereof shall have the right to construct and operate the same across any county road or county street which intersects such private right of way, if such crossing is so constructed and maintained as to do no unnecessary damage: *Provided*, That any person or corporation constructing such crossing or operating such railroad or railway on or along such county road or public street shall be liable to the county for all necessary expense incurred in restoring such county road or public street to a suitable condition for travel.

81.64.040 Eminent domain. Every corporation incorporated or that may hereafter be incorporated under the laws of this state, or of any other state or territory of the United States and doing business in this state for the purpose of operating railroads or railways by electric power, shall have the right to appropriate real estate and other property for right of way or for any corporate purpose, in the same manner and under the same procedure as now is or may hereafter be provided by law in the case of ordinary railroad corporations authorized by the laws of this state to exercise the right of eminent domain: *Provided*, That such right of eminent domain shall not be exercised with respect to any public road or street until the location of the electric railroad or railway thereon has been authorized in accordance with RCW 81.64.010 through 81.64.030.

81.64.050 Right of entry. Every such corporation shall have the right to enter upon any land between the termini of the proposed lines for the purpose of examining, locating and surveying such lines, doing no unnecessary damage thereby.

81.64.060 Purchase or lease of street railway property. Any corporation incorporated or that may hereafter be incorporated under the laws of this state or any state or territory of the United States, for the purpose of constructing, owning or operating railroads or railways by electric power, may lease or purchase and operate (except in cases where such lease or purchase is prohibited by the Constitution of this state) the whole or any part of the electric

railroad or electric railway, of any other corporation heretofore or hereafter constructed, together with the franchises, powers, immunities and all other property or appurtenances appertaining thereto: *Provided*, That such lease or purchase has been or shall be consented to by stockholders of record holding at least two-thirds in amount of the capital stock of the lessor or grantor corporation; and all such leases and purchases made or entered into prior to the effective date of chapter 175, Laws of 1903, by consent of stockholders as aforesaid are for all intents and purposes hereby ratified and confirmed, saving, however, any vested rights of private parties.

81.64.070 Consolidation of companies. With the consent of the majority in interest of their shareholders, two or more corporations operating street railway lines within or in the suburbs of the same municipality, may amalgamate their businesses and properties by consolidation, sale, lease, or other appropriate means, and either by conveyance to a third corporation or one to the other.

81.64.080 Fares and transfers. No street railroad company shall charge, demand or collect more than five cents for one continuous ride within the corporate limits of any city or town: *Provided*, That such rate may be exceeded or lowered as to any municipally owned street railroad when the corporate authorities of the municipality owning such railroad shall, by an ordinance duly passed, authorize the collection of a higher or lower rate of fare, to be specified in such ordinance, and as to any other street railroad company, such rate may be exceeded or lowered with the permission or upon the order of the commission after the filing of a tariff or a complaint by such street railroad company and a hearing thereon as provided in this title. Every street railroad company shall, upon such terms as shall be just and reasonable, furnish to its passengers transfers entitling such passenger to one continuous trip over and upon portions of its lines within the said city or town not reached by the originating car.

81.64.090 Competent employees required. Street railway or street car companies, or street car corporations, shall employ none but competent men to operate or assist as conductors, motormen or gripmen upon any street railway, or streetcar line in this state.

81.64.100 Competency defined. A man shall be deemed competent to operate or assist in operating cars or (dummies) usually used by street railway or streetcar companies, or corporations, only after first having served at least three days under personal instruction of a regularly employed conductor, motorman or gripman on a car or dummy in actual service on the particular street railway or streetcar line for which the service of an additional man or additional men may be required: *Provided*, That during a strike on the streetcar

lines the railway companies may employ competent men who have not worked three days on said particular streetcar line.

81.64.110 Penalty. Any violation of RCW 81.64.090 by the president, secretary, manager, superintendent, assistant superintendent, stockholder or other officer or employee of any company or corporation owning or operating any street railway or streetcar line or any receiver of street railway or streetcar company, or street railway or streetcar corporations appointed by any court within this state to operate such car line shall, upon conviction thereof, be deemed guilty of a misdemeanor, and subject the offender to such offense to a fine in any amount not less than fifty dollars nor more than two hundred dollars, or imprisonment in the county jail for a term of thirty days, or both such fine and imprisonment at the discretion of the court.

81.64.120 Car equipment specified. Every streetcar run or used on any streetcar line in the state of Washington shall be provided with good and substantial aprons, pilots or fenders, and which shall be so constructed as to prevent any person from being thrown down and run over or caught beneath or under such car.

81.64.130 Penalty. The owners or managers operating any streetcar line failing to comply with the provisions of RCW 81.64.120 shall forfeit and pay to the state of Washington a penalty of not less than twenty-five dollars for each and every violation of RCW 81.64.120 and each car run shall be considered a separate violation of RCW 81.64.120 and every period of five days shall be deemed a separate violation of RCW 81.64.120.

81.64.140 Weather guards. All corporations, companies or individuals owning, managing or operating any street railway or line in the state of Washington, shall provide, during the rain or winter season, all cars run or used on its or their respective roads with good, substantial and sufficient vestibules, or weather guards, for the protection of the employees of such corporation, company or individual.

The vestibules or weather guards shall be so constructed as to protect the employees of such company, corporation or individual from the wind, rain or snow.

81.64.150 Penalty. Any such street railway company, corporation or individual, as mentioned in RCW 81.64.140, failing to comply with the provisions of RCW 81.64.140, shall forfeit and pay to the state of Washington a penalty of not less than fifty dollars nor more than two hundred and fifty dollars for each and every violation of RCW 81.64.140, and each period of ten days that any such company, corporation or individual shall fail to comply with the provisions of RCW 81.64.140, or for each car used by such corporation, company,

or individual not in conformity with RCW 81.64.140, shall be taken and deemed to be a separate violation of RCW 81.64.140.

81.64.160 Hours of labor. No person, agent, officer, manager or superintendent or receiver of any corporation or owner of streetcars shall require his or its gripmen, motormen, drivers or conductors to work more than ten hours in any twenty-four hours.

81.64.170 Penalty. Any person, agent, officer, manager, superintendent or receiver of any corporation, or owner of streetcar or cars, violating any of the provisions of RCW 81.64.160 shall upon conviction thereof be deemed guilty of a misdemeanor, and be fined in any sum not less than twenty-five dollars nor more than one hundred dollars for each day in which gripman, motorman, driver or conductor in the employ of such person, agent, officer, manager, superintendent or receiver of such corporation or owner is required to work more than ten hours during each twenty-four hours, as provided in RCW 81.64.160, and it is hereby made the duty of the prosecuting attorney of each county of this state to institute the necessary proceedings to enforce the provisions of RCW 81.64.160 and 81.64.170.

Chapter 81.68

AUTO TRANSPORTATION COMPANIES

81.68.010 Definitions. As used in this chapter:

(1) "Corporation" means a corporation, company, association or joint stock association.

(2) "Person" means an individual, firm or a copartnership.

(3) "Auto transportation company" means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, and baggage, mail and express on the vehicles of auto transportation companies carrying passengers, for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town: *Provided*, That the term "auto transportation company" shall not include corporations or persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever insofar as they own, control, operate or manage taxicabs, hotel buses, school buses, motor propelled vehicles, operated exclusively in transporting agricultural, horticultural, or dairy or other farm products from the point of production to the market, or any other carrier which does not come within the term "auto transportation company" as herein defined

No portion of this section shall apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in Washington in which the original starting point of such vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond said three mile limit.

(4) "Public highway" means every street, road, or highway in this state.

(5) The words "between fixed termini or over a regular route" mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicle, even though there may be departure from said termini or route, whether such departures be periodic or irregular. Whether or not any motor propelled vehicle is operated by any auto transportation company "between fixed termini or over a regular route" within the meaning of this section shall be a question of fact and the finding of the commission thereon shall be final and shall not be subject to review.

81.68.020 Compliance with chapter required. No corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, shall engage in the business of operating as a common carrier any motor propelled vehicle for the transportation of persons, and baggage, mail and express on the vehicles of auto transportation companies carrying passengers, between fixed termini or over a regular route, for compensation on any public highway in this state, except in accordance with the provisions of this chapter.

81.68.030 Regulation by commission. The commission is hereby vested with power and authority, and it is hereby made its duty to supervise and regulate every auto transportation company in this state as such to fix, alter and amend just, fair, reasonable and sufficient rates, fares, charges, classifications, rules and regulations of each such auto transportation company; to regulate the accounts, service and safety of operations of each such auto transportation company; to require the filing of annual and other reports and of other data by such auto transportation companies; and to supervise and regulate auto transportation companies in all other matters affecting the relationship between such auto transportation companies and the traveling and shipping public. The commission shall have power and authority, by general order or otherwise, to prescribe rules and regulations in conformity with this chapter, applicable to any and all such auto transportation companies; and within such limits shall have power and authority to make orders

and to prescribe rules and regulations affecting auto transportation companies.

The commission may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate hereunder, and an opportunity to such holder to be heard, at which it shall be proven that such holder wilfully violates or refuses to observe any of its proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of this chapter, but the holder of such certificate shall have all the rights of rehearing, review and appeal as to such order of the commission as is provided for in RCW 81.68.070.

81.68.040 Certificate of convenience and necessity. No auto transportation company shall operate for the transportation of persons, and baggage, mail and express on the vehicles of auto transportation companies carrying passengers, for compensation between fixed termini or over a regular route in this state, without first having obtained from the commission under the provisions of this chapter a certificate declaring that public convenience and necessity require such operation; but a certificate shall be granted when it appears to the satisfaction of the commission that such person, firm or corporation was actually operating in good faith, over the route for which such certificate shall be sought on January 15, 1921. Any right, privilege, certificate held, owned or obtained by an auto transportation company may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the commission. The commission shall have power, after hearing, when the applicant requests a certificate to operate in a territory already served by a certificate holder under this chapter, only when the existing auto transportation company or companies serving such territory will not provide the same to the satisfaction of the commission, and in all other cases with or without hearing, to issue said certificate as prayed for; or for good cause shown to refuse to issue same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate to such terms and conditions as, in its judgment, the public convenience and necessity may require.

81.68.050 Fees. The commission shall collect the following miscellaneous fees from auto transportation companies:

Application for a certificate of public convenience and necessity or to amend a certificate, twenty-five dollars; application to sell, lease, mortgage, or transfer a certificate of public convenience and necessity or any interest therein, ten dollars.

81.68.060 Liability and Property Damage Insurance—Surety bond. The commission shall in the granting of certificates to operate

any auto transportation company, for transporting persons, and baggage, mail and express on the vehicles of auto transportation companies carrying passengers, for compensation require the owner or operator to first procure liability and property damage insurance from a company licensed to make liability insurance in the state of Washington or a surety bond of a company licensed to write surety bonds in the state of Washington on each motor propelled vehicle used or to be used in transporting persons for compensation, in the amount of not to exceed five thousand dollars for any recovery for personal injury by one person and not less than ten thousand dollars and in such additional amount as the commission shall determine, for all persons receiving personal injury by reason of one act of negligence and not to exceed one thousand dollars for damage to property of any person other than the assured, and maintain such liability and property damage insurance or surety bond in force on each motor propelled vehicle while so used, each policy for liability or property damage insurance or surety bond required herein, shall be filed with the commission and kept in full force and effect and failure so to do shall be cause for the revocation of the certificate.

81.68.065 Self-insurers—Exemptions as to insurance or bond.

Any auto transportation company now or hereafter authorized to transport persons for compensation on the highways and engaging in interstate, or interstate and intrastate, operations within the state of Washington which is or becomes qualified as a self-insurer with the interstate commerce commission of the United States in accordance with the provisions of the United States interstate commerce act applicable to self insurance by motor carriers, shall be exempt, so long as such qualification remains effective, from all provisions of law relating to the carrying or filing of insurance policies or bonds in connection with such operations.

The commission may require proof of the existence and continuation of such qualification with the interstate commerce commission to be made by affidavit of the auto transportation company, in such form as the commission shall prescribe.

81.68.070 Public service law invoked. In all respects in which the commission has power and authority under this chapter, 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 this title.

81.68.080 Penalty. Every officer, agent or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of any provisions of this chapter, or who fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement, or any part of provision thereof, is guilty of a gross misdemeanor and punishable as such.

81.68.090 Scope of chapter. Neither this chapter nor any provision thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this union except insofar as the same may be permitted under the provisions of the Constitution of the United States and the acts of congress.

Chapter 81.80

MOTOR FREIGHT CARRIERS

81.80.010 Definitions. When used in this chapter:

(1) "Person" means and includes an individual, firm, copartnership, corporation, company, association or their lessees, trustees or receivers.

(2) "Motor vehicle" means any truck, trailer, semitrailer, tractor or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting property, but not including baggage, mail and express transported on the vehicles of auto transportation companies carrying passengers.

(3) "Public highway" means every street, road or highway in this state.

(4) "Common carrier" means any person who undertakes to transport property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

(5) "Contract carrier" shall include all motor vehicle operators not included under the terms "common carrier" and "private carrier" as herein defined in paragraph (4) and paragraph (6), and further shall include any person who under special and individual contracts or agreements transports property by motor vehicle for compensation.

(6) A "private carrier" is a person who, in his own vehicle, transports only property owned or being bought or sold by him in good faith and only when such transportation is purely an incidental adjunct to some other established private business owned or operated by him in good faith.

(7) "Motor carrier" means and includes "common carrier," "con-

tract carrier," "private carrier" and "exempt carrier" as herein defined.

(8) "Exempt carrier" means any person operating a vehicle exempted from certain provisions of this chapter under RCW 81.80.040.

(9) "Vehicle" means every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rail or tracks.

"Common carrier" and "contract carrier" shall include persons engaged in the business of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders.

81.80.020 Declaration of policy. The business of operating as a motor carrier of freight for compensation along the highways of this state is declared to be a business affected with a public interest. The rapid increase of motor carrier freight traffic and the fact that under the existing law many motor trucks are not effectively regulated have increased the dangers and hazards on public highways and make it imperative that more complete regulation should be employed to the end that the highways may be rendered safer for the use of the general public; that the wear of such highways may be reduced; that congestion on highways may be minimized; that the shippers of the state may be provided with a stabilized service and rate structure; that sound economic conditions in such transportation and among such carriers may be fostered in the public interest; that adequate, economical, and efficient service by motor carriers, and reasonable charges therefor, without unjust discrimination, undue preferences or advantages, or unfair or destructive competitive practices may be promoted; that the common carriage of commodities by motor carrier may be preserved in the public interest; that the relations between, and transportation by and regulation of, motor carriers and other carriers may be improved and coordinated so that the highways of the state of Washington may be properly developed and preserved, and the public may be assured adequate, complete, dependable and stable transportation service in all its phases.

81.80.030 Hidden transportation charges. Operators of motor vehicles excluded from the term "private carrier," other than "common carriers" shall not be compelled to dedicate their property to the business of public transportation and subject themselves to all the duties and burdens imposed by this chapter upon "common carriers," but where they recover the cost of transportation through price differentials or in any other direct or indirect manner and such transportation cost recovery unreasonably endangers the

stability of rates and the essential transportation service involving the movement of commodities over the same route or routes by other types of carriage, then such transportation costs, attempted to be recovered, shall not be less than the rate, fare or charge regularly established by the department for such transportation service if given by other types of carriers, it being the intention of the legislature to foster a stable rate structure free of discriminations for the shippers of the state of Washington.

81.80.040 Exempt vehicles. The provisions of this chapter, except where specifically otherwise provided, and except the provisions providing for licenses, shall not apply to:

(1) Motor vehicles when operated in transportation exclusively within the corporate limits of any city or town of less than ten thousand population unless contiguous to a city or town of ten thousand population or over, nor between contiguous cities or towns both or all of which are less than ten thousand population;

(2) Motor vehicles when transporting exclusively the United States mail or in the transportation of newspapers or periodicals;

(3) Motor vehicles owned and operated by the United States, the state of Washington, or any county, city, town, or municipality therein, or by any department of them, or either of them;

(4) Motor vehicles specially constructed for towing disabled vehicles or wrecking and not otherwise used in transporting goods for compensation;

(5) Motor vehicles owned and operated by farmers in the transportation of their own farm, orchard or dairy products from point of production to market, or in the infrequent or seasonal transportation by one farmer for another in his immediate neighborhood of products of the farm, orchard or dairy, or of supplies or commodities to be used on the farm, orchard or dairy;

(6) Motor vehicles when transporting exclusively water in connection with construction projects only.

81.80.050 Compliance required. It shall be unlawful for any person to operate as a "motor carrier" on any public highway of this state except in accordance with the provisions of this chapter.

81.80.060 Every person who engages for compensation to perform a combination of services which includes transportation of property of others upon the public highways shall be subject to the jurisdiction of the commission as to such transportation and shall not engage upon the same without first having obtained a common carrier or contract carrier permit to do so. Every person engaging in such a combination of services shall advise the commission what portion of the consideration is intended to cover the transportation service and if the agreement covering the combina-

tion of services is in writing, the rate and charge for such transportation shall be set forth therein. The rates or charges for the transportation services included in such combination of services shall be subject to control and regulation by the commission in the same manner that the rates of common and contract carriers are now controlled and regulated.

81.80.070 Grant or denial of permit. No "common carrier," "contract carrier," or "temporary carrier" shall operate for the transportation of property for compensation in this state without first obtaining from the commission a permit so to do. Permits heretofore issued or hereafter issued to any carrier, shall be exercised by said carrier to the fullest extent so as to render reasonable service to the public. Applications for common or contract carrier permits or extensions thereof shall be on file for a period of at least thirty days prior to the granting thereof unless the commission finds that special conditions require the earlier granting thereof.

No permit or extension thereof shall be granted if the commission finds that the applicant is not financially able, properly and adequately equipped, and capable of conducting the transportation service applied for in compliance with the law and rules and regulations of the commission, and the commission may deny an application if the applicant or any of its principal officers or stockholders fails, or has failed, to comply with the laws of this state.

Nothing contained in this chapter shall be construed to confer upon any person or persons the exclusive right or privilege of transporting property for compensation over the public highways of the state, but the commission may deny an application when it appears clearly, after public hearing, that the additional service would unreasonably congest the highways or tend to impair the stability and dependability of the service essential to the public needs.

The commission shall also consider the amount and type of service rendered in any area by any class of service and may deny an application for permit or extension, if it appears that the grant of such permit or extension would not be in the interest of the shipping public or would tend to impair the stability or dependability of existing service essential to the public needs or requirements.

81.80.080 Application for permit. Application for permits shall be made to the commission in writing and shall state the ownership, financial condition, equipment to be used and physical property of the applicant, the territory or route or routes in or over which the applicant proposes to operate, the nature of the transportation to be engaged in and such other information as the commission may require, and in case such application is that of a "contract

carrier" shall have attached thereto the original or duly verified copies of all contracts to furnish transportation covered by such application.

81.80.090 Form of application—Fees. The commission shall prescribe forms of application for permits and for extensions thereof for the use of prospective applicants, and shall make regulations for the filing thereof. Applications for permits and for extensions thereof shall be accompanied by the following fees:

Applications for permits.....twenty-five dollars.
Applications for temporary permits.....ten dollars.
Applications for extension of permits.....ten dollars.

81.80.100 Form and contents of permit. Permits granted by the commission shall be in such form as the commission shall prescribe and shall set forth the name and address of the person to whom the permit is granted, the nature of the transportation service to be engaged in and the principal place of operation, termini or route to be used or territory to be served by the operation. No permit holder shall operate except in accordance with the permit issued to him.

81.80.110 Limitation on renewal of application. No person whose application for a permit has been denied after hearing under any of the provisions of this chapter shall be eligible to renew the application for a period of six months from the date of the order denying such application.

81.80.120 Classification of carriers. The commission may from time to time establish such just and reasonable classifications of the groups of carriers included in the terms "common carriers" and "contract carriers" as the special nature of the services performed by such carriers shall require, and such just and reasonable rules, regulations and requirements, consistent with the provisions of this chapter, to be observed by the carriers so classified or grouped, as the commission deems necessary or advisable in the public interest.

81.80.130 Regulatory power of commission over common carriers. The commission shall supervise and regulate every "common carrier" in this state; make, fix, alter, and amend, just, fair, reasonable, minimum, maximum, or minimum and maximum, rates, charges, classifications, rules, and regulations for all "common carriers"; regulate the accounts, service, and safety of operations thereof; require the filing of reports and other data thereby; and supervise and regulate all "common carriers" in all other matters affecting their relationship with competing carriers of every kind and the shipping and general public: *Provided*, The commission may by order approve rates filed by common carriers in respect to

certain designated commodities and services when, in the opinion of the commission, it is impractical for the commission to make, fix, or prescribe rates covering such commodities and services.

81.80.140 Regulatory power over contract carriers. The commission is hereby vested with power and authority, and it is hereby made its duty, to supervise and regulate every "contract carrier" in this state; to fix, alter and amend, just, fair and reasonable classifications, rules and regulations and minimum rates and charges of each such "contract carrier"; to regulate the accounts, service and safety of operations thereof; and require the filing of reports and of other data thereby; and to supervise and regulate such "contract carriers" in all other matters affecting their relationship with both the shipping and the general public.

81.80.150 Tariffs to be compiled and sold by commission. The commission shall make, fix, construct, compile, promulgate, publish, and distribute tariffs containing compilations of rates, charges, classifications, rules and regulations to be used by all common carriers. In compiling such tariffs it shall include within any given tariff compilation such carriers, groups of carriers, commodities, or geographical areas as it determines shall be in the public interest. Such compilations and publications may be made by the commission by compiling the rates, charges, classifications, rules, and regulations now in effect, and as they may be amended and altered from time to time after notice and hearing, by issuing and distributing revised pages or supplements to such tariffs or reissues thereof in accordance with the orders of the commission: *Provided*, That the commission, upon good cause shown, may establish temporary rates, charges, or classification changes to be made permanent, however, only after notice and hearing. The proper tariff, or tariffs, applicable to a carrier's operations shall be available to the public at each agency and office of all common carriers operating within this state. Such compilations and publications shall be sold by the commission for not to exceed ten dollars for each tariff. Corrections to such publications shall be furnished to all subscribers to tariffs in the form of corrected pages to the tariffs, supplements or reissues thereof. In addition to the initial charge for each tariff, the commission shall charge an annual maintenance fee of not to exceed ten dollars per tariff to cover the cost of issuing corrections or supplements and mailing them to subscribers: *Provided*, That copies may be furnished free to other regulatory bodies and departments of government and to colleges, schools, and libraries. All copies of the compilations, whether sold or given free, shall be issued and distributed under rules and regulations to be fixed by the commission: *Provided further*, That the commission may by order authorize common carriers to publish and file tariffs with the commission

and be governed thereby in respect to certain designated commodities and services when, in the opinion of the commission, it is impractical for the commission to make, fix, construct, compile, publish and distribute tariffs covering such commodities and services.

81.80.170 Temporary permits. The commission may issue temporary permits to temporary "common carriers" or "contract carriers" for a period not to exceed ninety days, but only after it finds that an emergency exists because existing transportation agencies cannot supply the necessary service. It may prescribe such special rules and regulations and impose such special terms and conditions with reference thereto as in its judgment are reasonable and necessary in carrying out the provisions of this chapter.

The commission may also issue temporary permits pending the determination of an application filed with the commission for approval of a consolidation or merger of the properties of two or more common carriers or contract carriers or of a purchase or lease of one or more common carriers or contract carriers.

81.80.180 Hearing to determine carrier's classification. Whether or not any motor vehicle is being operated upon the highways of this state within its proper classification, as defined by RCW 81.80.010, shall be a question of fact to be determined by the commission. Whenever the commission believes that any person, firm or corporation operating motor vehicles on the highways of this state is not operating within the proper classification, but is in fact a carrier of a different classification, it may institute a special proceeding, upon ten days' notice, requiring such person, firm or corporation to appear before the commission at a location convenient for witnesses and the production of evidence, and bring with him books, records, accounts, and other memoranda, and give testimony under oath as to his operations, and the burden shall rest upon such person of proving that his operations are properly classified under the provisions of this section. The commission may consider, in determining whether such operation is properly classified, the frequency of operation, amount and basis of compensation, whether title to property has been taken merely for the period of transportation or until delivery thereof at the point of destination, whether the carrier is regularly engaged in the buying and selling of the property transported as his principal business, whether an increased selling price assignable to the cost of transportation is charged for the property transported when delivered at the point of delivery as compared with the price charged when delivered at the point of shipment, and such other facts as indicate the true nature and extent of such operation and the receipt of compensation therefor, and all other facts that may indicate the true nature and extent

of such operation upon the highways of this state and the receipt of compensation therefor in order to determine the carrier's proper classification under the terms of this chapter.

After having made the investigation herein described the commission is authorized and directed to issue the necessary and proper orders classifying such carrier as provided in RCW 81.80.010 in order to carry out the declaration of policy as set forth in RCW 81.80.020.

In proceedings under this section no person shall be excused from testifying or from producing any book, waybill, document, paper or account before the commission when ordered to do so, on the ground that the testimony or evidence, book, waybill, document, paper or account required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any account, transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence in proceedings under this section: *Provided*, That no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

81.80.190 Insurance or deposit of security. The commission shall in the granting of permits to "common carriers" and "contract carriers" under this chapter require such carriers to either procure and file liability and property damage insurance from a company licensed to write such insurance in the state of Washington, or deposit such security, for such limits of liability and upon such terms and conditions as the commission shall determine to be necessary for the reasonable protection of the public against damage and injury for which such carrier may be liable by reason of the operation of any motor vehicle.

In fixing the amount of said insurance policy or policies, or deposit of security, the commission shall give due consideration to the character and amount of traffic and the number of persons affected and the degree of danger which the proposed operation involves.

81.80.200 Conditions may be attached to permits. The commission is hereby vested with power and authority in issuing permits to any of the carriers classified in accordance with RCW 81.80.120 to attach thereto such terms and conditions and to require such insurance or security as it may deem necessary for the protection of the public highways and to be for the best interest of the shipping and the general public. All such regulations and conditions shall be deemed temporary and may be revoked by the commission upon recommendation of the state or county authorities in charge of highway maintenance or safety when in the judgment of such

authorities such revocation is required in order to protect the public or preserve the public highways.

81.80.211 Hours of operators—Rules and regulations. The commission may adopt rules and regulations relating to the hours of duty of motor carrier drivers and operators.

81.80.220 Tariff rates must be charged. No "common carrier" or "contract carrier" shall collect or receive a greater, less or different remuneration for the transportation of property or for any service in connection therewith than the rates and charges which shall have been legally established and filed with the commission, or as are specified in the contract or contracts filed, as the case may be, nor shall any such carrier refund or remit in any manner or by any device any portion of the rates and charges required to be collected by each tariff or contract or filing with the commission.

The commission may check the records of all carriers under this chapter and of those employing the services of the carrier for the purpose of discovering all discriminations, under or overcharges and rebates, and may suspend or revoke permits for violations of this section.

The commission may refuse to accept any time schedule or tariff or contract that will, in the opinion of the commission, limit the service of a carrier to profitable trips only or to the carrying of high class commodities in competition with other carriers who give a complete service and thus afford one carrier an unfair advantage over a competitor.

81.80.230 Penalty for rebating. Any person, whether carrier subject to the provisions of this chapter, shipper, or consignee, or any officer, employee, agent, or representative thereof, who shall knowingly offer, grant, or give, or solicit, accept, or receive any rebate, concession, or discrimination in violation of any provision of this chapter, or who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device shall knowingly and wilfully assist, suffer or permit any person or persons, natural or artificial, to obtain transportation of property subject to this chapter for less than the applicable rate, fare, or charge, or who shall knowingly and wilfully by any such means or otherwise fraudulently seek to evade or defeat regulation as in this chapter provided for motor carriers shall be deemed guilty of a gross misdemeanor.

81.80.240 Joint through rates. The commission shall have power and authority to require a common carrier by motor vehicle, railroad, express or water to establish reasonable through rates with

other common carriers by motor vehicle, railroad, express and water, and to provide safe and adequate service, equipment and facilities for the transportation of property; to establish and enforce just and reasonable individual and joint rates, charges and classifications, and just and reasonable regulations and practices relating thereto, and in case of such joint rates, fares and charges to establish just, reasonable and equitable divisions thereof as between the carriers participating therein, which shall not unduly prefer or prejudice any of such participating carriers. In ordering and establishing joint through rates between different types of carriers the commission shall give full effect to the lower cost of transportation of property by any type of carrier and shall reflect such lower cost by differentials under a through rate of the higher cost carrier.

81.80.250 Bond to protect shippers and consignees. The commission may, under such rules and regulations as it shall prescribe, require any common carrier to file a surety bond, or deposit security, in a sum to be determined by the commission, to be conditioned upon such carrier making compensation to shippers and consignees for all money belonging to shippers and consignees, and coming into the possession of such carrier in connection with its transportation service. Any common carrier which may be required by law to compensate a shipper or consignee for any loss, damage or default for which a connecting common carrier is legally responsible shall be subrogated to the rights of such shipper or consignee under any such bond or deposit of security to the extent of the sum so paid.

81.80.260 Operation in more than one class. It shall be unlawful for any person to operate any vehicle at the same time in more than one class of operation, except upon approval of the commission and a finding that such operation will be in the public interest.

No "private carrier" as such shall transport property for compensation.

No "exempt carrier" as such shall transport property for compensation except as hereinabove provided.

81.80.270 Transfer, assignment of permits—Acquisition of carrier holding permit. No permit issued under the authority of this chapter shall be construed to be irrevocable. Nor shall such permit be subject to transfer or assignment except upon a proper showing that property rights might be affected thereby, and then in the discretion of the commission, and upon the payment of a fee of twenty-five dollars.

Notwithstanding the provisions of chapter 81.12, no person, partnership or corporation, whether a carrier holding a permit or otherwise, or any combination of such, shall acquire control of a common

or contract carrier holding a permit through ownership of its stock or through purchase, lease or contract to manage the business, or otherwise except after and with the approval and authorization of the commission. Any such transaction either directly or indirectly entered into without approval of the commission shall be void and of no effect.

Every carrier who shall cease operation and abandon his rights under the permits issued him shall notify the commission within thirty days of such cessation or abandonment, and return to the commission the identification plates issued to him.

81.80.280 Cancellation of permits. Permits may be canceled, suspended, altered or amended by the commission after notice and hearing upon complaint by any interested party, or upon its own motion, when the permittee or his or its agent has repeatedly violated this chapter, the rules and regulations of the commission or the motor laws of this state or of the United States, or the permittee has made unlawful rebates or has not conducted his operation in accordance with the permit granted him. Any person may at the instance of the commission be enjoined from any violation of the provisions of this chapter, or any order, rule or regulation made by the commission pursuant to the terms hereof. If such suit be instituted by the commission no bond shall be required as a condition to the issuance of such injunction.

81.80.290 Rules and regulations. The commission shall have power and authority, by general order or otherwise, to prescribe rules and regulations in conformity with this chapter to carry out the purposes thereof, applicable to any and all "motor carriers," or to any persons transporting property by motor vehicle for compensation even though they do not come within the term "motor carrier" as herein defined.

The commission shall mail each holder of a permit under this chapter a copy of such rules and regulations.

81.80.300 Identification cards. The commission shall prescribe an identification card which must be displayed within the cab of each motor vehicle required to have a permit under this chapter, setting out permit number and the route over or territory in which the vehicle is authorized to operate and the name and address of the owner of said permit. The identification card provided for herein may be in such form and contain such information as required by the commission. It shall be unlawful for the owner of said permit, his agent, servant or employee, or any other person to use or display said identification card, the permit number or other insignia of authority from the commission after said permit has expired, been canceled or disposed of, or to operate any vehicle under permit without such identification card.

81.80.310 Identification plates. It shall be unlawful for any "common carrier", or "contract carrier" to operate any motor vehicle within this state unless there shall be displayed and firmly fixed upon the front of each power unit and rear of each trailer an identification plate to be furnished by the commission. Such plates shall be different in design for the different classes of carriers, shall bear the number given to the vehicle by the commission, and such other marks of identification as may be required, and, subject to the qualification hereinafter contained, shall be in addition to the regular license plates required by law. Such plates shall be issued annually under the rules and regulations of the commission, and shall be attached to each motor vehicle operated subject to this chapter not later than January 1st of each year: *Provided*, That such plates may be issued for the ensuing calendar year on and after the first day of December preceding and may be used and displayed from the date of issue until December 31st of the succeeding calendar year for which the same are issued. In case an applicant received a permit after January 1st of any year such plates shall be obtained and attached to each motor vehicle subject to this chapter before operation of any such vehicle is commenced.

The commission shall collect from each such carrier a fee of three dollars for each identification plate so issued, and all fees for such plates shall be deposited in the state treasury to the credit of the public service revolving fund.

81.80.312 Identification plates—Intrastate commerce—Interchange of trailers—Agreement. No carrier shall interchange its trailers or semitrailers with any other carrier without first filing an interchange agreement with and securing approval thereof by the commission. The interchange agreement providing for the transfer or interchange of trailers or semitrailers pursuant thereto shall be authorized only on through movements between connecting regular route carriers.

The interchange of trailers and semitrailers used in intrastate commerce shall be authorized only in respect to such vehicles which have secured and affixed upon them identification plates as prescribed in RCW 81.80.310.

Any carrier operating any truck, trailer or semitrailer, owned by another person or party but not operated pursuant to an interchange agreement shall secure identification plates in his own name for such vehicles as required by RCW 81.80.310.

81.80.314 Unassigned identification plates for interchanged trailers in interstate commerce. Carriers engaged in interstate commerce using trailers or semitrailers pursuant to an interchange agreement, which vehicles do not have affixed upon them identification plates as prescribed in RCW 81.80.310, may use the highways

of this state upon securing from the commission unassigned identification plates to be attached to such vehicles while operating over the highways of this state. The fee for such plates shall be the same as prescribed in RCW 81.80.310 and shall be deposited in the state treasury to the credit of the public service revolving fund.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 for such plates.

81.80.316 Unassigned identification plates for interstate single line unitary operation. Carriers engaged in operating vehicles in a single line unitary operation, and not through interchange with connecting carriers, between points in this state and points outside the state in interstate commerce may operate such vehicles in such transportation with attached identification plates which are not assigned to specific vehicles. The commission may issue such identification plates upon application therefor and the payment by the applicant for each plate of a total fee of three dollars plus two times the applicable gross weight fee prescribed by RCW 81.80.320. The commission may require such reports of carriers, adopt such rules and regulations, and impose such conditions as the public interest may require with respect to the operation of such vehicles. The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 for such plates.

81.80.317 Alternative method—Motor propelled equipment plates and fees. Any common carrier or contract carrier may, as an alternative to complying with the requirements of the provisions of RCW 81.80.310, 81.80.314, and 81.80.316, operate any motor vehicle trailer or semitrailer within this state without securing a plate or the payment of the gross weight fee therefor, or the identification card required by RCW 81.80.300 therefor, provided the carrier secures from the commission a plate for the motor propelled equipment used to pull such trailer or semitrailer within this state and pays a fee of three dollars for each such plate and two times the applicable gross weight fee prescribed by RCW 81.80.320 for each piece of such propelled equipment. Such plates shall be different in design for the different classes of carriers, shall bear the number given to the vehicle by the commission, and be attached to the motor propelled equipment.

Any carrier who after June 9, 1955 desires to avail himself of the alternative provided herein and who has acquired his plate and paid his fee for any piece of motor propelled equipment for the current year may convert to the alternate method provided herein by application to the commission who shall have power to issue the necessary plate therefor, accept such additional fee, make such refund or establish such credit as the case may be.

All fees collected hereunder shall be deposited in the state treasury for the credit of the public service revolving fund.

81.80.318 Single trip transit permit. Any motor carrier engaged in this state in the casual or occasional carriage of property in interstate or foreign commerce, who would otherwise be subject to all of the requirements of this chapter, shall be authorized to engage in such casual or occasional carriage, upon securing from the commission a single trip transit permit, valid for a period not exceeding ten days, which shall authorize either a one way trip or one round trip in transporting property for compensation between points in the state of Washington and points in other states, territories, or foreign countries.

No identification plates and no regulatory fees other than as provided in this section shall be required for such permit. The permit must be carried in the vehicle and a numbered identification placard, to be furnished by the commission, shall be attached by the operator to the side of the cab of the truck or tractor.

The permit shall be issued upon application to the commission or any of its duly authorized agents upon payment of a fee of ten dollars and the furnishing of proof of possession of public liability and property damage insurance in limits of at least five thousand dollars, for injury or death of any one person, and, subject to such limit as to any one person, for ten thousand dollars for injury or death of all persons caused by any one accident and for five thousand dollars for all damages to property caused by one accident. Such proof may consist of an insurance policy or a certificate of insurance.

The commission shall not be required to collect the excise tax prescribed by RCW 82.44.070 on any vehicle subject only to the payment of this fee.

81.80.320 Gross weight fees. In addition to all other fees to be paid by him, every "common carrier" and "contract carrier" shall pay to the commission each year at the time of, in connection with, and before receiving his identification plate for each motor truck, trailer or semitrailer owned or operated by him, based upon the maximum gross weight thereof as set by the carrier in his application for his regular license plates, the following fees:

Less than 4,000 pounds.....	\$ 7.00
4,000 pounds or more and less than 6,000 pounds.....	8.00
6,000 pounds or more and less than 8,000 pounds.....	9.00
8,000 pounds or more and less than 10,000 pounds.....	10.00
10,000 pounds or more and less than 12,000 pounds.....	11.00
12,000 pounds or more and less than 14,000 pounds.....	12.00
14,000 pounds or more and less than 16,000 pounds.....	13.00
16,000 pounds or more and less than 18,000 pounds.....	14.00

18,000 pounds or more and less than 20,000 pounds.....	15.00
20,000 pounds or more and less than 22,000 pounds.....	16.00
22,000 pounds or more and less than 24,000 pounds.....	17.00
24,000 pounds or more and less than 26,000 pounds.....	18.00
26,000 pounds or more and less than 28,000 pounds.....	19.00
28,000 pounds or more and less than 30,000 pounds.....	20.00
30,000 pounds or more and less than 32,000 pounds.....	21.00
32,000 pounds or more and less than 34,000 pounds.....	22.00
34,000 pounds or more and less than 36,000 pounds.....	23.00

It is the intent of the legislature that the fees collected under the provisions of this chapter shall reasonably approximate the cost of supervising and regulating motor carriers subject thereto, and to that end the public service commission is authorized to decrease the schedule of fees provided in this section by general order entered before November 1st of any year in which it determines that the moneys then in the motor carrier account of the public service revolving fund and the fees currently to be paid will exceed the reasonable cost of supervising and regulating such carriers during the next succeeding calendar year. Whenever the cost accounting records of the commission indicate that the schedule of fees as previously reduced should be increased such increase, not in any event to exceed the schedule set forth in this section, may be effected by a similar general order entered before November 1st. Any decrease or increase of gross weight fees as herein authorized, shall be made on a proportional basis as applied to the various classifications of equipment.

All fees collected under this section or under any other provision of this chapter shall be paid to the commission and shall be by it transmitted to the state treasurer within thirty days to be deposited to the credit of the public service revolving fund.

81.80.330 Enforcement of chapter. The commission is hereby empowered to administer and enforce all provisions of this chapter and to inspect the vehicles, books and documents of all "motor carriers" and the books, documents and records of those using the service of the carriers for the purpose of discovering all discriminations and rebates and other information pertaining to the enforcement of this chapter and shall prosecute violations thereof. The commission shall employ such auditors, inspectors, clerks and assistants as it may deem necessary for the enforcement of this chapter, and it shall be the duty of the Washington state patrol to assist in the enforcement of this chapter, and the duty of the attorney general to assign at least one assistant to the exclusive duty of assisting the commission in the enforcement of this chapter, and the prosecution of persons charged with the violation thereof. It shall

be the duty of the sheriffs of the counties to make arrests and the county attorneys to prosecute violations of this chapter.

81.80.340 Public service law invoked. In all respects in which the commission has power and authority under this chapter 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 this title. The right of review and appeal hereby conferred shall be available to any motor carriers, complainant, protestant or other person adversely affected by any decision or order of the commission.

81.80.350 Penalties—Remission, mitigation. In addition to all other penalties provided by law every "motor carrier" subject to the provisions of this chapter and every officer, agent or employee of any such "motor carrier" who violates or who procures, aids or abets in the violation of any provision of this chapter or any order, rule, regulation or decision of the commission shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper. If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or application for remission or mitigation has not been made within fifteen days after violator has received notice of the disposition of such application, the attorney general shall bring an action in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evi-

dence shall be the same as an ordinary civil action except as otherwise herein provided. All penalties recovered under this chapter shall be paid into the state treasury and credited to the public service revolving fund.

81.80.355 Unlawful advertising—Penalty. Any person not holding a permit authorizing him to operate as a common carrier, contract carrier, or temporary carrier for the transportation of property for compensation in this state, or an exempt carrier, who displays on any building, vehicle, billboard or in any manner, any advertisement of, or by circular, letter, newspaper, magazine, poster, card or telephone directory, advertises the transportation of property for compensation shall be guilty of a misdemeanor and punishable as such.

81.80.360 Procedure, penalties—General statute invoked. All applicable provisions of this title, relating to procedure, powers of the department and penalties, shall apply to the operation and regulation of persons under this chapter, except insofar as such provisions may conflict with provisions of this chapter and rules and regulations issued thereunder by the commission.

81.80.370 Application to interstate commerce. This chapter shall apply to persons and motor vehicles engaged in interstate commerce to the full extent permitted by the Constitution and laws of the United States.

81.80.380 Cooperation with federal government. The commission is hereby authorized and directed to cooperate with the federal government and the interstate commerce commission of the United States or any other commission or organization delegated or authorized to regulate interstate or foreign commerce by motor carriers to the end that the transportation of property by motor carriers in interstate or foreign commerce into and through the state of Washington may be regulated and the laws of the United States and the state of Washington enforced and administered cooperatively in the public interest.

81.80.391 Reciprocity—Apportionment of regulatory fees. The commission, in respect to common carriers engaged in interstate commerce, may enter into reciprocal agreements with other states, the District of Columbia, territories and countries which are authorized to make like agreements, to apportion the regulatory fees of common carriers between Washington and the other states, District of Columbia, territories or countries into which such carriers operate.

The percentage of miles each such carrier operates in Washington as they bear to the total miles each such carrier operates in the other states, District of Columbia, territories and countries involved

shall be used by the commission to determine what percentage of each of the carrier's total vehicles shall be attributable to operating in Washington as the basis for computing the total regulatory fees to be paid by each such carrier to the commission.

The commission may require each such carrier to submit under oath such information, records and data as it deems necessary for carrying out the provisions of this section. The commission's determination of the number of vehicles of each carrier to be used as the basis for computing the regulatory fees payable by each carrier shall be final.

All moneys collected pursuant to this section shall be deposited in the state treasury to the credit of the public service revolving fund.

Chapter 81.84

STEAMBOAT COMPANIES

81.84.010 Certificate of convenience and necessity required. No steamboat company shall hereafter operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the commission a certificate declaring that public convenience and necessity require such operation: *Provided*, That no certificate shall be required for a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers and/or vehicles, are not more than ten percent of the total gross earnings of such vessel: *Provided*, That nothing herein shall be construed to affect the right of any county within this state to construct, condemn, purchase, operate or maintain, itself or by contract, agreement or lease, with any person, firm or corporation, ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, provided such operation is not over the same route or between the same districts, being served by a certificate carrier, nor shall this chapter be construed to affect, amend or invalidate any contract entered into prior to January 15, 1927, for the operation of ferries or boats upon the waters within this state, which was entered into in good faith by any county with any person, firm, or corporation, except that in case of the operation or maintenance by any county, city, town, port district, or other political subdivision by contract, agreement, or lease with any person, firm, or corporation, of ferries or boats across or wharfs at or upon the waters within this state, including rivers and lakes and Puget Sound, the commission shall have power and authority to regulate rates and services of such operation or maintenance of ferries, boats, or

wharfs, to make, fix, alter or amend said rates, and to regulate service and safety of operations thereof, in the manner and to the same extent as it is empowered to regulate a steamboat company, notwithstanding the provisions of any act or parts of acts inconsistent herewith.

81.84.020 Application — Hearing — Issuance of certificate. Upon the filing of an application the commission shall give reasonable notice to any common carrier which might be adversely affected, of the time and place for hearing on such application. The commission shall have power after hearing, to issue the certificate as prayed for, or to refuse to issue it, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as in its judgment the public convenience and necessity may require; but the commission shall not have power to grant a certificate to operate between districts and/or into any territory already served by an existing certificate holder, unless such existing certificate holder shall fail and refuse to furnish reasonable and adequate service: *Provided*, A certificate shall be granted when it shall appear to the satisfaction of the commission that such steamboat company was actually operating in good faith over the route for which such certificate shall be sought, on January 15, 1927: *Provided, further*, That in case two or more steamboat companies shall upon said date have been operating vessels upon the same route, or between the same districts the commission shall determine after public hearing whether one or more certificates shall issue, and in determining to whom a certificate or certificates shall be issued, the commission shall consider all material facts and circumstances including the prior operation, schedules and services rendered by either of said companies, and in case more than one certificate shall issue, the commission shall fix and determine the schedules and services of the companies to whom such certificates are issued to the end that duplication of service be eliminated and public convenience be furthered.

81.84.030 Transfer, revocation of certificate. No certificate or any right or privilege thereunder held, owned or obtained under the provisions of this chapter shall be sold, assigned, leased, mortgaged or in any manner transferred, either by the act of the parties or by operation of law, except upon authorization by the commission first obtained. The commission may at any time by its order duly entered after hearing had upon notice to the holder of any certificate hereunder and an opportunity to such holder to be heard, suspend, revoke, alter, or amend any certificate issued under the provisions of this chapter, if the holder thereof wilfully violates or fails to observe the provisions or conditions of the certificate,

or the orders, rules or regulations of the commission, or the provisions of this title.

81.84.040 Fees. The commission shall collect the following miscellaneous fees from steamboat companies: Application for a certificate of public convenience and necessity, or to amend certificate, fifty dollars; application to sell, lease, mortgage, or transfer certificate or any interest therein, ten dollars.

81.84.050 Penalties—Remission, mitigation. Every steamboat company and every officer, agent, or employee of any steamboat company who violates or who procures, aids or abets in the violation of any provision of this title, or any order, rule, regulation, or decision of the commission shall incur a penalty of one hundred dollars for every such violation. Each and every such violation shall be a separate and distinct offense and in case of a continuing violation every day's continuance shall be and be deemed to be a separate and distinct violation. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for.

The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the commission describing such violation with reasonable particularity and advising such person that the penalty is due.

The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it in its discretion shall deem proper, and shall have authority to ascertain the facts upon all such applications in such manner and under such regulations as it may deem proper.

If the amount of such penalty is not paid to the commission within fifteen days after receipt of notice imposing the same or, if application for remission or mitigation has not been made, within fifteen days after the violator has received notice of the disposition of such application, the attorney general shall bring an action to recover the penalty in the name of the state of Washington in the superior court of Thurston county or of some other county in which such violator may do business. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions except as otherwise herein provided. All penalties recovered by the state under this chapter shall be paid into the state treasury and credited to the public service revolving fund.

Chapter 81.88 GAS AND OIL PIPE LINES

81.88.020 Pipe line corporations—Regulation—Eminent domain.

All corporations having for one of their principal purposes the construction, maintenance and operation of pipe lines and appurtenances for the conveyance and transportation as common carriers of oils, gas, gasoline and other petroleum products shall be subject to control and regulation by the commission in the same manner and to the same extent as other public service corporations. The power of eminent domain is hereby conferred upon such corporations to be used for acquiring rights of way for common carrier pipe lines and they shall have the right to condemn and appropriate lands and property and interests therein for their use under the same procedure as is provided for the condemnation and appropriation of private property by railway companies, but no private property shall be taken or damaged until the compensation to be made therefor shall have been ascertained and paid as provided in the case of condemnation and appropriation by railway companies. Any property or interest therein acquired by any corporation under the provisions of this section by the exercise of the right of eminent domain shall be used exclusively for the purposes for which it was acquired. In all actions brought under this section to enforce the right of eminent domain, courts wherein such actions are brought may give such actions preference over all other civil actions in the matter of setting the same for hearing or trial and in hearing the same.

81.88.030 Pipe line carriers regulated as common carriers. Every person, copartnership, corporation or other association now or hereafter engaged in the business of producing from natural deposits and/or carrying or transporting natural gas and/or crude oil or petroleum or the products thereof for hire, by pipe lines within this state shall be a common carrier within the meaning and subject to the provisions of this title: *Provided, however,* That the provisions of this section shall not apply to distribution systems owned and operated under franchise for the sale, delivery, or distribution of natural gas at retail.

Chapter 81.92 STORAGE WAREHOUSEMEN

81.92.010 Definitions. As used in this chapter:

“Person” includes port commissions and districts;

“Storage warehouse” means a building or structure, or any part thereof, in which goods, wares, or merchandise are received for

storage for compensation, except field warehouses, fruit warehouses, fruit packing plants, warehouses licensed under the provisions of chapter 22.08, used exclusively for the storage of grains, hay, peas, hops, grain and hay products, beans, lentils, corn, sorghums, malt, peanuts, flax, seeds, and other similar agricultural products, exclusively cold storage warehouses, buildings or structures in which freight is handled in transit exclusively, public garages storing automobiles, railroad freight sheds, and docks and wharves;

“Dock” or “wharf” includes all structures at which any steamboat, vessel, or other watercraft lands for the purpose of receiving or discharging freight from or for the public, together with any building or structure used for storing such freight, while in transit exclusively for the public for hire;

“While in transit” means all goods, wares, and merchandise received on any dock or wharf, destined to or consigned from waterborne commerce, it being the intention of the legislature to exempt all goods received on any dock or wharf for shipment from land via water or received on said dock or wharf by water to be transhipped by land, or water, irrespective of the time of its retention upon said dock or wharf;

“Storage warehouseman” and “warehouseman” mean any person operating any storage warehouse.

81.92.020 Storage warehouseman declared “public service company.” A storage warehouseman subject to the provisions of this chapter is a “public service company” within the meaning of the provisions of this title.

81.92.030 Chapter exclusive. No corporation or person, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, shall hereafter operate any storage warehouse for the storage of property for the public for hire in this state except in accordance with the provisions of this chapter.

81.92.040 Exemptions from operation of chapter. This chapter shall not apply to storage furnished by a cooperative marketing association for its members, or for other cooperative associations, or as an incidental part of its business within the limits permitted by Title 24.

Nor shall this chapter apply to the business of renting locked boxes by any bank or trust company.

81.92.050 License required—Fee—Revocation—Injunction. Each person operating one or more storage warehouses subject to the provisions of this chapter shall procure from the commission, on or before July 1st of each year, a license for the ensuing year, upon payment of a fee of twenty-five dollars for the first warehouse

operated and five dollars for each additional warehouse. The license shall be posted in a conspicuous place in the office of each warehouse.

All license fees shall be transmitted to the state treasurer who shall deposit them in the public service revolving fund.

The commission may revoke any such license, upon notice and hearing, and any person operating a storage warehouse without a license, or after one has been revoked, shall forfeit to the state, for each day's operation, fifty dollars to be recovered in an action brought by the attorney general in the superior court of Thurston county.

The operation of a storage warehouse without a license may also be enjoined upon complaint of the commission.

81.92.060 Schedule of rates to be filed — Rates, services and facilities must be just and reasonable. Every storage warehouseman shall upon obtaining his license as herein provided, at once file with the commission his schedules showing the rates and charges for the storage and handling of property in his warehouse, and such schedules shall be kept in convenient form and be open at all times during business hours to public inspection at his warehouse or warehouses, and the office of the commission. All charges made for any service rendered or to be rendered in the storage, or handling of property in his storage warehouse by any warehouseman shall be just, fair, reasonable and sufficient. Every warehouseman shall furnish and supply such warehouses, buildings, structures, service, instrumentalities, and facilities that shall be safe, adequate and efficient and in all respects just and reasonable. All rules and regulations issued by warehousemen affecting or pertaining to the storage, handling, or care of property shall be just and reasonable. Every warehouseman shall construct and maintain such facilities in connection with his warehouse as will be efficient and safe to its employees and to the public.

81.92.070 Inspection of premises—Determination of qualifications —Review. Upon receiving an original application for a storage warehouse license, the commission shall cause an inspection to be made of the premises the applicant proposes to use for a storage warehouse, to determine if the premises and facilities are adequate, safe and suitable for use as a storage warehouse.

The commission shall also make such investigation as it deems necessary to determine whether the applicant is financially able to act as a storage warehouseman and is familiar with the laws of the state of Washington and the rules and regulations of the commission pertaining to storage warehousemen and shall thereafter promptly enter its order accordingly, either granting or denying the license applied for.

The decisions of the commission made pursuant to this section shall be subject to review in the superior court for Thurston county.

81.92.080 Bond required—Penalty—Revocation of bond. Each storage warehouseman shall file and maintain with the commission a surety bond in the sum of ten thousand dollars executed by the storage warehouseman as principal, and a surety company authorized to do business in this state as surety, and conditions upon the storage warehouseman's faithfully accounting in the manner required by law to the owner thereof for all goods, wares, merchandise, funds or other property that the storage warehouseman receives, handles, stores or otherwise deals in as a storage warehouseman.

Failure to file and maintain in full force and effect the bond herein required shall be cause for the immediate revocation of the storage warehouseman's license and no license for a storage warehouse shall be issued to any person, firm or corporation until such person, firm or corporation has filed the bond herein required.

The total liability of the surety on the bond required by this section shall not exceed the sum of ten thousand dollars in the aggregate for all claims accruing while the bond is in force, and the surety may revoke said bond upon giving the warehouseman and the commission written notice fifteen days prior to such revocation, otherwise, said bond shall remain in full force and effect.

81.92.090 Powers of commission—General. The commission is hereby vested with power and authority, and it is hereby made its duty to supervise and regulate every storage warehouse in this state; to fix, alter and amend to just, fair, reasonable and sufficient rates, fares, charges, classifications, rules and regulations of each such storage warehouse; to regulate accounts, service and safety of operations of each such storage warehouse; to require the filing of annual and other reports and all other data by such storage warehouse; to supervise and regulate storage warehouses in all other matters affecting the storage of property therein by the public. The commission shall have power and authority by general order or otherwise, to prescribe rules and regulations in conformity with this chapter, applicable to any and all storage warehouses.

81.92.100 Power to inspect buildings, records, and accounts. The commission is hereby vested with power and authority to inspect, investigate and check all of the buildings, records and accounts of any person, firm or corporation operating a building, structure, dock or warehouse in which goods or merchandise are stored, for the purpose of determining whether or not such person, firm or corporation is a storage warehouseman as herein defined; and for this purpose the commission is hereby empowered to require the attend-

ance of any person and/or the books, records and accounts of any person, firm or corporation within this state in order to make a determination as to whether or not any such building, structure, dock or wharf is used as a storage warehouse as herein defined.

81.92.110 Complaints—Hearings. In all respects in which the commission has power and authority under this chapter, application and complaints may be made and filed with it, process issued, hearing held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, petition for writs of review to the superior court filed therein, appeals of mandate filed with the supreme court of this state and considered and disposed of by said courts in the manner, under the conditions and subject to the regulations and with the effect specified in this title.

81.92.120 Secrecy required of commission personnel—Penalty. Any officer or employee of the commission who divulges to any person other than a member of the commission any fact or information coming to his knowledge during the course of an inspection, examination or investigation of any accounts, records, memoranda books, or papers of a warehouseman, except insofar as he may be authorized by the commission, or by a court of competent jurisdiction, or by a judge thereof, shall be guilty of a gross misdemeanor.

81.92.130 Penalty against offending warehouseman. Every storage warehouseman and all officers, agents, and employees of any storage warehouseman, shall obey, observe, and comply with every order, rule, direction or requirement made by the commission under authority of this chapter so long as the same shall be and remain in force. Any storage warehouseman who shall violate or fail to comply with any provision of this chapter, or who fails, omits or neglects to obey, observe or comply with any order, rule, direction, demand or requirement of the commission or who shall fail to maintain and comply with the schedule of rates and charges filed by him, shall be subject to a penalty of not to exceed the sum of one thousand dollars for each and every offense. Every violation of any such order, rule, direction, demand or requirement of the commission, or of any provision of this chapter, shall be a separate and distinct offense and in case of a continuing violation, every day's continuance thereof shall be deemed to be a separate and distinct offense.

81.92.140 Miscellaneous penalties. Any person not a licensed warehouseman under, or excepted from the provisions of this chapter, who shall display on any building, vehicle, billboard or in any other manner, any advertisement of, or by circular, letter, newspaper, magazine, poster, or card to advertise, storage of property shall be guilty of a misdemeanor and punishable as such.

Every officer, agent or employee of any storage warehouse and every other person who violates or fails to comply with or who procures, aids, or abets in the violation of any provisions of this chapter, or who fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement of the commission under this chapter, is guilty of a gross misdemeanor and punishable as such.

Any person who shall wilfully make any false entry in the accounts or in any record or memorandum kept by a storage warehouseman or who shall wilfully destroy, mutilate, alter or by any other means or device, falsify a record or any such account, record, or memorandum, or who shall wilfully neglect or fail to make full, true or correct entries in such accounts, records, or memoranda of all facts and transactions appertaining to the business of the warehouseman or shall keep any accounts or records with the intent to evade the provisions of this chapter, shall be guilty of a gross misdemeanor and punishable as such.

81.92.150 Additional penalties—Mitigation by commission—Payment—Action to recover. In addition to all other penalties provided by law every "storage warehouseman" and "warehouseman" subject to the provisions of this chapter and every officer, agent, or employee of any such "storage warehouseman" or "warehouseman" who violates or who procures, aids or abets in the violation of any provisions of this chapter, or any order, rule, regulation, or decision of the commission shall incur a penalty of one hundred dollars for every such violation. Every violation shall be a separate and distinct offense, and in case of a continuing violation every day's continuance shall be a separate and distinct offense. Every act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under this section and subject to the penalty herein specified.

The penalty shall become due and payable when the person incurring it receives a notice in writing from the commission describing the violation with reasonable particularity and advising such person that the penalty is due.

The commission may, upon written application therefor, received within fifteen days, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as it deems proper, and may ascertain the facts involved in all such applications in such manner and under such regulations as it deems proper.

If the amount of a penalty is not paid to the commission within fifteen days after receipt of the notice imposing it, or within fifteen days after the violator has received notice of the disposition of his application for remission or mitigation, the attorney general shall

bring an action in the name of the state in the superior court of Thurston county or of some county in which such violator may be doing business, to recover the penalty. In all such actions the procedure and rules of evidence shall be the same as in ordinary civil actions except as otherwise herein provided. All penalties recovered under this chapter shall be paid into the state treasury and credited to the public service revolving fund.

81.92.160 Ownership of goods by warehouseman does not defeat receipt. No warehouse receipt issued by any warehouseman as defined in this chapter and no negotiation, transfer or pledge of any such receipt shall be defeated by reason of the fact that the goods covered by the receipt were owned, in whole or in part, by the warehouseman at the time the receipt was issued.

Chapter 81.94

WHARFINGERS AND WAREHOUSEMEN

81.94.010 Definitions. As used in this chapter:

“Dock” or “wharf” includes any and all structures at which any steamboat, vessel, or other watercraft lands for the purpose of receiving or discharging freight from or for the public, together with any building or warehouse used for storing such freight for the public for hire;

“Warehouse” includes any building or structure in which freight is received for storage from the public for hire, intended for shipment or discharge by any watercraft;

“Wharfinger” or “warehouseman” includes every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, operating or managing any dock, wharf or structure where steamboats, vessels or other watercraft land for the purpose of discharging freight for the public, and where such freight is received on such dock, wharf or structure for the public for hire within the state.

81.94.020 Wharfinger, warehouseman, declared “public service company.” A wharfinger or warehouseman subject to the provisions of this chapter is a “public service company” within the meaning of the provisions of this title.

81.94.030 Duties imposed on wharfingers or warehousemen—Charges. All charges made for any service rendered or to be rendered in the receipt, storage or handling of property or in connection therewith by any wharfinger or warehouseman shall be just, fair, reasonable and sufficient. Every wharfinger or warehouseman shall furnish and supply such wharves, docks, buildings, service, instrumentalities and facilities as shall be safe, adequate and efficient and

in all respects just and reasonable. All rules and regulations issued by any wharfinger or warehouseman affecting or pertaining to the dockage, storage, handling and care of property shall be just and reasonable. Every wharfinger and warehouseman shall construct and maintain such facilities in connection with his warehouse, wharf, dock and structure as will be efficient and safe to its employees and the public.

81.94.040 Tariff schedules to be filed. Every warehouseman or wharfinger shall file with the commission and shall print and keep open to the public inspection schedules in such form as the commission may prescribe, showing all rates and charges made, used or enforced, or to be charged or enforced, all forms of contract or agreement, all rules and regulations relating to rates, charges or service used or to be used, and all general privileges and facilities granted or allowed by such warehouseman or wharfinger.

81.94.050 Tariff changes—Statutory notice—Exception. Unless the commission otherwise orders, no change will be made in any rate or charge or in any form of contract or agreement or in any rule or regulation relating to any rate, charge or service, or in any general privilege or facility which shall have been filed and published by the wharfinger or warehouseman in compliance with the requirements of RCW 81.94.040, except by thirty days' notice to the commission and publication for thirty days, which schedule shall plainly state the changes to be made in the schedule then in force and the time when the change will go into effect, and all proposed changes shall be shown by printing, filing, and publishing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to the public inspection. The commission for good cause shown may allow changes without requiring the thirty days' notice by duly filing in such manner as it may direct an order specifying the changes so to be made and the time when it shall take effect; all such changes shall be immediately indicated upon its schedule by the warehouseman or wharfinger affected.

81.94.060 Published rates to be charged—Exceptions. No wharfinger or warehouseman shall charge, demand, collect, or receive a greater, less or different compensation for any service rendered or to be rendered, than the rates charged applicable to such service as specified in its schedule filed and in effect at the time. Nor shall any such wharfinger or warehouseman directly or indirectly refund or remit in any manner or by any device, any portion of the rate or charge so specified, or furnish dockage, wharfage or storage or free or reduced rates except to its employees and their families and its officers, attorneys and agents; to hospitals, charitable and eleemosynary institutions and persons engaged in charitable and eleemosy-

nary work; to indigent and destitute persons; to national homes or state homes for disabled volunteer soldiers and soldiers' and sailors' homes: *Provided*, That the term "employees," as used in this section shall include furloughed, pensioned and superannuated employees, persons who have become disabled or infirm in the service of such wharfinger or warehouseman, and the term "families," as used in this section, shall include the families of those persons named in this proviso, also the families of persons killed or dying in the service, also the families of persons killed, and the widows, during widowhood, and the minor children during minority of persons who died while in the service of any such wharfinger or warehouseman.

No wharfinger or warehouseman shall extend to any person or corporation any form of contract or agreement, or any rule or regulation or any privilege or facility except as are regularly and uniformly extended to all persons and corporations under like circumstances.

81.94.070 Unreasonable preferences prohibited. No wharfinger or warehouseman shall make or grant any undue or unreasonable preference or advantage to any person, corporation or locality, or to any particular description of service in any respect whatsoever, or subject any particular person, corporation or locality or any particular description of service or traffic to any undue or unreasonable prejudice or disadvantage in any respect whatever.

81.94.080 Unjust discrimination prohibited. No wharfinger or warehouseman shall, directly or indirectly or by any special rate, rebate, drawback or other device or method, charge, demand, collect or receive from any person or corporation a greater or less compensation for the wharfage, dockage or storage of property, or for any service rendered or to be rendered or in connection therewith, except as authorized by this chapter, than it charges, demands, collects or receives from any person or corporation for doing a like or contemporaneous service with respect thereto under the same or substantially similar circumstances and conditions.

81.94.090 Service to be furnished on demand. Every wharfinger or warehouseman shall upon demand furnish to all persons or corporations who may apply therefor and be reasonably entitled thereto suitable facilities for storing and transferring property from such warehouse, wharf, dock or structure, to any vessel and from any vessel to any such warehouse, wharf, dock or structure.

81.94.100 Commission to fix just, reasonable and compensatory rates. Whenever the commission shall find, after a hearing had upon its own motion or upon complaint, as herein provided, that the rates or charges demanded, exacted, charged or collected by any wharfinger or warehouseman for the receipt, storage or handling of

freight, or in connection therewith, or that the rules, regulations or practices affecting such rates or charges are unjust, unreasonable, unjustly discriminatory or unduly preferential, or in any wise in violation of the provisions of law, or that such rates and charges are insufficient to yield a reasonable compensation for the service rendered, the commission shall determine the just, reasonable or sufficient rates, charges, rules, regulations or practices to be thereafter observed and in force, and shall fix the same by order.

Whenever the commission shall find, after such hearing, that the rules, regulations or practices of any wharfinger or warehouseman are unjust or unreasonable, or that the equipment, facilities or service of any wharfinger or warehouseman are inadequate, inefficient, improper, insufficient or unsafe, the commission shall determine the just, reasonable, proper, adequate, efficient and safe rules, regulations, practices, equipment, facilities and service to be thereafter installed, observed and used, and fix the same by order of the commission.

81.94.110 Commission may order repairs and improvements. Whenever the commission shall find, after hearing had upon its own motion or upon complaint, that repairs or improvements to, or changes in, any dock, wharf or warehouse ought reasonably to be made, or that any additions or extensions should reasonably be made thereto in order to promote the security or adequate service or facilities for the receipt, storage or handling of freight, the commission shall make and serve an order directing that such repairs, improvements, changes, additions or extensions shall be made in the manner specified therein.

81.94.130 Ownership of goods by warehouseman does not defeat receipt. No warehouse receipt issued by any warehouseman as defined in this chapter and no negotiation, transfer or pledge of any such receipt shall be defeated by reason of the fact that the goods covered by the receipt were owned, in whole or in part, by the warehouseman at the time the receipt was issued.

Chapter 81.98

CONSTRUCTION

81.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

81.98.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

81.98.030 Invalidity of part of title not to affect remainder. If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected.

81.98.040 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Sections 2455, 2456, 2456½, 2456¾ and 2457, Code 1881;
- (2) Sections 1 through 3, pages 62 and 63, Laws of 1883;
- (3) Chapter 31, Laws of 1888;
- (4) Sections 1 and 2, page 53, Laws of 1890;
- (5) Sections 1 through 3, page 291, Laws of 1890;
- (6) Section 4, page 292, Laws of 1890;
- (7) Sections 1 through 4, pages 525 through 528, Laws of 1890;
- (8) Sections 1 and 2, page 529, Laws of 1890;
- (9) Section 4, chapter 27, Laws of 1893;
- (10) Chapter 80, Laws of 1895;
- (11) Chapter 100, Laws of 1895;
- (12) Chapter 144, Laws of 1895;
- (13) Chapter 17, Laws of 1897;
- (14) Chapter 94, Laws of 1897;
- (15) Chapter 15, Laws of 1899;
- (16) Chapter 35, Laws of 1899;
- (17) Chapter 103, Laws of 1901;
- (18) Chapter 175, Laws of 1903;
- (19) Chapter 180, Laws of 1903;
- (20) Chapter 126, Laws of 1905;
- (21) Chapter 180, Laws of 1905;
- (22) Chapter 20, Laws of 1907;
- (23) Chapter 88, Laws of 1907;
- (24) Chapter 99, Laws of 1907;
- (25) Chapter 138, Laws of 1907;
- (26) Chapter 218, Laws of 1907;
- (27) Chapter 223, Laws of 1907;
- (28) Chapter 224, Laws of 1907;
- (29) Chapter 244, Laws of 1907;
- (30) Chapter 31, Laws of 1909;
- (31) Chapter 158, Laws of 1909: *Provided*, That such repeal shall not be deemed to affect the validity of sections 93, 94, and 95, chapter 255, Laws of 1927 (RCW 79.01.372, 79.01.376, and 79.01.380);
- (32) Chapter 196, Laws of 1909;
- (33) Sections 274, 276, 277, 278, 396, 397 and 398, chapter 249, Laws of 1909;
- (34) Chapter 134, Laws of 1911;
- (35) Chapter 30, Laws of 1913;
- (36) Chapter 118, Laws of 1915;

- (37) Chapter 132, Laws of 1915;
- (38) Chapter 136, Laws of 1915;
- (39) Chapter 159, Laws of 1915;
- (40) Chapter 170, Laws of 1917;
- (41) Chapter 33, Laws of 1919;
- (42) Chapter 153, Laws of 1919;
- (43) Chapter 111, Laws of 1921;
- (44) Chapter 138, Laws of 1921;
- (45) Chapter 149, Laws of 1923;
- (46) Chapter 73, Laws of 1925, extraordinary session;
- (47) Chapter 179, Laws of 1925, extraordinary session;
- (48) Chapter 188, Laws of 1925, extraordinary session;
- (49) Chapter 166, Laws of 1927;
- (50) Chapter 248, Laws of 1927;
- (51) Chapter 96, Laws of 1929;
- (52) Chapter 154, Laws of 1933;
- (53) Chapter 61, Laws of 1933, extraordinary session;
- (54) Chapter 120, Laws of 1935;
- (55) Chapter 184, Laws of 1935;
- (56) Chapter 22, Laws of 1937;
- (57) Chapter 26, Laws of 1937;
- (58) Chapter 166, Laws of 1937;
- (59) Chapter 202, Laws of 1937;
- (60) Chapter 161, Laws of 1941;
- (61) Chapter 163, Laws of 1941;
- (62) Chapter 212, Laws of 1941;
- (63) Chapter 238, Laws of 1941;
- (64) Chapter 104, Laws of 1943;
- (65) Chapter 228, Laws of 1943;
- (66) Chapter 117, Laws of 1945;
- (67) Chapter 203, Laws of 1945;
- (68) Chapter 209, Laws of 1945;
- (69) Chapter 264, Laws of 1947;
- (70) Chapter 124, Laws of 1949;
- (71) Chapter 127, Laws of 1949;
- (72) Chapter 128, Laws of 1949;
- (73) Chapter 129, Laws of 1949;
- (74) Chapter 133, Laws of 1949;
- (75) Chapter 169, Laws of 1949;
- (76) Chapter 6, Laws of 1950, extraordinary session;
- (77) Chapter 42, Laws of 1951;
- (78) Chapter 66, Laws of 1951;
- (79) Chapter 75, Laws of 1951;
- (80) Chapter 94, Laws of 1951;
- (81) Chapter 110, Laws of 1951;
- (82) Chapter 111, Laws of 1951;

- (83) Chapter 191, Laws of 1951;
- (84) Sections 2 and 3, chapter 227, Laws of 1951;
- (85) Sections 1 through 3 and 9 through 23, chapter 95, Laws of 1953;
- (86) Sections 3 and 4, chapter 104, Laws of 1953;
- (87) Section 2, chapter 120, Laws of 1953;
- (88) Chapter 129, Laws of 1953;
- (89) Sections 3 through 10, chapter 79, Laws of 1955;
- (90) Chapter 99, Laws of 1955;
- (91) Sections 4 through 11, chapter 125, Laws of 1955;
- (92) Chapter 165, Laws of 1955;
- (93) Chapter 228, Laws of 1955;
- (94) Sections 2 through 4, chapter 300, Laws of 1955;
- (95) Sections 2 through 5, chapter 310, Laws of 1955;
- (96) Section 3, chapter 316, Laws of 1955;
- (97) Chapter 12, Laws of 1957;
- (98) Chapter 71, Laws of 1957;
- (99) Chapter 185, Laws of 1957;
- (100) Chapter 205, Laws of 1957;
- (101) Sections 3 through 9, 15 through 18, 22 through 24, chapter 248, Laws of 1959;
- (102) Sections 1 through 7, chapter 283, Laws of 1959;
- (103) Section 3, chapter 285, Laws of 1959.

Such repeals shall not be construed as affecting any existing right acquired under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

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

**GENERAL EXPLANATORY NOTE
RELATING TO BOTH TITLES 80 AND 81**

Explanatory
note.

In the course of its current program to restore session law language to the Revised Code of Washington, the reviser's office and the codifications subcommittee of the Statute Law Committee carefully examined the provisions of Title 80 relating to public utilities, and of Title 81 relating to transportation. Pursuant thereto, the committee determined that because of the complicated statutory problems and history relating to these subjects, the titles in question are nonrestorable. The 1941 Code Committee had divided and codified the basic public service commission act, 1911 c 117, into these two titles and also placed a portion thereof in Title 22, which latter title, including the parts of 1911 c 117 codified therein, has been restored by the Statute Law Committee. Many of the sections of 1911 c 117 were codified in their entirety in both Titles 80 and 81. An example is the 1941

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note.

Code Committee's treatment of 1911 c 117 § 8 as amended, being the definitions section of the public service commission act, wherein the definitions relating to public utilities were codified as RCW 80.04.010; those relating to transportation were codified as RCW 81.04.010; and those relating to wharfingers were codified as RCW 22.24.010. Several other independent acts were likewise doubly codified. As for Title 81, the legislative committee of the Washington Railroad Association has reviewed the sections of that title pertaining to railroads for the purpose of establishing what changes had been made from the session laws by the 1941 Code Committee. In a letter of January 2, 1953, addressed to the Statute Law Committee, Attorney Dean H. Eastman, chairman of the Washington Railroad Association, stated:

"In view of what we have found thus far, we strongly urge that chapters 81.04 through 81.60 of Title 81, RCW, not be proposed for adoption in their present form, but that these chapters be given further study with a view of either restoring the wording of the Session Laws or making such corrections as may be necessary to retain the meaning of the Session Laws."

One basic difficulty in bar of the restoration of these titles is the fact that some of the sections codified in both of the titles have been subsequently amended by reference to only one of the titles, or, they have been amended in both titles for different substantive reasons so that they no longer read the same in each title. The net result is that any attempt to restore the session law language without at the same time proposing legislation to preserve these substantive differences, would be fruitless.

Pursuant to its finding of nonrestorability, the codifications subcommittee directed the reviser to prepare a draft of a bill for the repeal and reenactment of these titles, for the purpose of resolving as many of the aforesaid problems as may be ascertained and remedied without affecting the substance of the law. Copies of this draft were circulated extensively among the experts in the fields of public utilities and transportation, including representatives of the public service commission, and a series of conferences was held by the subcommittee (Oct. 23, Nov. 23, Dec. 4 and 18, 1959; Jan. 15 and 22, 1960) at which such industry representatives appeared and were heard concerning the proposed draft, each section thereof being minutely considered. The instant bill is the result.

In preparing the reenactment of these titles, the placement, division, and double codification of sections by the 1941 Code Committee have been accepted for the most part, but within such framework the session law language has been restored. Where the scope of the original session law language would encompass more than one title, it has been edited much in the same manner as the 1941 Code Committee tailored these session laws to fit the particular title, although for the most part such sections, in substance, were codified in full in each title. For example, 1911 c 117 § 75 was codified in both RCW 80.04.020 and 81.04.020, but the word "waybill" was deleted from the version in RCW 80.04.020 which applies only to public utilities: In this proposed reenactment the session law language has been restored to these sections, but the deletion of the word "waybill" from RCW 80.04.020 has been accepted.

Chapters 80.40, 80.44, and 80.48 RCW deal with municipal utilities and are not administered by the public service commission. They are not included in this bill, but will be recodified in Title 35—Cities and Towns, upon the enactment hereof. This is in accordance with the placement of these sections in codifications prior to RCW. In like manner, chapter 81.72 RCW relating to passenger transportation for hire, which is administered by the department of licenses, is included in another statute law committee bill which proposes the reenactment of Title 46—Motor Vehicles. Conversely, chapters 22.20—Storage Warehousemen and 22.24—Wharfingers and Warehousemen, both of which

are administered by the public service commission, are included for reenactment herein as part of Title 81. Explanatory note.

Chapter 43.53 RCW providing for the creation and organization of the public service commission has been transferred to Title 80, for reenactment as chapter 80.01 RCW. The present public service commission was established by 1949 c 117. In earlier session laws presented for reenactment, references to a "commission" appear. These references are to the original public service commission created by 1911 c 117. No attempt was made to indicate the difference or to set forth the devolution of the powers and duties of the original public service commission upon the present day commission in the explanatory notes each time the word "commission" appears in a session law. Rather the entire devolution is set forth as follows and should be kept in mind: 1911 c 117; 1921 c 7 §§ 25, 26; 1935 c 8 § 1; 1945 c 267, 1949 c 117 §§ 1, 3, 8; 1951 c 260 § 1; and 1955 c 340 § 7. Also on the basis of this devolution, references in the session laws to the department of public works, department of public service, department of transportation, and department of public utilities have been similarly translated to "commission".

Likewise, the full circle has been made in connection with the "public service revolving fund". The original fund was created by 1921 c 113 § 2. 1945 c 267 § 10 divided the 1921 fund into the transportation revolving fund and the public utilities revolving fund. 1949 c 117 § 11 recombined these funds into the present day public service revolving fund. Again, this devolution is not indicated in the explanatory notes each time the words "public service revolving fund" appear in the session law.

Finally, it should be noted that the appearance of the word "act", particularly in the basic act, 1911 c 117, has presented considerable difficulty due to the division of that act into three titles, 80, 81 and 22. Wherever the words "this act" or similar words appeared in the basic session laws, they have been translated to "this title", "this chapter", "this section", or to specific code section numbers, in accordance with what most nearly corresponded to their original application but at the same time taking into consideration the doctrine of statutes in pari materia, and the necessity for harmonizing the provisions of this bill. Each such instance was carefully considered and discussed at the series of meetings mentioned above.

TITLE 80 NOTES

Chapter 80.01 Public Service Commission

This is a new chapter derived from session laws providing for the creation, structure, powers and duties of the public service commission.

80.01.010 Source—[1955 c 340 § 7; 1951 c 260 § 1; 1949 c 117 § 1; Rem. Supp. 1949 § 10964-115-1.]

Presently codified as RCW 43.53.010.

80.01.020 Source—[1949 c 117 § 2; Rem. Supp. 1949 § 10964-115-2.]

Presently codified as RCW 43.53.020 and 43.53.030.

80.01.030 Source—[RCW 43.53.040 which was derived from 1949 c 117 § 4 and 1945 c 267 §§ 2, 3, 5 and 6.]

This and the next section set forth most of the powers and duties of the public service commission. 1949 c 117, as amended is the latest expression of the organization and powers and duties of the public service commission. However, the powers and duties are defined generally in terms of a devolution by 1949 c 117 § 3. The entire chain in the devolution of powers and duties upon the present day public service commission is as follows: 1911 c 117; 1921 c 7 §§ 25, 26; 1935 c 8 § 1; 1945 c 267; 1949 c 117 §§ 1, 3, 8; 1951 c 260 § 1; and 1955 c 340 § 7.

In order to set out the substantive powers and duties of the public service commission, the 1941 Code Committee apparently

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consulted the earlier laws. For example, 1949 c 117 § 4 from which this section is partly derived reads as follows:

The Commission shall appoint and employ a Secretary and such other qualified assistants as may be necessary to carry on the administrative work of the Commission. The Secretary shall be the custodian of the Commission's official seal, and shall keep full and accurate minutes of all transactions, proceedings and determinations of the Commission and perform such other duties as may be required by the Commission.

There is no counterpart in 1949 c 117 for the language "and such accounting, engineering, expert and clerical assistants" and "The commission may depute one or more of its assistants to perform, in the name of the commission, such duties of the commission as it deems expedient." which appears in RCW 43.53.040. This language was derived from 1945 c 267 §§ 2, 3, 5 and 6 and was probably used by the 1941 Code Committee on the strength of 1949 c 117 § 3(1) which reads as follows:

(1) To exercise all the powers and perform all the duties now vested in, and required to be performed by, the Director of Transportation and the Director of Public Utilities;

This treatment by the 1941 Code Committee has been adopted in this section and in section 80.01.040.

- 80.01.040 Source—[RCW 43.53.050 which was derived from (i) 1949 c 117 § 3; Rem. Supp. 1949 § 10964-115-3. (ii) 1945 c 267 § 5; Rem. Supp. 1945 § 10459-5. (iii) 1945 c 267 § 6; Rem. Supp. 1945 § 10459-6.] For the most part, the RCW version has been adopted in this section in order to designate the powers and duties of the public service commission and to eliminate the devolution approach in 1949 c 117 § 3(1). See notes to 80.01.030. Note that "chapter" has been changed to "title" and "80" deleted to compensate for the transfer of chapter 43.53 from Title 43 to Title 80.
- 80.01.050 Source—[1949 c 117 § 6; Rem. Supp. 1949 § 10964-115-6.] Presently codified as RCW 43.53.060. "section 1, chapter 164 of the Laws of the Extraordinary Session of 1925" to "section 80.01.070".
- 80.01.060 Source—[1925 ex.s. c 164 § 1; RRS § 10799-1.] Presently codified as RCW 43.53.070. "director of public works" to "commission" since the powers and duties referred to herein have devolved upon the public service commission through a chain of statutes as follows: 1935 c 8 § 1; 1945 c 267; 1949 c 117. "director" to "it", "for the general administration of the department" to "for its general administration", and "department of public works" to "commission" to correspond with the change of "director of public works" to "commission".
- 80.01.070 Source—[1949 c 117 § 7; Rem. Supp. 1949 § 10964-115-7.] Presently codified as RCW 43.53.080.
- 80.01.080 Source—[1949 c 117 § 11; Rem. Supp. 1949 § 10964-115-11.] Presently codified as RCW 43.53.090.
- 80.01.090 Source—[1949 c 117 § 5; Rem. Supp. 1949 § 10964-115-5.] Presently codified as RCW 43.53.100.
- 80.01.100 Source—[1911 c 117 § 5; RRS § 10341.] Not codified in RCW.

Chapter 80.04 Regulations—General

- 80.04.010 Source—[1955 c 316 § 2. Prior: 1929 c 223 § 1, part; 1923 c 116 § 1, part; 1911 c 117 § 8, part; RRS § 10344, part.] Presently codified as RCW 80.04.010.

In accord with their codification of 1911 c 117, the basic public service commission act, the 1941 Code Committee divided and codified this definition section in three titles, (chapter 22.24 and Titles 80 and 81). In the RCW version most of the definitions were rewritten, and although 1955 c 316 enacts these definitions as rewritten in Titles 80 and 81, and the definitions in chapter 22.24 have been restored and reenacted in 1957 by a Statute Law Committee bill, the language of 1911 c 117 § 8 as last amended by 1929 c 223 § 1 is restored herein and in section 81.04.010. This has been done for the following reasons:

Explanatory
note.

(a) The legislature by the 1955 amendment apparently intended only to amend the definition of gas plant and did not thereby necessarily intend to approve the rest of the definitions as rewritten by the 1941 Code Committee (the 1955 language defining gas plant has been retained herein).

(b) Several questions were raised in a report by The Washington Railroad Association filed with the Statute Law Committee in January, 1953 as to the changes made in the definitions by the 1941 Code Committee.

(c) The session law language of 1911 c 117 is for the most part being restored in these proposed reenactments and the retention therein of the revised version of the definitions might not be in harmony with the restored substantive sections.

The session law, 1929 c 223 § 1, defines the term "public service company" as including every common carrier, gas company, electrical company, water company, telephone company, telegraph company, wharfinger and warehouseman. In order to accord with the division of the basic act, 1911 c 117, into three titles, "public service company" was limited in RCW 80.04.010 to include only gas company, electrical company, water company, telephone company and telegraph company. In RCW 81.04.010 it was defined as including every common carrier. Such disposition by the 1941 Code Committee omitted wharfingers and warehousemen from the definitions of "public service company" as they appeared both in RCW 80.04.010 and 81.04.010. This omission was dealt with in 1953 c 95 which added a new section to chapter 22.20:

"A storage warehouseman subject to the provisions of this chapter is a 'public service company' within the meaning of the provisions of Title 81."

which further added a new section to chapter 22.24:

"A wharfinger or warehouseman subject to the provisions of this chapter is a 'public service company' within the meaning of the provisions of Title 81."

and which amended several sections in Titles 80 and 81 to include warehousemen within several definitions of "public service company" appearing throughout Title 81. This treatment adopted by the 1941 Code Committee and augmented by the 1953 act is followed herein. Note that chapters 22.20 and 22.24 are herein included as part of Title 81. See also the notes for 81.04.130.

The introductory phrase, "As used in this title, unless the context indicates otherwise," used by the 1941 Code Committee in RCW has been retained, preceded by the phrase "unless specifically defined otherwise or". The RCW organization of the definitions has likewise been retained. The phrase "unless the context indicates otherwise" probably was used because some of the terms appearing in the section are re-defined by independent acts elsewhere in the title. In this connection the phrase "when used in this act", which appears

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note.

- in each session law definition has been deleted because 1911 c 117 is codified throughout the title and the definitions section is preceded by the phrase "as used in this title, unless specifically defined otherwise or unless the context indicates otherwise". Note, also, the words "The term", which preceded each definition has been deleted.
- 80.04.020 Source—[1911 c 117 § 75.]
Presently codified as RCW 80.04.020 and 80.04.030.
1911 c 117 § 75 was divided and doubly codified by the 1941 Code Committee as RCW 80.04.020, 80.04.030 and 81.04.020, 81.04.030. This treatment has been retained for reenactment. "way bills" deleted as not applicable to the public utilities title, and to conform with the placement of this section in both Titles 80 and 81.
Note the phrase, "and that the witness has been summoned in the manner prescribed in this act." "act" has been changed to "chapter" since the provisions of "this act", 1911 c 117, on service of process are contained in chapter 80.04.
- 80.04.030 Source—[1911 c 117 § 75, part; RRS § 10413, part.]
Presently codified as RCW 80.04.030 and 81.04.030. See notes to 80.04.020.
- 80.04.040 Source—[1955 c 79 § 1; 1911 c 117 § 76, part; RRS § 10414, part.]
Presently codified as RCW 80.04.040.
The 1941 Code Committee divided and codified 1911 c 117 § 76 in RCW 80.04.040, 80.04.050 and 80.04.060. This same division was repeated in RCW 81.04.040, 81.04.050 and 81.04.060. 1955 c 79 §§ 1 and 3 purportedly amended 1911 c 117 § 76 (RCW 80.04.040) and 1911 c 117 § 76 (RCW 81.04.040), respectively. The division of the 1941 Code Committee has been followed with the session law language restored.
- 80.04.050 Source—[1911 c 117 § 76, part; RRS § 10414, part.]
Presently codified as RCW 80.04.050 and 81.04.050. See notes to 80.04.040.
The last sentence was omitted by the 1941 Code Committee apparently as covered by the first paragraph of RCW 80.04.020. It is here restored.
- 80.04.060 Source—[1911 c 117 § 76, part; RRS § 10414, part.]
Presently codified as RCW 80.04.060 and 81.04.060. See notes to 80.04.040.
"way bills" deleted as not applicable to the public utilities title, and to accord with the placement of this section in both Titles 80 and 81.
Note the sentence, "Process issued under the provisions of this act shall be served as in civil cases." "act" has been changed to "chapter" since the provisions of this act, 1911 c 117, under which process might be issued are contained in chapter 80.04.
- 80.04.070 Source—[1911 c 117 § 77; RRS § 10415.]
Presently codified as RCW 80.04.070 and 81.04.070.
- 80.04.075 Source—[1933 c 165 § 7; RRS § 10458-1.]
Presently codified as RCW 80.04.370 and 81.04.370.
"act" to "title".
- 80.04.080 Source—[1911 c 117 § 78, part; RRS § 10416, part.]
Presently codified as RCW 80.04.080 and 81.04.080.
Note on page 11, line 5, after the word "to" and before the word "employees" the word "passengers" has been deleted as not applicable to public utilities and to accord with the placement of this section in both Titles 80 and 81.
Note on page 11, line 10 the word "business" has been substituted for the word "traffic" to accord with the placement of this section in both Titles 80 and 81.
Note on page 11, line 10 after the word "business" that the

phrase "the nature of the traffic movement showing the percentage of the ton miles each class of commodity bears to the total ton mileage," has been deleted as not applicable to the public utilities title and to accord with the placement of this section in both Titles 80 and 81.

Explanatory
note.

Note on page 11, line 16 the word "company" has been substituted for the word "carrier" to accord with the placement of this section in both Titles 80 and 81.

Note on page 11, line 19 after the word "concerning" and before the word "charges", the word "fares" has been deleted as not applicable to the public utilities title and to accord with the placement of this section in both Titles 80 and 81. The words "or freights" appearing on page 11, line 19 have also been deleted.

"act" to "title".

The division and codification of 1911 c 117 § 78 in RCW 80.04-.080 and 80.04.090 by the 1941 Code Committee has been retained.

80.04.090 Source—[1911 c 117 § 78, part; RRS § 10416, part.]

Presently codified as RCW 80.04.090 and 81.04.090.

80.04.100 Source—[1933 c 165 § 2; 1911 c 117 § 79; RRS § 10421.]

Presently codified as RCW 80.04.100 and 81.04.100.

"department of public works" to "commission".

80.04.110 Source—[1913 c 145 § 1; 1911 c 117 § 80; RRS § 10422.]

Presently codified as RCW 80.04.110 and 81.04.110.

80.04.120 Source—[1911 c 117 § 81; RRS § 10423.]

Presently codified as RCW 80.04.120 and 81.04.120.

80.04.130 Source—[1941 c 162 § 1; 1937 c 169 § 2; 1933 c 165 § 3; 1915 c

133 § 1; 1911 c 117 § 82; Rem. Supp. 1941 § 10424.]

Presently codified as RCW 80.04.130 and 81.04.130.

Note on page 15, lines 14, 19 and 26 after "rate" and before "charge", the word "fare" deleted as not applicable to the public utilities title and to accord with the placement of this section in both Titles 80 and 81.

On page 15, line 19 note after the word "toll" the clause, "if such change is proposed by a common carrier subject to the jurisdiction of the department for a period not exceeding seven months, and, if proposed by a public service company other than such a common carrier" has been deleted since "public service company" as defined in section 80.04.010 includes companies other than common carriers. Note in the last line after "public service company" the following proviso has been deleted as not applicable to the public utilities title and to accord with the placement of this section in both Titles 80 and 81.

PROVIDED HOWEVER, That when any common carrier subject to the jurisdiction of the Department shall file any tariff, classification, rule or regulation the effect of which is to decrease any rate, fare or charge, the burden of proof to show that such decrease is just and reasonable shall be upon such common carrier.

80.04.140 Source—[1911 c 117 § 83; RRS § 10425.]

Presently codified as RCW 80.04.140 and 81.04.140.

80.04.150 Source—[1911 c 117 § 84; RRS § 10426.]

Presently codified as RCW 80.04.150 and 81.04.150.

80.04.160 Source—[1911 c 117 § 85; RRS § 10427.]

Presently codified as RCW 80.04.160 and 81.04.160.

On page 16, line 26 note after the word "the" the following matter was deleted as not applicable to the public utilities title and to accord with the placement of this section in both Titles 80 and 81:

". . . bulletining of trains, showing the time of ar-

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- rival and departure of all trains, and the probable arrival and departure of delayed trains; the conditions to be contained in and become a part of contracts for transportation of persons and property,"
- For the same reason on page 16, line 29 after the word "there-with;" the following matter was also deleted:
- " . . . the time that station rooms and offices shall be kept open; rules governing demurrage and reciprocal demurrage, and to provide reasonable penalties to expedite the prompt movement of freight and release of cars, the limits of express deliveries in cities and towns,"
- "act" to "title".
- 80.04.165 Source—[1953 c 120 § 1.]
Presently codified as RCW 80.04.165.
- 80.04.170 Source—[1937 c 169 § 3; 1911 c 117 § 86; RRS § 10428.]
Presently codified as RCW 80.04.170 and 81.04.170.
- 80.04.180 Source—[1933 c 165 § 6. Prior: 1931 c 119 § 2; 1911 c 117 § 87; RRS § 10429.]
Presently codified as RCW 80.04.180 and 81.04.180.
The word "fares" deleted after "rates" on page 19, line 2 and "transportation" deleted before "transmission" on page 19, line 15 as not applicable to the public utilities title and to accord with the placement of this section in both Titles 80 and 81.
- 80.04.190 Source—[1911 c 117 § 88; RRS § 10430.]
Presently codified as RCW 80.04.190 and 81.04.190.
"act" to "title".
- 80.04.200 Source—[1911 c 117 § 89; RRS § 10431.]
Presently codified as RCW 80.04.200 and 81.04.200.
- 80.04.210 Source—[1911 c 117 § 90; RRS § 10432.]
Presently codified as RCW 80.04.210 and 81.04.210.
- 80.04.220 Source—[1943 c 258 § 1; 1937 c 29 § 1; Rem. Supp. 1943 § 10433.]
Presently codified as RCW 80.04.220 and 81.04.220.
On page 21, line 25 after the word "rate", the word "fare" deleted, see notes to 80.04.130.
- 80.04.230 Source—[1937 c 29 § 2; RRS § 10433-1.]
Presently codified as RCW 80.04.230 and 81.04.230.
- 80.04.240 Source—[1943 c 258 § 2; 1937 c 29 § 3; Rem. Supp. 1943 § 10433-2.]
Presently codified as RCW 80.04.240 and 81.04.240.
Note that the counterpart of this section in RCW 81.04.240 was amended by 1955 c 79 § 9.
- 80.04.250 Source—[1933 c 165 § 4; 1913 c 182 § 1; 1911 c 117 § 92; RRS § 10441.]
Presently codified as RCW 80.04.250 and 81.04.250.
Note that the counterpart of this section in RCW 81.04.250 was amended by 1951 c 75 § 1.
"act" to "title".
- 80.04.260 Source—[1911 c 117 § 93; RRS § 10442.]
Presently codified as RCW 80.04.260 and 81.04.260.
On page 24, line 7 "act" to "title".
On page 24, line 33, "act" to "chapter".
since "all provisions of this act (1911 c 117) relating to the time of appeals, etc." are contained in chapter 80.04.
- 80.04.270 Source—[1933 c 165 § 8; RRS § 10458-2.]
Presently codified as RCW 80.04.270 and 81.04.270.
- 80.04.280 Source—[1933 c 165 § 9; RRS § 10458-3.]
Presently codified as RCW 80.04.280 and 81.04.280.
- 80.04.290 Source—[1955 c 79 § 2; 1923 c 110 § 1; RRS § 10344-1.]
Presently codified as RCW 80.04.290.
- 80.04.300 Source—[1959 c 248 § 11. Prior: 1933 c 165 § 10, part; RRS § 10458-4, part.]

- 80.04.310 Source—[1959 c 248 § 12. Prior: 1933 c 165 § 10, part; RRS § 10458-4, part.] Explanatory note.
- 80.04.320 Source—[1959 c 248 § 13. Prior: 1933 c 165 § 10, part; RRS § 10458-4, part.]
 “80.04.300 to 80.04.330” to “80.04.300 through 80.04.330” as such is a literal translation of the phrase “this section” as used in the 1933 session law, and corrects the erroneous translation made by the 1941 Code Committee and ratified by the 1959 legislature.
- 80.04.330 Source—[1959 c 248 § 14. Prior: 1933 c 165 § 10, part; RRS § 10458-4, part.]
 “these sections” to “RCW 80.04.300 through 80.04.330”; see note to 80.04.320.
- 80.04.340 Source—[1933 c 165 § 11; RRS § 10458-5.]
 Presently codified as RCW 80.04.340 and 81.04.340.
- 80.04.350 Source—[1937 c 169 § 4; 1933 c 165 § 13; RRS § 10458-7.]
 Presently codified as RCW 80.04.350 and 81.04.350.
- 80.04.360 Source—[1959 c 285 § 2; 1933 c 165 § 14; RRS § 10458-8.]
 Presently codified as RCW 80.04.360 and 81.04.360.
 Proviso at end of section which was added by the 1959 amendment (“provided, That the terms of this amendatory section shall not affect any pending court proceeding”) deleted as inappropriate for 1961 reenactment of this title. The section at that time will not be an “amendatory section”, and any actions pending at the date of reenactment would be preserved by the general saving language contained in RCW 80.98.040.
- 80.04.370 Source—[1933 c 165 § 7; RRS § 10458-1.]
 Presently codified as RCW 80.04.370 and 81.04.370; herein 80.04.075 and 81.04.075.
- 80.04.380 Source—[1911 c 117 § 94; RRS § 10443.]
 Presently codified as RCW 80.04.380, part and 81.04.380, part.
 “act” to “title”.
- 80.04.385 Source—[1911 c 117 § 95; RRS § 10444.]
 Presently codified as RCW 80.04.390, part and 81.04.390, part.
 “act” to “title”.
- 80.04.387 Source—[1911 c 117 § 96; RRS § 10445.]
 Presently codified as RCW 80.04.380, part and 81.04.380, part.
 “act” to “title”.
- 80.04.390 Source—[1911 c 117 § 97; RRS § 10446.]
 Presently codified as RCW 80.04.390, part and 81.04.390, part.
 “act” to “title”.
- 80.04.400 Source—[1911 c 117 § 98; RRS § 10447.]
 Presently codified as RCW 80.04.400 and 81.04.400.
 “act” to “title”.
 The phrase “and credited to the state general fund or such other fund as provided by law” added to harmonize this section with 80.24.050 which requires certain penalties to be deposited in the public service revolving fund.
- 80.04.410 Source—[1911 c 117 § 99; RRS § 10448.]
 Presently codified as RCW 80.04.410 and 81.04.410.
 “act” to “title”.
- 80.04.420 Source—[1943 c 67 § 1; Rem. Supp. 1943 § 10448-1.]
 Presently codified as RCW 80.04.420 and 81.04.420.
- 80.04.430 Source—[1911 c 117 § 100; RRS § 10449.]
 Presently codified as RCW 80.04.430 and 81.04.430.
- 80.04.440 Source—[1911 c 117 § 102; RRS § 10451.]
 Presently codified as RCW 80.04.440 and 81.04.440.
 “act” to “title”.
- 80.04.450 Source—[1911 c 117 § 103; RRS § 10452.]
 Presently codified as RCW 80.04.450 and 81.04.450.
 Note the 1941 Code Committee omitted the last sentence

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note.

"as it was included through error." This omission has been followed since the sentence seems meaningless in this section and also it is the same as the last sentence in section 80.04-.440 which might help explain the error of including it in this section. The sentence reads as follows:

An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by any person or corporation.

80.04.460 Source—[1953 c 104 § 2. Prior: 1911 c 117 § 63, part; RRS § 10399, part.]

Presently codified as RCW 80.04.460.

80.04.470 Source—[1911 c 117 § 101; RRS § 10450.]

Presently codified as RCW 80.04.470 and 81.04.460.

"act" to "title".

80.04.480 Source—[1911 c 117 § 104; RRS § 10453.]

Presently codified as RCW 80.04.480, 80.04.490 and 81.04.470, 81.04.480.

Note the following proviso has been deleted as not applicable to public utilities:

PROVIDED, That no contract, receipt, rule or regulation shall exempt any corporation engaged in transporting livestock by railway from liability of a common carrier, or carrier of livestock, which would exist had no contract, receipt, rule or regulation been made or entered into.

80.04.500 Source—[1911 c 117 § 105; RRS § 10454.]

Presently codified as RCW 80.04.500 and 81.04.490.

Note on page 34, line 2 before "telephone line", the words "street railroad" deleted to accord with the placement of this section in both Titles 80 and 81.

"act" to "title".

80.04.510 Source—[1911 c 117 § 5.]

Presently omitted from RCW.

Chapter 80.08 Securities

80.08.010 Source—[1959 c 248 § 2; 1953 c 95 § 4; 1933 c 151 § 1, part; RRS § 10439-1, part.]

Presently codified as RCW 80.08.010.

80.08.020 Source—[1933 c 151 § 2; RRS § 10439-2.]

Presently codified as RCW 80.08.020 and 81.08.020.

80.08.030 Source—[1953 c 95 § 5; 1937 c 30 § 1; 1933 c 151 § 3; RRS § 10439-3.]

Presently codified as RCW 80.08.030.

80.08.040 Source—[1933 c 151 § 4; RRS § 10439-4.]

Presently codified as RCW 80.08.040 and 81.08.040.

80.08.050 Source—[1933 c 151 § 5; RRS § 10439-5.]

Presently codified as RCW 80.08.050 and 81.08.050.

80.08.060 Source—[1959 c 248 § 20. Prior: 1937 c 30 § 2, part; 1933 c 151 § 6, part; RRS § 10439-6, part.]

Presently codified as RCW 80.08.060 and 81.08.060.

The 1941 Code Committee divided and codified 1937 c 30 § 2 in RCW 80.08.060, 81.08.060 and 80.08.070, 81.08.070.

"act" to "chapter" since 1933 c 151 as amended is presented for reenactment herein in chapter 80.08, alone.

80.08.070 Source—[1959 c 248 § 21. Prior: 1951 c 227 § 1; 1937 c 30 § 2, part; 1933 c 151 § 6; RRS § 10439-6, part.]

80.08.080 Source—[1933 c 151 § 7; RRS § 10439-7.]

Presently codified as RCW 80.08.080 and 81.08.080.

80.08.090 Source—[1933 c 151 § 8; RRS § 10439-8.]

Presently codified as RCW 80.08.090 and 81.08.090.

80.08.100 Source—[1933 c 151 § 9; RRS § 10439-9.]

Presently codified as RCW 80.08.090 and 81.08.090.

- 80.08.105 Source—[1933 c 151 § 10; RRS § 10435-10.] Explanatory
note.
Presently omitted from RCW.
“after this act takes effect,” to “after chapter 151, Laws of 1933 takes effect,” “previous to the taking effect of this act,” to “previous to the taking effect of chapter 151, Laws of 1933,” Last paragraph added on basis of 1933 c 151 § 1a which provides,
“The term ‘department’ when used in this act shall mean the department of public works of Washington or such body as may succeed to the powers and duties now exercised by the department of public works.”
- 80.08.110 Source—[1933 c 151 § 11; RRS § 10439-11.]
Presently codified as RCW 80.08.110 and 81.08.110.
“act” to “chapter”.
- 80.08.120 Source—[1933 c 151 § 12; RRS § 10439-12.]
Presently codified as RCW 80.08.120 and 81.08.120.
“act” to “chapter”.
- 80.08.130 Source—[1933 c 151 § 13; RRS § 10439-13.]
Presently codified as RCW 80.08.130 and 81.08.130.
- 80.08.140 Source—[1933 c 151 § 14; RRS § 10439-14.]
Presently codified as RCW 80.08.140 and 81.08.140.
“act” to “chapter”.

Chapter 80.12 Transfers of Property

- 80.12.010 Source—[1953 c 95 § 6; 1941 c 159 § 1, part; Rem. Supp. 1941 § 10440a.]
Presently codified as RCW 80.12.010.
- 80.12.020 Source—[1945 c 75 § 1; 1941 c 159 § 2; Rem. Supp. 1945 § 10440b.]
Presently codified as RCW 80.12.020 and 81.12.020.
- 80.12.030 Source—[1941 c 159 § 3; Rem. Supp. 1941 § 10440c.]
Presently codified as RCW 80.12.030 and 81.12.030.
- 80.12.040 Source—[1941 c 159 § 4; Rem. Supp. 1941 § 10440d.]
Presently codified as RCW 80.12.040 and 81.12.040.
“act” to “chapter”, since 1941 c 159, as amended, is presented for reenactment herein in chapter 80.12, alone.
- 80.12.050 Source—[1941 c 159 § 5; Rem. Supp. 1941 § 10440e.]
Presently codified as RCW 80.12.050 and 81.12.050.
“act” to “chapter”.
- 80.12.060 Source—[1941 c 159 § 6; Rem. Supp. 1941 § 10440f.]
Presently codified as RCW 80.12.060 and 81.12.060.
“act” to “chapter”.

Chapter 80.16 Affiliated Interests

- 80.16.010 Source—[1953 c 95 § 7; 1933 c 152 § 1, part; RRS § 10440-1, part.]
Presently codified as RCW 80.16.010.
- 80.16.020 Source—[1941 c 160 § 1; 1933 c 152 § 2; Rem. Supp. 1941 § 10440-2.]
Presently codified as RCW 80.16.020 and 81.16.020.
Note on page 45, line 3 after the word “interests”, the phrase “except open account advances from or to a common carrier subject to the provisions of Part One of the Interstate Commerce Act,” has been deleted as not applicable to the public utilities title, and to accord with the codification of this section in both Titles 80 and 81.
On page 45, line 8 “the effective date of this chapter” to “March 18, 1933”.
“act” to “chapter” since 1933 c 152, as amended, is presented for reenactment herein in chapter 80.16, alone.
- 80.16.030 Source—[1933 c 152 § 3; RRS § 10440-3.]
Presently codified as RCW 80.16.030 and 81.16.030.

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note.
- 80.16.040 Source—[1933 c 152 § 4; RRS § 10440-4.]
Presently codified as RCW 80.16.040 and 81.16.040.
“foregoing sections” to “RCW 80.16.010 through 80.16.030”.
- 80.16.050 Source—[1933 c 152 § 5; RRS § 10440-5.]
Presently codified as RCW 80.16.050 and 81.16.050.
- 80.16.060 Source—[1933 c 152 § 6; RRS § 10440-6.]
Presently codified as RCW 80.16.060 and 81.16.060.
Note on page 46, line 30 after the word “approval” the
phrase “as required by this section” is deleted as a misrefer-
ence since the section requiring approval is 80.16.020. The 1941
Code Committe also omitted the same phrase.
- 80.16.070 Source—[1933 c 152 § 7; RRS § 10440-7.]
Presently codified as RCW 80.16.070 and 81.16.070.
- 80.16.080 Source—[1933 c 152 § 8; RRS § 10440-8.]
Presently codified as RCW 80.16.080 and 81.16.080.
- 80.16.090 Source—[1933 c 152 § 9; RRS § 10440-9.]
Presently codified as RCW 80.16.090 and 81.16.090.

Chapter 80.20 Investigation of Public Service Companies

- 80.20.010 Source—[1953 c 95 § 8; 1939 c 203 § 1; RRS § 10458-6.]
Presently codified as RCW 80.20.010.
- 80.20.020 Source—[1939 c 203 § 2(a); RRS § 10458-6a(a).]
Presently codified as RCW 80.20.020 and 81.20.020.
- 80.20.030 Source—[1939 c 203 § 2(b); RRS § 10458-6a (b).]
Presently codified as RCW 80.20.030 and 81.20.030.
- 80.20.040 Source—[1939 c 203 § 2(c); RRS § 10458-6a(c).]
Presently codified as RCW 80.20.040 and 81.20.040.
“this section” to “sections 80.20.020 through 80.20.060”.
- 80.20.050 Source—[1939 c 203 § 2(d); RRS § 10458-6a(d).]
Presently codified as RCW 80.20.050 and 81.20.050.
“this section” to “sections 80.20.020 through 80.20.060”.
- 80.20.060 Source—[1939 c 203 § 2(e); RRS § 10458-6a(e).]
Presently codified as RCW 80.20.060 and 81.20.060.
“act” to “chapter” since 1939 c 203, as amended, is presented
for reenactment in chapter 80.20, alone.

Chapter 80.24 Regulatory Fees

- 80.24.010 Source—[1955 c 125 § 2. Prior: 1939 c 123 § 1, part; 1937 c 158
§ 1, part; 1929 c 107 § 1, part; 1923 c 107 § 1, part; 1921 c 113
§ 1, part; RRS § 10417, part.]
Presently codified as RCW 80.24.010.
Note that 1939 c 123 § 1 was divided and doubly codified as
RCW 80.24.010, 80.24.020 and 81.24.010, 81.24.050.
All of these sections were subsequently amended (1955 c 125)
by reference to their RCW number and the session law.
- 80.24.020 Source—[1955 c 125 § 3. Prior: 1939 c 123 § 1, part; 1937 c 158
§ 1, part; RRS § 10417, part.]
Presently codified as RCW 80.24.020.
- 80.24.030 Source—[1937 c 158 § 7; RRS § 10417-5.]
Presently codified as RCW 80.24.030 and 81.24.060.
Note the 1941 Code Committee omitted the first sentence as
repetitive.
- 80.24.040 Source—[1937 c 158 § 6; RRS § 10417-4.]
Presently codified as RCW 80.24.040 and 81.24.070.
Note the 1941 Code Committee also included 1945 c 267 § 10 in
the codification of this section as the basis for the creation of
the public service revolving fund. 1945 c 267 § 10 is a statute
transferring moneys from the public service revolving fund
to funds created in the departments of transportation and
public utilities. 1949 c 117 § 11 in turn abolished these funds
and created a new public service revolving fund. 1949 c 117
§ 11 is included for reenactment herein as section 80.01.080.

- “act”—The translation of the term “this act” in the session law is somewhat related to a similar problem in section 80.24.050 (1923 c 107 § 2). This latter section also contains the word “act”, and imposes penalties for failure to pay the fees “herein”, referring to 1923 c 107 § 1 which originally contained the schedule of fees. 1937 c 158 repealed 1923 c 107 § 1 and substituted a revised fee schedule. No penalties for failure to pay the fees were imposed, nor was any reference made to 1923 c 107 § 2 (81.24.080). Thus, the legislature probably intended that the penalty section should continue to operate on the failure to pay the new fees. On this basis “act” in 1937 c 158 § 6 has been changed to “chapter” (all of 1937 c 158, as amended, appears in chapter 80.24). In 1923 c 107 § 2 (section 80.24.050) “act” has been changed to “chapter” and “herein” has been retained. (1923 c 107 amended 1921 c 113 the remaining sections of which, 2 and 4, are obsolete). The 1941 Code Committee treated the matter in the same way.
- 80.24.050 Source—[1923 c 107 § 2; 1921 c 113 § 3; RRS § 10419.]
Presently codified as RCW 80.24.050 and 81.24.080.
“herein”, “this act”, see notes to 80.24.040.

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note.

In the notes for the remaining chapters of this title, unless otherwise indicated, the session laws are presently codified in the same RCW section that appears in the left column.

Chapter 80.28 Gas, Electrical and Water Companies

- 80.28.010 Source—[1911 c 117 § 26; RRS § 10362.]
- 80.28.020 Source—[1911 c 117 § 54, part; RRS § 10390, part.]
The 1941 Code Committee divided and codified 1911 c 117 § 54 as RCW 80.28.020, 80.28.030, and 80.28.040. This division has been followed since each RCW section contains a separate paragraph of the session law, and it does not appear that any substantive change is involved.
“as herein provided” and “as hereinafter provided” deleted since the basic law, 1911 c 117, appears in several chapters in RCW.
- 80.28.030 Source—[1911 c 117 § 54, part; RRS § 10390, part.]
See notes to 80.28.020.
- 80.28.040 Source—[1911 c 117 § 54, part; RRS § 10390, part.]
See notes to 80.28.020.
“as hereinafter provided” deleted after “order or rule” at end of section, see notes to 80.28.020.
- 80.28.050 Source—[1911 c 117 § 27; RRS § 10363.]
- 80.28.060 Source—[1911 c 117 § 28; RRS § 10364.]
“the preceding section” to “RCW 80.28.050”.
- 80.28.070 Source—[1911 c 117 § 32; RRS § 10368.]
“act” to “chapter”, since the sections of 1911 c 117 dealing particularly with gas, electrical and water companies appear in chapter 80.28.
- 80.28.080 Source—[1911 c 117 § 29; RRS § 10365.]
- 80.28.090 Source—[1911 c 117 § 30; RRS § 10366.]
- 80.28.100 Source—[1911 c 117 § 31; RRS § 10367.]
“act” to “chapter” since the exceptions referred to are contained in the sections of 1911 c 117 codified in chapter 80.28.
- 80.28.110 Source—[1911 c 117 § 33; RRS § 10369.]
- 80.28.120 Source—[1933 c 165 § 1; 1911 c 117 § 34; RRS § 10370.]
“act” to “title”.
“at the date this act takes effect” to “on June 7, 1911.”
The two above phrases appear in the 1911 act.
- 80.28.130 Source—[1911 c 117 § 70; RRS § 10406.]
- 80.28.140 Source—[1911 c 117 § 74, part; RRS § 10410, part.]
The 1941 Code Committee divided and codified 1911 c 117 § 54 as RCW 80.28.140 through 80.28.180. This division has been

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note.

followed since each RCW section contains at least one separate paragraph of the session law and it does not appear that any substantive change is involved.

- 80.28.150 Source—[1911 c 117 § 74, part; RRS § 10410, part.]
See notes to 80.28.140.
- 80.28.160 Source—[1911 c 117 § 74, part; RRS § 10410, part.]
See notes to 80.28.140.
- 80.28.170 Source—[1911 c 117 § 74, part; RRS § 10410, part.]
See notes to 80.28.140.
- 80.28.180 Source—[1911 c 117 § 74, part; RRS § 10410, part.]
"this section" to "RCW 80.28.140 through 80.28.170".
- 80.28.190 Source—[1955 c 316 § 4.]
"the effective date of this act" to "June 8, 1955".
In the first and third paragraphs, "this act" to "this chapter".
In the fourth paragraph, "this act" to "this section" and
"any part of provisions hereof" to "any provision of this
section".
In the fifth paragraph, "this act" to "this section, RCW 80-
.28.220, 80.28.210".
- 80.28.200 Source—[1955 c 316 § 5.]
- 80.28.210 Source—[1955 c 316 § 6.]
"this act" to "this section".
- 80.28.220 Source—[1957 c 191 § 1.]
- 80.28.230 Source—[1957 c 191 § 2.]

Chapter 80.32 Electric Franchises and Rights of Way

- 80.32.010 Source—[1903 c 173 § 1; RRS § 5430.]
This session law section was divided by the 1941 Code Committee as RCW 80.32.010, 80.32.020, and 80.32.030 and the provisos were made straight matter.
It is here rejoined and restored to session law language, except that at the commencement of the first proviso, after "PROVIDED, THAT" and before "on application" we have deleted the word "hereafter" since we are here reenacting a section which has been in effect since 1903.
- 80.32.040 Source—[(i) 1941 c 114 § 1; Rem. Supp. 1941 § 5430-1. (ii) 1941 c 114 § 2; Rem. Supp. 1941 § 5430-2.]
The 1941 Code Committee combined these sections probably as a result of the proviso being tagged onto the end of 1941 c 114 § 2, an emergency section, through an enrolling error. The session law language has been restored for reenactment with the proviso appearing in its proper place as added by amendment recorded in the 1941 printed bill book.
- 80.32.050 Source—[1903 c 173 § 3; RRS § 5431.]
Note the 1941 Code Committee omitted as obsolete the last part of the section which reads:
and all such leases and purchases heretofore made or entered into by consent of stockholders as aforesaid are for all intents and purposes hereby ratified and confirmed, saving, however, any vested rights of private parties.
The above phrase is here restored and revised by substituting "prior to the effective date of chapter 173, Laws of 1903" for "heretofore".
- 80.32.060 Source—[1903 c 173 § 2; No RRS (see 1941 Code Committee notes to RCW).]
"section one (1) of this act" to "RCW 80.32.010".
- 80.32.070 Source—[1899 c 94 § 2; RRS § 11085.]
The 1941 Code Committee added a reviser's note to this section reading as follows:
The 1899 act was superseded by 1903 c 173 and 175 but there was no express repeal in the 1903 acts so the nonconflicting part of the 1899 act still stands.

“such corporation” in the session law referred to both electric power companies and electric railways. The 1941 Code Committee codified this section twice, RCW 80.32.070 and 81.64.050, which latter section appears in the chapter on street railways, and it is so treated herein.

Explanatory
note.

- 80.32.080 Source—[1907 c 159 § 1; RRS § 5432.]
“this act” to “RCW 80.32.080 through 80.32.100”.
- 80.32.090 Source—[1907 c 159 § 2; RRS § 5433.]
“this act” to “RCW 80.32.080 through 80.32.100”.
- 80.32.100 Source—[1907 c 159 § 3; RRS § 5434.]
“this act” to “RCW 80.32.080 and 80.32.090”.

Chapter 80.36 Telephone and Telegraph Companies

- 80.36.010 Source—[1890 p 292 § 1; RRS § 11338.]
- 80.36.020 Source—[1888 p 65 § 1; RRS § 11339.]
“territory” to “state”.
- 80.36.030 Source—[1888 p 66 § 2; RRS § 11342.]
“however” deleted from “provided, however,”.
- 80.36.040 Source—[1890 p 292 § 5; RRS § 11352.]
- 80.36.050 Source—[(i) 1890 p 292 § 3; RRS § 11340. (ii) 1890 p 293 § 9; RRS § 11356.]
Since 1890 p 293 § 9 is the section providing penalties for the violation of 1890 p 292 § 3, these sections have been combined as two separate paragraphs in the same section, while retaining the session law language.
- 80.36.060 Source—[1890 p 293 § 7; RRS § 11354.]
“the preceding section” to “RCW 80.36.070” wherein 1890 p 293 § 6 appears.
- 80.36.070 Source—[(i) 1890 p 293 § 6; RRS § 11353. (ii) 1890 p 293 § 10; RRS § 11357.]
1890 p 293 § 6 and § 10 combined in one section, as was done by the 1941 Code Committee because of the related subject matter, but with the session law language retained.
- 80.36.080 Source—[1911 c 117 § 35, part; RRS § 10371, part.]
The 1941 Code Committee divided and codified 1911 c 117 § 35 as RCW 80.36.080 and 80.36.090. This division has been followed since each RCW section contains a separate thought, and it does not appear that any substantive change is involved.
- 80.36.090 Source—[1911 c 117 § 35, part; RRS § 10371, part.]
See notes to 80.36.080.
- 80.36.100 Source—[1911 c 117 § 36; RRS § 10372.]
- 80.36.110 Source—[1911 c 117 § 37; RRS § 10373.]
“the preceding section” to “RCW 80.36.100”.
- 80.36.120 Source—[1911 c 117 § 38; RRS § 10374.]
- 80.36.130 Source—[1911 c 117 § 40; RRS § 10376.]
“act” to “title”.
RCW revised the second proviso of 1929 c 96 § 1; 1911 c 117 § 18; RRS § 10354 and combined it with this section. Such proviso is here restored in language and context and appears herein as part of Sec. 81.28.080.
The mention of telephone and telegraph companies in 81.28-.080 is recognized by the translation in 80.36.180 of “this act” to “this title or Title 81”.
- 80.36.140 Source—[1911 c 117 § 55; RRS § 10391.]
At end of first and second paragraphs, “as hereinafter provided” to “as provided in this title”.
- 80.36.150 Source—[1911 c 117 § 39; RRS § 10375.]
- 80.36.160 Source—[1943 c 68 § 1; 1923 c 118 § 1; 1911 c 117 § 73; Rem. Supp. 1943 § 10409.]
- 80.36.170 Source—[1911 c 117 § 42; RRS § 10378.]
- 80.36.180 Source—[1911 c 117 § 41; RRS § 10377.]
“this act” to “this title or Title 81”, see notes for 80.36.130.

- Explanatory note.**
- 80.36.190 Source—[1911 c 117 § 44; RRS § 10380.]
“this act” to “this title”.
- 80.36.200 Source—[1911 c 117 § 45; RRS § 10381.]
- 80.36.210 Source—[Code 1881 § 2361; RRS § 11344. Prior: 1866 p 77 § 20.]
“the territory” to “this state”.
- 80.36.220 Source—[(i) 1890 p 292 § 2; RRS § 11343. (ii) 1890 p 293 § 8;
RRS § 11355.]
“said corporations and companies” to “telegraph and tele-
phone companies” to avoid the indefinite reference.
“corporation” to “company” to correspond with the change
from “said corporations”.
- 80.36.230 Source—[1941 c 137 § 1; Rem. Supp. 1941 § 11358-1.]
- 80.36.240 Source—[1941 c 137 § 2; Rem. Supp. 1941 § 11358-2.]
“this act” to “RCW 80.36.230 and 80.36.240” wherein 1941 c 137
appears.
“chapter 117 of the Laws of 1911” to “this title”.
- 80.36.250 Source—[1911 c 117 § 58; RRS § 10394.]
Note the 1941 Code Committee codified 1911 c 117 § 58 in both
Titles 80 and 81 (81.28.250). However, in RCW 80.36.250 the
Committee changed the reference from “‘An Act to regulate
commerce’, approved February 4, 1887, as amended,” to “the
federal communications act of June 19, 1934” and changed
“interstate commerce commission” to “the Federal Com-
munications Commission”. The basis for these changes ap-
parently was the repeal of the Interstate Commerce Act in-
sofar as it related to “communications by wire or wireless
or to telegraph, telephone, or cable companies” 48 Stat. 602(b).
Excepted from the operation of the repeal was the last proviso
of section 1(5) and section 1(7) of the interstate commerce
act. The last proviso of section 1(5) was later amended out,
but section 1(7) still appears in the transportation code
(US Title 49) and still refers to the exchange of passes and
franks by telegraph and telephone companies. It should be
noted that the 1934 federal communications act also refers
to the exchange of passes and franks by said companies.
For the purposes of this reenactment, the 1941 Code Com-
mittee approach has been followed.
- 80.36.260 Source—[1911 c 117 § 71; RRS § 10407.]
- 80.36.270 Source—[1911 c 117 § 43; RRS § 10379.]
“act” to “title”.

Chapters 80.40, 80.44 and 80.48

These chapters relating to municipal utilities more logically belong with cities and towns where they were codified prior to the adoption of RCW. They have accordingly been omitted from this reenactment and upon the enactment of this bill the subject matter contained in said chapters will be codified in the 1961 supplement to RCW as a part of Title 35, Cities and Towns.

Chapter 80.98 Construction

- 80.98.010 This section has been added to preserve continuity with the laws which this bill reenacts.
- 80.98.020 Provides that chapter, etc., headings are not part of the law.
- 80.98.030 Severability.
- 80.98.040 Repeals and saving.
The acts repealed herein either relate to Title 80 only or are those acts which as indicated in the general explanatory note, have been doubly codified in both Title 80 and Title 81. The acts relating to Title 81 are repealed by sec. 81.98.040. Except as noted below, the laws set forth in the schedule of repeals were either repealed previously, or are sub-

stantially reenacted in this bill or are accounted for herein as omitted sections. The numbers in parentheses correspond with the like numbered subdivisions of the repealer schedule. Explanatory note.

- (2) §§ 3-8 omitted as superseded.
 - (4) § 1 omitted as superseded by 1903 c 173 § 2 (RCW 80.32.060). § 2 omitted as superseded by 1899 c 94 § 2 (RCW 80.32.070). § 3 omitted as superseded by 1903 c 173 § 2 (RCW 80.32.060).
 - (5) §§ 1 and 3 omitted as superseded by 1903 c 173.
 - (8) §§ 2, 6, and 106 through 112 omitted as obsolete or superseded.
 - (14) § 2 omitted as superseded by 1937 c 158 § 6, herein 80.24.040. § 4 omitted as temporary.
 - (20) Omitted as superseded by 1949 c 117 § 7; herein 80.01.070.
 - (23) Omitted as held unconstitutional in *North Bend Stage Line, Inc. v. Department of Public Works*, 170 Wash. 217.
 - (27) § 5 omitted as obsolete. § 15 omitted as covered by 80.04.170—80.04.190.
 - (32) § 1 omitted as superseded by RCW 43.53.100, herein 80.01.100.
 - (44) §§ 2-4 omitted as superseded by chapter 117, Laws of 1949. §§ 7-9 omitted as obsolete.
 - (45) §§ 8, 9, 10 and 12 omitted as obsolete; savings provisions preserved by last paragraph of 80.98.040. Provisions as to continuation of existing law are covered by 80.98.010.
- 80.98.050 Effective date. The standard emergency clause is used for the title.

TITLE 81 NOTES

Chapter 81.01 General Provisions

- 81.01.010 This section added to adopt by reference the provisions of chapter 80.01 wherein the composition and general powers and duties of the public service commission are codified.

Chapter 81.04 Regulations—General

- 81.04.010 Source—[1955 c 316 § 3. Prior: 1929 c 223 § 1, part; 1923 c 116 § 1, part; 1911 c 117 § 8, part; RRS § 10344, part.] Presently codified as RCW 81.04.010. See notes to 80.04.010 which are equally applicable to this section.
- 81.04.020 Source—[1911 c 117 § 75, part.] Presently codified as RCW 81.04.020 and 80.04.020. 1911 c 117 § 75 was divided and doubly codified by the 1941 Code Committee as RCW 80.04.020, 80.04.030 and 81.04.020, 81.04.030. This treatment has been retained for reenactment. Note the phrase, “and that the witness has been summoned in the manner prescribed in this act”. “act” has been changed to “chapter” since the provisions of “this act”, 1911 c 117, on service of process are contained in chapter 81.04.
- 81.04.030 Source—[1911 c 117 § 75, part; RRS § 10413, part.] Presently codified as RCW 81.04.030 and 80.04.030. See notes to 81.04.020.
- 81.04.040 Source—[1955 c 79 § 3; 1911 c 117 § 76, part; RRS § 10414, part.] Presently codified as RCW 81.04.040. See notes to 80.04.040.
- 81.04.050 Source—[1911 c 117 § 76, part; RRS § 10414, part.] Presently codified as RCW 81.04.050 and 80.04.050. See notes to 80.04.040 and 80.04.050.
- 81.04.060 Source—[1911 c 117 § 76, part; RRS § 10414, part.] Presently codified as RCW 81.04.060 and 80.04.060. See notes to 80.04.040. “act” to “chapter” since the provisions of “this act”, 1911 c 117, under which process might be issued are contained in chapter 81.04.

Explanatory
note.

- 81.04.070 Source—[1911 c 117 § 77; RRS § 10415.]
Presently codified as RCW 81.04.070 and 80.04.070.
- 81.04.075 Source—[1933 c 165 § 7; RRS § 10458-1.]
Presently codified as RCW 80.04.370 and 81.04.370.
“act” to “title”.
- 81.04.080 Source—[1911 c 117 § 78, part; RRS § 10416, part.]
Presently codified as RCW 81.04.080 and 80.04.080.
“act” to “title”.
The division and codification of 1911 c 117 § 78 in RCW 81.04-.080 and 81.04.090 has been retained.
- 81.04.090 Source—[1911 c 117 § 78, part; RRS § 10416, part.]
Presently codified as RCW 81.04.090 and 80.04.090.
- 81.04.100 Source—[1933 c 165 § 2; 1911 c 117 § 79; RRS § 10421.]
Presently codified as RCW 81.04.100 and 80.04.100.
- 81.04.110 Source—[1913 c 145 § 1; 1911 c 117 § 80; RRS § 10422.]
Presently codified as RCW 80.04.110 and 81.04.110.
Note after “commission” at end of first paragraph the proviso omitted as applicable to public utilities only.
The omitted proviso reads as follows:
PROVIDED, That no complaint shall be entertained by the commission except upon its own motion, as to the reasonableness of the schedule of the rates or charges of any gas company, electrical company, water company, or telephone company, unless the same be signed by the mayor, council or commission of the city or town in which the company complained of is engaged in business, or not less than twenty-five consumers or purchasers of such gas, electricity, water or telephone service:
“PROVIDED FURTHER, That” omitted for organizational purposes since the first proviso is omitted, and a new paragraph started with the words “When two or more” which originally followed “PROVIDED FURTHER, That”.
- 81.04.120 Source—[1911 c 117 § 81; RRS § 10423.]
Presently codified as RCW 81.04.120 and 80.04.120.
- 81.04.130 Source—[1941 c 162 § 1; 1937 c 169 § 2; 1933 c 165 § 3; 1915 c 133 § 1; 1911 c 117 § 82; Rem. Supp. 1941 § 10424.]
Presently codified as RCW 81.04.130 and 80.04.130.
Note beginning on page 88, line 33, the clause “if such change is proposed by a common carrier subject to the jurisdiction of the Department” and on page 89, lines 2, 3 and 4, the clause “and, if proposed by a public service company other than such a common carrier, for a period of not exceeding ten months” were deleted by the 1941 Code Committee who, in dividing this section into 80.04.130 relating to public utilities, and 81.04.130 relating to transportation companies, carried the ten months language in 80.04.130 and the seven months language in 81.04.130. Section 80.04.130 herein likewise relates to public utility companies and speaks only of the ten month period. The session law language is here restored.
- 81.04.140 Source—[1911 c 117 § 83; RRS § 10425.]
Presently codified as RCW 81.04.140 and 80.04.140.
- 81.04.150 Source—[1911 c 117 § 84; RRS § 10426.]
Presently codified as RCW 81.04.150 and 80.04.150.
- 81.04.160 Source—[1911 c 117 § 85; RRS § 10427.]
Presently codified as RCW 81.04.160 and 80.04.160.
In accord with the placement of this section in both Titles 80 and 81, on page 90, line 17, note after the word “property”, the following matter was deleted as not applicable to transportation:
transmission and delivery of messages and conversations, and the furnishing and supply of gas, electricity and water,

- 81.04.162 Source—[1957 c 71 § 1.]
Presently codified as RCW 81.04.162; herein 81.40.095. Explanatory note.
- 81.04.165 Source—[1953 c 102 § 2.]
Presently codified as RCW 81.04.165.
- 81.04.170 Source—[1937 c 169 § 3; 1911 c 117 § 86; RRS § 10428.]
Presently codified as RCW 81.04.170 and 80.04.170.
- 81.04.180 Source—[1933 c 165 § 6. Prior: 1931 c 119 § 2; 1911 c 117 § 87; RRS § 10429.]
Presently codified as RCW 81.04.180 and 80.04.180.
The phrase "transmission or service" deleted after "transportation" on page 93, line 8, as not applicable to transportation and to accord with the placement of this section in both Titles 80 and 81.
- 81.04.190 Source—[1911 c 117 § 88; RRS § 10430.]
Presently codified as RCW 81.04.190 and 80.04.190.
"act" to "title".
- 81.04.200 Source—[1911 c 117 § 89; RRS § 10431.]
Presently codified as RCW 81.04.200 and 80.04.200.
- 81.04.210 Source—[1911 c 117 § 90; RRS 10432.]
Presently codified as RCW 81.04.210 and 80.04.210.
- 81.04.220 Source—[1943 c 258 § 1; 1937 c 29 § 1; Rem. Supp. 1943 § 10433.]
Presently codified as RCW 81.04.220 and 80.04.220.
- 81.04.230 Source—[1937 c 29 § 2; RRS § 10433-1.]
Presently codified as RCW 81.04.230 and 80.04.230.
- 81.04.235 Source—[1955 c 79 § 5.]
Presently codified as RCW 81.04.235.
- 81.04.236 Source—[1955 c 79 § 6.]
Presently codified as RCW 81.04.236.
The last phrase of the second paragraph: "except that it shall not apply to actions begun or complaints filed prior to enactment of this section or within six months thereafter." deleted as obsolete.
- 81.04.240 Source—[1955 c 79 § 4; 1943 c 258 § 2; 1937 c 29 § 3; Rem. Supp. 1943 § 10433-2.]
Presently codified as RCW 81.04.240.
- 81.04.250 Source—[1951 c 75 § 1; 1933 c 165 § 4; 1913 c 182 § 1; 1911 c 117 § 92; RRS § 10441.]
Presently codified as RCW 81.04.250.
- 81.04.260 Source—[1911 c 117 § 93; RRS § 10442.]
Presently codified as RCW 81.04.260 and 80.04.260.
On page 99, line 9, "act" to "title".
The 1941 Code Committee omitted "act" in this instance.
On page 100, line 2, "act" to "chapter" since "all provisions of this act (1911 c 117) relating to the time of appeal, etc." are contained in chapter 81.04.
- 81.04.270 Source—[1933 c 165 § 8; RRS § 10458-2.]
Presently codified as RCW 81.04.270 and 80.04.270.
- 81.04.280 Source—[1933 c 165 § 9; RRS § 10458-3.]
Presently codified as RCW 81.04.280 and 80.04.280.
- 81.04.290 Source—[1955 c 79 § 7; 1923 c 110 § 1; RRS § 10344-1.]
Presently codified as RCW 81.04.290.
- 81.04.300 Source—[1959 c 248 § 15; 1933 c 165 § 10, part; RRS § 10458-4, part.]
- 81.04.310 Source—[1959 c 248 § 16. Prior: 1933 c 165 § 10, part; RRS § 10458-4, part.]
- 81.04.320 Source—[1959 c 248 § 17. Prior: 1933 c 165 § 10, part; RRS § 10458-4, part.]
"81.04.300 to 81.04.330" to "81.04.300 through 81.04.330" as such is a literal translation of the phrase "this section" appearing in the 1933 session law, and corrects the erroneous translation made by the 1941 Code Committee and ratified by the 1959 legislature.

- Explanatory note.**
- 81.04.330 Source—[1959 c 248 § 18. Prior: 1933 c 165 § 10, part; RRS § 10458-4, part.]
 “these sections” to “RCW 81.04.300 through 81.04.330”.
 The original section 1933 c 165 § 10 was divided by the 1941 Code Committee into RCW 81.04.300 through 81.04.330 and in RCW 81.04.330 they substituted “these sections” for the session law “this section”. This substitution was ratified by the amendatory act (1959 c 248 §18) but the use of “these sections” appears to be unnecessarily indefinite.
- 81.04.340 Source—[1933 c 165 § 11; RRS 10458-5.]
 Presently codified as RCW 81.04.340 and 80.04.340.]
- 81.04.350 Source—[1937 c 169 § 4; 1933 c 165 § 13; RRS § 10458-7.]
 Presently codified as RCW 81.04.350 and 80.04.350.
- 81.04.360 Source—[1959 c 285 § 3; 1933 c 165 § 14; RRS § 10458-8.]
 Presently codified as RCW 81.04.360 and 80.04.360.
 Proviso at end of section which was added by the 1959 amendment (“PROVIDED, That the terms of this amendatory section shall not affect any pending court proceeding.”) deleted as inappropriate for 1961 reenactment of this title. The section at that time will not be an “amendatory section”, and any actions pending at the date of reenactment would be preserved by the general savings language contained in RCW 80.98.040.
- 81.04.370 Source—[1933 c 165 § 7; RRS § 10458-1.]
 Presently codified as RCW 81.04.370 and 80.04.370; herein 80.04.075 and 81.04.075.
- 81.04.380 Source—[1911 c 117 § 94; RRS § 10443.]
 Presently codified as RCW 81.04.380, part and 80.04.380, part.
 “act” to “title”.
- 81.04.385 Source—[1911 c 117 § 95; RRS § 10444.]
 Presently codified as RCW 81.04.390, part and 80.04.390, part.
 “act” to “title”.
- 81.04.387 Source—[1911 c 117 § 96; RRS § 10445.]
 Presently codified as RCW 81.04.380, part and 80.04.380, part.
 “act” to “title”.
- 81.04.390 Source—[1911 c 117 § 97; RRS § 10446.]
 Presently codified as RCW 81.04.390, part and 80.04.390, part.
 “act” to “title”.
- 81.04.400 Source—[1911 c 117 § 98; RRS § 10447.]
 Presently codified as RCW 81.04.400 and 80.04.400.
 “act” to “title”.
 The phrase “and credited to the state general fund or such other fund as provided by law” added to harmonize this section with 81.80.350 and 81.84.050 which require certain penalties to be paid “into the state treasury and credited to the public service revolving fund”.
- 81.04.410 Source—[1911 c 117 § 99; RRS § 10448.]
 Presently codified as RCW 81.04.410 and 80.04.410.
 “act” to “title”.
- 81.04.420 Source—[1943 c 67 § 1; Rem. Supp. 1943 § 10448-1.]
 Presently codified as RCW 81.04.420 and 80.04.420.
- 81.04.430 Source—[1911 c 117 § 100; RRS § 10449.]
 Presently codified as RCW 81.04.430 and 80.04.430.
- 81.04.440 Source—[1911 c 117 § 102; RRS § 10451.]
 Presently codified as RCW 81.04.440 and 80.04.440.
 “act” to “title”.
- 81.04.450 Source—[1911 c 117 § 103; RRS § 10452.]
 Presently codified as RCW 81.04.450 and 80.04.450.
 See notes to 80.04.450.
- 81.04.460 Source—[1911 c 117 § 101; RRS § 10450.]
 Presently codified as RCW 81.04.460 and 80.04.470.
 “act” to “title”.

- 81.04.470 Source—[1911 c 117 § 104; RRS § 10453.]
Presently codified as RCW 81.04.470, 81.04.480 and 80.04.480 and 80.04.490. Note that aside from dividing this section, the 1941 Code Committee omitted the following proviso as superseded by RCW 81.32.290 through 81.32.330:
PROVIDED, That no contract, receipt, rule or regulation shall exempt any corporation engaged in transporting livestock by railway from liability of a common carrier, or carrier of livestock, which would exist had no contract, receipt, rule or regulation been made or entered into.
1911 c 117 § 104 has been recombined herein and the proviso included for reenactment.
“act” to “title”.
- 81.04.480 Source—[1911 c 117 § 104, part; RRS § 10453, part.]
Herein recombined with 81.04.470.
- 81.04.490 Source—[1911 c 117 § 105; RRS § 10454.]
Presently codified as RCW 81.04.490 and 80.04.500.
Note on page 108, line 19, after “street railroad” the phrase, “telephone line, gas plant, electrical plant or water system” has been deleted to accord with the placement of this section in both Titles 80 and 81.
“act” to “title”.
- 81.04.500 Source—[1911 c 117 § 5.]
Presently omitted from RCW.

Explanatory
note.

Chapter 81.08 Securities

- 81.08.010 Source—[1959 c 248 § 3; 1953 c 95 § 9. Prior: 1933 c 151 § 1, part; RRS § 10439-1, part.]
Presently codified as RCW 81.08.010.
- 81.08.012 Source—[1951 c 227 § 2.]
Presently codified as RCW 81.08.012.
“act” to “chapter” since 1951 c 227 adds this section to chapter 81.08 as derived from 1933 c 151 which appears in this title in chapter 81.08, alone.
- 81.08.020 Source—[1933 c 151 § 2; RRS § 10439-2.]
Presently codified as RCW 81.08.020 and 80.08.020.
- 81.08.030 Source—[1953 c 95 § 10; 1937 c 30 § 1; 1933 c 151 § 3; RRS § 10439-3.]
Presently codified as RCW 81.08.030.
- 81.08.040 Source—[1933 c 151 § 4; RRS § 10439-4.]
Presently codified as RCW 81.08.040 and 80.08.040.
- 81.08.050 Source—[1933 c 151 § 5; RRS § 10439-5.]
Presently codified as RCW 81.08.050 and 80.08.050.
- 81.08.060 Source—[1959 c 248 § 22. Prior: 1937 c 30 § 2, part; 1933 c 151 § 6, part; RRS § 10439-6, part.]
Presently codified as RCW 81.08.060 and 80.08.060.
- 81.08.070 Source—[1959 c 248 § 23. Prior: 1953 c 95 § 11; 1937 c 30 § 2, part; 1933 c 151 § 6, part; RRS § 10439-6, part.]
Presently codified as RCW 81.08.070.
- 81.08.080 Source—[1933 c 151 § 7; RRS § 10439-7.]
Presently codified as RCW 81.08.080 and 80.08.080.
- 81.08.090 Source—[1933 c 151 § 8; RRS § 10439-8.]
Presently codified as RCW 81.08.090 and 80.08.090.
- 81.08.100 Source—[1933 c 151 § 9; RRS § 10439-9.]
Presently codified as RCW 81.08.100 and 80.08.100.
- 81.08.105 Source—[1933 c 151 § 10; RRS § 10435-10.]
Presently omitted from RCW.
“after this act takes effect,” to “after chapter 151, Laws of 1933 takes effect,” “previous to the taking effect of this act,” to “previous to the taking effect of chapter 151, Laws of 1933,” Last paragraph added on the basis of 1933 c 151 § 1a which provides,

Explanatory
note.

"The term 'department' when used in this act shall mean the department of public works of Washington or such body as may succeed to the powers and duties now exercised by the department of public works."

- 81.08.110 Source—[1933 c 151 § 11; RRS § 10439-11.]
Presently codified as RCW 81.08.110 and 80.08.110.
- 81.08.120 Source—[1933 c 151 § 12; RRS § 10439-12.]
Presently codified as RCW 81.08.120 and 80.08.120.
"act" to "chapter".
- 81.08.130 Source—[1933 c 151 § 13; RRS § 10439-13.]
Presently codified as RCW 81.08.130 and 80.08.130.
- 81.08.140 Source—[1933 c 151 § 14; RRS § 10439-14.]
Presently codified as RCW 81.08.140 and 80.08.140.
"act" to "chapter".

Chapter 81.12 Transfers of property

- 81.12.010 Source—[1953 c 95 § 12; 1941 c 159 § 1, part; Rem. Supp. 1941 § 10440a.]
Presently codified as RCW 81.12.010.
- 81.12.020 Source—[1945 c 75 § 1; 1941 c 159 § 2; Rem. Supp. 1945 § 10440b.]
Presently codified as RCW 81.12.020 and 80.12.020.
- 81.12.030 Source—[1941 c 159 § 3; Rem. Supp. 1941 § 10440c.]
Presently codified as RCW 81.12.030 and 80.12.030.
- 81.12.040 Source—[1941 c 159 § 4; Rem. Supp. 1941 § 10440d.]
Presently codified as RCW 81.12.040 and 80.12.040.
"act" to "chapter", since 1941 c 159, as amended, is presented for reenactment in chapter 81.12, alone.
- 81.12.050 Source—[1941 c 159 § 5; Rem. Supp. 1941 § 10440e.]
Presently codified as RCW 81.12.050 and 80.12.050.
"act" to "chapter".
- 81.12.060 Source—[1941 c 159 § 6; Rem. Supp. 1941 § 10440f.]
Presently codified as RCW 81.12.060 and 80.12.060.
"act" to "chapter".

Chapter 81.16 Affiliated Interests

- 81.16.010 Source—[1953 c 95 § 13; 1933 c 152 § 1, part; RRS § 10440-1, part.]
Presently codified as RCW 81.16.010.
- 81.16.020 Source—[1941 c 160 § 1; 1933 c 152 § 1; Rem. Supp. 1941 § 10440-2.]
Presently codified as RCW 81.16.020 and 80.16.020.
"act" to "chapter" since 1933 c 152, as amended, is presented for reenactment in this title as chapter 81.16, alone.
"the effective date of this act" to "March 18, 1933".
- 81.16.030 Source—[1933 c 152 § 3; RRS § 10440-3.]
Presently codified as RCW 81.16.030 and 80.16.030.
- 81.16.040 Source—[1933 c 152 § 4; RRS § 10440-4.]
Presently codified as RCW 81.16.040 and 80.16.040.
"foregoing sections" to "RCW 81.16.010 through 81.16.030".
- 81.16.050 Source—[1933 c 152 § 5; RRS § 10440-5.]
Presently codified as RCW 81.16.050 and 80.16.050.
- 81.16.060 Source—[1933 c 152 § 6; RRS § 10440-6.]
Presently codified as RCW 81.16.060 and 80.16.060.
Note on page 121, line 6, after the word "approval" the phrase "as required by this section" has been deleted as a mis-reference since the section requiring approval is 81.16.030.
- 81.16.070 Source—[1933 c 152 § 7; RRS § 10440-7.]
Presently codified as RCW 81.16.070 and 80.16.070.
- 81.16.080 Source—[1933 c 152 § 8; RRS § 10440-8.]
Presently codified as RCW 81.16.080 and 80.16.080.
- 81.16.090 Source—[1933 c 152 § 9; RRS § 10440-9.]
Presently codified as RCW 81.16.090 and 80.16.090.

Chapter 81.20 Investigation of Public Service Companies

Explanatory
note.

- 81.20.010 Source—[1953 c 95 § 14; 1939 c 203 § 1; RRS § 10458-6.]
Presently codified as RCW 81.20.010.
- 81.20.020 Source—[1939 c 203 § 2(a); RRS § 10458-6a(a).]
Presently codified as RCW 81.20.020 and 80.20.020.
- 81.20.030 Source—[1939 c 203 § 2(b); RRS § 10458-6a(b).]
Presently codified as RCW 81.20.030 and 80.20.030.
- 81.20.040 Source—[1939 c 203 § 2(c); RRS § 10458-6a(c).]
Presently codified as RCW 81.20.040 and 80.20.040.
“this section” to “sections 81.20.020 through 81.20.060”.
- 81.20.050 Source—[1939 c 203 § 2(d); RRS § 10458-6a(d).]
Presently codified as RCW 81.20.050 and 80.20.050.
“this section” to “sections 81.20.020 through 81.20.060”.
- 81.20.060 Source—[1939 c 203 § 2(e); RRS § 10458-6a(e).]
Presently codified as RCW 81.20.060 and 80.20.060.
“act” to “chapter”, since 1939 c 203, as amended is presented
for reenactment in chapter 81.20, alone.

Chapter 81.24 Regulatory Fees

- 81.24.010 Source—[1957 c 185 § 1; 1955 c 125 § 4. Prior: 1939 c 123 § 1,
part; 1937 c 158 § 1, part; 1929 c 107 § 1, part; 1923 c 107 § 1,
part; 1921 c 113 § 1, part; RRS § 10417, part.]
Presently codified as RCW 81.24.010.
See notes to 80.24.010.
- 81.24.020 Source—[1955 c 125 § 5. Prior: 1937 c 158 § 2, part; RRS § 10417-1,
part.]
Presently codified as RCW 81.24.020.
- 81.24.030 Source—[1955 c 125 § 6. Prior: 1939 c 123 § 3, part; 1937 c 158
§ 4, part; RRS § 10417-3, part.]
Presently codified as RCW 81.24.030.
- 81.24.040 Source—[1955 c 125 § 7. Prior: 1949 c 124 § 1, part; 1939 c 123
§ 2, part; 1937 c 158 § 3, part; Rem. Supp. 1949 § 10417-2, part.]
Presently codified as RCW 81.24.040.
- 81.24.050 Source—[1955 c 125 § 8. Prior: (i) 1939 c 123 § 1, part; 1937 c 158
§ 1, part; RRS § 10417, part. (ii) 1937 c 158 § 2, part; RRS §
10417-1, part. (iii) 1939 c 123 § 3, part; 1937 c 158 § 4, part; RRS
§ 10417-3, part. (iv) 1939 c 123 § 2, part; 1937 c 158 § 3, part;
RRS § 10417-2, part. (v) 1949 c 124 § 1, part; Rem. Supp. 1949
§ 10417-2, part.]
Presently codified as RCW 81.24.050.
- 81.24.060 Source—[1937 c 158 § 7; RRS § 10417-5.]
Presently codified as RCW 81.24.060 and 80.24.030.
See notes to 80.24.030.
- 81.24.070 Source—[1937 c 158 § 6; RRS § 10417-4.]
Presently codified as RCW 81.24.070 and 80.24.040.
See notes to 80.24.040.
“act” to “chapter”.
- 81.24.080 Source—[1923 c 107 § 2; 1921 c 113 § 3; RRS § 10419.]
Presently codified as RCW 81.24.080 and 80.24.050.
See notes to 80.24.040.

Chapter 81.28 Common Carriers in General

- 81.28.010 Source—[1911 c 117 § 9; RRS § 10345.]
- 81.28.020 Source—[1911 c 117 § 10; RRS § 10346.]
- 81.28.030 Source—[(i) 1890 p 291 § 1; RRS § 10491. (ii) 1890 p 291 § 2;
RRS § 10492. (iii) 1890 p 291 § 3; RRS § 10493.]
The 1941 Code Committee combined and codified 1890 p 291
§§ 1, 2 and 3 as RCW 81.28.030. The sections are also combined
for this proposed reenactment with the session law language
restored.
“section one of this act” to “this section” to correspond with
the combining of the session laws.

- Explanatory note.
- 81.28.040 Source—[1911 c 117 § 14; RRS § 10350.]
- 81.28.050 Source—[1957 c 205 § 3; 1911 c 117 § 15; RRS § 10351.]
“as aforesaid” to “as provided in RCW 81.28.050”.
- 81.28.060 Source—[1911 c 117 § 16; RRS § 10352.]
- 81.28.070 Source—[1911 c 117 § 17; RRS § 10353.]
- 81.28.080 Source—[1929 c 96 § 1, part; 1911 c 117 § 18, part; RRS § 10354, part.]
The 1941 Code Committee divided and codified 1929 c 96 § 1 as RCW 81.28.080 through 81.28.130, 81.28.150 through 81.28.170, and 80.36.130. For the most part these sections after 81.28.080, which itself contains exceptions, are exceptions to the operation of RCW 81.28.080 and appeared as provisos in the session law but were made straight matter by the 1941 Code Committee. The section is here restored to its 1929 session law organization and language.
“act” to “title”.
See notes to 80.36.130.
- 81.28.140 Source—[1937 c 26 § 1; RRS § 10354-1.]
- 81.28.180 Source—[1911 c 117 § 20; RRS § 10356.]
“act” to “title”.
- 81.28.190 Source—[1911 c 117 § 21; RRS § 10357.]
- 81.28.200 Source—[1911 c 117 § 22; RRS § 10358.]
“act” to “title”.
- 81.28.210 Source—[1911 c 117 § 23; RRS § 10359.]
“act” to “title”.
- 81.28.220 Source—[1937 c 169 § 5; RRS § 10447-1.]
- 81.28.230 Source—[1911 c 117 § 53, part; RRS § 10389, part.]
The 1941 Code Committee divided and codified 1911 c 117 § 53 as RCW 81.28.230 and 81.28.240. This division has been followed as each section contains a separate paragraph, and it does not appear that any substantive change is involved. “as hereinafter provided” deleted as an unnecessary and confusing reference in view of the fact that 1911 c 117 will appear in several chapters of the title and that the session law sequence of 1911 c 117 has not been preserved. The 1941 Code Committee also deleted the reference.
- 81.28.240 Source—[1911 c 117 § 53, part; RRS § 10389, part.]
See notes to 81.28.230.
“as hereinafter provided” deleted, see notes to 81.28.230.
- 81.28.250 Source—[1911 c 117 § 58; RRS § 10394.]
The 1941 Code Committee also codified this section as RCW 80.36.250, limiting its application there to telephone and telegraph companies. See notes to 80.36.250. In RCW 81.28.250 the reference to “or the transmission of messages or conversations” has been deleted as was done by the 1941 Code Committee.
- 81.28.260 Source—[1899 c 15 § 1; RRS § 10495.]
“act” to “section” since 1899 c 15 contains but one section.
- 81.28.270 Source—[1945 c 117 § 1; Rem. Supp. 1945 § 167-1.]
- 81.28.280 Source—[1953 c 104 § 3. Prior: 1911 c 117 § 63, part; RRS § 10399, part.]
- 81.28.290 Source—[1953 c 104 § 4. Prior: 1911 c 117 § 63, part; RRS § 10399, part.]

Chapter 81.29 Common Carriers—Limitations on Liability

This is a new chapter containing provisions formerly codified in chapter 81.32 which are not a part of the uniform Bills of Lading Act. See also the introductory note to chapter 81.32.

- 81.29.010 Source—[1945 c 203 § 1; Rem. Supp. 1945 § 3673-0.]
Presently codified in RCW 81.32.010.
“act” to “chapter”.

- 81.29.020 Source—[1945 c 203 § 1; 1923 c 149 § 1; Rem. Supp. 1945 § 3673-1.] Explanatory note.
Presently codified as RCW 81.32.290 through 81.32.330.
“section 2 of this act” to “RCW 81.29.030”.
- 81.29.030 Source—[1945 c 203 § 3; 1923 c 149 § 2; Rem. Supp. 1945 § 3673-2.]
Presently codified as RCW 81.32.340.
- 81.29.040 Source—[1923 c 149 § 3; RRS § 3673-3.]
Presently codified as RCW 81.32.350.
“act” to “chapter”.
- 81.29.050 Source—[1945 c 209 § 1; Rem. Supp. 1945 § 10495-1.]
Presently codified as RCW 81.32.360.
“act” to “section”, since 1945 c 209 contains but one section.

Chapter 81.32 Bills of Lading

Introductory—This chapter as it appears in RCW contains the Uniform Bills of Lading Act, 1915 c 159, and three other independent session laws on the liability of common carriers, 1945 c 209, 1945 c 203, and 1923 c 149. More particularly 1945 c 209 (RCW 81.32.360) limits the liability of carriers for loss or damage to baggage. It contains no reference to bills of lading. 1945 c 203 §§ 2 and 3 which amend 1923 c 149 §§ 1 and 2, relate to liability of carriers “whether such receipt or bill of lading has been issued or not”. 1945 c 203 § 1 contains a definition of “common carrier” which was included by the 1941 Code Committee in RCW 81.32.010 with the definitions of the Uniform Bills of Lading Act (1915 c 159 § 53). 1923 c 149 § 3 (RCW 81.32.350) is the penalty section for violations of 1923 c 149 §§ 1 and 2 (amended by 1945 c 203 §§ 2 and 3).

In this bill, the 1923 and 1945 acts are codified in a new chapter, chapter 81.29, and the instant chapter, chapter 81.32, contains only the provisions of the 1915 uniform act. Furthermore, the sections of chapter 81.32 have been renumbered to bring them into conformity with the sectionalization of the uniform act and chapter 159, Laws of 1915. Thus section 1 of the uniform act is herein numbered 81.32.011, section 2 is numbered 81.32.021, section 3 is numbered 81.32.031, etc. The part and section captions used in the uniform act, unless otherwise noted, are likewise employed herein.

- 81.32.010 Source—[(1) 1915 c 159 § 53; RRS § 3699; herein 81.32.531; 1945 c 203 § 1; Rem. Supp. 1945 § 3673-0; herein 81.29.010.]
- 81.32.011 Source—[1915 c 159 § 1; RRS § 3647.]
Presently codified as RCW 81.32.020.
“act” to “chapter”.
- 81.32.021 Source—[1915 c 159 § 2; RRS § 3648.]
Presently codified as RCW 81.32.030.
“section 23” to “RCW 81.32.231”.
- 81.32.031 Source—[1915 c 159 § 3; RRS § 3649.]
Presently codified as RCW 81.32.040.
- 81.32.041 Source—[1915 c 159 § 4; RRS § 3650.]
Presently codified as RCW 81.32.050.
- 81.32.051 Source—[1915 c 159 § 5 RRS § 3651.]
Presently codified as RCW 81.32.060.
“act” to “chapter”.
- 81.32.061 Source—[1915 c 159 § 6; RRS § 3652.]
Presently codified as RCW 81.32.070.
- 81.32.071 Source—[1915 c 159 § 7; RRS § 3653.]
Presently codified as RCW 81.32.080.
- 81.32.081 Source—[1915 c 159 § 8; RRS § 3654.]
Presently codified as RCW 81.32.090.
- 81.32.091 Source—[1915 c 159 § 9; RRS § 3655.]
Presently codified as RCW 81.32.100.
- 81.32.101 Source—[1915 c 159 § 10; RRS § 3656.]
Presently codified as RCW 81.32.110.
“act” to “chapter”.

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note.

- 81.32.111 Source—[1915 c 159 § 11; RRS § 3657.]
Presently codified as RCW 81.32.120.
- 81.32.121 Source—[1915 c 159 § 12; RRS § 3658.]
Presently codified as RCW 81.32.130.
“the three following sections” to “RCW 81.32.131, 81.32.141, and 81.32.151.”
- 81.32.131 Source—[1915 c 159 § 13; RRS § 3659.]
Presently codified as RCW 81.32.140.
“the preceding section” to “RCW 81.32.121.”
- 81.32.141 Source—[1915 c 159 § 14; RRS § 3660.]
Presently codified as RCW 81.32.150.
“section 27” to “RCW 81.32.271.”
- 81.32.151 Source—[1915 c 159 § 15; RRS § 3661.]
Presently codified as RCW 81.32.160.
- 81.32.161 Source—[1915 c 159 § 16; RRS § 3662.]
Presently codified as RCW 81.32.170.
- 81.32.171 Source—[1915 c 159 § 17; RRS § 3663.]
Presently codified as RCW 81.32.180.
- 81.32.181 Source—[1915 c 159 § 18; RRS § 3664.]
Presently codified as RCW 81.32.190.
- 81.32.191 Source—[1915 c 159 § 19; RRS § 3665.]
Presently codified as RCW 81.32.200.
- 81.32.201 Source—[1915 c 159 § 20; RRS § 3666.]
Presently codified as RCW 81.32.210.
- 81.32.211 Source—[1915 c 159 § 21; RRS § 3667.]
Presently codified as RCW 81.32.220.
- 81.32.221 Source—[1915 c 159 § 22; RRS § 3668.]
Presently codified as RCW 81.32.230.
Session law caption changed from “Adverse Title Is No Defense, Except as Above Provided” to “Adverse title is no defense—Exceptions.”
“the two preceding sections and in section 12” to “RCW 81.32.121, 81.32.201 and 81.32.211”.
- 81.32.231 Source—[1915 c 159 § 23; RRS § 3669.]
Presently codified as RCW 81.32.240.
- 81.32.241 Source—[1915 c 159 § 24; RRS § 3670.]
Presently codified as RCW 81.32.250.
- 81.32.251 Source—[1915 c 159 § 25; RRS § 3671.]
Presently codified as RCW 81.32.260.
- 81.32.261 Source—[1915 c 159 § 26; RRS § 3672.]
Presently codified as RCW 81.32.270.
- 81.32.271 Source—[1915 c 159 § 27; RRS § 3673.]
Presently codified as RCW 81.32.280.
- 81.32.281 Source—[1915 c 159 § 28; RRS § 3674.]
Presently codified as RCW 81.32.370.
- 81.32.290 through 81.32.360 Source—[1945 c 203; 1945 c 209; 1923 c 149; Rem. Supp. 1945 §§ 3673-0, 3673-1, 3673-2, 10495-1; RRS § 3673-3; Herein chapter 81.29.]
- 81.32.291 Source—[1915 c 159 § 29; RRS § 3675.]
Presently codified as RCW 81.32.380.
- 81.32.301 Source—[1915 c 159 § 30; RRS § 3676.]
Presently codified as RCW 81.32.390.
- 81.32.311 Source—[1915 c 159 § 31; RRS 3677.]
Presently codified as RCW 81.32.400.
- 81.32.321 Source—[1915 c 159 § 32; RRS § 3678.]
Presently codified as RCW 81.32.410.
- 81.32.331 Source—[1915 c 159 § 33; RRS § 3679.]
Presently codified as RCW 81.32.420.
- 81.32.341 Source—[1915 c 159 § 34; RRS § 3680.]
Presently codified as RCW 81.32.430.
- 81.32.351 Source—[1915 c 159 § 35; RRS § 3681.]
Presently codified as RCW 81.32.440.

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|-----------|--|----------------------|
| 81.32.361 | Source—[1915 c 159 § 36; RRS § 3682.]
Presently codified as RCW 81.32.450. | Explanatory
note. |
| 81.32.371 | Source—[1915 c 159 § 37; RRS § 3683.]
Presently codified as RCW 81.32.460. | |
| 81.32.381 | Source—[1915 c 159 § 38; RRS § 3684.]
Presently codified as RCW 81.32.470. | |
| 81.32.391 | Source—[1915 c 159 § 39; RRS § 3685.]
Presently codified as RCW 81.32.480. | |
| 81.32.401 | Source—[1915 c 159 § 40; RRS § 3686.]
Presently codified as RCW 81.32.490. | |
| 81.32.411 | Source—[1915 c 159 § 41; RRS § 3687.]
Presently codified as RCW 81.32.500. | |
| 81.32.421 | Source—[1915 c 159 § 42; RRS § 3688.]
Presently codified as RCW 81.32.510. | |
| 81.32.431 | Source—[1915 c 159 § 43; RRS § 3689.]
Presently codified as RCW 81.32.520.
“section 42” to “RCW 81.32.421”.
“act” to “chapter”. | |
| 81.32.441 | Source—[1915 c 159 § 44; RRS § 3690.]
Presently codified as RCW 81.32.530.
“—Penalty” added to session law caption in this and other
sections of this part. | |
| 81.32.451 | Source—[1915 c 159 § 45; RRS § 3691.]
Presently codified as RCW 81.32.540. | |
| 81.32.461 | Source—[1915 c 159 § 46; RRS § 3692.]
Presently codified as RCW 81.32.550.
“Section 7” to “RCW 81.32.071”. | |
| 81.32.471 | Source—[1915 c 159 § 47; RRS § 3693.]
Presently codified as RCW 81.32.560. | |
| 81.32.481 | Source—[1915 c 159 § 48; RRS § 3694.]
Presently codified as RCW 81.32.570. | |
| 81.32.491 | Source—[1915 c 159 § 49; RRS § 3695.]
Presently codified as RCW 81.32.580. | |
| 81.32.501 | Source—[1915 c 159 § 50; RRS § 3696.]
Presently codified as RCW 81.32.590. | |
| 81.32.511 | Source—[1915 c 159 § 51; RRS § 3697.]
Presently codified as RCW 81.32.600.
“act” to “chapter”. | |
| 81.32.521 | Source—[1915 c 159 § 52; RRS § 3698.]
Presently codified as RCW 81.32.610.
“act” to “chapter”. | |
| 81.32.531 | Source—[1915 c 159 § 53; RRS § 3699.]
Presently codified as RCW 81.32.010.
“act” to “chapter”. | |
| 81.32.541 | Source—[1915 c 159 § 54; RRS § 3700.]
“act” to “chapter”.
Omitted by the 1941 Code Committee as an “application”
section. | |
| 81.32.561 | Source—[1915 c 159 § 56; RRS § 3701.]
Presently a footnote to RCW 81.32.010.
“act” to “chapter”. | |

Chapter 81.36 Railroads—Corporate Powers and Duties

- 81.36.010 Source—[1907 c 244 § 1; 1903 c 180 § 1; 1895 c 80 § 2; 1888 p 63 § 2; Code 1881 § 2456; 1869 p 343 § 2; RRS § 10539.]
In the proviso, the phrase “now occupied by any established state or county road, said corporation shall be responsible to the county commissioners of said county or counties in which such state or county road so appropriated is located, for all expenses incurred by such county or counties in relocating . . .” to “now occupied by any established state or county road, said corporation shall be responsible to the state or

Explanatory
note.

- county in which such state or county road so appropriated is located, for all expenses incurred by the state or county in relocating . . ."; for the purpose of harmonizing this section with existing highway laws.
- 81.36.020 Source—[1895 c 80 § 1; 1888 p 63 § 1; Code 1881 § 2455; 1869 p 34 § 1; RRS § 10538.]
- 81.36.030 Source—[1895 c 80 § 3; 1888 p 64 § 3; Code 1881 § 2456½; RRS § 10535.]
"this chapter" to "the laws of this state" in the phrase "every corporation formed under this chapter", since "this chapter" has no provisions on formation. The 1941 Code Committee omitted the reference. See 1895 c 80 § 4 (RCW 81.36.040) where the phrase "the laws of this state" is used.
- 81.36.040 Source—[1895 c 80 § 4; 1888 p 64 § 3; RRS § 10536.]
- 81.36.050 Source—[Code 1881 § 2457; 1869 p 34 § 3; RRS § 10537.]
- 81.36.060 Source—[1890 p 526 § 1; RRS § 10460.]
Period inserted after "date" and new sentence started with "Before".
- 81.36.070 Source—[1925 ex.s. c 188 § 1; 1915 c 136 § 1; 1909 c 196 § 1; 1890 p 526 § 2; RRS § 10463.]
The 1941 Code Committee divided this section as RCW 81.36.070 and 81.36.080. It is here recombined.
In third from last proviso, "this act" to "this section and RCW 81.36.075."
In last sentence "this act" to "this section".
In last sentence "heretofore made in substantial compliance with the provisions of this section" to "made in substantial compliance with the provisions of this section prior to April 8, 1926", since the effective date of the laws of 1925 extraordinary session was midnight, April 7th, 1926; see preface, session laws 1925 extraordinary session.
- 81.36.075 Source—[1909 c 196 § 2; RRS § 10464.]
Not codified in RCW.
"heretofore" to "March 18, 1909".
- 81.36.080 Source—[1925 ex.s. c 188 § 1, part; 1915 c 136 § 1, part; 1909 c 196 § 1, part; RRS § 10463, part.]
Herein rejoined with 81.36.070.
- 81.36.090 Source—[1890 p 527 § 3; RRS § 10466.]
- 81.36.100 Source—[1890 p 53 § 1; RRS § 10468.]
- 81.36.110 Source—[1909 c 158 § 1; RRS § 10469.]
This section relating to structures across state waterways was reenacted in the 1927 public land act (1927 c 255 §§ 93 and 94) and the 1909 act was later expressly repealed by the 1935 public lands repealer (1935 c 115). It is herein repealed without reenactment, but said repeal contains a proviso saving the provisions of the 1927 enactment, see sec. 81.98.040 (35) herein.
- 81.36.120 Source—[1890 p 529 § 1; RRS § 10461.]
- 81.36.130 Source—[1890 p 529 § 2; RRS § 10462.]
- 81.36.140 Source—[1951 c 191 § 1; 1949 c 169 § 1; 1883 p 62 § 1; Rem. Supp. 1949 § 10540.]
- 81.36.150 Source—[1949 c 169 § 2; 1883 p 63 § 2; Rem. Supp. 1949 § 10541.]
- 81.36.160 Source—[1949 c 169 § 3; Rem. Supp. 1949 § 10541a.]
"section 1" to "RCW 81.36.140".

Chapter 81.40—Railroads—Employee Requirements and Regulations

- 81.40.010 Source—[1911 c 134 § 1; RRS § 10486.]
- 81.40.020 Source—[1911 c 134 § 2; RRS § 10487.]
- 81.40.030 Source—[(i) 1911 c 134 § 3; RRS § 10488. (ii) 1911 c 134 § 4; RRS § 10489. (iii) 1911 c 134 § 5; RRS § 10490.]
The 1941 Code Committee combined and codified these sections as RCW 81.40.030. This combination, with the session

- law language restored, has been followed since it does not appear that any substantive change is involved. Explanatory note.
- "section one or two of this act" to "RCW 81.40.010 or 81.40.020".
- "this act" to "RCW 81.40.010 through 81.40.030".
- 81.40.040 Source—[1907 c 20 § 1; RRS § 7652.]
- 81.40.050 Source—[1907 c 20 § 2; RRS § 7653.]
- "this act" to "RCW 81.40.040".
- 81.40.060 Source—[1907 c 224 § 1; RRS § 10504.]
- 81.40.070 Source—[1907 c 224 § 1; RRS § 10505.]
- "this act" to "RCW 81.40.060".
- 81.40.080 Source—[1941 c 238 § 1; Rem. Supp. 1941 § 7666-40.]
- "act" to "section" since the remaining section of the "act" is the penalty provision.
- 81.40.090 Source—[1941 c 238 § 2; Rem. Supp. 1941 § 7666-41.]
- "this act" to "RCW 81.40.080".
- 81.40.095 Source—[1957 c 71 § 1.]
- Presently codified as RCW 81.04.162.
- 81.40.100 Source—[1909 c 249 § 274; RRS § 2526.]
- 81.40.110 Source—[1907 c 138 § 1, part; 1899 c 35 § 1, part; RRS § 10480, part.]
- The 1941 Code Committee divided and codified 1907 c 138 § 1 as RCW 81.40.110 and 81.44.130. The part in RCW 81.44.130 is the same as a later enactment, 1911 c 117 § 68, which also was codified in RCW 81.44.130. Only that part of 1907 c 138 § 1 used by the 1941 Code Committee as a basis for RCW 81.40.110 is set forth herein for reenactment.
- 81.40.120 Source—[1955 c 228 § 1.]
- 81.40.130 Source—[1955 c 228 § 2.]
- 81.40.140 Source—[1955 c 228 § 3.]

Chapter 81.44 Common Carriers—Equipment

- 81.44.010 Source—[1911 c 117 § 64; RRS § 10400.]
- 81.44.020 Source—[1911 c 117 § 65; RRS § 10401.]
- 81.44.030 Source—[1911 c 117 § 66, part; RRS § 10402, part.]
- The 1941 Code Committee divided and codified 1911 c 117 § 66 as RCW 81.44.030 through 81.44.060, and 81.64.120. It should be noted here that the 1941 Code Committee deleted any reference to street railroads in the RCW sections appearing in chapter 81.44. This was done by codifying the paragraph on street car equipment as RCW 81.64.120 and by omitting the reference to street railroad as it originally appears in that part of the session law codified in RCW 81.44.050 and 81.44.060. For the purposes of this proposed reenactment the division of 1911 c 117 § 66 has been followed with the exception that the paragraph on street car equipment has been added to RCW 81.44.040 which contains the preceding paragraph in the session law.
- 81.44.040 Source—[1911 c 117 § 66, part; RRS § 10402, part.]
- Paragraph of session law on street cars removed from RCW 81.64.120 and added to this section, see notes to 81.44.030.
- 81.44.050 Source—[1911 c 117 § 66, part; RRS § 10402, part.]
- "herein" to "RCW 81.44.030 and 81.44.040".
- "the taking effect of this act" to "the taking effect of chapter 117, Laws of 1911".
- "this act" to "this title".
- In the first proviso "section" to "RCW 81.44.030 through 81.44.060" and "at the date of passage of this act" to "at the date of passage of chapter 117, Laws of 1911".
- 81.44.060 Source—[1911 c 117 § 66, part; RRS § 10402, part.]
- "this section" to "RCW 81.44.030 through 81.44.060" although RCW 81.44.060 is only a part of the original session law section. However, the Committee might be correct depending on

Explanatory
note.

- whether the proviso is to the entire section or only the last paragraph.
- 81.44.065 Source—[1955 c 165 § 1.]
Presently codified as RCW 43.53.055.
“now vested in” to “which prior to April 1, 1955 were vested in”, April 1, 1955 being the effective date of chapter 165, Laws of 1955.
- 81.44.070 Source—[1911 c 117 § 67; RRS § 10403.]
The 1941 Code Committee divided and codified 1911 c 117 § 67 as RCW 81.44.070 and 81.44.080. It is here recombined.
At the end of the first paragraph, the phrase “as such companies are defined in this title or in Title 80” has been added to compensate for that fact that portions of the basic 1911 act have been codified in this title while other portions relating also to public service companies have been codified in Title 80.
- 81.44.080 Source—[1911 c 117 § 67, part; RRS § 10403, part.]
Herein recombined with 81.44.070.
- 81.44.085 Source—[1951 c 66 §§ 1, 2, 3.]
The 1941 Code Committee combined and codified 1951 c 66 §§ 1, 2 and 3 as RCW 81.44.085. This combination has been followed.
“act” to “section” since the entire act will appear in this section.
“approved by the director of labor and industries” to “approved by the commission” to accord with the devolution of powers set forth herein as 81.44.065.
- 81.44.090 Source—[1909 c 31 § 1; RRS § 10483.]
“this act” to “RCW 81.44.090 and 81.44.100”.
- 81.44.100 Source—[1909 c 31 § 2; RRS § 10484.]
“Sec. 1 of this act” to “RCW 81.44.090”.
- 81.44.101 Source—[1951 c 42 § 1.]
- 81.44.102 Source—[1951 c 42 § 2.]
“section 1” to “RCW 81.44.101”.
- 81.44.103 Source—[1951 c 42 § 3.]
- 81.44.104 Source—[1951 c 42 § 4.]
“section 3” to “RCW 81.44.103”.
- 81.44.105 Source—[1951 c 42 § 5.]
“this act” to “RCW 81.44.101 through 81.44.105”.
- 81.44.110 Source—[1907 c 218 § 1; RRS § 10470.]
- 81.44.120 Source—[1907 c 218 § 2; RRS § 10473.]
- 81.44.130 Source—[1911 c 117 § 68; RRS § 10404.]
The 1941 Code Committee combined and codified 1911 c 117 § 68 and 1907 c 138 § 1, part as RCW 81.44.130. 1907 c 138 § 1, part, has been omitted since it is repetitious of 1911 c 117 § 68, the later act. As to the part of 1907 c 138 § 1 which appears in this proposed reenactment see 81.40.110 and the notes thereto.
- 81.44.140 Source—[1899 c 35 § 2; RRS § 10481.]
This section, reading as follows:
“Any person or persons, railroad companies or corporations owning or operating a railroad or railroads in this state shall be liable for any damage received from a failure to comply with the provisions of this act; such damages to be recovered by the parties entitled to recover as provided in sections 137, 138 and 139 of volume 2 of Hill’s Annotated Codes and Statutes of Washington, being sections 4827, 4828 and 4829, Ballinger’s Annotated Codes and Statutes of Washington.”
is hereby repealed without reenactment, inasmuch as the substantive section, 1899 c 35 § 1 is likewise repealed without reenactment, as superseded by 1911 c 117 § 68 (herein 81.44.130).

The instant section proclaims liability for failure to safeguard switches and authorizes the recovery of damages by representative actions. Our supreme court in *Albers v. Campbell Lumber Co.*, 66 Wash. 84, has held that notwithstanding the above language a plaintiff could sue for his own injury on the basis of common law negligence. See herein 81.04.440 declaring companies liable for damages and 81.04.470—Rights of action not released. The right to maintain a representative action in such cases appears to be adequately covered by the general laws of this subject.

Explanatory
note.

- 81.44.150 Source—[1911 c 117 § 19; RRS § 10355.]
81.44.160 Source—[1911 c 117 § 60; RRS § 10396.]

Chapter 81.48 Railroads—Operating Requirements and Regulations

- 81.48.010 Source—[1909 c 249 § 276; RRS § 2528.]
81.48.020 Source—[1909 c 249 § 278; RRS § 2530.]
81.48.030 Source—[1943 c 228 § 1; Rem. Supp. 1943 § 10547-1.]
“state department of public service” to “commission”.
“this act” to “RCW 81.48.030 and 81.48.040”.
81.48.040 Source—[1943 c 228 § 2; Rem. Supp. 1943 § 10547-2.]
“director of public service” and “department” to “commission”.
“this act” to “RCW 81.48.030 and 81.48.040”.
“the effective date of this act” to “June 9, 1943”.
81.48.050 Source—[1911 c 117 § 69; RRS § 10405.]
81.48.060 Source—[1909 c 249 § 277; RRS § 2529.]

Chapter 81.52 Railroads—Rights of Way—Spurs—Fences

- 81.52.010 Source—[1919 c 153 § 1; 1911 c 117 § 61; RRS § 10397.]
81.52.020 Source—[1911 c 17 § 13; RRS § 10349.]
81.52.030 Source—[1911 c 117 § 62; RRS § 10398.]
81.52.040 Source—[1907 c 223 § 1; RRS § 10465.]
“act” to “section” since 1907 c 223 is but a one section act.
“the operation of the act of March 28, 1890, relating to the construction of branch lines (Ballinger’s Annotated Codes and Statutes, Sec. 4303)” to “RCW 81.36.060 through 81.36.090” wherein the 1890 act will appear.
81.52.050 Source—[1907 c 88 § 1; RRS § 10507.]
“within six months after the passage of this act” deleted as having expired.
81.52.060 Source—[1907 c 88 § 2; RRS § 10508.]
81.52.070 Source—[1907 c 88 § 3; RRS § 10509.]
81.52.080 through 81.52.380 Source—[1913 c 30 as amended and 1941 c 161 as amended. These two acts were consolidated by the 1941 Code Committee. They are herein restored to session law language and made separate chapters. The 1913 act appears herein as chapter 81.53—Railroads—Crossings, and the 1941 act as chapter 81.54—Railroads—Inspection of industrial crossings.]

Chapter 81.53 Railroads—Crossings

- 81.53.010 Source—[1959 c 283 § 2. Prior: (i) 1913 c 30 § 1; RRS § 10511. (ii) 1941 c 161 § 1; Rem. Supp. 1941 § 10511-1.]
Presently codified as RCW 81.53.010.
In combining the provisions of 1913 c 30 and 1941 c 161, the 1941 Code Committee combined the definitions sections of both acts as RCW 81.53.010. These are herein re-divided, the definitions section of the 1913 act being codified herein as 81.53.010 while the definitions section of the 1941 act appears herein as 81.54.010.

- Explanatory note.
- 81.53.020 Source—[1913 c 30 § 2; RRS § 10512.]
Presently codified as RCW 81.52.090.
- 81.53.030 Source—[1959 c 283 § 1; 1955 c 310 § 3. Prior: 1937 c 22 § 1, part; 1913 c 30 § 3, part; RRS § 10513, part.]
Presently codified as RCW 81.52.100.
“state parks committee” to “state parks and recreation commission” as the powers and duties of the committee have devolved upon the commission through a chain of statutes as follows: 1921 c 7 § 10; 1945 c 36 § 1; 1947 c 271 § 1.
- 81.53.040 Source—[1955 c 310 § 5. Prior: 1937 c 22 § 1, part; 1913 c 30 § 3, part; RRS § 10513, part.]
Presently codified as RCW 81.52.110.
- 81.53.050 Source—[1955 c 310 § 5. Prior: 1937 c 22 § 1, part; 1913 c 30 § 3, part; RRS § 10513, part.]
Presently codified as RCW 81.52.120.
Note that “take, damage, or injuriously affect”, the session law phrase in 1937 c 22 § 1, has been substituted for “take or damage,” although 1955 c 310 § 5 enacted the RCW language without amendment. The phrase “or injuriously affected” was deleted by the 1941 Code Committee in RCW 81.52.130 and later sections, but no legislative action has enacted the deletion, so in the proposed reenactment the session law language has been restored.
- 81.53.060 Source—[1937 c 22 § 2, part; 1921 c 138 § 1, part; 1913 c 30 § 4, part; RRS § 10514, part.]
Presently codified as RCW 81.52.130.
The 1941 Code Committee divided and codified 1937 c 22 § 2 as RCW 81.52.130 through 81.52.150. This division has been followed as it does not appear that any substantive change is involved.
“or injuriously affected”, see notes to 81.53.050.
“state parks committee” to “state parks and recreation commission”, see notes to 81.53.030.
- 81.53.070 Source—[1937 c 22 § 2, part; 1921 c 138 § 1, part; 1913 c 30 § 4, part; RRS § 10514, part.]
Presently codified as RCW 81.52.140.
See notes to 81.53.060.
In the first sentence: “in the preceding section” deleted as the rest of the sentence provides a definite reference.
- 81.53.080 Source—[1937 c 22 § 2, part; 1921 c 138 § 1, part; 1913 c 30 § 4; RRS § 10514, part.]
Presently codified as RCW 81.52.150.
See notes to 81.53.060.
“Hereafter” to “February 24, 1937”, the effective date of the 1937 act.
- 81.53.090 Source—[1937 c 22 § 3; 1913 c 30 § 5; RRS § 10515.]
Presently codified as RCW 81.52.160.
“future installation or repairs” to “installation or repairs made after February 24, 1937”, the effective date of 1937 c 22.
- 81.53.100 Source—[1937 c 22 § 4A; 1925 ex.s. c 73 § 1A; 1921 c 138 § 2A; 1913 c 30 § 6A; RRS § 10516A.]
Presently codified as RCW 81.52.170.
The 1941 Code Committee divided and codified 1937 c 22 § 4A; B, C as RCW 81.52.170, 81.52.180 and 81.52.190. This division, with the session law language restored, has been followed since it does not appear that any substantive change is involved and the subdivisions A, B and C seem to be “meaningless” as stated by the 1941 Code Committee.
“this act” to “this chapter”.
“subdivision” to “section” since subdivision A will appear alone in the section.

- 81.53.110 Source—[1937 c 22 § 4B; 1925 ex.s. c 73 § 1B; 1921 c 138 § 2B; Explanatory note.
1913 c 30 § 6B; RRS § 10516B.]
Presently codified as RCW 81.52.180.
“this act” to “this chapter”.
- 81.53.120 Source—[1937 c 22 § 4C; 1925 ex.s. c 73 § 1C; 1921 c 138 § 2C; 1913 c 30 § 6C; RRS § 10516C.]
Presently codified as RCW 81.52.190.
“this act” to “this chapter”.
- 81.53.130 Source—[1937 c 22 § 5; 1913 c 30 § 7; RRS § 10517.]
Presently codified as RCW 81.52.200.
“the preceding section” to “RCW 81.53.100 through 81.53.120”.
- 81.53.140 Source—[1913 c 30 § 10; RRS § 10520.]
Presently codified as RCW 81.52.210.
- 81.53.150 Source—[1913 c 30 § 11; RRS § 10521.]
Presently codified as RCW 81.52.220.
“this act” to “this chapter”.
“The Public Service Commission Law, being chapter 117, of the Laws of 1911 for procedure under that act” to “other provisions of this title”.
- 81.53.160 Source—[1913 c 30 § 12; RRS § 10522.]
Presently codified as RCW 81.52.230.
“this act” to “this chapter”.
- 81.53.170 Source—[1937 c 22 § 6; 1913 c 30 § 13; RRS § 10523.]
Presently codified as RCW 81.52.240.
“this act” to “this chapter”.
“as provided in the Public Service Commission Law for the review of findings and orders made under that act” to “as provided in this title for the review of the commission’s orders generally”.
- 81.53.180 Source—[1913 c 30 § 15; RRS § 10525.]
Presently codified as RCW 81.52.250.
“this act” to “this chapter”.
“Subdivision A”, “Subdivision B” and “Subdivision C” changed to (1), (2) and (3), respectively, to conform to RCW style.
- 81.53.190 Source—[1913 c 30 § 16; RRS § 10526.]
Presently codified as RCW 81.52.260.
“this act” to “this chapter”.
- 81.53.200 Source—[1913 c 30 § 17; RRS § 10527.]
Presently codified as RCW 81.52.270.
“this act” to “this chapter”.
- 81.53.210 Source—[1913 c 30 § 18; RRS § 10528.]
Presently codified as RCW 81.52.280.
“this act” to “this chapter”.
- 81.53.220 Source—[1925 ex.s. c 179 § 2; 1913 c 30 § 19; RRS § 10529.]
Presently codified as RCW 81.52.290.
“this act” to “this chapter”.
Nomenclature modernized i.e. “state highway engineer” to “Director of highways” and “state road” to “state highway”.
- 81.53.230 Source—[1913 c 30 § 20; RRS § 10530.]
Not codified in RCW.
“act” to “chapter”.
- 81.53.240 Source—[(i) 1953 c 95 § 15; 1925 ex.s. c 179 § 3; 1913 c 30 § 21; RRS § 10531. (ii) 1959 c 283 § 7.]
Presently codified as RCW 81.52.300 and 81.52.380.
“RCW 81.52.080 through 81.52.300 inclusive” to “this chapter”.
- 81.53.250 Source—[1937 c 22 § 7; 1913 c 30 § 14; RRS § 10524.]
Presently codified as RCW 81.52.330.
“this act” to “this chapter”.
- 81.53.260 Source—[1959 c 283 § 3.]
Presently codified as RCW 81.52.340.
- 81.53.270 Source—[1959 c 283 § 4.]
Presently codified as RCW 81.52.350.

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note.

- 81.53.280 Source—[1959 c 283 § 5.]
Presently codified as RCW 81.52.360.
“act” to “chapter”.
- 81.53.290 Source—[1959 c 283 § 6.]
Presently codified as RCW 81.52.370.
“this amendatory act” to “RCW 81.53.260 through 81.53.280” as
these are the only sections thereof relating to the allocation of
funds.

Chapter 81.54 Railroads—Inspection of Industrial Crossings

- 81.54.010 Source—[1941 c 161 § 1; Rem. Supp. 1941 § 10511-1.]
Presently codified in RCW 81.52.080 in combination with 1913
c 30 § 1; RRS § 10511. See notes to 81.52.080.
“act” to “chapter”.
- 81.54.020 Source—[1941 c 161 § 2; Rem. Supp. 1941 § 10511-2.]
Presently codified as RCW 81.52.310.
- 81.54.030 Source—[1951 c 111 § 1; 1941 c 161 § 3; Rem. Supp. 1941 § 10511-3.]
Presently codified as RCW 81.52.320.
- 81.54.040 Source—[1953 c 95 § 16; 1951 c 111 § 2.]
Presently codified as RCW 81.52.325.

Chapter 81.56 Railroads—Shippers and Passengers

- 81.56.010 Source—[1911 c 117 § 11; RRS § 10347.]
- 81.56.020 Source—[1911 c 117 § 12; RRS § 10348.]
- 81.56.030 Source—[1911 c 117 § 24; RRS § 10360.]
- 81.56.040 Source—[1890 p 292 § 4; RRS § 11341.]
- 81.56.050 Source—[1911 c 117 § 57; RRS § 10393.]
- 81.56.060 Source—[1905 c 126 § 1; RRS § 10474.]
“hereafter” deleted.
- 81.56.070 Source—[1905 c 126 § 2; RRS § 10475.]
“this act” to “RCW 81.56.060 through 81.56.110”.
- 81.56.080 Source—[1905 c 126 § 3; RRS § 10476.]
- 81.56.090 Source—[1905 c 126 § 4; RRS § 10477.]
- 81.56.100 Source—[1905 c 126 § 5; RRS § 10478.]
“this act” to “RCW 81.56.060 through 81.56.110”.
- 81.56.110 Source—[1905 c 126 § 6; RRS § 10479.]
“this bill” to “RCW 81.56.060 through 81.56.110”.
- 81.56.120 Source—[1893 c 27 § 4; RRS § 10494.]
- 81.56.130 Source—[1911 c 117 § 59; RRS § 10395.]
- 81.56.140 Source—[1905 c 180 § 2; RRS § 10497.]
“Section 1 of this act” to “RCW 81.56.150”.
- The 1941 Code Committee treated this section as in pari materia with 1909 c 249 §§ 396 and 397 (1909 Criminal Code) and treated the remainder of 1905 c 180 as obsolete. The 1909 sections appear to cover the subject matter of the 1905 law with the exception of the express requirement of the 1905 act that the agent must have a fixed place of business, and such requirement is strongly implied in 1909 c 249 § 396. The 1941 Code treatment of these sections is followed herein, with 1905 c 180 § 2 appearing as Sec. 81.56.140, 1909 c 249 § 396 as 81.56.150, and 1909 c 397 as 81.56.160. The remainder of the 1905 act is proposed for repeal without reenactment.
- 81.56.150 Source—[1909 c 249 § 396; RRS § 2648.]
See notes to 81.56.140.
- 81.56.160 Source—[1909 c 249 § 397; RRS § 2649.]
See notes to 81.56.140.

Chapter 81.60 Railroads—Special Police and Police Regulations

- 81.60.010 Source—[1915 c 118 § 1; RRS § 10542.]
In this section and in 81.60.020, the 1941 Code Committee deleted the words “steam or electric” from the phrase “any steam or electric railroad corporation”. The words are like-

- wise herein deleted because 81.60.020 was amended by 1955 c 99 § 1, by which the deletion was ratified. Explanatory note.
- 81.60.020 Source—[1955 c 99 § 1; 1915 c 118 § 2; RRS § 10543.]
See notes to 81.60.010.
- 81.60.030 Source—[1915 c 118 § 3; RRS § 10544.]
“this act” to “RCW 81.60.010 through 81.60.060”.
- 81.60.040 Source—[1915 c 118 § 4; RRS § 10545.]
“this act” to “RCW 81.60.010 through 81.60.060”.
- 81.60.050 Source—[1915 c 118 § 5; RRS § 10546.]
- 81.60.060 Source—[1915 c 118 § 6; RRS § 10547.]
- 81.60.070 Source—[1909 c 249 § 398; RRS § 2650.]
- 81.60.080 Source—[1941 c 212 § 1; Rem. Supp. 1941 § 2650-1.]
- 81.60.090 Source—[1941 c 212 § 2; Rem. Supp. 1941 § 2650-2.]
“section 1” to “RCW 81.60.080”.

Chapter 81.64 Street Railways

- 81.64.010 Source—[1907 c 99 § 1, part; 1903 c 175 § 1, part; RRS § 11082, part.]
The 1941 Code Committee divided and codified 1907 c 99 § 1 as RCW 81.64.010 through 81.64.030. This division has been followed for purposes of this proposed reenactment since it does not appear that any substantive change is involved.
- 81.64.020 Source—[1907 c 99 § 1, part; 1903 c 175 § 1, part; RRS § 11082, part.]
See notes to 81.64.010.
“PROVIDED, That hereafter” deleted to facilitate the division of 1907 c 99 § 1.
- 81.64.030 Source—[1907 c 99 § 1, part; 1903 c 175 § 1, part; RRS § 11082, part.]
See notes to 81.64.010.
- 81.64.040 Source—[1903 c 175 § 2; RRS § 11083.]
“section one of this act” to “RCW 81.64.010 through 81.64.030”.
- 81.64.050 Source—[1899 c 94 § 2; RRS § 11085.]
Presently codified as RCW 80.32.070 and 81.64.050.
The 1941 Code Committee added a reviser’s note to this section reading as follows:
The 1899 act was superseded by 1903 c 173 and 175 but there was no express repeal in the 1903 acts so the non-conflicting part of the 1899 act still stands.
“such corporation” in the session law referred to both electric power companies and electric railways. The 1941 Code Committee codified this section, 1899 c 94 § 2, twice, RCW 81.64.050 and 80.32.070 which latter section appears in the chapter on “Electric franchises and rights of way” and it is so treated herein.
- 81.64.060 Source—[1903 c 175 § 3; RRS § 11084.]
In the last clause, “heretofore made or entered” to “made or entered prior to the effective date of chapter 175, Laws of 1903.”
- 81.64.070 Source—[1917 c 170 § 1; RRS § 11086.]
- 81.64.080 Source—[1919 c 33 § 1; 1911 c 117 § 25; RRS § 10361.]
“this act” to “this title”.
- 81.64.090 Source—[1901 c 103 § 1; RRS § 11073.]
“hereafter” deleted.
- 81.64.100 Source—[1901 c 103 § 2; RRS § 11074.]
- 81.64.110 Source—[1901 c 103 § 3; RRS § 11075.]
- 81.64.120 Source—[1897 c 94 § 1; RRS § 11076.]
The 1941 Code Committee combined and codified 1911 c 117 § 66, part, and 1897 c 94 § 1 as RCW 81.64.120. That part derived from 1911 c 117 § 66, part, has been replaced in RCW 81.44.040 for purposes of this reenactment.
See notes to 81.44.030.

- Explanatory note. 81.64.130 Source—[1897 c 94 § 2; RRS § 11077.]
 “this act” to “RCW 81.64.120”.
 The last phrase: “and all moneys collected under and by virtue of this act shall be paid into the common school fund” omitted as superseded by the general act on the disposition of fines; 1919 c 30 § 1, RCW 10.82.070, see Slayden v. Carr, 94 Wash. 412.
- 81.64.140 Source—[(i) 1895 c 144 § 1; RRS § 11078. (ii) 1895 c 144 § 2; RRS § 11079.]
 The 1941 Code Committee combined and codified 1895 c 144 §§ 1 and 2 as RCW 81.64.140. This combination has been followed since it does not appear that any substantive change is involved.
 “provided for in section one hereof” deleted in view of the combination.
- 81.64.150 Source—[1895 c 144 § 3; RRS § 11080.]
 “this act” to “RCW 81.64.140”.
 Last phrase, relating to disposition of fines deleted, see notes for 81.64.130.
- 81.64.160 Source—[1895 c 100 § 1; RRS § 7648.]
- 81.64.170 Source—[1895 c 100 § 2; RRS § 7649.]
 “section one of this act” to “RCW 81.64.160”.
 “this act” to “RCW 81.64.160 and 81.64.170”.

Chapter 81.68 Auto Transportation Companies

- 81.68.010 Source—[1935 c 120 § 1; 1921 c 111 § 1; RRS § 6387.]
 “The term” and “when used in this act” deleted from each definition and the RCW introductory phrase “As used in this chapter;” substituted.
 Definition of “commission” deleted as covered in Sec. 81.04.010. In the last sentence, “this act” to “this section” in the phrase “‘between fixed termini or over a regular route’ within the meaning of this act”.
 In subdivision (3) after “persons” and before “for compensation” the phrase “, and baggage, mail and express on the vehicles of auto transportation companies carrying passengers,” substituted for “and, or, property” to harmonize this chapter with the chapter on motor freight carriers. The auto transportation company law (chapter 81.68 RCW) was a 1921 act regulating the transportation of “persons and/or property”. The motor freight carriers act regulating the hauling of freight by motor vehicle was enacted in 1935, and for the most part superseded the 1921 act as to the transportation of freight, see 1935 c 184 § 45, which states in pertinent part “. . . the provisions of chapter 111 of the Laws of 1921, or acts amendatory thereto which are in conflict with this act, are hereby superseded as to such conflicting provisions”. Note also the provisions of the definitions section of the 1935 act (RCW 81.80.010) which defines “motor vehicle” as “any truck, trailer, semi-trailer, tractor or any self-propelled or motor driven vehicle used upon any public highway of this state for the purpose of transporting property, but not including baggage, mail and express transported on the vehicles of auto transportation companies carrying passengers”. As a matter of executive construction, the commission certifies the carriage of baggage, mail and express by auto transportation companies, as an adjunct to the carriage of passengers, under the authority of the 1921 act. We accordingly, in this section and in other sections of this chapter have substituted for the phrase “persons and/or property” the phrase “persons, and baggage, mail and express on the vehicles of auto transportation companies carrying passengers”.

In the second paragraph of subdivision (3) after "or towns" and before "and for a distance" the words "under a franchise granted by a city prior to the enactment of this act" have been deleted for the following reasons. The original session law, 1921 c 111 § 1(d) provided that the term "auto transportation company" should not apply to vehicles "operating exclusively within the incorporated limits of any city or town". In other words, city bus lines were not to be required to obtain the certificate of public convenience and necessity provided in the act for auto stage operations. The difficulty arises from the amendment of this section by 1935 c 120 § 1(d) which, while retaining the aforementioned exemption, added the second paragraph of subdivision (d) which in substance provided that the act should not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns *under a franchise granted by a city prior to the enactment of this law*, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in which the starting point of the vehicle is located. The phrase contained in the 1935 amendment "prior to the enactment of this law" is ambiguous in that it cannot be ascertained whether "this law" means the 1921 act, as would be dictated by the ordinary rules of statutory construction or whether it means the 1935 act, in which case doubt has been cast upon its constitutionality, the theory having been advanced that it may in such case constitute a grant of special privileges or immunities, see *State ex rel Bacich v. Huse*. We are informed that as a result of this ambiguity, neither the commission nor its predecessor has ever applied the franchise provision. To accord with this administrative construction which has been followed for a period of some twenty-six years, the phrase is herewith deleted.

Explanatory
note.

- 81.68.020 Source—[1927 c 166 § 1; 1921 c 111 § 2; RRS § 6388.]
"act" to "chapter".
"and, or, property" to "and baggage, mail and express on the vehicles of auto transportation companies carrying passengers,".
- 81.68.030 Source—[1921 c 111 § 3; RRS § 6389.]
"State of Washington" deleted from phrase "commission of the State of Washington".
See notes to 81.68.010.
"Section 6 of this act" to "RCW 81.68.070".
In first paragraph, last sentence: "act" to "chapter".
In second paragraph, "section" to "chapter".
- 81.68.040 Source—[1921 c 111 § 4; RRS § 6390.]
"act" to "chapter".
"and, or, property" to ". and baggage, mail and express on the vehicles of auto transportation companies carrying passengers,".
See notes to 81.68.010.
In first sentence, "hereafter" deleted from phrase "shall hereafter operate".
- 81.68.050 Source—[1955 c 125 § 9. Prior: 1937 c 158 § 2, part; RRS § 10417-1, part.]
- 81.68.060 Source—[1921 c 111 § 5; RRS § 6391.]
", and, or, property," to ". and baggage, mail and express on the vehicles of auto transportation companies carrying passengers,".
See notes to 81.68.010.
- 81.68.065 Source—[(i) 949 c 127 § 1; Rem. Supp. 1949 § 6386-5a. (ii) 1949 c 127 § 2; Rem. Supp. 1949 § 6386-5b.]

- Explanatory note. 81.68.070 Source—[1921 c 111 § 6; RRS § 6392.]
 “act” to “chapter”.
 “the public service commission law of this state” to “this title”.
- 81.68.080 Source—[1921 c 111 § 7; RRS § 6393.]
 “act” to “chapter”.
 “director” to “direction” to correct manifest clerical error.
- 81.68.090 Source—[1921 c 111 § 8; RRS § 6394.]
 “act” to “chapter”.

Chapter 81.80 Motor Freight Carriers

- 81.80.010 Source—[1937 c 166 § 2; 1935 c 184 § 2; RRS § 6382-2.]
 “act” to “chapter” since 1935 c 184, as amended and specifically added to, appears in chapter 81.80, alone.
 Definition of department deleted as the public service commission has succeeded to the powers and duties of the department of public service, and commission is defined as the public service commission in RCW 81.04.010.
 “The term” deleted where it appears in the session law definitions, to conform with the style of definitions in the general definition section, RCW 81.04.010.
 “section 3 hereof” to “RCW 81.80.040”.
- 81.80.020 Source—[1937 c 166 § 1; 1935 c 184 § 1; RRS § 6382-1.]
 In the second sentence, “existing law” has reference to the law in existence prior to 1935, and is retained herein on the basis of Sec. 81.98.010 which provides that the provisions of this title shall be construed as continuations and not as new enactments.
- 81.80.030 Source—[1937 c 166 § 3; RRS § 6382-2a.]
 “the act” to “this chapter”.
- 81.80.040 Source—[1957 c 205 § 4; 1949 c 133 § 1; 1947 c 264 § 1; 1937 c 166 § 4; 1935 c 184 § 3; Rem. Supp. 1949 § 6382-3.]
- 81.80.050 Source—[1935 c 184 § 4; RRS § 6382-4.]
 “act” to “chapter”.
- 81.80.060 Source—[1937 c 166 § 5; RRS § 6382-4a.]
- 81.80.070 Source—[1953 c 95 § 17; 1947 c 264 § 2; 1941 c 163 § 1; 1937 c 166 § 6; 1935 c 184 § 5; Rem. Supp. 1947 § 6382-5.]
- 81.80.080 Source—[1935 c 184 § 6; RRS § 6382-6.]
- 81.80.090 Source—[1941 c 163 § 2; 1937 c 166 § 7; 1935 c 184 § 7; RRS § 6382-7.]
- 81.80.100 Source—[1935 c 194 § 8; RRS § 6382-8.]
- 81.80.110 Source—[1947 c 264 § 3; 1935 c 184 § 9; Rem. Supp. 1947 § 6382-9.]
 “act” to “chapter”.
- 81.80.120 Source—[1937 c 166 § 8; 1935 c 184 § 10; RRS § 6382-10.]
 “act” to “chapter”.
- 81.80.130 Source—[1957 c 205 § 5; 1937 c 166 § 9; 1935 c 184 § 11; RRS § 6382-11.]
- 81.80.140 Source—[1937 c 166 § 11; 1935 c 184 § 12; RRS § 6382-12.]
- 81.80.150 Source—[1959 c 248 § 5; 1957 c 205 § 6; 1947 c 264 § 4; 1941 c 163 § 3; 1937 c 166 § 10; Rem. Supp. 1947 § 6382-11a.]
- 81.80.170 Source—[1953 c 95 § 18; 1947 c 264 § 5; 1937 c 166 § 12; 1935 c 184 § 14; Rem. Supp. 1947 § 6382-14.]
- 81.80.180 Source—[1941 c 163 § 4; 1937 c 166 § 13; 1935 c 184 § 15; RRS § 6382-15.]
 “section 2 of this act” to “RCW 81.80.010”.
 “section 2 herein” to “RCW 81.80.010”.
 “section 1” to “RCW 81.80.020”.
 “act” to “chapter”.
- 81.80.190 Source—[1935 c 184 § 16; RRS § 6382-16.]
 “act” to “chapter”.
- 81.80.200 Source—[1937 c 166 § 14; 1935 c 184 § 17; RRS § 6382-17.]
 “the provisions of section 10 hereof” to “RCW 81.80.120”

- wherein appears 1935 c 184 § 10 although the phrase first appears in 1937 c 166 § 14. Explanatory note.
- 81.80.211 Source—[1953 c 95 § 23.]
- 81.80.220 Source—[1937 c 166 § 16; 1935 c 184 § 19; RRS § 6382-19.]
“act” to “chapter”.
- 81.80.230 Source—[1947 c 264 § 6; Rem. Supp. 1947 § 6382-19a.]
“act” to chapter”.
- 81.80.240 Source—[1937 c 166 § 17; 1935 c 184 § 20; RRS § 6382-20.]
- 81.80.250 Source—[1935 c 184 § 21; RRS § 6382-21.]
- 81.80.260 Source—[1935 c 184 § 22; RRS § 6382-22.]
- 81.80.270 Source—[1959 c 248 § 24; 1937 c 166 § 18; 1935 c 184 § 23; RRS § 6382-23.]
- 81.80.280 Source—[1935 c 184 § 24; RRS § 6382-24.]
“act” to “chapter”.
- 81.80.290 Source—[1935 c 184 § 25; RRS § 6382-25.]
“act” to “chapter”.
- 81.80.300 Source—[1935 c 184 § 26; RRS § 6382-26.]
“act” to “chapter.”
- 81.80.310 Source—[1959 c 248 § 6; 1953 c 95 § 19; 1949 c 129 § 1; 1947 c 264 § 7; 1937 c 166 § 19; 1935 c 184 § 27; Rem. Supp 1949 § 6382-27.]
- 81.80.312 Source—[1953 c 95 § 20.]
- 81.80.314 Source—[1959 c 248 § 7; 1953 c 95 § 21.]
- 81.80.316 Source—[1959 c 248 § 8; 1953 c 129 § 3.]
- 81.80.317 Source—[1955 c 79 § 9.]
“effective date of this act” to “June 9, 1955”.
- 81.80.318 Source—[1955 c 79 § 10.]
- 81.80.320 Source—[1959 c 248 § 9; 1955 c 205 § 7; 1955 c 79 § 8; 1943 c 104 § 1; 1937 c 166 § 20; 1935 c 184 § 28; Rem. Supp. 1943 § 6382-28.]
- 81.80.330 Source—[1935 c 184 § 29; RRS § 6382-29.]
“act” to “chapter”.
- 81.80.340 Source—[1947 c 264 § 9; 1935 c 184 § 30; RRS § 6382-30.]
“act” to “chapter”.
“the public service commission law of this state” to “this title”.
- 81.80.350 Source—[1937 c 166 § 21; 1935 c 184 § 31; RRS § 6382-31.]
“act” to “chapter”.
- 81.80.355 Source—[1957 c 205 § 8; 1953 c 95 § 22.]
- 81.80.360 Source—[1937 c 166 § 22; RRS § 6382-31a.]
“act” to “chapter”.
“chapter 117, Laws of 1911, as amended and supplemented,” to “this title”.
- 81.80.370 Source—[1935 c 184 § 32; RRS § 6382-32.]
“act” to “chapter”.
- 81.80.380 Source—[1935 c 184 § 33; RRS § 6382-33.]
- 81.80.391 Source—[1953 c 129 § 1.]

Chapter 81.84 Steamboat Companies

- 81.84.010 Source—[1950 ex.s. c 6 § 1, part; 1927 c 248 § 1, part; RRS § 10361-1, part.]
The 1941 Code Committee divided and codified 1950 ex.s. c 6 § 1 as RCW 81.84.010 through 81.84.030. This division has been followed as it does not appear that any substantive change is involved.
“this act” to “this chapter”.
“Washington Public Service” deleted from phrase, “Washington Public Service Commission” in view of definition of “commission” in 81.04.010.
- 81.84.020 Source—[1950 ex.s. c 6 § 1, part; 1927 c 248 § 1, part; RRS § 10361-1, part.]
See notes to 81.84.010.
- 81.84.030 Source—[1950 ex.s. c 6 § 1, part; 1927 c 248 § 1, part; RRS § 10361-1, part.]

Explanatory
note.

See notes to 81.84.010.
"this act" to "this chapter".
"this act" to "this title".

81.84.040 Source—[1955 c 125 § 10. Prior: 1939 c 123 § 3, part; 1937 c 158 § 4, part; RRS § 10417-3, part.]

81.84.050 Source—[1937 c 169 § 6; RRS § 10361-2.]
In first sentence, "this act" to "this title".
In last sentence, "this act" to "this chapter".

Chapter 81.88 Gas and Oil Pipe Lines

81.88.020 Source—[1951 c 94 § 2; 1915 c 132 § 2; RRS § 9965.]
"act" to "section" since 1951 c 94 § 1 is a repealer section, repealing 1915 c 132 § 1, and 1915 c 132 § 2 is the only remaining section of 1915 c 132.

81.88.030 Source—[1933 ex.s. c 61 § 1; RRS § 9965-1.]
"chapter 117, Laws of 1911 and all acts amendatory thereof and supplemental thereto" to "this title".
"act" to "section" as 1933 ex.s. c 61 § 1 is but a one section act.

Chapter 81.92 Storage Warehousemen

This chapter, presently codified as chapter 22.20 RCW, is here presented for enactment as part of Title 81, because storage warehousemen are regulated by the public service commission, and by the provisions of RCW 22.20.012 (herein 81.92.020). They are declared to be public service companies.

81.92.010 Source—[1959 c 248 § 4; 1955 c 300 § 3. Prior: 1937 c 202 § 1, part; 1933 c 154 § 1, part; RRS § 11569-1, part. Cf. 1911 c 91 § 1.]
Presently codified as RCW 22.20.010.

Definition of "commission" deleted as covered by identical definition in 81.04.010 which applies to the entire title.

81.92.020 Source—[1953 c 95 § 1.]
Presently codified as RCW 22.20.012.
"Title 81" to "this title".

81.92.030 Source—[1933 c 154 § 2; RRS § 11569-2.]
Presently codified as RCW 22.20.020.
"act" to "chapter".

81.92.040 Source—[1955 c 300 § 4. Prior: 1937 c 202 § 1, part; 1933 c 154 § 1; RRS § 11569-1, part. Cf. 1911 c 91 § 1.]
Presently codified as RCW 22.20.030.

81.92.050 Source—[1951 c 110 § 1; 1937 c 202 § 3; 1933 c 154 § 6; RRS § 11569-6.]
Presently codified as RCW 22.20.040.

"transportation revolving fund [public service revolving fund]" to "public service revolving fund".

81.92.060 Source—[1933 c 154 § 3; RRS § 11569-3. Cf. 1911 c 91 § 10.]
Presently codified as RCW 22.20.050.

81.92.070 Source—[1953 c 95 § 2; 1949 c 128 § 1; Rem. Supp. 1949 § 11569-4A.]
Presently codified as RCW 22.20.060.

81.92.080 Source—[1949 c 128 § 2; Rem. Supp. 1949 § 11569-4B.]
Presently codified as RCW 22.20.070.

81.92.090 Source—[1933 c 154 § 4; RRS § 11569-4. Cf. 1911 c 91 §§ 10, 11.]
Presently codified as RCW 22.20.080.
"act" to "chapter".

81.92.100 Source—[1937 c 202 § 2; RRS § 11569-5. Prior: 1933 c 154 § 5.]
Presently codified as RCW 22.20.090.

81.92.110 Source—[1933 c 154 § 7; RRS § 11569-7.]
Presently codified as RCW 22.20.100.

"the public service commission laws of this state" to "this title".

81.92.120 Source—[1933 c 154 § 10; RRS § 11569-10.]
Presently codified as RCW 22.20.110.

- 81.92.130 Source—[1933 c 154 § 9; RRS § 11569-9.]
Presently codified as RCW 22.20.120.
“act” to “chapter”. Explanatory note.
- 81.92.140 Source—[1933 c 154 § 8; RRS § 11569-8.]
Presently codified as RCW 22.20.130.
“act” to “chapter”.
- 81.92.150 Source—[1957 c 205 § 1].
Presently codified as RCW 22.20.135.
- 81.92.160 Source—[1955 c 164 § 1.]
This section is based upon RCW 22.01.010 [1955 c 164 § 1] which appears to have application to the whole of Title 22. The removal of chapter 22.20 and its reenactment herein as chapter 81.92, necessitates the repetition herein of RCW 22.01.010 with the exception that “any warehouseman as defined in this title” is changed to “any warehouseman as defined in this chapter”.

Chapter 81.94 Wharfingers and Warehousemen

This chapter, presently codified as chapter 22.24 RCW, is here presented for enactment as part of Title 81, because wharfingers and warehousemen subject to this chapter are expressly declared public service companies, and are regulated by the public service commission. Furthermore this chapter was originally part of the basic 1911 public service commission law.

- 81.94.010 Source—[1957 c 12 § 1. Prior: 1929 c 223 § 1, part; 1923 c 116 § 1, part; 1911 c 117 § 8, part; RRS § 10344, part.]
Presently codified as RCW 22.24.010.
Definition of “commission” deleted as covered by identical definition in 81.04.010 which applies to the entire title.
- 81.94.020 Source—[1953 c 95 § 3.]
Presently codified as RCW 22.24.012.
“Title 81” to “this title”.
- 81.94.030 Source—[1911 c 117 § 46; RRS § 10382.]
Presently codified as RCW 22.24.020.
- 81.94.040 Source—[1911 c 117 § 47; RRS § 10383.]
Presently codified as RCW 22.24.030.
- 81.94.050 Source—[1911 c 117 § 48; RRS § 10384.]
Presently codified as RCW 22.24.040.
“RCW 22.24.030” to “RCW 81.94.040”.
- 81.94.060 Source—[1911 c 117 § 49; RRS § 10385.]
Presently codified as RCW 22.24.050.]
- 81.94.070 Source—[1911 c 117 § 50; RRS § 10386.]
Presently codified as RCW 22.24.060.
- 81.94.080 Source—[1911 c 117 § 51; RRS § 10387.]
Presently codified as RCW 22.24.070.
“act” to “chapter” since the exceptions referred to are contained in the sections of 1911 c 117 codified in chapter 81.94.
- 81.94.090 Source—[1911 c 117 § 52; RRS § 10388.]
Presently codified as RCW 22.24.080.
- 81.94.100 Source—[1911 c 117 § 56; RRS § 10392.]
Presently codified as RCW 22.24.090.
The phrase appearing in the session law at the end of each paragraph, “as hereinafter provided”, was based on the relative position of sections in the 1911 act. It is here deleted.
- 81.94.110 Source—[1911 c 117 § 72; RRS § 10408.]
Presently codified as RCW 81.94.110.
- 81.94.130 Source—[1955 c 164 § 1.]
This section is based upon RCW 22.01.010 [1955 c 164 § 1] which appears to have application to the whole of Title 22. The removal of chapter 22.24 and its reenactment herein as chapter 81.92, necessitates the repetition herein of RCW 22.01-

Explanatory
note.

.010 with the exception that "any warehouseman as defined in this title" is changed to "any warehouseman as defined in this chapter".

Chapter 81.98 Construction

- 81.98.010 This section has been added to preserve continuity with the laws which this bill reenacts.
- 81.98.020 Provides that chapter, etc., headings are not part of the law.
- 81.98.030 Severability.
- 81.98.040 Repeals and saving. (See also notes to 80.98.040).
Except as noted below, the laws set forth in the schedule of repeals were either repealed previously, or are substantially reenacted in this bill. The numbers in parentheses correspond with the like numbered subdivisions of the repealer schedule.
- (7) § 4 omitted as superfluous.
 - (13) Omitted as superseded by 1901 c 103, herein 81.64.090—81.64.110.
 - (16) § 3 omitted as obsolete.
 - (21) §§ 1 and 3 through 8 omitted as obsolete, see note to 81.56.140, above.
 - (30) § 3 omitted as obsolete.
 - (43) § 11 omitted as obsolete.
 - (55) §§ 43, 45, 46, 47 omitted as obsolete.
 - (58) § 23 omitted as obsolete.
- 81.98.050 Effective date. The standard emergency clause is used for the title.

CHAPTER 15.

[H. B. 6.]

EXCISE, INHERITANCE, GIFT, PROPERTY TAXES—
TITLES 82, 83, 84 RCW REENACTMENTS

AN ACT Relating to revenue and taxation; enacting a revenue and taxation code to be known as Title 82 RCW—Excise Taxes, Title 83 RCW—Inheritance and Gift Taxes, and Title 84 RCW—Property Taxes; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

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

TITLE 82

EXCISE TAXES

Chapter 82.01

TAX COMMISSION

82.01.010 Commission created—Terms—Vacancies—Office location. There shall be a commission known as the “tax commission of the state of Washington.” It shall be composed of three members possessing special knowledge of the subject of taxation, to be appointed by the governor, with the consent of the senate and be subject to removal in the manner provided in RCW 43.06.070, 43.06.080, and 43.06.090: *Provided*, That the chairman shall serve at the pleasure of the governor.

Two commissioners shall hold office for a term of six years, and until his successor is appointed and qualified. The terms shall be staggered so that the term of one commissioner will expire on January 31st of different odd-numbered years. The term of the commissioner which commenced February 1, 1953 shall expire June 30, 1957. His successor to be appointed by the governor shall be the chairman of the commission.

In case of a vacancy, it shall be filled by appointment by the governor for the unexpired portion of the term in which the vacancy occurs.

The office of the commission shall be at the state capital.

82.01.020 Qualifications—Bond—Oath. Each commissioner shall devote his entire time to the duties of his office, and shall hold no other public office.

Before entering upon the duties of his office, each commissioner shall furnish a surety bond executed by a surety company authorized to do business in this state, payable to the state, to be approved by the governor, in the penal sum of five thousand dollars, conditioned for the faithful performance of his duties, and shall take

and subscribe the oath of office prescribed for elective state officers, which oath and bond shall be filed with the secretary of state.

82.01.030 Meetings—Quorum — Minutes — Seal — Records. The governor shall designate the chairman of the commission.

A majority of the members of the commission shall constitute a quorum.

The commission may hold sessions or conduct hearings and investigations at places in the state other than the capital when deemed necessary.

The commission may by order refer to one of its members or its employees the duty of making investigations or taking testimony, or both, and reporting thereon to the commission, but no determination shall be made except by a majority vote of the commission.

The commission shall keep full and correct minutes of its transactions and proceedings, which shall at all times be open to public inspection.

It shall adopt and procure a seal and all process or certificates issued by it shall be attested thereunder. Copies of the records of the commission shall be certified by the secretary and attested with the seal.

Any member of the commission, or any employee thereof, officially designated by the commission, may administer oaths in all matters pertaining to the proceedings or official duties of the commission.

82.01.040 Employees—Expenses. The tax commission may appoint, discharge, and fix the compensation of a secretary and such other assistants and employees as may be necessary to perform the duties required of it by law, and make such expenditures as may be necessary for the performance of its duties.

Chapter 82.02

GENERAL PROVISIONS

82.02.010 Definitions. For the purpose of this title and, unless otherwise required by the context:

(1) The term "tax commission" or the word "commission" means the tax commission of the state of Washington;

(2) The word "taxpayer" includes any individual, group of individuals, corporation, or association liable for any tax or the collection of any tax hereunder, or who engages in any business or performs any act for which a tax is imposed by this title;

(3) Words in the singular number shall include the plural and the plural shall include the singular. Words in one gender shall include all other genders.

82.02.020 State preempts certain tax fields. The state preempts the field of imposing taxes upon retail sales of tangible personal property, the use of tangible personal property, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature.

Chapter 82.04

BUSINESS AND OCCUPATION TAX

82.04.010 Introductory. For the purposes of this chapter, unless otherwise required by the context, the terms used herein shall have the meaning given to them in RCW 82.04.020 through 82.04.212.

82.04.020 "Tax year," "taxable year." "Tax year" or "taxable year" means either the calendar year, or the taxpayer's fiscal year when permission is obtained from the tax commission to use a fiscal year in lieu of the calendar year.

82.04.030 "Person," "company." "Person" or "company," herein used interchangeably, means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof.

82.04.040 "Sale," "casual or isolated sale." "Sale" means any transfer of the ownership of, title to, or possession of property for a valuable consideration and includes any activity classified as a "sale at retail" or "retail sale" under RCW 82.04.050. It includes renting or leasing, conditional sale contracts, leases with option to purchase, and any contract under which possession of the property is given to the purchaser but title is retained by the vendor as security for the payment of the purchase price. It also includes the furnishing of food, drink, or meals for compensation whether consumed upon the premises or not.

"Casual or isolated sale" means a sale made by a person who is not engaged in the business of selling the type of property involved.

82.04.050 "Sale at retail," "retail sale." "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) other than a sale to one who (a) purchases for the purpose of resale as tangible personal property in the regular course of business, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible

personal property or substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsection (2), and 82.04.290.

The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, excluding, however, services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; (d) the sale of or charge made for labor and services rendered in respect to automobile towing, armored car service and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any publicly owned street, place, road, highway, bridge, or trestle which is used or to be used primarily for foot or vehicular traffic, nor shall it include sales of feed, seed, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects.

Note: See also section 1, chapter 293, Laws of 1961; also section 1, chapter 24, Laws of 1961 extraordinary session.

82.04.060 "Sale at wholesale," "wholesale sale." "Sale at wholesale" or "wholesale sale" means any sale of tangible personal property which is not a sale at retail and means any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers: *Provided*, That the term "real or personal property" as used in this section shall not include any natural products named in RCW 82.04.100.

82.04.070 "Gross proceeds of sales." "Gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property and/or for services rendered, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

82.04.080 "Gross income of the business." "Gross income of the business" means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

82.04.090 "Value proceeding or accruing." "Value proceeding or accruing" means the consideration, whether money, credits, rights, or other property expressed in terms of money, actually received or accrued. The term shall be applied, in each case, on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the taxpayer. The tax commission may provide by regulation that the value proceeding or accruing from sales on the installment plan under conditional contracts of sale may be reported as of the dates when the payments become due.

82.04.100 "Extractor." "Extractor" means every person who from his own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber

or other natural products, or takes, cultivates, or raises fish, shell fish, or other sea or inland water foods or products. It does not include persons performing under contract the necessary labor or mechanical services for others.

82.04.110 "Manufacturer." "Manufacturer" means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or for commercial or industrial use from his own materials or ingredients any articles, substances or commodities. When the owner of equipment or facilities furnishes, or sells to the customer prior to manufacture, all or a portion of the materials that become a part or whole of the manufactured article, the tax commission shall prescribe equitable rules for determining tax liability.

82.04.120 "To manufacture." "To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles.

82.04.130 "Commercial or industrial use." "Commercial or industrial use" means the following uses of products, including by-products, by the extractor or manufacturer thereof:

- (1) Any use as a consumer; and
- (2) The manufacturing of articles, substances or commodities from extracted products, including byproducts.

82.04.140 "Business." "Business" includes all activities engaged in with the object of gain, benefit, or advantage to the taxpayer or to another person or class, directly or indirectly.

82.04.150 "Engaging in business." "Engaging in business" means commencing, conducting, or continuing in business and also the exercise of corporate or franchise powers as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

82.04.160 "Cash discount." "Cash discount" means a deduction from the invoice price of goods or charge for services which is allowed if the bill is paid on or before a specified date.

82.04.170 "Tuition fee." "Tuition fee" includes library, laboratory, health service and other special fees, and amounts charged for room and board by an educational institution when the property or service for which such charges are made is furnished exclusively to the students or faculty of such institution. "Educational institution," as used in this section, means only those institutions created

or generally accredited as such by the state and offering to students an educational program of a general academic nature or those institutions which are not operated for profit and which are privately endowed under a deed of trust to offer instruction in trade, industry, and agriculture, but not including specialty schools, business colleges, other trade schools, or similar institutions.

82.04.180 "Successor." "Successor" means any person who, through direct or mesne conveyance, purchases or succeeds to the business, or portion thereof, or the whole or any part of the stock of goods, wares, merchandise, or fixtures or any interest therein of a taxpayer quitting, selling out, exchanging, or otherwise disposing of his business. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor.

82.04.190 "Consumer." "Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale;

(2) Any person engaged in any business activity taxable under RCW 82.04.290;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any publicly owned street, place, road, highway, bridge or trestle which is used or to be used primarily for foot or vehicular traffic as defined in RCW 82.04.280, in respect, however, only to tangible personal property used or consumed in such business;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real or personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business, excluding only the United States, the state, and its political subdivisions in respect to labor and services rendered to their real property which is used or held for public road purposes.

82.04.200 “**In this state,**” “**within this state.**” “In this state” or “within this state” includes all federal areas lying within the exterior boundaries of the state.

82.04.210 “**Byproduct.**” “Byproduct” means any additional product, other than the principal or intended product, which results from extracting or manufacturing activities and which has a market value, without regard to whether or not such additional product was an expected or intended result of the extracting or manufacturing activities.

82.04.212 “**Retail store or outlet.**” “Retail store or outlet” does not mean a device or apparatus through which sales are activated by coin deposits but the phrase shall include automats or business establishments retailing diversified goods primarily through the use of such devices or apparatus.

82.04.220 **Business and occupation tax imposed.** There is levied and shall be collected from every person a tax for the act or privilege of engaging in business activities. Such tax shall be measured by the application of rates against value of products, gross proceeds of sales, or gross income of the business, as the case may be.

82.04.230 **Tax on extractors.** Upon every person engaging within this state in business as an extractor; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, extracted for sale or for commercial or industrial use, multiplied by the rate of one-quarter of one percent;

The measure of the tax is the value of the products, including byproducts, so extracted, regardless of the place of sale or the fact that deliveries may be made to points outside the state.

82.04.240 **Tax on manufacturers.** Upon every person except persons taxable under subsections (2) or (3) of RCW 82.04.260 engaging within this state in business as a manufacturer; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including byproducts, manufactured, multiplied by the rate of one-quarter of one percent.

The measure of the tax is the value of the products, including byproducts, so manufactured regardless of the place of sale or the fact that deliveries may be made to points outside the state.

82.04.250 **Tax on retailers.** Upon every person engaging within this state in the business of making sales at retail; as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales of the business, multiplied by the rate of one-quarter of one percent.

82.04.260 **Tax on buyer and wholesale seller of grains—Flour manufacturers—Seafood products manufacturers.** (1) Upon every

person engaging within this state in the business of buying wheat, oats, corn and barley, but not including any manufactured or processed products thereof, and selling the same at wholesale; the tax imposed shall be equal to the gross proceeds derived from such sales multiplied by the rate of one one-hundredth of one percent.

(2) Upon every person engaging within this state in the business of manufacturing wheat into flour; as to such persons the amount of tax with respect to such business shall be equal to the value of the flour manufactured, multiplied by the rate of one-eighth of one percent.

(3) Upon every person engaging within this state in the business of manufacturing seafood products which remain in a raw, raw frozen, or raw salted state at the completion of the manufacturing by that person; as to such persons the amount of tax with respect to such business shall be equal to the value of the products manufactured, multiplied by the rate of one-eighth of one percent.

82.04.270 Tax on wholesalers, distributors. (1) Upon every person except persons taxable under subsection (1) of RCW 82.04-.260 engaging within this state in the business of making sales at wholesale; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of one-quarter of one percent.

(2) The tax imposed by this section is levied and shall be collected from every person engaged in the business of distributing in this state articles of tangible personal property, owned by them from their own warehouse or other central location in this state to two or more of their own retail stores or outlets, where no change of title or ownership occurs, the intent hereof being to impose a tax equal to the wholesaler's tax upon persons performing functions essentially comparable to those of a wholesaler, but not actually making sales: *Provided*, That the tax designated in this section may not be assessed twice to the same person for the same article. The amount of the tax as to such persons shall be computed by multiplying one-quarter of one percent the value of the article so distributed as of the time of such distribution: *Provided*, That persons engaged in the activities described in this subsection shall not be liable for the tax imposed if by proper invoice it can be shown that they have purchased such property from a wholesaler who has paid a business and occupation tax to the state upon the same articles. This proviso shall not apply to purchases from manufacturers as defined in RCW 82.04.110. The tax commission shall prescribe uniform and equitable rules for the purpose of ascertaining such value, which value shall correspond as nearly as possible to the gross proceeds from sales at wholesale in this state of similar articles of like quality and character, and in similar quantities

by other taxpayers: *Provided further*, That delivery trucks or vans will not under the purposes of this section be considered to be retail stores or outlets.

82.04.275 Tax on certain wholesale sales of cigarettes. Upon every person engaging within this state in the business of wholesale sales of manufacturer's stock of cigarettes warehoused in this state by the manufacturer and sold by him at wholesale in this state; as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of sales of such business multiplied by the rate of one-tenth of one percent.

Persons and activities taxed under this section shall not be liable for the wholesaling tax under the provisions of RCW 82.04.270.

82.04.280 Tax on printers, publishers, highway contractors, extracting or processing for hire, cold storage warehouse operation. Upon every person engaging within this state in the business of: (1) Printing, and of publishing newspapers, periodicals or magazines; (2) building, repairing or improving any publicly owned street, place, road, highway, bridge or trestle which is used, or to be used, primarily for foot or vehicular traffic including any readjustment, reconstruction or relocation of the facilities of any public, private or cooperatively owned utility or railroad in the course of such building, repairing or improving, the cost of which readjustment, reconstruction, or relocation, is the responsibility of the public authority whose street, place, road, highway, bridge or trestle is being built, repaired or improved; (3) extracting for hire or processing for hire; (4) operating a cold storage warehouse, but not including the rental of cold storage lockers; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of one-quarter of one percent.

82.04.290 Tax on other business or service activities. Upon every person engaging within this state in any business activity other than or in addition to those enumerated in RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.275 and 82.04.280; as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of one percent. This section includes, among others, and without limiting the scope hereof (whether or not title to materials used in the performance of such business passes to another by accession, confusion or other than by outright sale), persons engaged in the business of rendering any type of service which does not constitute a "sale at retail" or a "sale at wholesale." The additional tax imposed in RCW 82.04.296 shall not apply to persons or activities taxable under this section.

82.04.295 Temporary surtax imposed. From and after the first day of November, 1951, until the thirtieth day of April, 1953 there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by this chapter and as a temporary increase thereof, a surtax in the amount of twenty percent of the tax payable under this chapter.

82.04.296 Additional tax imposed. From and after the first day of May, 1955, there is levied and shall be collected from every person for the act or privilege of engaging in business activities, as a part of the tax imposed by this chapter, other than those activities taxed pursuant to RCW 82.04.260, an additional tax in the amount of sixty percent of the tax payable under this chapter: *Provided*, That from April 1, 1959 until July 1, 1961 the additional tax imposed under this section shall be in the amount of seventy-six percent of the tax payable under this chapter. To facilitate collection of this additional tax, the tax commission is authorized to adjust the basic rates of persons to which this section applies in such manner as to reflect the exact amount of the additional tax hereby imposed.

Note: See also section 2, chapter 293, Laws of 1961.

82.04.300 Exemptions—Based on monthly gross or yearly gross. This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.230, 82.04.240, 82.04.250, 82.04.260, 82.04.270, 82.04.275 and 82.04.280 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than three hundred dollars per month: *Provided*, That where one person engages in more than one business activity and the combined measures of the tax applicable to such businesses equal or exceed three hundred dollars per month, no exemption or deduction from the amount of tax is allowed by this section.

This chapter shall apply to any person engaging in any business activity taxable under RCW 82.04.290 other than those whose value of products, gross proceeds of sales, or gross income of the business is less than thirty-six hundred dollars per year: *Provided*, That where one person engages in more than one business activity and the combined measures of tax applicable to such business equals or exceeds thirty-six hundred dollars, no exemption or deduction from the amount of tax is allowed by this section.

Any person claiming exemption under the provisions of this section may be required to file returns even though no tax may be due: *Provided, further*, That the tax commission may allow exemptions, by general rule or regulation, in those instances in which quarterly, semiannual, or annual returns are permitted. Exemptions for such periods shall be equivalent in amount to the total of exemptions for each month of a reporting period.

Note: See also section 3, chapter 293, Laws of 1961.

82.04.310 Exemptions—Public utilities. This chapter shall not apply to any person in respect to a business activity with respect to which tax liability is specifically imposed under the provisions of chapter 82.16.

82.04.320 Exemptions—Insurance business. This chapter shall not apply to any person in respect to insurance business upon which a tax based on gross premiums is paid to the state: *Provided*, That the provisions of this section shall not exempt any person engaging in the business of representing any insurance company, whether as general or local agent, or acting as broker for such companies: *Provided further*, That the provisions of this section shall not exempt any bonding company from tax with respect to gross income derived from the completion of any contract as to which it is a surety, or as to any liability as successor to the liability of the defaulting contractor.

82.04.330 Exemptions—Agriculture. This chapter shall not apply to any person in respect to the business of growing or producing for sale upon his own lands or upon land in which he has a present right of possession, any agricultural or horticultural produce or crop, including the raising for sale of any animal, bird, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail; nor to the sale of any animal or substance obtained therefrom by a person in connection with his business of operating a stockyard or a slaughter or packing house; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter.

82.04.340 Exemptions—Athletic exhibitions. This chapter shall not apply to any person in respect to the business of conducting boxing contests and sparring or wrestling matches and exhibitions for the conduct of which a license must be secured from the state athletic commission.

82.04.350 Exemptions—Racing. This chapter shall not apply to any person in respect to the business of conducting race meets for the conduct of which a license must be secured from the horse racing commission.

82.04.360 Exemptions—Employees. This chapter shall not apply to any person in respect to his employment in the capacity of an employee or servant as distinguished from that of an independent contractor.

82.04.370 Exemptions—Certain fraternal and beneficiary organizations. This chapter shall not apply to fraternal benefit societies or fraternal fire insurance associations, as described in Title 48; nor to beneficiary corporations or societies organized under and existing by virtue of Title 24, if such beneficiary corporations or societies provide in their bylaws for the payment of death benefits.

Note: See also section 4, chapter 293, Laws of 1961.

82.04.380 Exemptions—Certain corporations furnishing aid and relief. This chapter shall not apply to the gross sales or the gross income received by corporations which have been incorporated under any act of the congress of the United States of America and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

82.04.390 Exemptions—Amounts derived from sale of real estate. This chapter shall not apply to gross proceeds derived from the sale of real estate. This however, shall not be construed to allow a deduction of amounts received as commissions from the sale of real estate, nor as fees, handling charges, discounts, interest or similar financial charges resulting from, or relating to, real estate transactions.

82.04.400 Exemptions—Financial institutions. This chapter shall not apply to national banks, state banks, trust companies, mutual savings banks, building and loan and savings and loan associations with respect to their banking, trust, or savings and loan business but shall apply with respect to their engaging in any other business taxable hereunder, even though such other business is conducted primarily for the purpose of liquidating the assets thereof.

82.04.410 Exemptions—Chick hatcheries. This chapter shall not apply to amounts derived by persons engaged in operating chick hatcheries from the production and sale of chicks and hatching eggs.

82.04.420 Exemptions—Persons taxable on gross income from certain mechanical devices. This chapter shall not apply to any person performing any activities with respect to which a tax is specifically imposed upon the gross operating income derived therefrom under the provisions of chapter 82.28 of this title.

82.04.425 Exemptions—Accommodation sales. This chapter shall not apply to sales for resale by persons regularly engaged in the business of making sales of the type of property so sold to other persons similarly engaged in the business of selling such property where (1) the amount paid by the buyer does not exceed the amount

paid by the seller to his vendor in the acquisition of the article and (2) the sale is made as an accommodation to the buyer to enable him to fill a bona fide existing order of a customer or is made within fourteen days to reimburse in kind a previous accommodation sale by the buyer to the seller: *Provided*, That where the seller holds himself out as being regularly engaged in the business of making sales at wholesale of such property, such sales shall be incidental to his principal business activity.

82.04.430 Deductions enumerated. In computing tax there may be deducted from the measure of tax the following items:

(1) Amounts derived by persons, other than those engaging in banking, loan, security, or other financial businesses, from investments or the use of money as such;

(2) Amounts derived from bona fide initiation fees, dues, contributions, donations, tuition fees, and endowment funds. This paragraph shall not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property or upon providing facilities or services for which a special charge is made to members or others. Dues which are for, or graduated upon, the amount of service rendered by the recipient thereof are not permitted as a deduction hereunder;

(3) The amount of cash discount actually taken by the purchaser. This deduction is not allowed in arriving at the taxable amount under the extractive or manufacturing classifications with respect to articles produced or manufactured, the reported values of which, for the purposes of this tax, have been computed according to the provisions of RCW 82.04.450;

(4) The amount of credit losses actually sustained by taxpayers whose regular books of account are kept upon an accrual basis;

(5) So much of the sale price of motor vehicle fuel as constitutes the amount of tax imposed by the state or the United States government upon the sale thereof;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived by any person as compensation for the receiving, washing, sorting, and packing of fresh perishable horticultural products and the material and supplies used therein when performed for the person exempted in RCW 82.04.330, either as agent or as independent contractor;

(8) Amounts derived as compensation for services rendered or to be rendered to patients by a hospital or other institution devoted to the care of human beings with respect to the prevention or treatment of disease, sickness, or suffering, when such hospital or other institution is operated by the United States or any of its instrumentalities, or by the state, or any of its political subdivisions;

(9) Amounts derived as compensation for services rendered to patients by a hospital or other institution which is organized as a nonprofit corporation devoted to the care of human beings with respect to the prevention or treatment of disease, sickness, or suffering, but only if no part of the net earnings received by such an institution inures directly or indirectly, to any person other than the institution entitled to deduction hereunder. In no event shall any such deduction be allowed, unless the hospital building is entitled to exemption from taxation under the property tax laws of this state, and unless the superintendent or other proper officer of the institution, under oath, makes annual reports to the state department of health of its receipts and disbursements during the preceding year, specifying in detail the sources from which receipts have been derived, and the object to which disbursements have been applied, and furnishes in such report full and complete vital statistics for the use and information of the state department of health.

Note: See also section 5, chapter 293, Laws of 1961.

82.04.440 Persons taxable on multiple activities. Every person engaged in activities which are within the purview of the provisions of two or more of sections RCW 82.04.230 to 82.04.290, inclusive, shall be taxable under each paragraph applicable to the activities engaged in: *Provided*, That persons taxable under RCW 82.04.250 or 82.04.270 shall not be taxable under RCW 82.04.230, 82.04.240 or subsection (2) or (3) of RCW 82.04.260 with respect to extracting or manufacturing of the products so sold, and that persons taxable under RCW 82.04.240 shall not be taxable under RCW 82.04.230 with respect to extracting the ingredients of the products so manufactured.

82.04.450 Value of products, how determined. The value of products, including byproducts, extracted or manufactured shall be determined by the gross proceeds derived from the sale thereof whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture, or sale of such products or byproducts by the seller, except:

(1) Where such products, including byproducts, are extracted or manufactured for commercial or industrial use;

(2) Where such products, including byproducts, are shipped, transported or transferred out of the state, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale.

In the above cases the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily pay-

able by the purchaser or by any third person with respect to the extraction, manufacture, or sale of such products. The tax commission shall prescribe uniform and equitable rules for the purpose of ascertaining such values.

82.04.460 Business within and without state—Apportionment. Any person rendering services and maintaining places of business both within and without this state shall, for the purpose of computing tax liability under this chapter, apportion to this state that portion of his gross income which is derived from services rendered within this state. Where such apportionment cannot be accurately made by separate accounting methods, the taxpayer shall apportion to this state that proportion of his total income which the cost of doing business within the state bears to the total cost of doing business both within and without the state.

82.04.470 Resale certificate—Burden of proof. Unless a seller has taken from the purchaser a resale certificate signed by, and bearing the name and address and registration number of the purchaser to the effect that the property was purchased for resale, or unless the nature of the transaction is clearly shown as a sale at wholesale by the books and records of the taxpayer in such other manner as the tax commission shall by regulation provide, the burden of proving that a sale of tangible personal property was not a sale at retail shall be upon the person who made it.

82.04.480 Sales in own name—Sales as agent. Every consignee, bailee, factor, or auctioneer having either actual or constructive possession of tangible personal property, or having possession of the documents of title thereto, with power to sell such tangible personal property in his or its own name and actually so selling, shall be deemed the seller of such tangible personal property within the meaning of this chapter; and further, the consignor, bailor, principal, or owner shall be deemed a seller of such property to the consignee, bailee, factor, or auctioneer.

The burden shall be upon the taxpayer in every case to establish the fact that he is not engaged in the business of selling tangible personal property but is acting merely as broker or agent in promoting sales for a principal. Such claim will be allowed only when the taxpayer's accounting records are kept in such manner as the tax commission shall by general regulation provide.

82.04.490 Tax payable monthly—Returns—Monthly estimate and quarterly returns, procedure. The taxes imposed hereunder shall be due and payable in monthly installments and remittance therefor shall be made on or before the fifteenth day of the month next succeeding the end of the monthly period in which tax accrued. The taxpayer, on or before said fifteenth day of said month,

shall make out a return, upon such forms and setting forth such information as the tax commission may require, showing the amount of the tax for which he is liable for the preceding monthly period, sign and transmit the same to the commission, together with a remittance for such amount in the form required: *Provided*, That any such taxpayer may elect to remit each month on such forms as the tax commission shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the commission on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: *Provided further*, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, ninety percent of the tax actually collected or owing during the month, whichever is greater.

The tax commission may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The tax commission may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The tax commission may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

82.04.500 Tax part of operating overhead. It is not the intention of this chapter that the taxes herein levied upon persons engaging in business be construed as taxes upon the purchasers or customers, but that such taxes shall be levied upon, and collectible from, the person engaging in the business activities herein designated and that such taxes shall constitute a part of the operating overhead of such persons.

82.04.510 General administrative provisions invoked. All of the provisions contained in chapter 82.32 shall have full force and application with respect to taxes imposed under the provisions of this chapter. Taxpayers submitting monthly estimates of taxes due under this chapter shall be subject to the provisions of chapter 82.32 if they fail to remit ninety percent of the taxes actually collected or due for the reporting period.

82.04.900 Construction. RCW 82.04.440 shall have retrospective effect to August 1, 1950, as well as have prospective effect.

Chapter 82.08

RETAIL SALES TAX

82.08.010 Definitions. For the purposes of this chapter:

(1) "Selling price" means the consideration, whether money, credits, rights, or other property, expressed in the terms of money paid or delivered by a buyer to a seller, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expenses whatsoever paid or accrued and without any deduction on account of losses; but shall not include the amount of cash discount actually taken by a buyer;

(2) "Seller" means every person making sales at retail or retail sales to a buyer or consumer, whether as agent, broker, or principal;

(3) "Buyer" and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof;

(4) The meaning attributed in chapter 82.04 to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale sale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter.

82.08.020 Retail sales tax imposed. There is levied and there shall be collected a tax on each retail sale in this state equal to three and one-third percent of the selling price: *Provided*, That from April 1, 1959 until July 1, 1961 the tax imposed by this section shall be equal to four percent of the selling price. The tax imposed under this chapter shall apply to successive retail sales of the same property and to the retail sale of intoxicating liquor by the Washington state liquor stores.

Note: See also section 6, chapter 293, Laws of 1961.

82.08.030 Exemptions. The tax hereby levied shall not apply to the following sales:

(1) Casual and isolated sales of property or service, unless made by a person who is engaged in a business activity taxable under

chapters 82.04, 82.16 or 82.28: *Provided*, That the exemption provided by this paragraph shall not be construed as providing any exemption from the tax imposed by chapter 82.12;

(2) Sales made by persons in the course of business activities with respect to which tax liability is specifically imposed under chapter 82.16, when the gross proceeds from such sales must be included in the measure of the tax imposed under said chapter;

(3) The distribution and newsstand sale of newspapers;

(4) Sales which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(5) Sales of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and sales of motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of any such fuel upon which a refund of the motor vehicle fuel tax has been obtained shall be subject to the tax imposed by chapter 82.12;

(6) Sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11) of RCW 82.16.010;

(7) Auction sales made by or through auctioneers of tangible personal property (including household goods) which have been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise;

(8) Sales to corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same;

(9) Sales of purebred livestock for breeding purposes where the animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(10) Sales of tangible personal property (other than the type referred to in subdivision (11) hereof) for use by the purchaser in connection with the business of operating as a private or common carrier by air, rail, or water in interstate or foreign commerce:

Provided, That any actual use of such property in this state shall, at the time of such actual use, be subject to the tax imposed by chapter 82.12;

(11) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or for use in conducting commercial deep sea fishing operations outside the territorial waters of the state; also sales of tangible personal property which becomes a component part of such airplanes, locomotives, railroad cars, or watercraft, and of motor vehicles or trailers used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state, in the course of constructing, repairing, cleaning, altering, or improving the same; also sales of or charges made for labor and services rendered in respect to such constructing, repairing, cleaning, altering, or improving;

(12) Sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce: *Provided*, That the purchaser must be the holder of a carrier permit issued by the Interstate Commerce Commission, and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of licenses pursuant to the provisions of RCW 46.16.100;

(13) Sales of motor vehicles and trailers to nonresidents of this state for use outside of this state, even though delivery be made within this state, but only when (a) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a one-transit permit issued by the director of licenses pursuant to the provisions of RCW 46.16-.100, or (b) said motor vehicles and trailers will be registered and licensed immediately under the laws of the state of the purchaser's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state;

(14) Sales to nonresidents of this state for use outside of this state of tangible personal property which becomes a component part of any machinery or other article of personal property belonging to such nonresident, in the course of installing, repairing, cleaning, altering, or improving the same and also sales of or charges made for labor and services rendered in respect to any installing, repairing, cleaning, altering, or improving, of personal property of or for a nonresident, but this subsection (14) shall apply only when the seller agrees to, and does, deliver the property to the

purchaser at a point outside this state, or delivers the property to a common or bona fide private carrier consigned to the purchaser at a point outside this state;

(15) Sales to nonresidents of this state for use outside of this state of watercraft of a length requiring coast guard registration, even though delivery be made within this state, but only when (a) the watercraft will not be used within this state for more than forty-five days and (b) an appropriate exemption certificate supported by identification ascertaining residence as provided by the tax commission and signed by the purchaser or his agent establishing the fact that the purchaser is a nonresident and that the watercraft is for use outside of this state, one copy to be filed with the tax commission with the regular report and a duplicate to be retained by the dealer.

Note: See also section 7, chapter 293, Laws of 1961.

82.08.040 Consignee, factor, bailee, auctioneer deemed seller. Every consignee, bailee, factor, or auctioneer authorized, engaged, or employed to sell or call for bids on tangible personal property belonging to another, and so selling or calling, shall be deemed the seller of such tangible personal property within the meaning of this chapter and all sales made by such persons are subject to its provisions even though the sale would have been exempt from tax hereunder had it been made directly by the owner of the property sold. Every consignee, bailee, factor, or auctioneer shall collect and remit the amount of tax due under this chapter with respect to sales made or called by him: *Provided*, That if the owner of the property sold is engaged in the business of selling tangible personal property in this state the tax imposed under this chapter may be remitted by such owner under such rules and regulations as the tax commission shall prescribe.

82.08.050 Buyer to pay, seller to collect tax—Penalties. The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the tax commission pursuant to the provisions of RCW 82.08.060. The tax required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the commission, and any seller who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter shall be guilty of a misdemeanor.

In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay it to the commission in the manner prescribed by this chapter, whether such failure is the

result of his own acts or the result of acts or conditions beyond his control, he shall, nevertheless, be personally liable to the state for the amount of the tax.

The amount of tax, until paid by the buyer to the seller or to the commission, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor.

Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the commission, the commission may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the commission; and all of the provisions of chapter 82.32, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various provisions of chapter 82.32, the fifteenth day of the month following the bimonthly tax period in which the purchase was made shall be considered as the due date of the tax.

82.08.060 Collection of tax—Methods and schedules. The tax commission shall have power to adopt rules and regulations prescribing methods and schedules for the collection of the tax required to be collected by the seller from the buyer under this chapter. The methods and schedules prescribed shall be adopted so as to eliminate the collection of fractions of one cent and so as to provide that the aggregate collections of all taxes by the seller shall, insofar as practicable, equal the amount of tax imposed by this chapter. Such schedules may provide that no tax need be collected from the buyer upon sales below a stated sum and may be amended from time to time to accomplish the purposes set forth herein.

82.08.070 Seller's monthly, estimated, annual, etc., returns—Remittances—Reporting procedures and forms. Each seller, on or before the fifteenth day of the month succeeding the end of each monthly period, shall make out a return for the preceding monthly period, upon forms to be provided by the commission, setting forth the amount of all sales, nontaxable sales, taxable sales, the amount of tax thereon, and such other information as the commission may require, sign, and transmit the same to the commission: *Provided*, That any such taxpayer may elect to remit each month on such forms as the tax commission shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the

fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the commission on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: *Provided further*, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, ninety percent of the tax actually collected or owing during the month, whichever is greater.

The tax commission may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The tax commission may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The tax commission may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

The commission shall, by rule or regulation, establish procedures and forms for reporting consonant with efficient tax administration and accounting procedure to carry into effect the provisions of this chapter.

The commission may also require annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability. The tax accrued under the provisions of this chapter, whether or not collected from the buyer shall be paid by the seller to the commission in installments at the time of transmitting the return above provided for.

Note: See also section 8, chapter 293, Laws of 1961.

82.08.080 Vending machine sales. The commission may authorize a seller to pay the tax levied under this chapter upon sales made through vending machines and similar devices or where sales are made under conditions of business such as to render impracticable the collection of the tax as a separate item and waive collection of the tax from the customer. No such authority shall be granted except upon application to the commission and unless the commission, after hearing, finds that the conditions of the applicant's business are such as to render impracticable the collection of the tax in the manner otherwise provided. The commission, by regulation, may provide that the applicant, under this section, furnish a proper bond sufficient to secure the payment of the tax.

82.08.090 Installment sales and leases. In the case of installment sales and leases of personal property, the commission, by regula-

tion, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

82.08.100 Tax may be paid on cash receipts basis if books are so kept. The tax commission, by general regulation, may provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his cash receipts for each reporting period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period.

82.08.110 Sales from vehicles. In the case of a person who has no fixed place of business and sells from one or more vehicles, each such vehicle shall constitute a "place of business" within the meaning of chapter 82.32.

82.08.120 Rebating or absorption of tax by seller prohibited—Penalty. Whoever, excepting as expressly authorized by this chapter, refunds, remits, or rebates to a buyer, either directly or indirectly and by whatever means, all or any part of the tax levied by this chapter, or makes in any form of advertising, verbal or otherwise, any statements which might infer that he is absorbing the tax or paying the tax for the buyer by an adjustment of prices, or at a price including the tax, or in any other manner whatsoever shall be guilty of a misdemeanor. The violation of this section by any person holding a license granted by the state or any political subdivision thereof shall be sufficient grounds for the cancellation of the license of such person upon written notification by the tax commission to the proper officer of the department granting the license that such person has violated the provisions of this section. Before any license shall be canceled hereunder, the licensee shall be entitled to a hearing before the department granting the license under such regulations as the department may prescribe.

82.08.140 Administration. The provisions of RCW 82.04.470 and all of the provisions of chapter 82.32 shall have full force and application with respect to taxes imposed under the provisions of this chapter.

82.08.150 Tax on certain sales of intoxicating liquors. (1) There is levied and shall be collected from and after the first day of November, 1951, a tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of ten percent of the selling price, and the term "retail sale" as used herein shall include, in addition to the meaning ascribed thereto in chapter 82.04, any sale not for resale in such original package. The tax imposed in this section shall apply to the sale of spirits, wine, or strong beer by the Washington state liquor stores and agencies, including

sales to Class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this section.

(2) There is levied and shall be collected from and after the first day of April, 1959, an additional tax upon each retail sale of spirits, wine, or strong beer in the original package at the rate of five percent of the selling price, and the term "retail sale" as used herein shall include the meaning ascribed thereto in chapter 82.04. The additional tax imposed in this paragraph shall apply to the sale of spirits, wine, or strong beer by the Washington state liquor stores and agencies, excluding sales to Class H licensees. The tax imposed in RCW 82.08.020 as now or hereafter amended shall not apply to sales subject to the tax imposed by this paragraph.

(3) The additional five percent tax enacted in subdivision (2) of this section shall not be levied upon or applied to sales of wine which have been subjected to the tax imposed by RCW 66.24.220.

(4) As used in this section, the terms "spirits," "wine," "strong beer," and "package" shall have the meaning ascribed to them in chapter 66.04.

Note: See also section 2, chapter 24, Laws of 1961 extraordinary session.

82.08.160 Remittance by state liquor control board—Liquor excise tax fund created. On or before the fifteenth day of each month beginning with the month of June, 1955, the Washington state liquor control board shall remit to the state tax commission, to be deposited with the state treasurer, all moneys collected by it under this chapter during the preceding month on sales made in state liquor stores and agencies. Upon receipt of such moneys the state treasurer shall credit sixty-five percent of the sums remitted to the state general fund and thirty-five percent of the sums remitted to a fund which is hereby created to be known as the "liquor excise tax fund."

82.08.170 Apportionment and distribution from liquor excise tax fund. On the first day of the months of January, April, July and October of each year, the state treasurer shall make the apportionment and distribution of all moneys in the liquor excise tax fund to the counties, cities and towns in the following proportions: twenty percent of the moneys in said liquor excise tax fund shall be divided among and distributed to the counties of the state in accordance with the provisions of RCW 43.66.100 as now existing or as hereafter amended; eighty percent of the moneys in said liquor excise tax fund shall be divided among and distributed to the cities and towns of the state in accordance with the provisions of RCW 43.66.110 as now existing or as hereafter amended.

Chapter 82.12**USE TAX**

82.12.010 Definitions. For the purposes of this chapter:

(1) "Value of the article used" shall mean the consideration, whether money, credit, rights, or other property, expressed in terms of money, paid or given or contracted to be paid or given by the purchaser to the seller for the article of tangible personal property, the use of which is taxable under this chapter. The term includes, in addition to the consideration paid or given or contracted to be paid or given, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules and regulations as the tax commission may prescribe;

(2) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, or any other act preparatory to subsequent actual use or consumption within this state;

(3) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08;

(4) "Retailer" means every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter;

(5) The meaning ascribed to words and phrases in chapters 82.04 and 82.08, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services.

Note: See also section 15, chapter 293, Laws of 1961.

82.12.020 Use tax imposed. There is hereby levied and there shall be collected from every person in this state a tax or excise

for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, or bailment, or extracted or produced or manufactured by the person so using the same. This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in subdivision (2) of RCW 82.12.030, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate of three and one-third percent: *Provided*, That from April 1, 1959 until July 1, 1961 the tax levied in this section shall be in an amount equal to the value of the article used by the taxpayer multiplied by the rate of four percent.

Note: See also section 9, chapter 293, Laws of 1961.

82.12.030 Exemptions. The provisions of this chapter shall not apply:

(1) In respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three months, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired by such person in another state while a bona fide resident thereof and primarily for use outside this state and if such use was actual and substantial, but if an article was acquired less than three months prior to the time he entered this state, it will be presumed that the article was acquired for use in this state and that its use outside this state was not actual and substantial;

(2) In respect to the use of any article of tangible personal property purchased at retail or acquired by lease, gift or bailment

if the sale thereof to, or the use thereof by, the present user or his bailor or donor has already been subjected to tax under chapter 82.08 or 82.12 and such tax has been paid by the present user or by his bailor or donor;

(3) In respect to the use of any article of tangible personal property the sale of which is specifically taxable under chapter 82.16;

(4) In respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer used primarily for transporting therein persons or property for hire across the boundaries of this state if the first use of which within this state is actual use in conducting interstate or foreign commerce; and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of licenses pursuant to RCW 46.16.100 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit issued by the Interstate Commerce Commission authorizing transportation by motor vehicle across the boundaries of this state;

(5) In respect to the use of any article of tangible personal property which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States;

(6) In respect to the use of motor vehicle fuel used in aircraft by the manufacturer thereof for research, development, and testing purposes and motor vehicle fuel taxable under chapter 82.36: *Provided*, That the use of such fuel upon which a refund of the motor vehicle fuel tax is obtained shall not be exempt, and the director of licenses shall deduct from the amount of such tax to be refunded the amount of tax due under this chapter and remit the same each month to the tax commission;

(7) In respect to the use of any article of tangible personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in

subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11) of RCW 82.16.010;

(8) In respect to the use of tangible personal property (including household goods) which have been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise;

(9) In respect to the use of tangible personal property by corporations which have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same;

(10) In respect to the use of purebred livestock for breeding purposes where said animals are registered in a nationally recognized breed association; sales of cattle and milk cows used on the farm;

(11) In respect to the use of fuel by the extractor or manufacturer thereof when used directly in the operation of the particular extractive operation or manufacturing plant which produced or manufactured the same;

(12) In respect to the use of motor vehicles, equipped with dual controls, which are loaned to school districts and used by such districts exclusively in connection with their high school driver training program.

Note: See also section 10, chapter 293, Laws of 1961.

82.12.040 Retailers to collect tax—Penalty. Every person who maintains in this state a place of business or a resident agent or a stock of goods shall obtain from the tax commission a certificate of registration, and shall, at the time of making sales, or making transfers of either possession or title or both, of tangible personal property for use in this state, collect from the purchasers or transferees the tax imposed under this chapter.

Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property of his principals made for use in this state, shall, at the time such sales are made, collect from the purchasers the tax imposed under this chapter, and for that purpose shall be deemed a retailer as defined in this chapter.

The tax required to be collected by this chapter shall be deemed to be held in trust by the retailer until paid to the tax commission and any retailer who appropriates or converts the tax collected to his own use or to any use other than the payment of the tax provided

herein to the extent that the money required to be collected is not available for payment on the due date as prescribed shall be guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the tax commission in the manner prescribed, whether such failure is the result of his own acts or the result of acts or conditions beyond his control, he shall nevertheless, be personally liable to the state for the amount of such tax.

Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter, or makes in any form of advertising, verbal or otherwise, any statements which might infer that he is absorbing the tax or paying the tax for the purchaser or transferee by an adjustment of prices, or at a price including the tax, or in any other manner whatsoever shall be guilty of a misdemeanor.

Note: See also section 11, chapter 293, Laws of 1961.

82.12.045 Collection of tax on motor vehicles by county auditor or director of licenses—Remittance. In the collection of the use tax on motor vehicles, the tax commission may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the tax commission, or its duly authorized agent showing that no use tax is legally due; (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by him on the vehicle in question. The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. Any person wilfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the tax commission shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as his collection fee the sum of fifty cents for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the tax commission.

Any applicant who has paid use tax to a county auditor under this section may apply to the tax commission for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the tax commission within ninety days after payment of the tax. Upon receipt of an application for refund the tax commission shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32, inclusive, for the collection of the tax imposed by this chapter. The tax commission shall have power to promulgate such rules and regulations as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licenses but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

82.12.050 Monthly, estimated, annual, etc., returns—Remittances—Reporting procedures and forms. Each taxpayer subject to the provisions of this chapter shall, on or before the fifteenth day of the month succeeding the end of the monthly period in which the tax accrued, file a return with the commission showing in detail the total quantity of tangible personal property used by him within the state during the preceding monthly period subject to the tax herein imposed, and such other information as the commission may deem pertinent. Each taxpayer shall remit to the commission with his return the amount of tax shown thereon to be due: *Provided*, That any such taxpayer may elect to remit each month on such forms as the tax commission shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the commission on or before the fifteenth day of the month next succeeding the end of

each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: *Provided further*, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, ninety percent of the tax actually collected or owing during the month, whichever is greater.

The tax commission may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The tax commission may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The tax commission may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

The tax commission shall, by rule or regulation, establish procedures and forms for reporting consonant with efficient tax administration and accounting procedure to carry into effect the provisions of this chapter.

82.12.060 Installment sales and leases. In the case of installment sales and leases of personal property, the commission, by regulation, may provide for the collection of taxes upon the installments of the purchase price, or amount of rental, as of the time the same fall due.

Note: See also section 16, chapter 293, Laws of 1961.

82.12.070 Tax may be paid on cash receipts basis if books are so kept. The tax commission, by general regulation, may provide that a taxpayer whose regular books of account are kept on a cash receipts basis may file returns based upon his cash receipts for each reporting period and pay the tax herein provided upon such basis in lieu of reporting and paying the tax on all sales made during such period.

82.12.080 Administration. The provisions of chapter 82.32, insofar as applicable, shall have full force and application with respect to taxes imposed under the provisions of this chapter.

Chapter 82.16

PUBLIC UTILITY TAX

82.16.010 Definitions. For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the convey-

ance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business;

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business;

(3) "Railroad car business" means the business of operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business;

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale;

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale;

(6) "Telephone business" means the business of operating or managing any telephone line or part of a telephone line and exchange or exchanges used in the conduct of the business of affording telephonic communication for hire. It includes cooperative or farmer line telephone companies or associations operating an exchange;

(7) "Telegraph business" means the business of affording telegraphic communication for hire;

(8) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural;

(9) "Highway transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier or contract carrier as defined by RCW 81.68.010 and 81.80.010;

(10) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state,

whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property;

(11) "Public service business" means any of the businesses defined in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, pipe line, public warehouse, toll bridge, toll logging road, water transportation and wharf businesses;

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses;

(13) The meaning attributed, in chapter 82.04, to the terms "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

Note: See also section 12, chapter 293, Laws of 1961.

82.16.020 Public utility tax imposed. There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(1) Railroad, express, railroad car, water distribution, light and power, telephone and telegraph businesses: Three percent: *Provided*, That a common carrier railroad operating as a plant facility to the extent of eighty percent or more of its business shall pay a tax of one-fourth of one percent on such eighty percent or more of its business and three percent on all other business;

(2) Gas distribution business: Two percent;

(3) Urban transportation business: One-half of one percent;

(4) Vessels under sixty-five feet in length operating upon the waters within the state: One-half of one percent;

(5) Highway transportation and all public service businesses other than ones mentioned above: One and one-half percent.

Note: See also section 13, chapter 293, Laws of 1961.

82.16.025 Temporary surtax imposed. From and after the first day of November, 1951, until the thirtieth day of April, 1953, there is levied and shall be collected from every person for the act or privilege of engaging within this state in one or more of the busi-

nesses named in RCW 82.16.020, as a part of the tax imposed by this chapter and as a temporary increase thereof, a surtax in the amount of ten percent of the tax payable under this chapter.

82.16.026 Additional tax imposed. From and after the first day of May, 1953, there is levied and shall be collected from every person for the act or privilege of engaging within this state in one or more of the businesses named in RCW 82.16.020, as a part of the tax imposed by this chapter, an additional tax in the amount of twenty percent of the tax payable under this chapter. To facilitate collection of this additional tax, the tax commission is authorized to adjust the basic rates of persons to which the section applies in such manner as to reflect the exact amount of the additional tax hereby imposed.

82.16.030 Taxable under each schedule if within its purview. Every person engaging in businesses which are within the purview of two or more of schedules (1), (2), (3), (4) and (5) of RCW 82.16.020, shall be taxable under each schedule applicable to the businesses engaged in.

82.16.040 Exemption. The provisions of this chapter shall not apply to persons engaging in one or more businesses taxable under this chapter whose total gross income is less than five hundred dollars for a monthly period or portion thereof. Any person claiming exemption under this section may be required to file returns even though no tax may be due. If the total gross income for a taxable monthly period is five hundred dollars, or more, no exemption or deductions from the gross operating revenue is allowed by this provision.

82.16.050 Deductions in computing tax. In computing tax there may be deducted from the gross income the following items:

(1) Amounts derived by municipally owned or operated public service businesses, directly from taxes levied for the support or maintenance thereof: *Provided*, That this section shall not be construed to exempt service charges which are spread on the property tax rolls and collected as taxes;

(2) Amounts derived from the sale of commodities to persons in the same public service business as the seller, for resale as such within this state. This deduction is allowed only with respect to water distribution, light and power, gas distribution or other public service businesses which furnish water, electrical energy, gas or any other commodity in the performance of public service businesses;

(3) Amounts actually paid by a taxpayer to another person taxable under this chapter as the latter's portion of the consideration due for services furnished jointly by both, if the total amount has been credited to and appears in the gross income reported for tax by the former;

(4) The amount of cash discount actually taken by the purchaser or customer;

(5) The amount of credit losses actually sustained by taxpayers whose regular books of accounts are kept upon an accrual basis;

(6) Amounts derived from business which the state is prohibited from taxing under the Constitution of this state or the Constitution or laws of the United States;

(7) Amounts derived from the distribution of water through an irrigation system, for irrigation purposes;

(8) Amounts derived from the transportation of commodities from points of origin in this state to final destination outside this state, or from points of origin outside this state to final destination in this state, with respect to which the carrier grants to the shipper the privilege of stopping the shipment in transit at some point in this state for the purpose of storing, manufacturing, milling, or other processing, and thereafter forwards the same commodity, or its equivalent, in the same or converted form, under a through freight rate from point of origin to final destination; and amounts derived from the transportation of commodities to an export elevator, wharf, dock or ship side on tidewater or navigable tributaries thereto, from points of origin in the state, and thereafter forwarded by water carrier, in their original form, to interstate or foreign destinations: *Provided*, That no deduction will be allowed when the point of origin and the point of delivery to such an export elevator, wharf, dock, or ship side are located within the corporate limits of the same city or town.

82.16.060 May be taxed under other chapters. Nothing herein shall be construed to exempt persons taxable under the provisions of this chapter from tax under any other chapters of this title with respect to activities other than those specifically within the provisions of this chapter.

82.16.070 Monthly, estimated, annual, etc., returns—Remittances—Reporting procedures and forms. The taxes imposed hereunder shall be due and payable in monthly installments and remittance therefor shall be made on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued. The taxpayer on or before the fifteenth day of such month shall make out a return, upon such forms and setting forth such information as the tax commission may require, showing the amount of the tax for which he is liable for the preceding monthly period, sign, and transmit the same to the commission, together with a remittance for such amount in the form required in chapter 82.32: *Provided*, That any such taxpayer may elect to remit each month on such forms as the tax commission shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the

fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the commission on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: *Provided further*, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, ninety percent of the tax actually collected or owing during the month, whichever is greater.

The tax commission may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The tax commission may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The tax commission may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

The commission shall, by rule or regulation, establish procedures and forms for reporting consonant with efficient tax administration and accounting procedure to carry into effect the provisions of this chapter.

Note: See also section 14, chapter 293, Laws of 1961.

82.16.080 Administration. All of the provisions contained in chapter 82.32 shall have full force and application with respect to taxes imposed under the provisions of this chapter.

Chapter 82.20

TAX ON CONVEYANCES

82.20.005 Person defined. The word "person" for the purposes of this chapter shall have the same meaning as is attributed to it in chapter 82.04.

82.20.010 Tax imposed—Conveyances to state and security instruments exempt. There is levied and there shall be collected a tax upon conveyances as follows: On any deed, instrument, or writing (unless deposited in escrow before May 1, 1935), whereby any lands, tenements, or other realty sold shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, when the consideration or value of the interest or property conveyed, exclusive of the value of any lien or encumbrance remaining thereon at the time of sale, exceeds one

hundred dollars and does not exceed five hundred dollars or fractional part thereof, fifty cents; and for each additional five hundred dollars or fractional part thereof, fifty cents. This section shall not apply to any instrument or writing, given to secure a debt, nor to any conveyance to the state.

82.20.020 Documentary stamps to be affixed. The tax commission shall cause to be prepared and distributed for the payment of the taxes prescribed in this chapter suitable stamps denoting the tax on any instrument, document, or paper, to which the same may be affixed, and shall prescribe such method for the affixing of the stamps as it may deem expedient.

82.20.030 Cancellation of stamps. Whenever any stamp is used for denoting any tax imposed by this chapter, except as hereinafter provided, the person using or affixing the same shall write or stamp thereon, the initials of his name and the date upon which it is attached or used, so that the stamp may not again be used. The tax commission may prescribe such other method for the cancellation of the stamps as it may deem expedient.

82.20.040 Redemption of stamps—Limitation. The tax commission may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law to denote the payment of any tax, as may have been spoiled, destroyed or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which, through mistake, have been improperly or unnecessarily used, or where the returns or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected. Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed or by refunding the amount of value to the owner thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless have been returned to the commission, or until satisfactory proof has been made showing the reason why they cannot be returned. No claim for the redemption of or allowance for stamps shall be allowed unless presented within two years after the purchase of the stamps from the commission.

82.20.050 Forgery or counterfeiting of stamps—Penalty. To forge or counterfeit any stamp of the kind herein provided is a felony.

82.20.060 Other offenses—Penalty. Each of the following acts is hereby declared to be a gross misdemeanor and punishable as such: (1) To take, sign, issue, or accept, or cause to be made, signed, issued, or accepted, any instrument of any kind without the full amount of the tax thereon being duly paid; (2) to fraudulently cut, tear, or remove from any instrument, upon which any tax is imposed by

this chapter, any stamp or the impression of any stamp, die, plate, or other article provided, made, or used in the pursuance of this chapter; (3) to wilfully remove, or alter the cancellation or defacing marks of, or otherwise prepare any stamp, with intent to use, or cause the same to be used, after it has already been used, or knowingly or wilfully buy, sell, offer for sale, or give away, any such washed or restored stamp to any person for use, or knowingly use the same; (4) for any person other than the tax commission or its duly authorized agent to sell any stamp provided for herein, not affixed to any conveyance taxed herein, whether such stamp is genuine or counterfeit.

82.20.070 Administration. All of the applicable provisions contained in chapter 82.32 shall have full force and application with respect to taxes imposed under the provisions of this chapter.

Chapter 82.24

TAX ON CIGARETTES

82.24.010 Definitions. For the purposes of this chapter, unless otherwise required by the context:

(1) "Wholesaler" means every person who purchases, sells, or distributes any one or more of the articles taxed herein to retailers for the purpose of resale only;

(2) "Retailer" means every person, other than a wholesaler, who purchases, sells, offers for sale or distributes any one or more of the articles taxed herein, irrespective of quantity or amount, or the number of sales, and all persons operating under a retailer's registration certificate;

(3) "Retail selling price" means the ordinary, customary or usual price paid by the consumer for each package of cigarettes, less the tax levied by this chapter and less any similar tax levied by this state;

(4) "Cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of the tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any material, except where such wrapper is wholly or in the greater part made of natural leaf tobacco in its natural state;

(5) "Stamp" means the stamp or stamps or meter impressions by use of which the tax levy under this chapter is paid;

(6) The meaning attributed, in chapter 82.04, to the words "person," "sale," "business" and "successor" shall apply equally in the provisions of this chapter.

82.24.020 Tax imposed—Rate. There is levied, and there shall be collected as hereinafter provided, a tax upon the sale, use, consump-

tion, handling or distribution of all cigarettes, in an amount equal to the rate of one and one-half mills per cigarette.

Note: See also section 3, chapter 24, Laws of 1961 extraordinary session.

82.24.030 Stamps to be affixed—Meter machines authorized.

In order to enforce collection of the tax hereby levied, the tax commission shall design and have printed stamps of such size and denominations as may be determined by the commission, such stamps to be affixed on the smallest container or package that will be handled, sold, used, consumed, or distributed, to permit the commission to readily ascertain by inspection, whether or not such tax has been paid. Every person shall cause to be affixed on every package of cigarettes on which a tax is due, stamps of an amount equaling the tax due thereon before he sells, offers for sale, uses, consumes, handles, removes, or otherwise disturbs and distributes the same: *Provided*, That where it is established to the satisfaction of the commission that it is impractical to affix such stamps to the smallest container or package, the commission may authorize the affixing of stamps of appropriate denomination to a large container or package.

The commission may authorize the use of meter stamping machines for imprinting stamps, which imprinted stamps shall be in lieu of those otherwise provided for under this chapter, and if such use is authorized, shall provide reasonable rules and regulations with respect thereto.

82.24.040 Duty of wholesaler. Every wholesaler in this state shall immediately, after receipt of any of the articles taxed herein cause the same to have the requisite denomination and amount of stamps affixed to represent the tax imposed herein: *Provided*, That any wholesaler engaged in interstate business, who furnishes surety bond in the sum satisfactory to the commission, shall be permitted to set aside such part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this chapter. Such interstate stock shall be kept separate and apart from stamped stock: *Provided further*, That every wholesaler shall, at the time of shipping or delivering any of the articles taxed herein to a point outside of this state, make a true duplicate invoice of the same which shall show full and complete details of the interstate sale or delivery, and shall transmit such true duplicate invoice to the main office of the commission, at Olympia, not later than the fifteenth day of the following calendar month, and for failure to comply with the requirements of this proviso the commission may revoke the permission granted to the taxpayer to maintain an interstate stock of goods to which the stamps required by this chapter have not been affixed.

82.24.050 Duty of retailer. Every retailer shall, except as to those articles on which the tax has been paid by the proper affixing of stamps by a wholesaler, as herein provided, affix the stamps for the denomination and amount necessary to represent the tax on each individual package or container, the same to be done, in all cases, immediately upon receipt by the retailer of the unstamped articles: *Provided*, That any retailer engaged in interstate business, who furnishes surety bond in a sum satisfactory to the commission, shall be permitted to set aside such part of his stock as may be necessary for the conduct of such interstate business without affixing the stamps required by this chapter. Such interstate stock shall be kept separate and apart from stamped stock: *Provided further*, That every retailer shall, at the time of shipping or delivering any of the articles taxed herein to a point outside of this state, make a true duplicate invoice of the same which shall show full and complete details of the interstate sale or delivery, and shall transmit said true duplicate invoice to the main office of the commission, at Olympia, not later than the fifteenth day of the following calendar month, and for failure to comply with the requirements of this proviso the commission may revoke the permission granted to the taxpayer to maintain an interstate stock of goods to which the stamps required by this chapter have not been affixed.

82.24.060 Stamps—How Affixed. Stamps shall be affixed in such manner that they cannot be removed from the package or container without being mutilated or destroyed, which stamps so affixed shall be evidence of the tax imposed.

In the case of cigarettes contained in individual packages, as distinguished from cartons or larger units, the stamps shall be affixed securely on each individual package.

82.24.070 Compensation of dealers. Wholesalers and retailers subject to the provisions of this chapter shall be allowed as compensation for their services in affixing the stamps herein required a sum equal to five percent of the value of the stamps purchased or affixed by them.

Note: See also section 4, chapter 24, Laws of 1961 extraordinary session.

82.24.080 Legislative intent. It is the intent and purpose of this chapter to levy a tax on all of the articles taxed herein, sold, used, consumed, handled, or distributed within this state and to collect the tax from the person who first sells, uses, consumes, handles, or distributes them in the state. It is further the intent and purpose of this chapter that whenever any of the articles herein taxed is given away for advertising or any other purpose, it shall be taxed in the same manner as if it were sold, used, consumed, handled, or distributed in this state.

82.24.090 Records to be preserved—Reports. Every wholesaler or retailer subject to the provisions of this chapter shall keep and preserve for a period of five years an accurate set of records, showing all transactions had with reference to the purchase and sale of any of the articles taxed herein and such persons shall also keep separately all invoices, and shall keep a record of all stamps purchased, and all such records and all stock of taxable articles on hand shall be open to inspection at all reasonable times by the tax commission or its duly authorized agent.

All wholesalers shall within fifteen days after the first day of each month file with the tax commission a report of all drop shipment sales made by them to retailers within this state during the preceding month, which report shall show the name and address of the retailer to whom the cigarettes were sold, the kind and quantity, and the date of delivery thereof.

82.24.100 Forgery or counterfeiting of stamps—Penalty. To forge or counterfeit any stamp of the kind herein provided is a felony.

82.24.110 Other offenses—Penalty. Each of the following acts is a gross misdemeanor and punishable as such:

(1) To sell, except as a registered wholesaler or retailer engaged in interstate commerce as to the article being taxed herein, without the stamp first being affixed;

(2) To use or have in possession knowingly or intentionally any forged or counterfeit stamps;

(3) For any person other than the tax commission or its duly authorized agent to sell any stamps not affixed to any of the articles taxed herein whether such stamps are genuine or counterfeit;

(4) To violate any of the provisions of this chapter;

(5) To violate any lawful rule or regulation made and published by the tax commission;

(6) To use any stamps more than once;

(7) To refuse to allow the tax commission or any duly authorized agent thereof, on demand, to make full inspection of any place of business where any of the articles herein taxed are sold or otherwise hinder or prevent such inspection;

(8) For any retailer, except one permitted to maintain an unstamped stock to engage in interstate business as provided herein, to have in possession in any place of business any of the articles herein taxed, unless the same have the proper stamps attached;

(9) For any person to make, use, or present or exhibit to the tax commission or any duly authorized agent thereof, any invoice for any of the articles herein taxed which bears an untrue date or falsely states the nature or quantity of the goods therein invoiced;

(10) For any wholesaler or retailer or his agents or employees to fail to produce on demand of the tax commission all invoices of

all the articles herein taxed or stamps bought by him or received in his place of business within five years prior to such demand unless he can show by satisfactory proof that the nonproduction of the invoices was due to causes beyond his control;

(11) For any person to receive in this state any shipment of any of the articles taxed herein, when the same are not stamped, for the purpose of avoiding payment of tax. It is presumed that persons other than dealers who purchase or receive shipments of unstamped cigarettes do so to avoid payment of the tax imposed herein.

All agents, employees, and others who aid, abet, or otherwise participate in any way in the violation of the provisions of this chapter or in any of the offenses herein described shall be guilty and punishable as principals, to the same extent as any wholesaler or retailer violating the provisions thereof.

82.24.120 Violations—Penalties and interest. If any person, subject to the provisions of this chapter or any rules and regulations promulgated by the tax commission under authority hereof, is found to have failed to affix the stamps required, or to have them affixed as herein provided, or to pay any tax due hereunder, or to have violated any of the provisions of this chapter or rules and regulations promulgated by the tax commission in the administration hereof, there shall be assessed and collected from such person, in addition to any tax that may be found due, a penalty equal to the amount of any tax found to be due plus interest thereon at the rate of one percent for each thirty days or portions thereof from the date the tax became due, and upon notice mailed to the last known address of the taxpayer said amount shall become due and payable in ten days, at which time the commission or its duly authorized agent may make immediate demand upon such person for the payment of all such taxes and penalties. The commission, for good reason shown, may remit all or any part of penalties imposed, but the taxpayer must pay all taxes due and interest thereon, at the rate of one percent for each thirty days or portion thereof. The keeping of any unstamped articles coming within the provisions of this chapter shall be prima facie evidence of intent to violate the provisions of this chapter.

82.24.130 Contraband—Seizure and sale. Any articles taxed herein found at any point within this state, which articles shall be held, owned, possessed, or in the control of any person for a period of time longer than the time necessary to affix the stamps, and not having the stamps affixed to the packages or containers are hereby declared to be contraband goods, and may be seized by the commission or its duly authorized agent, or by any peace officer of the state, when directed by the commission so to do,

without a warrant, and said goods shall be offered by the commission for sale at public auction to the highest bidder after due advertisement, but the commission before delivering any of the goods so seized shall require the person, to whom such articles are sold, to affix the proper amount of stamps. The proceeds of sale of any goods sold hereunder shall be paid to the commission.

The cost of seizure and sale shall be paid out of the proceeds derived from the sale before making remittance.

Any vending machine and any vehicle, not a common carrier, which may be used for the purpose of violating the provisions of this chapter shall likewise be subject to seizure and sale in the same manner.

82.24.140 Forfeiture procedure — Seizures—Notice—Claimant's bond—Court proceedings. In all cases of seizure of any property made subject to forfeiture under the provisions of this chapter, which, in the opinion of the person making the seizure, is of the appraised value of one hundred dollars, or more, the said person shall proceed as follows:

(1) He shall cause a list containing a particular description of the property seized to be prepared in duplicate, and an appraisement thereof to be made by three sworn appraisers to be selected by him, who shall be respectable and disinterested citizens of this state, residing within the county where the seizure was made. Said list and appraisement shall be properly attested by the said person and the said appraisers, for which service each of the said appraisers shall be allowed the sum of one dollar per day for not exceeding two days, to be paid as other costs;

(2) If the property seized is believed, by the person making the seizure, to be of less value than one hundred dollars, no appraisement shall be made;

(3) The person making the seizure shall proceed to give notice thereof for five days, in writing, at three places in the county where the seizure is made. One of the notices shall be posted at the county court house; another at the place where the goods were seized; and the other at some public place. The notice shall describe the property seized, and the time and place and cause of seizure and give the name and place of residence, if known, of the person from whom the property was seized, and shall require any person claiming it to appear and make such claim in writing, within five days from the date of the first posting of such notice. Such person making the seizure shall also deliver to the person from whom the property was seized, and also to the owner, if known, a copy of the said notice;

(4) Any person claiming the said property seized as contraband, within the time specified in the notice, may file with the tax commission a claim, in writing, stating his interest in the property

seized, and may execute a bond to the tax commission in a penal sum equal to double the value of the property so seized, but in no case shall said bond be less than one hundred dollars, with sureties to be approved by the clerk of the superior court in the county in which the property is seized, conditioned that in case of condemnation of the property seized, the obligor shall pay to the tax commission the full value of the property so seized, and all costs and expenses of the proceedings to obtain such condemnation, including a reasonable attorney's fee. And, upon delivery of such bond to the tax commission, it shall transmit the same with the duplicate list or description of the property seized to the prosecuting attorney of the county in which such seizure was made, and said prosecuting attorney shall prosecute the case to secure the forfeiture of said property in the court having jurisdiction. Upon filing the bond aforesaid, the said property shall be delivered to the claimant pending the outcome of the case: *Provided*, That he shall at once affix the required stamps thereto;

(5) If no claim is interposed and no bond is filed within the time above specified, such property shall be forfeited, without further proceedings, and the same shall be sold as herein provided, and the proceeds of sale when received by the tax commission shall be paid into the state treasury as are other funds collected: *Provided*, That in seizures of property of less value than one hundred dollars, the same may be advertised by the tax commission with other quantities at Olympia or at any other city or town in which a branch office of the tax commission is located and disposed of as hereinbefore provided;

(6) In proceedings to secure a confiscation of the property hereinbefore mentioned, where the value of the goods seized at one time is one hundred dollars, or less, the justice court of the place where the property is situated, shall have jurisdiction to try the cause. Where the value of the property seized at one time is more than one hundred dollars, then the superior court of the county where the property is seized shall have jurisdiction to try the cause.

The proceedings against property seized, according to the provisions of this chapter, shall be considered a proceeding in rem unless otherwise herein provided.

Within ten days after filing the bond provided for in subdivision (4) hereof, the claimant shall file a petition in the court having jurisdiction of the cause, and the tax commission or other party authorized to prosecute the confiscation of said property, shall plead to it as if it were an ordinary action at law, and the same rules of pleading and procedure applicable to actions in the justice court or superior court shall be observed in this action, and the costs shall be adjudged as in other actions: *Provided, however*, That neither the state, nor the tax commission, nor any other person representing the state

shall be liable for the costs in event the court shall not confiscate the property in controversy.

82.24.180 Seized property may be returned. The tax commission may return any property seized under the provisions of this chapter when it is shown that there was no intention to violate the provisions thereof.

When any property is seized, under the provisions of this chapter, the commission may return such goods to the parties from whom they were seized if and when such parties affix the proper amount of stamps thereto, and pay to the commission as penalty an amount equal to twenty-five percent of the amount of tax due and interest thereon at the rate of one percent for each thirty days or portion thereof from the date the tax became due, and in such cases, no advertisement shall be made or notices posted in connection with said seizure.

82.24.190 Search and seizure. When the tax commission has good reason to believe that any of the articles taxed herein are being kept, sold, offered for sale, or given away in violation of the provisions of this chapter or regulations issued under authority hereof, it may make affidavit of such fact, describing the place or thing to be searched, before any justice of the peace, mayor of any city, town or village, or judge of any court in this state, and such justice, mayor or judge shall issue a search warrant directed to the sheriff, any constable, police officer, or duly authorized agent of the tax commission commanding him diligently to search any building, room in a building, place or vehicle as may be designated in the affidavit and search warrant, and to seize such tobacco so possessed and to hold the same until disposed of by law, and to arrest the person in possession or control thereof. If upon the return of such warrant, it shall appear that any of the articles taxed herein, unlawfully possessed, were seized, the same shall be sold as provided in this chapter.

82.24.210 Redemption of stamps. The tax commission may promulgate rules and regulations providing for the refund to dealers for the cost of stamps affixed to articles taxed herein, which by reason of damage become unfit for sale and are destroyed by the dealer or returned to the manufacturer or jobber. In the case of any articles to which stamps have been affixed, and which articles have been sold and shipped to a regular dealer in such articles in another state, the seller in this state shall be entitled to a refund of the actual amount of the stamps so affixed, less the affixing discount, upon condition that the seller in this state makes affidavit that the articles were sold and shipped outside of the state and that he has received from the purchaser outside the state a written acknowledgement that he has received such articles with the amount of stamps affixed

thereto, together with the name and address of such purchaser. The tax commission may redeem any unused stamps purchased from it at the face value thereof less the affixing discount.

82.24.220 Vending machines—Certificates. Every person in this state who by means of a vending machine sells any of the articles taxed herein shall be required before engaging in such business to apply to and obtain from the tax commission a certificate to engage in business as a retailer, and shall obtain a separate certificate for each machine used in vending or selling any of the articles taxed herein and each machine so used shall be considered a separate place of business. Any articles taxed herein vended by means of any such machine shall bear stamps as evidence that the tax herein imposed has been paid and the articles taxed herein contained in such machines shall be available for inspection by the commission or its duly authorized agents at all times.

82.24.230 Administration. All of the provisions contained in chapter 82.32 shall have full force and application with respect to taxes imposed under the provisions of this chapter, except the following sections thereof: RCW 82.32.050, 82.32.060, 82.32.070, 82.32.100 and 82.32.270.

82.24.900 Construction. The provisions of this chapter shall not apply in any case in which the state of Washington is prohibited from taxing under the Constitution of this state or the Constitution or the laws of the United States.

Chapter 82.26

TAX ON TOBACCO PRODUCTS

82.26.010 Definitions. As used in this chapter:

(1) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, but shall not include cigarettes as defined in RCW 82.24.010 (4);

(2) "Manufacturer" means a person who manufactures and sells tobacco products;

(3) "Distributor" means (a) any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale, (b) any person who makes, manufactures, or fabricates tobacco products in this state for sale in this state, (c) any person

engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retailers in this state, to be sold by those retailers;

(4) "Subjobber" means any person, other than a manufacturer or distributor, who buys tobacco products from a distributor and sells them to persons other than the ultimate consumers;

(5) "Retailer" means any person engaged in the business of selling tobacco products to ultimate consumers;

(6) "Sale" means any transfer, exchange, or barter, in any manner or by any means whatsoever, for a consideration, and includes and means all sales made by any person. It includes a gift by a person engaged in the business of selling tobacco products, for advertising, as a means of evading the provisions of this chapter, or for any other purposes whatsoever;

(7) "Wholesale sales price" means the established price for which a manufacturer sells a tobacco product to a distributor, exclusive of any discount or other reduction;

(8) "Business" means any trade, occupation, activity, or enterprise engaged in for the purpose of selling or distributing tobacco products in this state;

(9) "Place of business" means any place where tobacco products are sold or where tobacco products are manufactured, stored, or kept for the purpose of sale or consumption, including any vessel, vehicle, airplane, train, or vending machine;

(10) "Retail outlet" means each place of business from which tobacco products are sold to consumers;

(11) "Commission" means the state tax commission.

82.26.020 Tax imposed—Rate. (1) From and after July 1, 1959, there is levied and there shall be collected a tax upon the sale, use, consumption, handling, or distribution of all tobacco products in this state at the rate of twenty-five percent of the wholesale sales price of such tobacco products. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the state tobacco products for sale, (b) makes, manufactures, or fabricates tobacco products in this state for sale in this state, or (c) ships or transports tobacco products to retailers in this state, to be sold by those retailers.

(2) A floor stocks tax is hereby imposed upon every distributor of tobacco products at the rate of twenty-five percent of the wholesale sales price of each tobacco product in his possession or under his control on July 1, 1959.

Each distributor, within twenty days after July 1, 1959 shall file a report with the commission, in such form as the commission may prescribe, showing the tobacco products on hand on July 1, 1959 and the amount of tax due thereon.

The tax imposed by this subdivision shall be due and payable within twenty days after July 1, 1959 and thereafter shall bear interest at the rate of one percent per month.

82.26.030 Legislative intent. It is the intent and purpose of this chapter to levy a tax on all tobacco products sold, used, consumed, handled, or distributed within this state and to collect the tax from the distributor as defined in RCW 82.26.010. It is the further intent and purpose of this chapter to impose the tax only once but nothing in this chapter shall be construed to exempt any person taxable under any other law or under any other tax imposed under Title 82.

82.26.040 When tax not applicable under laws of united states. The tax imposed by RCW 82.26.020 shall not apply with respect to any tobacco products which under the Constitution and laws of the United States may not be made the subject of taxation by this state.

82.26.050 Certificate of registration required. From and after July 1, 1959 no person shall engage in the business of a distributor or subjobber of tobacco products at any place of business without first having received from the commission a certificate of registration as provided in RCW 82.32.030.

82.26.060 Books and records to be preserved—Entry and inspection by commission. Every distributor shall keep at each registered place of business complete and accurate records for that place of business, including itemized invoices, of tobacco products held, purchased, manufactured, brought in or caused to be brought in from without the state, or shipped or transported to retailers in this state, and of all sales of tobacco products made, except sales to the ultimate consumer.

These records shall show the names and addresses of purchasers, the inventory of all tobacco products on hand on July 1, 1959, and other pertinent papers and documents relating to the purchase, sale, or disposition of tobacco products.

When a registered distributor sells tobacco products exclusively to the ultimate consumer at the address given in the certificate, no invoice of those sales shall be required, but itemized invoices shall be made of all tobacco products transferred to other retail outlets owned or controlled by that registered distributor. All books, records, and other papers and documents required by this section to be kept shall be preserved for a period of at least five years after the date of the documents, as aforesaid, or the date of the entries thereof appearing in the records, unless the commission, in writing, authorizes their destruction or disposal at an earlier date. At any time during usual business hours the commission, or its duly authorized agents or employees, may enter any place of business of a distributor, without a search warrant, and inspect the premises,

the records required to be kept under this chapter, and the tobacco products contained therein, to determine whether or not all the provisions of this chapter are being fully complied with. If the commission, or any of its agents or employees, are denied free access or are hindered or interfered with in making such examination, the registration certificate of the distributor at such premises shall be subject to revocation by the commission.

82.26.070 Preservation of invoices of sales to other than ultimate consumer. Every person who sells tobacco products to persons other than the ultimate consumer shall render with each sale itemized invoices showing the seller's name and address, the purchaser's name and address, the date of sale, and all prices and discounts. He shall preserve legible copies of all such invoices for five years from the date of sale.

82.26.080 Invoices of purchases to be procured by retailer, subjobber—Preservation—Inspection. Every retailer and subjobber shall procure itemized invoices of all tobacco products purchased. The invoices shall show the name and address of the seller and the date of purchase. The retailer and subjobber shall preserve a legible copy of each such invoice for five years from the date of purchase. Invoices shall be available for inspection by the commission or its authorized agents or employees at the retailer's or subjobber's place of business.

82.26.090 Records of shipments, deliveries from public warehouse of first destination—Preservation—Inspection. Records of all deliveries or shipments of tobacco products from any public warehouse of first destination in this state shall be kept by the warehouse and be available to the commission for inspection. They shall show the name and address of the consignee, the date, the quantity of tobacco products delivered, and such other information as the commission may require. These records shall be preserved for five years from the date of delivery of the tobacco products.

82.26.100 Reports and returns. Every distributor shall report and make returns as provided in RCW 82.04.490 and as it may be amended. Every registered distributor outside of this state shall in like manner report and make returns.

82.26.110 When credit may be obtained for tax paid. Where tobacco products upon which the tax imposed by this chapter has been reported and paid, are shipped or transported by the distributor to retailers without the state, to be sold by those retailers, or are returned to the manufacturer by the distributor or destroyed by the distributor, credit of such tax may be made to the distributor in accordance with regulations prescribed by the commission.

Chapter 82.28**TAX ON CERTAIN MECHANICAL DEVICES**

82.28.010 Definitions. For the purposes of this chapter:

(1) "Operator" means the person to whom gross operating income accrues as a result of the operation of the mechanical devices described herein;

(2) "Gross operating income" means the aggregate amount paid in to each mechanical device by all players of that mechanical device during each calendar month, less the amount of pay-outs made from the same mechanical device to such players, but without any deduction for amounts paid out to persons on whose premises the mechanical device is located or amounts paid out for any other purposes;

(3) "Pay-out" means any cash payment automatically returned to a player by the mechanical device, or any cash, merchandise, or thing of value won by or given to the player by or on behalf of the operator;

(4) "Player" means the person to whom a pay-out accrues;

(5) The meaning ascribed to words and phrases under chapters 82.04 and 82.08, where applicable, shall apply equally in respect to this chapter.

82.28.020 Tax imposed—Rate. There is levied and there shall be collected from every person a tax for the act or privilege of engaging in business as an operator of certain mechanical devices irrespective of whether such activity shall be legal or illegal under the laws of this state or any subdivision thereof: *Provided*, Nothing in this title shall be construed to legalize any activity declared to be in violation of the laws of this state or any subdivision thereof, and the illegality of any such activity shall not be a defense or bar to the collection of any tax imposed thereon by this title.

Such tax shall be measured by the application of rates against the gross operating income of the business as follows:

(1) Upon every person engaging within this state in business as an operator of any pinball machine, iron claw machine, traveling crane or other similar mechanical device wherein the element of skill or a combination of the elements of chance and skill is involved in determining a pay-out to the player, as to such persons the amount of tax on such business shall be equal to twenty percent of the gross operating income of the business: *Provided*, That this paragraph shall not be applicable to devices which require more than one operation by the player and where the result of any such operation by the player is determined by chance alone;

(2) Upon every person engaging within this state in business as an operator of (a) any mechanical device wherein only the

element of chance determines a pay-out to the player, or (b) any mechanical device which requires more than one operation by the player and where the result of any such operation by the player is determined by chance alone, without regard to whether or not an element of skill is involved in any other operation of the device by the player; as to such persons the amount of tax on such business shall be equal to forty percent of the gross operating income of the business.

82.28.030 Records to be preserved by owner of premises. Every person who, for a percentage of any portion of the gross operating income, permits the operation upon his premises of the mechanical devices described herein, shall keep and preserve, for a period of one year, suitable records to note the name of the operator and a description of the devices, the gross operating income therefrom and such other information as the tax commission may by general regulation require, which records shall be open to examination at any time by the commission. If any person fails to keep such records, he shall thereupon become liable for all tax due hereunder as an operator of such mechanical device.

82.28.040 Monthly, estimated, annual, etc., returns—Remittances. The taxes imposed hereunder shall be computed for each mechanical device on a calendar month basis and shall be due and payable in monthly installments and remittance therefor shall be made on or before the fifteenth day of each month of each calendar year next succeeding the end of the monthly period in which the tax accrued. The taxpayer, on or before said fifteenth day of such month, shall make out and sign a return, upon such forms and setting forth such information as the tax commission may require, showing the amount of the tax for which he is liable for the preceding monthly period and transmit it to the commission, together with a remittance for such amount in the form required: *Provided*, That any such taxpayer may elect to remit each month on such forms as the tax commission shall in its discretion prescribe, an estimate of the tax to be due for each month on or before the fifteenth day of the month next succeeding the end of the monthly period in which the tax accrued, and a quarterly return to the commission on or before the fifteenth day of the month next succeeding the end of each quarter of every year and shall remit therewith the balance of the actual tax due for the period of the report: *Provided further*, That every person who shall elect to remit a monthly "estimate of the tax to be due" as hereinabove described shall remit each month at least one-third of the tax paid during the previous quarter or, ninety percent of the tax actually collected or owing during the month, whichever is greater.

The tax commission may also relieve any taxpayer or class of taxpayers from the obligation of filing monthly returns and may require the return to cover other reporting periods, but in no event shall returns be filed for a period greater than one year.

The tax commission may also, by general rule or regulation, establish conditions for submission of annual or semiannual reconciling returns by such taxpayers or class of taxpayers in lieu of quarterly returns.

The tax commission may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

A return shall be filed for each mechanical device registered with the commission, whether or not the machine was in actual operation during the monthly period for which the return is made, and whether or not any tax liability was incurred with respect to the operation of the machine during such monthly period, and for failure to file a return for any such machine the commission may assess a penalty in the amount of not to exceed twenty-five dollars for each machine not reported, which penalty shall be collected in the same manner as the taxes imposed by this chapter. A taxpayer may report any number of machines on a single return if appropriate information is attached to such single return stating the registration number of each machine reported, the location at which it was operated, and the gross operating income therefrom.

82.28.050 Tax additional—Field not preempted by state. Gross operating income taxable under the provisions of this chapter shall not be taxable under the provisions of chapter 82.04, but the tax imposed by this chapter shall be in addition to any other tax to which the taxpayer may be subject under the laws of this state or any subdivision thereof.

The state does not preempt the field of imposing taxes or license fees with respect to mechanical devices hereby taxed, and this chapter shall not be construed to bar counties and cities or towns from regulating or prohibiting the operation of any such mechanical devices.

82.28.060 Administration. All of the provisions contained in chapter 82.32 shall have full force and application with respect to taxes imposed under the provisions of this chapter.

Chapter 82.32

GENERAL ADMINISTRATIVE PROVISIONS

82.32.010 Application of chapter stated. The provisions of this chapter shall apply with respect to the taxes imposed under chapters 82.04 through 82.28 of this title in such manner and to such extent as indicated in each such chapter.

82.32.020 Definitions. For the purposes of this chapter:

The meaning attributed in chapters 82.01 through 82.28 to the words and phrases "tax year," "taxable year," "person," "company," "gross proceeds of sales," "gross income of the business," "business," "engaging in business," "successor," "gross operating revenue," "gross income," "taxpayer," and "value of products" shall apply equally to the provisions of this chapter.

82.32.030 Registration certificates. If any person engages in any business or performs any act upon which a tax is imposed by the preceding chapters, he shall, whether taxable or not, under such rules and regulations as the commission shall prescribe, apply for and obtain from the commission, upon payment of a fee of one dollar, a registration certificate. Such registration certificate shall be personal and nontransferable and shall be valid as long as the taxpayer continues in business and pays the tax accrued to the state. In case business is transacted at two or more separate places by one taxpayer, a separate registration certificate for each place at which business is transacted with the public shall be required, but, for such additional certificates no fee shall be required. Each certificate shall be numbered and shall show the name, residence, and place and character of business of the taxpayer and such other information as the tax commission deems necessary and shall be posted in a conspicuous place at the place of business for which it is issued. Where a place of business of the taxpayer is changed, the taxpayer must return to the commission the existing certificate, and a new certificate will be issued for the new place of business free of charge. No person shall engage in any business taxable hereunder without being registered in compliance with the provisions of this section, except that the commission, by general regulation, may provide for the issuance of certificates of registration to temporary places of business without requiring the payment of any fee.

82.32.040 Certificates for vending machines, coin operated machines, mechanical devices. Each vending machine and each coin operated machine, except where used in conducting a public utility business, and each mechanical device, the operator of which is taxable under chapter 82.28, shall be considered a separate place of business and a separate registration certificate shall be obtained for each such machine or device. The issuance of any certificate for such machines or devices to any applicant therefor may be denied by the tax commission, if the commission, after hearing, finds that the conditions of the applicant's business or prior record as a taxpayer place in jeopardy the collection of the tax. The commission may require that any applicant for a certificate of registration for any such machine or device furnish a proper surety bond sufficient

to secure the payment of any tax imposed. It shall be unlawful for any person to operate such machine or device or permit it to be operated on his premises unless a certificate of registration has been obtained and is conspicuously displayed upon such machine or device, or for any person to operate any such machine or device under a forged certificate of registration or under a certificate of registration not issued for such machine or device or to the operator thereof or under a certificate of registration which has been revoked, or for any person upon making application for a certificate of registration to fail or refuse to give any information requested by the commission or to give false information with intent to conceal the true name or address of the owner or operator of such machine.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

Any machine or device described herein which does not display a certificate of registration, or any machine or device which displays a forged certificate of registration or a certificate of registration not issued for such machine or to the operator thereof or revoked certificate of registration, is hereby declared to be contraband and may be seized by the tax commission, or by any peace officer of the state, when directed by the commission so to do, without warrant, and shall be offered for sale by the commission in the same manner as property distrained under warrant for the satisfaction of delinquent taxes. The proceeds of sale shall be paid to the commission and credited to the account of miscellaneous revenue: *Provided*, That the costs of the seizure and sale shall be paid out of the proceeds before making remittance.

Any money contained in such machines or devices may be removed before the machine or device is offered for sale and the amount thereof shall be considered as part of the proceeds of the sale.

82.32.050 Deficient and delinquent payments—Penalties and interest—Limitations. If, upon examination of any returns or from other information obtained by the tax commission it appears that a tax or penalty has been paid less than that properly due, the commission shall assess against the taxpayer such additional amount found to be due and may add thereto interest at the rate of not more than six percent per annum from the respective due dates of such additional amount until date of such assessment. The commission shall notify the taxpayer by mail of the additional amount and the same shall become due and shall be paid within ten days from the date of the notice, or within such further time as the commission may provide. If payment is not received by the commission by the due date specified in the notice, the commission may add a penalty of ten percent of the amount of the additional tax found

due. If the commission finds that all or any part of the deficiency resulted from an intent to evade the tax payable hereunder, a further penalty of fifty percent of the additional tax found to be due may be added.

No assessment or correction of an assessment for additional taxes due may be made by the commission more than four years after the close of the tax year, except (1) against a taxpayer who has not registered as required by this chapter, (2) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (3) where a taxpayer has executed a written waiver of such limitation.

82.32.060 Excess payment—Credit or refund—Payment of judgments for refund. If, upon application by a taxpayer for a refund or for an audit of his records, or upon an examination of the returns or records of any taxpayer, it is determined by the tax commission that within the two years immediately preceding the receipt of the commission of the application by the taxpayer for a refund or for an audit, or, in the absence of such an application, within the two years immediately preceding the commencement by the commission of such examination, a tax has been paid in excess of that properly due, the excess amount paid within such period of two years shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at his option. No refund or credit shall be allowed with respect to any payments made to the commission more than two years before the date of such application or examination. Where a refund or credit may not be made because of the lapse of said two year period, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding the two year period may be offset against the amount of any tax deficiency which may be determined by the commission for such preceding period. Notwithstanding the foregoing, no refund or credit shall be granted with respect to taxes paid prior to May 1, 1950, but where a refund or credit may not be made because the tax was paid prior to May 1, 1950, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding May 1, 1950, may be offset against the amount of any tax deficiency which may be determined by the commission for such preceding period.

Notwithstanding the foregoing limitations there shall be refunded or credited to taxpayers engaged in the performance of United States government contracts or subcontracts the amount of any tax paid, measured by that portion of the amounts received from the United States, which taxpayer is required by contract or applicable federal statute to refund or credit to the United States, if claim for such refund is filed by the taxpayer with the tax com-

mission within one year of the date that the amount of the refund or credit due to the United States is finally determined and filed within four years of the date on which the tax was paid: *Provided*, That no interest shall be allowed on such refund.

Any such refunds shall be made by means of vouchers approved by the tax commission and by the issuance of state warrants drawn upon and payable from such funds as the legislature may provide.

Any judgment for which a recovery is granted by any court of competent jurisdiction, not appealed from, for tax, penalties, and interest which were paid by the taxpayer, and costs, in a suit by any taxpayer shall be paid in like manner, upon the filing with the tax commission of a certified copy of the order or judgment of the court. Interest at the rate of three percent per annum shall be allowed by the tax commission and by any court on the amount of any refund or recovery allowed to a taxpayer for taxes, penalties, or interest paid by him after May 1, 1949, and interest at the same rate shall be allowed on any judgment recovered by a taxpayer for taxes, penalties, or interest paid after such date.

82.32.070 Records to be preserved—Examination—Estoppel to question assessment. Every person liable for any fee or tax imposed by chapters 82.04 through 82.28 shall keep and preserve, for a period of five years, suitable records as may be necessary to determine the amount of any tax for which he may be liable, which records shall include copies of all federal income tax and state tax returns and reports made by him. All his books, records, and invoices shall be open for examination at any time by the commission. In the case of an out-of-state person or concern which does not keep the necessary books and records within this state, it shall be sufficient if it produces within the state such books and records as shall be required by the commission, or bears the cost of examination by an agent authorized or designated by the commission at the place where such books and records are kept. Any person who fails to comply with the requirements of this section shall be forever barred from questioning, in any court action or proceeding, the correctness of any assessment of taxes made by the commission based upon any period for which such books, records, and invoices have not been so kept and preserved.

82.32.080 Payment by check—Mailing—Time extension—Payment must accompany tax return. Payment of the tax may be made by uncertified check under such regulations as the commission shall prescribe, but, if a check so received is not paid by the bank on which it is drawn, the taxpayer, by whom such check is tendered, shall remain liable for payment of the tax and for all legal penalties, the same as if such check had not been tendered.

A return or remittance which is transmitted to the tax commission by United States mail shall be deemed filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing it.

The tax commission, for good cause shown, may extend the time for making and filing any return, and may grant such reasonable additional time within which to make and file returns as it may deem proper, but any permanent extension and any extension in excess of thirty days shall be conditional on payment of interest of one-half of one percent of the amount of the tax for each thirty days or portion thereof from the date upon which such tax became due.

The commission shall keep full and accurate records of all funds received and disbursed by it.

The commission may refuse to accept any return which is not accompanied by a remittance of the tax shown to be due thereon. When such return is not accepted, the taxpayer shall be deemed to have failed or refused to file a return and shall be subject to the penalties provided in RCW 82.32.100. In any such case, the taxpayer shall, in the discretion of the commission, be subject to a penalty in the amount of ten percent of the tax or of one dollar, plus interest thereon at the rate of one percent per month, even though the remittance, transmitted separately, is received by the commission before or at the same time as the return was received, and even though such remittance is received before the due date of the tax.

82.32.090 Late payment—Penalties. If payment of any tax due is not received by the tax commission by the twenty-fifth day of the month in which the tax becomes due, there may be added to the tax a penalty of ten percent of the amount of the tax; and if the tax is not received within forty days of the due date, there may be added an additional penalty of five percent of the amount of the tax; and if the tax is not received within seventy days of the due date, there may be added an additional penalty of five percent of the amount of the tax; but none of the penalties so added shall be less than one dollar.

If a warrant be issued by the tax commission for the collection of taxes, increases, and penalties, there may be added thereto a penalty of five percent of the amount of the tax, but not less than one dollar.

Notwithstanding the foregoing, the aggregate of penalties imposed under this chapter for failure to file a return, late payment of any tax, increase, or penalty, or issuance of a warrant shall not exceed twenty-five percent of the tax due, but shall in no case be less than the minimum penalties prescribed herein.

82.32.100 Failure to file returns—Assessment of tax by commission—Penalties. If any person fails or refuses to make any return

or to make available for examination the records required by this chapter, the tax commission shall proceed, in such manner as it may deem best, to obtain facts and information on which to base its estimate of the tax; and to this end the commission may examine the books, records, and papers of any such person and may take evidence, on oath, of any person, relating to the subject of inquiry.

As soon as the commission procures such facts and information as it is able to obtain upon which to base the assessment of any tax payable by any person who has failed or refused to make a return, it shall proceed to determine and assess against such person the tax and penalties due, but such action shall not deprive such person from appealing to the superior court as hereinafter provided. To the assessment the commission may add, in addition to the penalty provided in RCW 82.32.090, a further penalty of ten percent of the amount of the tax for failure or refusal to make a return. If any taxpayer fails to file any return within ten days of the date provided for filing such return, and it appears that there was no tax due or paid for the period for which no return was filed, the commission may assess against such taxpayer a penalty not to exceed three dollars for such failure. The commission shall notify the taxpayer by mail of the total amount of such tax, penalties, and interest, and the total amount shall become due and shall be paid within ten days from the date of such notice.

No assessment or correction of an assessment may be made by the commission more than four years after the close of the tax year, except (1) against a taxpayer who has not registered as required by this chapter, (2) upon a showing of fraud or of misrepresentation of a material fact by the taxpayer, or (3) where a taxpayer has executed a written waiver of such limitation.

82.32.110 Examination of books or records—Subpoenas—Contempt. The tax commission or its duly authorized agent may examine any books, papers, records, or other data, or stock of merchandise bearing upon the amount of any tax payable or upon the correctness of any return, or for the purpose of making a return where none has been made, or in order to ascertain whether a return should be made; and may require the attendance of any person at a time and place fixed in a summons served by any sheriff in the same manner as a subpoena is served in a civil case, or served in like manner by an agent of the tax commission.

The persons summoned may be required to testify and produce any books, papers, records, or data required by the commission with respect to any tax, or the liability of any person therefor.

The secretary of the commission, or any member, or any duly authorized agent thereof, shall have power to administer an oath to the person required to testify; and any person giving false testi-

mony after the administration of such oath shall be guilty of perjury in the first degree.

If any person summoned as a witness before the commission, or its authorized agent, fails or refuses to obey the summons, or refuses to testify or answer any material questions, or to produce any book, record, paper, or data when required to do so, he shall be guilty of contempt, and the commission shall thereupon institute proceedings in the superior court of Thurston county, or of the county in which such person resides, to punish him as for contempt of court.

82.32.120 Oaths and acknowledgments. All officers empowered by law to administer oaths, the members of the commission, and such officers as it may designate shall have the power to administer an oath to any person or to take the acknowledgment of any person with respect to any return or report required by law or the rules and regulations of the commission.

82.32.130 Notice and orders—Service. Any notice or order required by this title to be mailed to any taxpayer shall be sent by ordinary mail, addressed to the address of the taxpayer as shown by the records of the tax commission, or, if no such address is shown, to such address as the commission is able to ascertain by reasonable effort. Failure of the taxpayer to receive such notice or order mailed shall not release the taxpayer from any tax or any increases or penalties thereon, nor shall such failure operate to extend any time limit.

82.32.140 Taxpayer quitting business—Liability of successor. Whenever any taxpayer quits business, or sells out, exchanges, or otherwise disposes of his business or his stock of goods, any tax payable hereunder shall become immediately due and payable, and such taxpayer shall, within ten days thereafter, make a return and pay the tax due; and any person who becomes a successor to such business shall become liable for the full amount of the tax and withhold from the purchase price a sum sufficient to pay any tax due from the taxpayer until such time as the taxpayer shall produce a receipt from the commission showing payment in full of any tax due or a certificate that no tax is due and, if such tax is not paid by the taxpayer within ten days from the date of such sale, exchange, or disposal, the purchaser or successor shall become liable for the payment of the full amount of tax, and the payment thereof by such purchaser or successor shall, to the extent thereof, be deemed a payment upon the purchase price, and if such payment is greater in amount than the purchase price the amount of the difference shall become a debt due said purchaser or successor from the taxpayer.

No successor shall be liable for any tax due from the person from whom he has acquired a business or stock of goods if he gives

written notice to the tax commission of such acquisition and no assessment is issued by the tax commission within six months of receipt of such notice against the former operator of the business and a copy thereof mailed to such successor.

82.32.150 Contest of tax—Prepayment required—Restraining orders and injunctions barred. All taxes, penalties, and interest shall be paid in full before any action may be instituted in any court to contest all or any part of such taxes, penalties, or interest. No restraining order or injunction shall be granted or issued by any court or judge to restrain or enjoin the collection of any tax or penalty or any part thereof, except upon the ground that the assessment thereof was in violation of the Constitution of the United States or that of the state.

82.32.160 Correction of tax—Administrative procedure—Hearing. Any person having been issued a notice of additional taxes, delinquent taxes, interest, or penalties assessed by the tax commission, may within twenty days after the issuance of the original notice of the amount thereof petition the commission in writing for a hearing and correction of the amount of the assessment. The petitioner shall set forth the reasons why the hearing should be granted and the amount of the tax, interest, or penalties, which the petitioner believes to be due. The commission shall promptly grant such hearing, fix the time and place therefor and notify the petitioner thereof by mail. If no such petition is filed within the twenty day period the assessment covered by the notice shall become final.

82.32.170 Reduction of tax after payment—Petition—Hearing. Any person, having paid any tax, original assessment, additional assessment, or corrected assessment of any tax, may apply to the tax commission, within the time limitation for refund provided in this chapter, by petition in writing for a hearing and correction of the amount paid, in which petition he shall set forth the reasons why the hearing should be granted, and the amount in which the tax, interest, or penalty, should be refunded. The commission shall promptly consider the petition, and may grant or deny it. If denied, the petitioner shall be notified by mail thereof forthwith; if a hearing is granted, the commission shall notify the petitioner by mail of the time and place fixed therefor. After the hearing the commission may make such order as may appear to it just and lawful, and shall mail a copy of its order to the petitioner.

82.32.180 Court appeal—Procedure. Any person, except one who has failed to keep and preserve books, records, and invoices as required in this chapter and chapter 82.24, having paid any tax as required and feeling aggrieved by the amount of the tax may appeal to the superior court of Thurston county, within the time limitation

for a refund provided in this chapter, or within thirty days after the date of the notice denying a hearing, or within thirty days after the date of the order provided in RCW 82.32.170. In the appeal the taxpayer shall set forth the amount of the tax imposed upon him which he concedes to be the correct tax and the reason why the tax should be reduced or abated. The appeal shall be perfected by serving a copy of the notice of appeal upon the tax commission within the time herein specified and by filing the original thereof with proof of service with the clerk of the superior court of Thurston county. Within ten days after filing notice of appeal, the taxpayer shall file with the clerk of the superior court a good and sufficient surety bond payable to the state in the sum of two hundred dollars, conditioned to diligently prosecute the appeal and pay the state all costs that may be awarded if the appeal of the taxpayer is not sustained.

The trial in the superior court on the appeal shall be de novo and without the necessity of any pleadings other than the notice of appeal. The burden shall rest upon the taxpayer to prove that the tax as paid by him is incorrect, either in whole or in part, and to establish the correct amount of the tax. In such proceeding the taxpayer shall be deemed the plaintiff, and the state, the defendant; and both parties shall be entitled to subpoena the attendance of witnesses as in other civil actions and to produce evidence that is competent, relevant, and material to determine the correct amount of the tax that should be paid by the taxpayer. Either party shall be allowed to appeal to the supreme court in the same manner as other civil actions are appealed to that court.

It shall not be necessary for the taxpayer to protest against the payment of any tax or to make any demand to have the same refunded or to petition the commissioner for a hearing in order to appeal to the superior court, but no court action or proceeding of any kind shall be maintained by the taxpayer to recover any tax paid, or any part thereof, except as herein provided.

82.32.190 Stay of collection pending suit. The tax commission, by its order, may hold in abeyance the collection of tax from any taxpayer or any group of taxpayers when a question bearing on their liability for tax hereunder is pending before the courts: *Provided*, That the commission may impose such conditions as may be deemed just and equitable and may require the payment of interest at the rate of one-half of one percent of the amount of the tax for each thirty days or portion thereof from the date upon which such tax became due.

82.32.200 Stay of collection—Bond. When any assessment or additional assessment has been made, the taxpayer may obtain a stay of collection, under such circumstances and for such periods as the tax commission may by general regulation provide, of the

whole or any part thereof, by filing with the commission a bond in an amount, not exceeding twice the amount on which stay is desired, and with sureties as the commission deems necessary, conditioned for the payment of the amount of the assessments, collection of which is stayed by the bond, together with the interest thereon at the rate of one percent of the amount of such assessment for each thirty days or portion thereof from the due date thereof until paid.

82.32.210 Tax warrant—Levy upon property—Revocation of certificate of registration. If any tax, increase, or penalty or any portion thereof is not paid within fifteen days after it becomes due, the tax commission may issue a warrant under its official seal directed to the sheriff of any county of the state, commanding him to levy upon and sell the real and/or personal property of the taxpayer found within his county, or so much thereof as may be necessary, for the payment of the amount of such warrant, together with interest thereon at the rate of one percent of the amount of such warrant for each thirty days or portion thereof after the date of such warrant, plus the cost of executing the warrant, and return the warrant to the commission and pay to it the money collected by virtue thereof within sixty days after the receipt of the warrant. If, however, the commission believes that a taxpayer is about to cease business, leave the state, or remove or dissipate the assets out of which taxes or penalties might be satisfied and that any tax or penalty will not be paid when due, it may declare the tax or penalty to be immediately due and payable and may issue a warrant immediately.

If any warrant issued under this chapter is not paid within thirty days after it has been filed with the clerk of the superior court, the tax commission may by order issued under its official seal, revoke the certificate of registration of the taxpayer against whom the warrant was issued, and, if such order is entered, a copy thereof shall be posted in a conspicuous place at the main entrance to the taxpayer's place of business and shall remain posted until such time as the warrant has been paid. Any certificate so revoked shall not be reinstated, nor shall a new certificate of registration be issued to the taxpayer, until the amount due on the warrant has been paid, or provisions for payment satisfactory to the commission have been entered, and until the taxpayer has deposited with the commission such security for payment of any taxes, increases, and penalties, due or which may become due in an amount and under such terms and conditions as the commission may require, but the amount of the security shall not be greater than one-half the estimated average annual liability of the taxpayer.

82.32.220 Execution of warrant—Lien—Satisfaction. The sheriff shall file with the clerk of the superior court of his county a copy of the warrant, and thereupon the clerk shall enter in the judgment docket, the name of the taxpayer mentioned in the warrant and in appropriate columns the amount of the tax or portion thereof and any increases and penalties for which the warrant is issued and the date when such copy is filed, and thereupon the amount of such warrant so docketed shall become a specific lien upon all goods, wares, merchandise, fixtures, equipment, or other personal property used in the conduct of the business of the taxpayer against whom such warrant is issued, including property owned by third persons who have a beneficial interest, direct or indirect, in the operation of the business, and no sale or transfer of such personal property shall in any way affect such lien. The lien shall not be superior, however, to bona fide interests of third persons which had vested prior to the filing of the warrant when such third persons do not have a beneficial interest, direct or indirect, in the operation of the business, other than the securing of the payment of a debt or the receiving of a regular rental on equipment: *Provided, however,* That the phrase "bona fide interests of third persons" shall not include any mortgage of real or personal property or any other credit transaction that results in the mortgagee or the holder of the security acting as trustee for unsecured creditors of the taxpayer mentioned in the warrant who executed such chattel or real property mortgage or the document evidencing such credit transaction. The amount of such warrant so docketed shall thereupon also become a lien upon the title to and interest in all other real and personal property of the taxpayer against whom it is issued the same as a judgment in a civil case duly docketed in the office of such clerk, and the sheriff shall thereupon proceed upon the same in all respects and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgments of the superior court. Such warrants so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the state in the manner provided by law in the case of judgments wholly or partially unsatisfied.

The sheriff shall be entitled to fees as provided by law for his services in levying execution on a superior court judgment and the clerk shall be entitled to a filing fee of one dollar, which shall be added to the amount of the warrant.

The proceeds received from any sale shall be credited upon the amount due under the warrant and when the final amount due is received, together with interest, penalties, and costs, the judgment docket shall show the claim for taxes to be satisfied and the clerk of the court shall so note upon the docket. Any surplus received from any sale of property shall be paid to the taxpayer or to any

lien holder entitled thereto. If the return on the warrant shows that the same has not been satisfied in full, the amount of the deficiency shall remain the same as a judgment against the taxpayer which may be collected in the same manner as the original amount of the warrant.

Note: See also section 6, chapter 304, Laws of 1961.

82.32.230 Agent of tax commission may execute. In the discretion of the tax commission, a warrant of like terms, force, and effect may be issued and directed to any agent of the commission authorized to collect taxes, and in the execution thereof such agent shall have all the powers conferred by law upon sheriffs, but shall not be entitled to any fee or compensation in excess of the actual expenses paid in the performance of such duty, which shall be added to the amount of the warrant.

82.32.240 Tax constitutes debt—Priority of lien. Any tax due and unpaid and all increases and penalties thereon, shall constitute a debt to the state and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to any and all other existing remedies.

In all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, involving any taxpayer, the claim of the state for said taxes and all increases and penalties thereon shall be a lien upon all real and personal property of the taxpayer, and the mere existence of such cases or conditions shall be sufficient to create such lien without any prior or subsequent action by the state, and in all such cases it shall be the duty of all administrators, executors, guardians, receivers, trustees in bankruptcy or assignees for the benefit of creditors, to notify the tax commission of such administration, receivership or assignment within thirty days from the date of their appointment and qualification.

The lien provided for by this section shall attach as of the date of the assignment for the benefit of creditors or of the initiation of the probate, insolvency, or bankruptcy proceedings: *Provided*, That this sentence shall not be construed as affecting the validity or priority of any earlier lien that may have attached previously in favor of the state under any other section of this title.

Any administrator, executor, guardian, receiver or assignee for the benefit of creditors not giving the notification as provided for above shall become personally liable for payment of the taxes and all increases and penalties thereon.

82.32.260 Payment condition to dissolution or withdrawal of corporation. In the case of any corporation organized under the laws of this state, the courts shall not enter or sign any decree of dissolution, nor shall the secretary of state file in his office any certificate of dissolution, and in the case of any corporation organ-

ized under the laws of another jurisdiction and admitted to do business in this state, the secretary of state shall withhold the issuance of any certificate of withdrawal, until proof, in the form of a certificate from the tax commission, has been furnished by the applicant for such dissolution or withdrawal, that every license fee, tax, increase, or penalty has been paid or provided for.

82.32.270 Accounting period prescribed. The taxes imposed hereunder, and the returns required therefor, shall be upon a calendar year basis; but, if any taxpayer in transacting his business, keeps books reflecting the same on a basis other than the calendar year, he may, with consent of the tax commission, make his returns, and pay taxes upon the basis of his accounting period as shown by the method of keeping the books of his business.

82.32.280 Tax declared additional. Taxes imposed hereunder shall be in addition to any and all other licenses, taxes, and excises levied or imposed by the state or any municipal subdivision thereof.

82.32.290 Unlawful acts—Penalties. It shall be unlawful for any person to engage in business without having obtained a certificate of registration as provided herein; or to engage in business after his certificate of registration has been revoked by order of the tax commission; or to tear down or remove any order or notice posted by the commission; or to make any false or fraudulent return or false statement in any return, with intent to defraud the state or evade the payment of any tax or part thereof; or for any person to aid or abet another in any attempt to evade the payment of such tax or any part thereof; or for the president, vice president, secretary, treasurer, or other officer of any company to make or permit to be made for any company any false return, or any false statement in any return, with intent to evade payment of any tax hereunder; or for the president, vice president, secretary, treasurer, or other officer of any company to carry on the business of any company which has not obtained a certificate of registration or whose certificate of registration has been revoked by order of the commission; or for any purchaser to fraudulently sign a resale certificate without intent to resell the property purchased; or for any person to fail or refuse to permit the examination of any book, paper, account, record, or other data by the commission or its duly authorized agent; or to fail or refuse to permit the inspection or appraisal of any property by the commission or its duly authorized agent; or to refuse to offer testimony or produce any record as required.

Any person violating any of the provisions of this section shall be guilty of a gross misdemeanor.

In addition to the foregoing penalties, any person who knowingly swears to or verifies any false or fraudulent return, or any

return containing any false or fraudulent statement with the intent aforesaid, shall be guilty of the offense of perjury in the second degree; and any company for which a false return, or a return containing a false statement, as aforesaid, is made, shall be punished, upon conviction thereof, by a fine of not more than one thousand dollars. All penalties or punishments provided in this section shall be in addition to all other penalties provided by law.

82.32.300 Tax commission to administer. The administration of this and chapters 82.04 through 82.28 of this title is vested in the tax commission which shall prescribe forms and rules of procedure for the determination of the taxable status of any person, for the making of returns and for the ascertainment, assessment and collection of taxes and penalties imposed thereunder.

The tax commission shall make and publish rules and regulations, not inconsistent therewith, necessary to enforce their provisions, which shall have the same force and effect as if specifically included therein, unless declared invalid by the judgment of a court of record not appealed from.

The commission may employ such clerks, specialists, and other assistants as are necessary. Salaries and compensation of such employees shall be fixed by the commission and shall be charged to the proper appropriation for the commission.

The commission shall exercise general supervision of the collection of taxes and, in the discharge of such duty, may institute and prosecute such suits or proceedings in the courts as may be necessary and proper.

83.32.310 Immunity of officers, agents, etc., of commission acting in good faith. When recovery is had in any suit or proceeding against an officer, agent, or employee of the tax commission for any act done by him or for the recovery of any money exacted by or paid to him and by him paid over to the commission, in the performance of his official duty, and the court certifies that there was probable cause for the act done by such officer, agent, or employee, or that he acted under the direction of the commission or an officer thereof, no execution shall issue against such officer, agent, or employee, but the amount so recovered shall, upon final judgment, be paid by the commission as an expense of operation.

82.32.320 Revenue to state treasurer. The tax commission, on the next business day following the receipt of any payments hereunder, shall transmit them to the state treasurer, taking his receipt therefor.

82.32.330 Secrecy enjoyed—Exceptions. Except as hereinafter provided it shall be unlawful for the tax commission or any member, deputy, clerk, agent, employee, or representative thereof or any

other person to make known or reveal any facts or information contained in any return filed by any taxpayer or disclosed in any investigation or examination of the taxpayer's books and records made in connection with the administration hereof. The foregoing, however, shall not be construed to prohibit the commission or a member or employee thereof from: (1) Giving such facts or information in evidence in any court action involving tax imposed hereunder or involving a violation of the provisions hereof or involving another state department and the taxpayer; (2) giving such facts and information to the taxpayer or his duly authorized agent; (3) publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof; (4) giving such facts or information, for official purposes only, to the governor or attorney general, or to any state department or any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions; (5) permitting its records to be audited and examined by the proper state officer, his agents and employees; (6) giving any such facts or information to the commissioner of internal revenue of the United States or to the proper officer of the tax department of any state, for official purposes, but only if the statutes of the United States or of such other state, as the case may be, grants substantially similar privileges to the proper officers of this state; or (7) giving any such facts or information to the Department of Justice or the army or navy departments of the United States, or any authorized representative thereof, for official purposes.

Any person acquiring knowledge of such facts or information in the course of his employment with the tax commission and any person acquiring knowledge of such facts and information as provided under (4), (5), (6) and (7) above, who reveals or makes known any such facts or information to another not entitled to knowledge of such facts or information under the provisions of this section, shall be punished by a fine of not exceeding one thousand dollars and, if the offender or person guilty of such violation is an officer or employee of the state, he shall forfeit such office or employment and shall be incapable of holding any public office or employment in this state for a period of two years thereafter.

82.32.340 Chargeoff of uncollectible taxes—Destruction of files. Any tax or penalty which the tax commission deems to be uncollectible, may be transferred from accounts receivable, subject to approval by the director of budget, to a suspense account and cease to be accounted an asset: *Provided*, That any item transferred shall continue to be a debt due the state from the taxpayer and may at any time within twelve years from the filing of a warrant covering such amount with the clerk of the superior court be transferred

back to accounts receivable for the purpose of collection: *Provided further*, The commission may charge off as finally uncollectible any tax or penalty which it deems uncollectible at any time after twelve years from the date of the filing of a warrant covering such tax and penalty with the clerk of the superior court after the commission and the attorney general are satisfied that there are no available and lawful means by which such tax or penalty may thereafter be collected.

The commission, subject to the approval of the director of budget, may at the expiration of five years after the close of any taxable year, destroy any or all files and records pertaining to the tax liability of any taxpayer for such taxable year, who has fully paid all taxes, penalties and interest for such taxable year, or any preceding taxable year for which such taxes, penalties and interest have been fully paid.

82.32.350 Closing agreements authorized. The tax commission, with concurrence of all three members, may enter into an agreement in writing with any person relating to the liability of such person in respect of any tax imposed by any of the preceding chapters of this title for any taxable period or periods.

82.32.360 Conclusive effect of agreements. Upon approval of such agreement, evidenced by execution thereof by the tax commission and the person so agreeing, the agreement shall be final and conclusive as to tax liability or tax immunity covered thereby, and, except upon a showing of fraud or malfeasance, or of misrepresentation of a material fact:

(1) The case shall not be reopened as to the matters agreed upon, or the agreement modified, by any officer, employee, or agent of the state, or the taxpayer, and

(2) In any suit, action or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

82.32.380 Revenues to be deposited in general fund. The state treasurer, upon receipt of any payments of tax, penalty, interest, or fees collected hereunder shall deposit them to the credit of the state general fund or such other fund as may be provided by law.

Chapter 82.36

MOTOR VEHICLE FUEL TAX

82.36.010 Definitions. For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion

rubber or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) "Motor vehicle fuel" means gasoline or any other inflammable liquid, by whatsoever name such liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles, motorboats, or airplanes;

(3) "Distributor" means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) "Service station" means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) "Department" means the department of licenses;

(6) "Director" means the director of licenses;

(7) "Dealer" means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) "Person" means every natural person, firm, partnership, association, or private or public corporation;

(9) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) "Broker" means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) "Producer" means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) "Distribution" means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants.

82.36.020 Tax imposed—Rate—Allocation of proceeds. Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of six and one-half cents for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100:

Provided, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel. The invoice shall contain a statement that the distributor has assumed the tax thereon. The net gallonage, for purposes of tax distribution, shall be computed after deducting three-fourths of one percent therefrom. The proceeds of the amount deducted shall be paid into the motor vehicle fund. The proceeds of the net gallonage remaining shall be distributed as follows: Of the six and one-half cents collected as herein provided, five cents shall be distributed between the state, cities and counties under the provisions of RCW 46.68.090 and 46.68.100, and one-quarter cent shall be distributed to the counties directly and allocated between them as provided by RCW 46.68.120, and one and one-quarter cents shall be paid directly into the motor vehicle fund.

Note: See also section 1, chapter 7, Laws of 1961 extraordinary session.

82.36.030 Monthly gallonage return—Default assessment—Penalty. Every distributor shall on or before the twenty-fifth day of each calendar month file, on forms furnished by the director, a statement signed by the distributor or his authorized agent showing the total number of gallons of motor vehicle fuel sold, distributed, or used by such distributor within this state during the preceding calendar month.

If any distributor fails to file such report, the director shall proceed forthwith to determine from the best available sources, the amount of motor vehicle fuel sold, distributed, or used by such distributor for the unreported period, and said determination shall be presumed to be correct for that period until proved by competent evidence to be otherwise. The director shall immediately assess the excise tax in the amount so determined, adding thereto a penalty of ten percent for failure to report. Such penalty shall be cumulative of other penalties herein provided. All statements filed with the director, as required in this section, shall be public records.

82.36.040 Payment of tax—Penalty for delinquency. The amount of excise tax for each month shall be paid to the director on or before the twenty-fifth day of the next month thereafter, and if not paid prior thereto, shall become delinquent at the close of business on that day, and a penalty of one percent of such excise tax must be added thereto for delinquency: *Provided*, That in no case shall the

penalty be more than five hundred dollars. If such tax and penalty is not received on or before the close of business on the last day of the month in which the payment is due an additional penalty of ten percent must be added thereto in addition to penalty above provided for.

Any motor vehicle fuel tax, penalties, and interest payable under the provisions of this chapter shall bear interest at the rate of one-half of one percent per month, or fraction thereof, from the first day of the calendar month after the close of the monthly period for which the amount or any portion thereof should have been paid until the date of payment.

In any suit brought to enforce the rights of the state hereunder, the certificate of the director showing the amount of taxes, penalties, interest and cost unpaid by any distributor and that the same are due and unpaid to the state shall be prima facie evidence of the facts as shown.

82.36.050 Date of mailing deemed date of filing or receipt—Timely mailing bars penalties and tells statutory time limitations. When any application, report, notice, payment, or claim for credit or refund to be filed with or made to any officer, agent, or employee of the state under the provisions of this chapter has been deposited in the United States mail addressed to such officer, agent or employee, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to said officer, agent, or employee of the state establishes that the actual mailing occurred on an earlier date: *Provided, however,* That no penalty for delinquency shall attach, nor will the statutory period be deemed to have elapsed in the case of credit or refund claims, if it is established by competent evidence that such application, report, notice, payment, or claim for credit or refund was timely deposited in the United States mail properly addressed to said officer, agent, or employee of the state, even though never received if a duplicate of such document or payment is filed.

82.36.060 Application for distributor's license—Bond or security. Every person, before becoming a distributor or continuing in business as a distributor, shall make an application to the director for a license authorizing the applicant to engage in business as a distributor. Applications for such licenses shall be made to the director on forms to be furnished by him, and shall be accompanied by a fee of ten dollars.

Before granting any license authorizing any person to engage in business as a distributor, the director shall require applicant to file with him, in such form as shall be prescribed by the director, a corporate surety bond duly executed by the applicant as principal,

payable to the state and conditioned for faithful performance of all the requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter. The total amount of the bond or bonds, required of any distributor shall be fixed by the director and may be increased or reduced by the director at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds required of any distributor, the director shall require a bond or bonds equivalent in total amount to twice the estimated monthly excise tax determined in such manner as the director may deem proper. If at any time the estimated excise tax to become due during the succeeding month amounts to more than fifty percent of the established bond, the director shall require additional bonds or securities to maintain the marginal ratio herein specified or shall demand excise tax payments to be made weekly or semimonthly to meet the requirements hereof.

In lieu of a bond in excess of five thousand dollars the distributor may file with the director a property statement setting forth a complete description of all his property and the values thereof, and showing the amount of any indebtedness or encumbrance thereon to the end that the director may ascertain whether or not the distributor can be compelled to respond in twice the amount of taxes due or to become due hereunder. If the director determines that the distributor can be compelled to respond in twice the amount of the tax he may accept such statement in lieu of a bond in excess of five thousand dollars. The director may at any time demand from the distributor a new property statement and may at any time if he deems the property of the distributor insufficient to secure the payment of twice the amount of the taxes require the distributor to furnish a bond in such amount as will secure the payment of twice the amount of the taxes.

The total amount of the bond or bonds required of any distributor shall never be less than five thousand dollars nor more than fifty thousand dollars.

No recoveries on any bond or the execution of any new bond shall invalidate any bond and no revocation of any license shall effect the validity of any bond but the total recoveries under any one bond shall not exceed the amount of the bond.

In lieu of any such bond or bonds in total amount as herein fixed, a distributor may deposit with the state treasurer, under such terms and conditions as the director may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state, or any county of the state, of an actual market value not less than the amount so fixed by the director.

Any surety on a bond furnished by a distributor as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety has lodged with the director a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty day period. The director shall promptly, upon receiving any such request, notify the distributor who furnished the bond; and unless the distributor, on or before the expiration of the thirty day period, files a new bond, or makes a deposit in accordance with the requirements of this section, the director shall forthwith cancel the distributor's license. Whenever a new bond is furnished by a distributor, the director shall cancel his old bond as soon as he and the attorney general are satisfied that all liability under the old bond has been fully discharged.

The director may require a distributor to give a new or additional surety bond or to deposit additional securities of the character specified in this section if, in his opinion, the security of the surety bond theretofore filed by such distributor, or the market value of the properties deposited as security by the distributor, shall become impaired or inadequate; and upon the failure of the distributor to give such new or additional surety bond or to deposit additional securities within ten days after being requested so to do by the director, the director shall forthwith cancel his license.

82.36.070 Issuance of license—Display—Renewal of bulk plant license, fee. The application in proper form having been accepted for filing, the filing fee paid, and the bond or other security having been accepted and approved, the director shall issue to the applicant a license to transact business as a distributor in the state, and such license shall be valid until canceled or revoked.

The license so issued by the director shall not be assignable, and shall be valid only for the distributor in whose name issued.

The director shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed distributors.

Each distributor shall be assigned a license number upon qualifying for a license hereunder, and the director shall issue to each such licensee a license certificate which shall be displayed conspicuously by the distributor at his principal place of business in this state. The director shall also issue separate license cards for each bulk storage plant operated by such distributor. Such license cards shall indicate the number so assigned the distributor, the location of the storage plant for which the card is used, and such

other information as the director may prescribe. The license card shall be conspicuously displayed at each bulk storage plant to which it is assigned, and it shall be unlawful for any distributor to operate or maintain a bulk storage plant in this state for the purpose of storing motor fuel without displaying such license card as herein provided. Bulk plant licenses shall be renewed annually before the first day of July of each year upon application to the department on forms prescribed by the director. A license fee of ten dollars shall accompany the renewal application. The distributor shall report on forms prescribed by the director any change in the number or capacity of bulk storage plants operated or maintained during the license year.

In the event an application for a license to transact business as a distributor is filed by any person whose license has heretofore been canceled for cause by the director, or if the director is of the opinion that the application is not filed in good faith, or that the application is filed by some person as a subterfuge for the real person in interest whose license has heretofore been canceled for cause, the director, after a hearing, of which the applicant shall be given five days' notice in writing and at which the applicant may appear in person or by counsel and present testimony, may refuse to issue such a person a license to transact business as a distributor.

82.36.080 Penalty for distributing without license—Default assessment. It shall be unlawful for any person to be a distributor without first securing a license from the director.

If any person becomes a distributor without first securing the license required herein the excise tax shall be immediately due and payable on account of all motor vehicle fuel distributed or used by him. The director shall proceed forthwith to determine from the best available sources, the amount of the tax, and he shall immediately assess the tax in the amount found due, together with a penalty of one hundred percent of the tax, and shall make his certificate of such assessment and penalty. In any suit or proceeding to collect the tax or penalty, or both, such certificate shall be prima facie evidence that the person therein named is indebted to the state in the amount of the tax and penalty therein stated. Any tax or penalty so assessed may be collected in the manner prescribed in this chapter with reference to delinquency in payment of the tax or by an action at law, which the attorney general shall commence and prosecute to final determination at the request of the director. The foregoing remedies of the state shall be cumulative and no action taken pursuant to this section shall relieve any person from the penal provisions of this chapter.

82.36.090 Discontinuance or transfer of business—Notice. Whenever a distributor ceases to engage in business as a distributor within the state by reason of the discontinuance, sale, or transfer of his business, he shall notify the director in writing at the time the discontinuance, sale, or transfer takes effect. Such notice shall give the date of discontinuance, and, in the event of a sale or transfer of the business, the date thereof and the name and address of the purchaser or transferee thereof. All taxes, penalties, and interest under this chapter, not yet due and payable, shall become due and payable concurrently with such discontinuance, sale, or transfer, and any such distributor shall make a report and pay all such taxes, interest, and penalties, and surrender to the director the license certificate theretofore issued to him.

Unless the notice above provided for is given to the director, the purchaser or transferee shall be liable to the state for the amount of all taxes, penalties, and interest under this chapter accrued against any distributor so selling or transferring his business, on the date of the sale or transfer, but only to the extent of the value of the property and business thereby acquired from such distributor.

82.36.100 Tax required of persons not classed as distributors—Duties—Procedure—Penalties. Every person other than a distributor who acquires any motor vehicle fuel within this state upon which payment of tax is required under the provisions of this chapter, or imports such motor vehicle fuel into this state and sells, distributes, or in any manner uses it in this state shall, if the tax has not been paid, apply for a license to carry on such activities, file bond, make reports, comply with all regulations the director may prescribe in respect thereto, and pay a tax of six and one-half cents for each gallon thereof so sold, distributed, or used in the manner provided for distributors, and the director shall issue a license to such person in the manner provided for issuance of licenses to distributors. However, a distributor licensed under the provisions of this chapter may deliver motor vehicle fuel to an importer in individual quantities of five hundred gallons or less and assume the liability for payment of the tax to this state. Under such conditions, the importer shall be exempt from the requirements of this section. For failure to comply with the terms of this chapter such person shall be subject to the same penalties imposed upon distributors. The director shall pursue against such persons the same procedure and remedies for audits, adjustments, collection, and enforcement of this chapter as is provided with respect to distributors. Nothing herein shall be construed as classifying such persons as distributors.

Note: See also section 2, chapter 7, Laws of 1961 extraordinary session.

82.36.110 Delinquency — Lien of tax — Notice. If any person liable for the tax imposed by this chapter fails to pay the same, the amount thereof, including any interest, penalty, or addition to such tax, together with any costs that may accrue in addition thereto, shall be a lien in favor of the state upon all franchises, property, and rights to property, whether real or personal, then belonging to or thereafter acquired by such person, whether such property is employed by such person in the prosecution of business or is in the hands of a trustee, or receiver, or assignee for the benefit of creditors, from the date the taxes were due and payable, until the amount of the lien is paid or the property sold in payment thereof.

The lien shall have priority over any lien or encumbrance whatsoever, except the lien of other state taxes having priority by law, and except that such lien shall not be valid as against any bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights have attached prior to the time the director has filed notice of such lien in the office of the county auditor of the county in which the principal place of business of the taxpayer is located.

The auditor, upon presentation of a notice of lien, and without requiring the payment of any fee, shall file and index it in the manner now provided for deeds and other conveyances except that he shall not be required to include, in the index, any description of the property affected by the lien. The lien shall continue until the amount of the tax, together with any penalties and interest subsequently accruing thereon, is paid. The director may issue a certificate of release of lien when the amount of the tax, together with any penalties and interest subsequently accruing thereon, has been satisfied, and such release may be recorded with the auditor of the county in which the notice of lien has been filed.

The director shall furnish to any person applying therefor a certificate showing the amount of all liens for motor vehicle fuel tax, penalties and interest that may be of record in the files of the director against any person under the provisions of this chapter.

82.36.120 Delinquency—Notice to debtors. In the event any distributor is delinquent in the payment of his excise tax hereunder, the director may give notice of the amount thereof by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to such distributor, or owing any debts to such distributor at the time of receipt by them of such notice, and thereafter the persons notified shall neither transfer nor make any other disposition of such credits, other personal property, or debts, until twenty days have elapsed from and after receipt of such notice unless the director

has given his consent to a previous transfer, or other disposition. All persons so notified must, within five days after receipt of the notice, advise the director of any and all such credits, other personal property, or debts in their possession, under their control or owing by them, as the case may be.

82.36.130 Delinquency—Tax warrant. If any distributor is in default for more than ten days in the payment of any excise taxes or penalties thereon, the director shall issue a warrant under the official seal of his office directed to the sheriff of any county of the state commanding him to levy upon and sell the goods and chattels of the distributor, without exemption, found within his jurisdiction, for the payment of the amount of such delinquency, with the added penalties and interest and the cost of executing the warrant, and to return such warrant to the director and to pay the director the money collected by virtue thereof within the time to be therein specified, which shall not be less than twenty nor more than sixty days from the date of the warrant. The sheriff to whom the warrant is directed shall proceed upon it in all respects and with like effect and in the same manner as prescribed by law in respect to executions issued against goods and chattels upon judgment by a court of record and shall be entitled to the same fees for his services to be collected in the same manner.

82.36.140 State may pursue remedy against distributor or bond. In a suit or action by the state on any bond filed with the director recovery thereon may be had without first having sought or exhausted its remedy against the distributor; nor shall the fact that the state has pursued, or is in the course of pursuing, any remedy against the distributor waive its right to collect the taxes, penalties, and interest by proceeding against such bond or against any deposit of money or securities made by the distributor.

82.36.150 Records to be kept by distributors and producers. Every distributor shall keep a true and accurate record on such form as the director may prescribe of all stock of petroleum products on hand, of all raw gasoline, gasoline stock, diesel oil, kerosene, kerosene distillates, casing-head gasoline and other petroleum products needed in, or which may be used in, compounding, blending, or manufacturing motor vehicle fuel; of the amount of crude oil refined, the gravity thereof and the yield therefrom, as well as of such other matters relating to transactions in petroleum products as the director may require. Every distributor shall take a physical inventory of the petroleum products at least once during each calendar month and have the record of such inventory and of the other matters mentioned in this section available at all times for the inspection of the director. Upon demand of the

director every distributor shall furnish a statement under oath as to the contents of any records to be kept hereunder. Every distributor receiving from any vessel, motor vehicle fuel carried by such vessel from outside the state shall give notice in writing to the director on forms provided by him, at least thirty-six hours before discharge of such motor vehicle fuel begins, of the name of the vessel, the place and approximate time of the discharge of the motor vehicle fuel, and of the tanks or other containers into which the motor vehicle fuel is to be discharged. The director may, in proper cases, waive the notice.

Every producer shall keep a true and accurate record in such form as may be prescribed by the director of all manufacture and distribution of casing-head gasoline, kerosene distillates and other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel, and every broker shall likewise keep a true and accurate record of all purchases of such petroleum products in such manner as to disclose the vendor, the quantity purchased, the correct description of the commodity, and the means of transportation from such broker to the vendee. All records required by this section shall be available at all times for the inspection of the director or his representative who may require a statement under oath as to contents thereof.

82.36.160 Records to be preserved by distributors and dealers. Every distributor shall maintain in the office of his principal place of business in this state, for a period of three years, records of motor vehicle fuel received, sold, distributed, or used by him, in such form as the director may prescribe, together with invoices, bills of lading, and other pertinent papers as may be required under the provisions of this chapter.

Every dealer purchasing motor vehicle fuel taxable under this chapter for the purpose of resale, shall maintain within this state, for a period of two years a record of motor vehicle fuels received, the amount of tax paid to the distributor as part of the purchase price, together with delivery tickets, invoices, and bills of lading, and such other records as the director shall require.

82.36.170 Additional reports. The director may, from time to time, require additional reports from distributors, brokers, dealers, or producers with reference to any of the matters herein concerned. Such reports shall be made and filed on forms prepared by the director.

82.36.180 Examinations and investigations. The director, or his duly authorized agents, may make such examinations of the records, stocks, facilities, and equipment of distributors, producers, brokers, and service stations, and such other investigations as he

may deem necessary in carrying out the provisions of this chapter. If such examinations or investigations disclose that any reports of distributors of motor vehicle fuel theretofore filed with the director pursuant to the requirements of this chapter have shown incorrectly the gallonage of motor vehicle fuel distributed or the tax accruing thereon, the director may make such changes in subsequent reports and payments of such distributors as he may deem necessary to correct the errors disclosed.

82.36.190 Revocation of licenses. The director shall revoke the license of any distributor refusing or neglecting to comply with any provision of this chapter. The director shall mail by registered mail addressed to such distributor at his last known address a notice of intention to cancel, which notice shall give the reason for cancellation. The cancellation shall become effective without further notice if within ten days from the mailing of the notice the distributor has not made good his default or delinquency.

The director may cancel any license issued to any distributor, such cancellation to become effective sixty days from the date of receipt of the written request of such distributor for cancellation thereof, and the director may cancel the license of any distributor upon investigation and sixty days notice mailed to the last known address of such distributor if he ascertains and finds that the person to whom the license was issued is no longer engaged in the business of a distributor, and has not been so engaged for the period of six months prior to such cancellation. No license shall be canceled upon the request of any distributor unless the distributor, prior to the date of such cancellation, pays to the state all taxes imposed by the provisions of this chapter, together with all penalties accruing by reason of any failure on the part of the distributor to make accurate reports or pay said taxes and penalties.

In the event the license of any distributor is cancelled by the director, and in the further event that the distributor pays to the state all excise taxes due and payable by him upon the receipt, sale, or use of motor vehicle fuel, together with any and all penalties accruing by reason of any failure on the part of the distributor to make accurate reports or pay said taxes and penalties, the director shall cancel the bond filed by the distributor.

82.36.200 Monthly reports by carriers—Examination of stock, records, etc. On or before the twenty-fifth day of each month, all persons operating trucks, pipe lines and other conveyances in the transportation of motor vehicle fuel into this state shall report under oath to the director on forms prescribed by him, all such deliveries of motor vehicle fuel in bulk during the preceding calendar month: *Provided*, That a duly licensed distributor shall be exempt from reporting except when acting as a carrier for others. Upon

written request by the director, a report shall also be made in the same manner as herein prescribed for all other deliveries of motor vehicle fuel.

Such reports shall show the name and address of the seller or consignor and the name of the purchaser or consignee to whom each delivery has been made; the point of shipment, point of delivery, and date of delivery; the name, initials and number of each tank car and the number of gallons contained therein, if shipped by rail; the name of the boat, barge, or vessel, and the number of gallons contained therein, if shipped by water; the vehicle license number and the motor vehicle fuel transport license number of each vehicle, and the number of gallons contained therein, if transported by motor truck; if delivered by other means, the manner in which each delivery is made, and the number of gallons so delivered; and such other additional information relative to shipment or delivery of motor vehicle fuel as the director may require.

The director or his authorized agents may at any time during normal business hours examine the records, stocks, facilities and equipment of any person engaged in the transportation of motor vehicle fuel within the state of Washington for the purpose of checking shipments or use of motor vehicle fuel, detecting diversions thereof or evasion of taxes on same in enforcing the provisions of this section or of this chapter.

82.36.210 Licenses required of petroleum haulers. Every person operating any conveyance for the purpose of hauling motor vehicle fuel, kerosene, or other inflammable petroleum products in bulk, shall before entering upon the public highways of this state with such conveyance, apply for the registration thereof with the director on such forms as shall be provided by him and the director shall assign a license number to such person and shall issue separate license cards for each conveyance intended to be operated, which card shall show the license number assigned, the motor number, if any, of the conveyance and such other information as the director may prescribe. Such card shall be conspicuously displayed on the conveyance at all times during its operation on the public highways of this state. The director shall furnish to the licensee, duplicate license plates for each conveyance so operated, containing the number assigned to the licensee, and the words "Washington motor vehicle fuel transport license" or any abbreviation thereof authorized by the director. The authorized number plates shall be attached conspicuously on the left front side and the rear of such conveyance in such manner that they can be plainly seen and read at all times. Each number plate shall be attached in a horizontal position not less than three feet nor more than six feet

from the ground and shall be kept clean so as to be plainly read at all times. The owner or operator of any such conveyance shall secure from the director, under such conditions as he may require, new number plates to replace any plates which may have been damaged to such an extent that the figures thereon cannot be plainly read. The director shall charge and collect from each licensee the sum of one dollar for each set of two license plates and seventy-five cents for each single plate assigned as replacement of a damaged plate. Nothing contained in this section shall in any manner relieve or discharge the owner or operator of such conveyance from complying with all other provisions of law.

All such persons must have and possess during the entire time they are hauling motor vehicle fuel, an invoice, bill of sale, or other statement showing the true name and address of the seller or consignor, the name of the purchaser or consignee, if any, the number of gallons, and the name and address of the person who has assumed or who shall assume the payment of the tax. The person hauling such motor vehicle fuel or other inflammable petroleum products shall at the request of any sheriff, deputy sheriff, constable, highway patrolman, or authorized representative of the department, or other person authorized by law to inquire into, or investigate said matters, produce and offer for inspection such invoice, bill of sale, or other statement and shall permit such official to inspect and gauge the contents of the vehicle. If the hauler fails to produce the invoice, bill of sale, or other statement, or if when produced it fails to disclose the aforesaid information, the officer or other person authorized to make inquiry, shall take and impound the motor vehicle fuel or other inflammable petroleum products, together with the conveying equipment until the tax on the motor vehicle fuel, together with penalty equal to one hundred percent of the tax, and other expenses, charges, and costs have been paid. In case of default, and the taking and impounding herein provided for, the tax, damages, and costs shall be collected, even though the full excise tax may have already been paid on the motor vehicle fuel, or other inflammable petroleum products. In case the tax, damages, and other charges are not paid within forty-eight hours after the taking of said property, the director may proceed to sell it in the mode and manner provided by law for the sale of personal property under execution.

Note: See also section 30, chapter 21, Laws of 1961 extraordinary session.

82.36.220 Exemptions—Tourists. Every person who imports motor vehicle fuel into this state for his own use in equipment other than motor vehicles shall not, for that reason alone, be required to secure a distributor's license or to comply with any of the provisions of this chapter imposed upon a distributor or with the provisions of RCW 82.36.100; but such person shall make a report

verified under oath and file the same with the director on or before the tenth day of the succeeding month, showing the number of gallons of motor vehicle fuel so imported and the number of gallons of such motor vehicle fuel used during the preceding month, the name of the person from whom the motor vehicle fuel was purchased, the date of purchase, the place of storage, and the manner of use or intended use together with a description of the equipment in which the same is used. These reports shall be filed upon blanks furnished by the director: *Provided*, That any person coming into this state in an aircraft or motor boat shall not be required to make such a report in respect to any motor vehicle fuel carried in the fuel tanks of such vehicle for the purpose of propelling such vehicle, and every person coming into this state in a motor vehicle may transport in the fuel tanks of such vehicle for the propulsion thereof not more than twenty gallons of motor vehicle fuel or other inflammable petroleum products without paying the tax, securing the license, or making any report herein provided, but if the motor vehicle fuel so brought into the state be removed from the fuel tanks of such vehicles or used for any purpose other than the propulsion of the vehicles, the person so importing motor vehicle fuel shall be subject to all the provisions of this chapter applying to distributors. The director shall have the right, in order to establish the validity of any exemption, to examine the books and records of the claimant for such purpose and the failure of the claimant to accede to the demand for such examination shall constitute a waiver of all rights to the exemption herein granted.

Note: See also section 31, chapter 21, Laws of 1961 extraordinary session.

82.36.230 Exemptions—Imports, exports, federal sales, aviation gasoline—Exemption, export certificates—Reciprocity. The provisions of this chapter requiring the payment of taxes shall not apply to motor vehicle fuel imported into the state in interstate or foreign commerce and intended to be sold while they are in interstate or foreign commerce, nor to motor vehicle fuel, exported from this state by a qualified distributor, nor to sales by a distributor of motor vehicle fuel in individual quantities of five hundred gallons or less for export to another state or country by the purchaser other than in the supply tank of a motor vehicle: *Provided*, That such distributor is licensed in the state of destination to collect and remit the applicable destination state taxes thereon, nor to any motor vehicle fuel sold by a qualified distributor to the armed forces of the United States for use exclusively in ships or aircraft or for export from this state, nor to motor vehicle fuel for use exclusively in the operation of aircraft engines, delivered to aviation fuel dealers and/or users as authorized by the director. The distributor shall report such imports, exports and sales to the direc-

tor as hereinafter provided and at such times, on such forms, and in such detail as he may require, otherwise the exemption granted in this section shall be null and void, and all fuel shall be considered distributed in this state fully subject to the provisions of this chapter. Each invoice covering such exempt sales shall have the statement "Ex Washington Motor Vehicle Fuel Tax" clearly marked thereon.

To claim any exemption from taxes under this section on account of the exportation of motor vehicle fuel by a distributor other than deliveries in his own equipment, such distributor shall execute an export certificate in such form as shall be furnished by the director, containing a sworn statement, made by some person having actual knowledge of the fact of exportation, that the motor vehicle fuel has been exported from the state, and giving such details with reference to such shipment as the director may require. All export certificates must be completed and filed with the director within three months of the end of the calendar month in which the shipments to which they relate were made.

To claim any exemption from taxes under this section on account of sales of motor vehicle fuel to the armed forces of the United States, the distributor shall be required to execute an exemption certificate in such form as shall be furnished by the director, containing a certified statement by an authorized officer of the armed forces having actual knowledge of the purpose for which the exemption is claimed. Any claim for exemption based on such sales shall be made by the distributor within six months of the date of sale. The provisions of this section exempting motor vehicle fuel sold to the armed forces of the United States from the tax imposed hereunder shall not apply to any motor vehicle fuel sold to contractors purchasing such fuel either for their own account or as the agents of the United States for use in the performance of contracts with the armed forces of the United States.

In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of five hundred gallons or less for export by the purchaser, the distributor shall retain in his files for at least three years an export certificate executed by the purchaser in such form and containing such information as shall be prescribed by the director. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the distributor in good faith.

The director may at any time require of any distributor any information he deems necessary to determine the validity of the claimed exemption, and failure to supply such data will constitute a waiver of all right to the exemption claimed. The director is hereby empowered with full authority to promulgate rules and

regulations and to prescribe forms to be used by distributors in reporting to the director so as to prevent evasion of the tax imposed by this chapter.

Upon request from the officials to whom are entrusted the enforcement of the motor fuel tax law of any other state, the District of Columbia, the United States, its territories and possessions, the provinces, or the Dominion of Canada, the director may forward to such officials any information which he may have relative to the import or export of any motor vehicle fuel by any distributor: *Provided*, That such governmental unit furnish like information to this state.

82.36.235 Exemptions—Fuel delivered by distributor exclusively for marine use—Exemption certificate—Records and examination. The provisions of this chapter requiring the payment of taxes shall not apply to motor vehicle fuel delivered exclusively for marine use by a distributor directly into the fuel tanks connected to the engine of any marine vessel (excluding any amphibious vehicle) owned or operated by the purchaser of the fuel: *Provided*, That such purchaser holds at the time of the delivery a permit issued pursuant to the provisions of RCW 82.36.270. Each invoice covering such sale shall have the statement, "Ex Washington Motor Vehicle Fuel Tax" clearly marked thereon.

In support of the aforementioned exemption the distributor shall obtain from the person so purchasing the motor vehicle fuel, and retain in his possession, an exemption certificate in such form and detail as the director may require. The certificate shall contain a statement signed by the purchaser of the fuel to the effect that the fuel so purchased will be used solely for marine use. The distributor may either obtain a separate exemption certificate from the purchaser for each delivery of fuel thereto or he may obtain one certificate covering all deliveries made to such purchaser during any given calendar month.

RCW 82.36.320 and 82.36.340 relating to records and the examination of records shall also apply to the exemption claimed by any person who purchases motor vehicle fuel under the provisions of this section.

82.36.240 Sales to state or political subdivisions not exempt. Nothing in this chapter shall be construed to exempt from the payment of the tax any motor vehicle fuel sold and delivered to or used by the state or any political subdivision thereof, or any inflammable petroleum products other than motor vehicle fuel, used by the state, or any political subdivision thereof, in the propulsion of motor vehicles as herein defined.

82.36.250 Nongovernmental use of fuels, etc. acquired from U. S. Government—Tax—Unlawful to procure or use. Any person who

purchases or otherwise acquires motor vehicle fuel upon which the tax has not been paid, from the United States government, or any of its agents or officers, for use not specifically associated with any governmental function or operation or so acquires inflammable petroleum products other than motor vehicle fuel and uses the same in the propulsion of motor vehicles as herein defined, for a use not associated with any governmental function or operation, shall pay to the state the tax herein provided upon the motor vehicle fuel, or other inflammable petroleum products so acquired. It shall be unlawful for any person to use or to conspire with any governmental official, agent, or employee for the use of any requisition, purchase order, or any card or any authority to which he is not specifically entitled by government regulations, for the purpose of obtaining any motor vehicle fuel or other inflammable petroleum products upon which the state tax has not been paid.

82.36.260 Extension of time for filing exportation certificates or claiming exemptions. The director shall have authority to extend the time prescribed under this chapter for filing exportation certificates or claiming exemption for sales to the armed forces: *Provided*, That written request is filed with the director showing cause for failure to do so within the prescribed period: *And Provided further*, That the state or territory of destination has not been prejudiced with respect to its collection of taxes thereon should the certificate not be filed within such time.

82.36.270 Refund permit. Any person desiring to claim a refund shall obtain a permit from the director by application therefor on such form as he shall prescribe, which application shall contain, among other things, the name and address of the applicant, the nature of the business and a sufficient description for identification of the machines or equipment in which the motor vehicle fuel is to be used, for which refund may be claimed under the permit. The permit shall bear a permit number and all applications for refund shall bear the number of the permit under which it is claimed. The director shall keep a permanent record of all permits issued and a cumulative record of the amount of refund claimed and paid thereunder. Such permit shall be obtained before or at the time that the first application for refund is made under the provisions of this chapter. At the time of filing an application for a refund permit, the applicant shall pay to the director a permit fee of one dollar, which shall be deposited in the motor vehicle fund. All permits shall expire on the thirty-first day of March of every even-numbered year.

82.36.275 Refunds for urban passenger transportation systems. (Expires June 30, 1961.) Notwithstanding RCW 82.36.240, every urban passenger transportation system shall receive a refund of

the amount of the motor vehicle fuel tax paid on each gallon of motor vehicle fuel used, whether such vehicle fuel tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such tax to the price of such fuel.

For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over twenty persons, over prescribed routes in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, do not extend for a distance exceeding five road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: *Provided*, That no refunds authorized by this section shall be granted to any urban transportation system which hereafter operates motor vehicles a distance exceeding five road miles beyond the corporate limits of the city in which the original starting point of such motor vehicles is located: *Provided further*, That this section shall expire June 30, 1961.

Note: See also section 1, chapter 117, Laws of 1961.

82.36.280 Refunds for nonhighway use of fuel. Any person who uses any motor vehicle fuel for the purpose of operating any internal combustion engine not used on or in conjunction with any motor vehicle licensed to be operated over and along any of the public highways, and as the motive power thereof, upon which motor vehicle fuel excise tax has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel. No refund shall be made for motor vehicle fuel consumed in any motor vehicle as herein defined licensed to be operated over and along any public highway except that a refund shall be allowed for motor vehicle fuel consumed in a motor vehicle owned by the United States and operated off the public highways for the official use thereof.

82.36.290 Refunds for use in manufacturing, cleaning, dyeing. Every person who purchases and uses any motor vehicle fuel as an ingredient for manufacturing or for cleaning or dyeing or for some other similar purpose and upon which the motor vehicle

fuel excise tax has been paid shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel.

82.36.300 Refunds on exported fuel. Every person who shall export any motor vehicle fuel for use outside of this state and who has paid the motor vehicle fuel excise tax upon such motor vehicle fuel shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so exported. Any motor vehicle fuel carried from this state in the fuel tank of a motor vehicle shall not be considered as exported from this state.

82.36.305 Refunds to dealer delivering fuel exclusively for marine use—Limitations—Supporting certificate. Any dealer who delivers motor vehicle fuel exclusively for marine use into the fuel tanks connected to the engine of any marine vessel (excluding any amphibious vehicle) owned or operated by the purchaser of the fuel, said dealer having paid the tax on such fuel levied or directed to be paid as provided in this chapter, either directly by the collection of such tax by the vendor from the dealer or indirectly by the adding of the amount of the tax to the price of such fuel, shall be entitled to and shall be refunded the amount of the tax so paid. The refund shall be applicable only if the person to whom the dealer sold the fuel holds a permit issued pursuant to the provisions of RCW 82.36.270 at the time of sale. Each invoice covering such sale shall have the statement, "Ex Washington Motor Vehicle Fuel Tax," clearly marked thereon.

In addition to the claim to be filed under RCW 82.36.310 the dealer shall also file a certificate supporting such refund in such form and detail as the director may require. The certificate shall contain a statement signed by the purchaser of the fuel to the effect that the fuel so purchased will be used solely for marine use. The dealer may either file a separate certificate obtained from the purchaser for each delivery of fuel thereto or he may file one certificate covering all deliveries made to such purchaser during any given calendar month.

82.36.306 Remedies for violation of RCW 82.36.235 and 82.36.305—Rules—Coloring of fuel exclusively for marine use, samples may be taken. If any person who purchases motor vehicle fuel exclusive of tax under the provisions of RCW 82.36.235 and 82.36.305 uses or permits such fuel to be used for purposes other than marine use as set forth in this chapter, he shall immediately become

liable for the motor vehicle fuel tax imposed thereon and shall for a period of five years thereafter become ineligible for any permit under RCW 82.36.270. The foregoing remedies shall be cumulative and no action taken pursuant thereto shall relieve any person from the penal provisions of this chapter.

The director is hereby empowered with full authority to promulgate rules and regulations and to prescribe forms necessary for the enforcement of the provisions relating to such sales and use of motor vehicle fuel. This shall include authority to require distributors and dealers to color motor vehicle fuel so sold with a coloring matter to be prescribed and furnished without cost by the director. It shall be unlawful to use or to permit the use of the fuel so colored for any purpose other than that provided under RCW 82.36.235 and 82.36.305. The director, in order to ascertain whether the fuel so colored has been unlawfully used, may take samples of fuel from fuel tanks of motor vehicles and conduct such other examinations as he may deem necessary.

82.36.310 Claim of refund. Any person claiming a refund for motor vehicle fuel used or exported as in this chapter provided shall not be entitled to receive such refund until he presents to the director a claim upon forms to be provided by the director with such information as the director shall require, which claim to be valid shall in all cases be accompanied by the invoice or invoices issued to the claimant at the time of the purchases of the motor vehicle fuel, approved as to invoice form by the director. Any person claiming refund by reason of exportation of motor vehicle fuel shall in addition to the invoices required furnish to the director the export certificate therefor, and the signature on the exportation certificate shall be certified by a notary public. In all cases the claim shall be signed by the person claiming the refund, or if it is a corporation, by some proper officer thereof.

82.36.320 Information may be required. Any person claiming refund on motor vehicle fuel used other than in motor vehicles as herein provided, and any person purchasing motor vehicle fuel from a dealer who is claiming refund on account of the sale of such fuel under RCW 82.36.305 may be required by the director to also furnish information regarding the amount of motor vehicle fuel purchased from other sources or for other purposes during the period reported for which no refund is claimed.

82.36.330 Payment of refunds—Penalty. Upon the approval of the director of the claim for refund, the state treasurer shall draw a warrant upon the state treasury for the amount of the claim in favor of the person making such claim and the warrant shall be paid from the excise tax collected on motor vehicle fuel. Applica-

tions for refunds of excise tax shall be filed in the office of the director not later than the close of the last business day of a period thirteen months from the date of purchase of such motor fuel, and if not filed within this period the right to refund shall be forever barred. Any person or the member of any firm or the officer or agent of any corporation who makes any false statement in any claim required for the refund of excise tax, as provided in this chapter, or who collects or causes to be repaid to him or to any other person any such refund without being entitled to the same under the provisions of this chapter shall be guilty of a gross misdemeanor.

82.36.335 Distributor may obtain credit on tax in lieu of collection and refund. In lieu of the collection and refund of the tax on motor vehicle fuel used by a distributor in such a manner as would entitle a purchaser to claim refund under this chapter, credit may be given the distributor upon his tax return in the determination of the amount of his tax.

82.36.340 Examination of books and records. The director may in order to establish the validity of any claim for refund require the claimant, or, in the case of a dealer filing a claim for refund as provided by RCW 82.36.305, the person to whom such fuel was sold, to furnish such additional proof of the validity of the claim as the director may determine, and may examine the books and records of the claimant or said person to whom the fuel was sold for such purpose. The records shall be sufficient to substantiate the accuracy of the claim and shall be in such form and contain such information as the director may require. The failure to maintain such records or to accede to a demand for an examination of such records may be deemed by the director as sufficient cause for denial of all right to the refund claimed on account of the transaction in question.

82.36.350 Fraudulent invoices—Penalty. If upon investigation the director determines that any claim has been supported by an invoice or invoices fraudulently made or altered in any manner to support claim, he may suspend the pending and all further refunds to any such person making the claim for a period not to exceed one year.

82.36.360 Separate invoices for nontaxed fuel. When motor vehicle fuel is sold to a person who claims to be entitled to a refund of the tax, the seller of such motor vehicle fuel shall make and deliver at the time of sale separate invoices for each purchase on invoice forms approved by the director showing the name and address of the seller, the name and address of the purchaser, the number of gallons of motor vehicle fuel so sold, and the date of such

purchase. All invoices shall be legibly written and shall be void if any corrections or erasures appear on the face thereof.

82.36.370 Refund for fuel destroyed by fire, flood, explosion, etc. A refund shall be made in the manner provided in this chapter or a credit given allowing for the excise tax paid or accrued on all motor vehicle fuel which, after shipment or receipt, is destroyed by fire, lightning, flood, wind storm, or explosion, but such destruction must be proved to the complete satisfaction of the director.

82.36.380 Violations—Penalty. Any person failing to pay the tax as herein provided, or violating any of the other provisions of this chapter, or making any false statement, or concealing any material fact in any report, record, affidavit, or claim provided for herein, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

82.36.390 Diversion of export fuel—Penalty. Any person who, through false statement, trick, or device, or otherwise, obtains motor vehicle fuel for export and fails to export the same or any portion thereof, or causes such motor vehicle fuel or any thereof not to be exported, or who diverts said motor vehicle fuel or any thereof or who causes it to be diverted from interstate or foreign transit begun in this state, or who unlawfully returns such fuel or any thereof to this state and sells or uses it or any thereof in this state or causes it or any thereof to be used or sold in this state and fails to notify the distributor from whom such motor vehicle fuel was originally purchased of his act, and any distributor or other person who conspires with any person to withhold from export, or divert from interstate or foreign transit begun in this state, or to return motor vehicle fuel to this state for sale or use with intent to avoid any of the taxes imposed by this chapter, shall be guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not less than five hundred dollars nor more than five thousand dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. Each shipment illegally diverted or illegally returned shall be a separate offense, and the unit of each shipment shall be the cargo of one vessel, or one railroad carload, or one automobile truck load, or such truck and trailer load, or one drum, or one barrel, or one case or one can.

82.36.400 Other offenses—Penalties. It shall be unlawful for any person to commit any of the following acts:

(1) To display, or cause to permit to be displayed, or to have in possession, any motor vehicle fuel transport or distributor's license knowing the same to be fictitious or to have been suspended, canceled, revoked, or altered;

(2) To lend to, or knowingly permit the use of, by one not entitled thereto, any motor vehicle fuel transport or distributor's license issued to the person lending it or permitting it to be used;

(3) To display or to represent as one's own any motor vehicle fuel transport or distributor's license not issued to the person displaying the same;

(4) To use a false or fictitious name or give a false or fictitious address in any application or form required under the provisions of this chapter, or otherwise commit a fraud in any application, record, or report;

(5) To refuse to permit the director, or any agent appointed by him in writing, to examine his books, records, papers, storage tanks, or other equipment pertaining to the use or sale and delivery of motor vehicle fuels within the state;

(6) To receive, purchase or otherwise acquire motor vehicle fuel free of the tax for use in the operation of aircraft engines and thereafter use or permit such fuel to be used for other purposes, or to sell or otherwise distribute such fuel for purposes other than use in aircraft engines.

Except as otherwise provided, any person violating any of the provisions of this chapter shall be guilty of a gross misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars nor more than one thousand dollars and costs of prosecution, or imprisonment for not more than one year, or both.

82.36.410 Revenue to motor vehicle fund. All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. A duplicate of such statement shall be sent to the state auditor.

82.36.420 Disposition of fees, fines, penalties. Fifty percent of all fines and forfeitures imposed in any criminal proceeding by any court of this state for violations of the penal provisions of this chapter shall be paid to the current expense fund of the county wherein collected and the remaining fifty percent shall be paid into the motor vehicle fund of the state. All fees and penalties collected by the director under the penalty provisions of this chapter shall be paid into the motor vehicle fund.

82.36.430 Enforcement. The director is charged with the enforcement of the provisions of this chapter. State patrolmen shall aid the director in the enforcement of this chapter and, for this

purpose, are declared to be peace officers, and given police power and authority throughout the state to arrest on view, without writ, rule, order, or process, any person known to have violated any of the provisions of this chapter.

82.36.440 State preempts tax field. The tax herein levied is in lieu of any excise, privilege, or occupational tax upon the business of manufacturing, selling, or distributing motor vehicle fuel, and no city, town, county, township or other subdivision or municipal corporation of the state shall levy or collect any excise tax upon or measured by the sale, receipt, distribution, or use of motor vehicle fuel.

Chapter 82.40

USE FUEL TAX

82.40.010 Definitions. For the purposes of this chapter:

(1) "Motor vehicle" means every vehicle which is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry.

(2) "Highway" means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel.

(3) "Fuel" means any combustible gas, liquid, or material of a kind used in an internal combustion engine for the generation of power to propel a motor vehicle except motor vehicle fuel as defined in chapter 82.36.

(4) "Internal combustion engine" means any engine operated by internal expansion.

(5) "Use" as a verb, means to receive into any receptacle on a motor vehicle, fuel consumed in propelling such motor vehicle on the highways within the state; except that if such fuel is received into such receptacle outside the taxing jurisdiction of this state, "use" as a verb, means to consume in propelling such motor vehicle on the highways within this state; "use" as a noun, means the act of using.

(6) "User" means any person who uses fuel.

(7) "Director" means the director of licenses.

(8) "Bond" means (a) a corporate surety bond duly executed by any person subject to the tax as principal, payable to the state and conditioned for faithful performance of all requirements of this chapter, including the payment of all taxes, penalties, interest, and other obligations arising out of this chapter; or (b) a deposit with the state treasurer by the person subject to the tax, under such

reasonable terms and conditions as the director may prescribe, of a like amount of lawful money of the United States or bonds or other obligations of the United States, the state of Washington or any county of said state, of an actual market value not less than the amount so fixed by said director.

82.40.020 Tax imposed—Rate. In addition to other taxes now provided by law, there is hereby imposed and levied an excise tax at the rate of six and one-half cents per gallon on the use of fuel by any user thereof.

Note: See also section 3, chapter 7, Laws of 1961 extraordinary session.

82.40.030 User's report to be filed. Each user shall on or before the twentieth day of each month, file with the director a report showing the amount of fuel used during the immediately preceding calendar month and such other information as the director may require for the purposes of this chapter. Such reports shall be signed by the user or his authorized agent on forms furnished by the director. Each report shall be accompanied by a remittance payable to the state treasurer for the amount of tax due and payable hereunder.

82.40.040 Tax payable monthly. The excise tax imposed hereunder with respect to the use of fuel during any calendar month shall be due and payable on or before the twentieth day of the immediately succeeding calendar month; however, with respect to delivery into the fuel supply tank of a noncommercial passenger vehicle by a person licensed to sell or otherwise distribute fuel in this state, the tax shall be paid to the person making such delivery who shall report and remit the tax collected as provided for users.

82.40.045 Exemptions, rules and regulations—Users operating noncommercial passenger vehicles. The director may exempt users operating noncommercial passenger vehicles, for which fuel is exclusively acquired tax inclusive, from the provisions of RCW 82.40.030 and 82.40.050, but the director shall have authority to promulgate such rules and regulations as may be deemed necessary to insure compliance with this chapter.

82.40.046 Exemptions—State, etc., owned highway construction vehicles. There is exempted from the tax imposed by this chapter, the use of fuel for street and highway construction and maintenance purposes, in motor vehicles owned and operated by the state of Washington, or any county or municipality.

82.40.047 Exemption for urban passenger transportation systems. (Expires June 30, 1961.) Notwithstanding any provisions of law to the contrary, every urban passenger transportation system shall be exempt from the provisions of chapter 82.40 requiring the payment of use fuel taxes.

For the purposes of this section "urban passenger transportation system" means every transportation system, publicly or privately owned, having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles and/or trackless trolleys, each having a seating capacity for over twenty persons, over prescribed route in such a manner that the routes of such motor vehicles and/or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles and/or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding five road miles beyond the corporate limits of the city in which the original starting points of such motor vehicles are located: *Provided*, That no refunds authorized by this section shall be granted to any urban transportation system which hereafter operates motor vehicles a distance exceeding five road miles beyond the corporate limits of the city in which the original starting point of such motor vehicles are located: *Provided further*, That this section shall expire June 30, 1961.

Note: See also section 2, chapter 117, Laws of 1961.

82.40.050 Fuel tax permit—Display of emblem. It shall be unlawful for any person to use fuel within this state unless a use fuel tax permit has been issued to him as provided herein and shall not have been revoked. Applications for such permits must be made to the director upon forms prescribed by him and shall set forth such information as he may require. On receipt of an application, the director shall issue to the applicant a use fuel tax permit authorizing such applicant to use fuel within this state. Such permit shall be valid only for the person in whose name it is issued and shall be valid until revoked or canceled.

An emblem shall be displayed as prescribed by the director in a conspicuous place on each motor vehicle in connection with which fuel is used. Each such emblem shall be issued without charge by the director upon application by a user holding an unrevoked use fuel tax permit, shall show the number of such permit and shall identify the motor vehicle with respect to which it is issued.

82.40.060 Revocation of permit—Notice—Reissuance—Cancellation on cessation of use. The director may revoke the permit of any person who fails to comply with the provisions of this chapter or any rule or regulation adopted hereunder. Before revoking any such permit the director shall serve written notice on the holder ordering him to appear before the director at a time not less than ten days after such service and show cause why the permit should not be revoked. The notice shall be served in the manner prescribed by RCW 82.40.170. A new permit shall not be issued to a person whose permit has been revoked, unless it appears to the satisfaction

of the director that such person will comply with the provisions of this chapter and the rules and regulations adopted hereunder.

In the event any person to whom a permit has been issued ceases using fuel within this state, such person shall immediately request in writing that the director cancel his permit. On receipt of such request the director shall cancel the permit. In the event any person ceases using fuel within this state in connection with a motor vehicle with respect to which an emblem has been issued but continues using fuel within this state in connection with another motor vehicle, such person shall immediately notify the director.

Any person whose permit has been revoked or canceled shall return to the director each emblem issued with respect to the motor vehicle in connection with which such person has ceased using fuel within this state.

82.40.070 Date of mailing deemed date of receipt. When any application, report, notice, or payment required to be made to any officer, agent, or employee of the state under the provisions of this chapter has been deposited in the United States mail addressed to such officer, agent, or employee, it shall be deemed to have been received by him on the date such application, report, notice, or payment was deposited in the United States mail. It shall be presumed until the contrary is established that the date shown by the post office cancellation mark on the envelope containing the application, report, notice, or payment is the date it was deposited in the United States mail.

82.40.080 Penalty for nonpayment. Any person failing to pay any tax, except taxes assessed under the provisions of RCW 82.40.170 and 82.40.180, within the time prescribed by this chapter shall pay in addition to such tax a penalty of ten percent of the amount thereof, plus interest on the amount of such tax at the rate of one-half of one percent per month, or fraction thereof, from the date such tax became due and payable until the date of payment.

82.40.090 Permit required before registration of vehicle. Before registering any motor vehicle under the provisions of Title 46, the director shall ascertain from the applicant for such registration whether the motor vehicle sought to be registered is propelled by a fuel the use of which is subject to the tax hereby imposed. If it is ascertained that any motor vehicle is so propelled, the director shall not complete such registration until the applicant therefor has established to the satisfaction of the director that he is the holder of a valid use fuel tax permit issued to him pursuant to this chapter.

82.40.100 Lien of tax on vehicle. The tax, including any penalty and interest hereby imposed, shall constitute a lien upon any motor vehicle in connection with which the taxable use is made, attaching

at the time of such use. Such lien shall not be removed until such tax has been paid or the motor vehicle subject to such lien has been sold in payment of the tax, and shall be paramount to all private liens or encumbrances upon such motor vehicle and to the rights of any conditional vendor or any other holder of the legal title to such motor vehicle.

82.40.110 Lien to be removed before vehicle can be transferred.

In the event the ownership of a motor vehicle subject to the lien is transferred, whether by operation of law or otherwise, no registration card or certificate of title with respect to such motor vehicle shall be issued by the director to the transferee or person otherwise entitled thereto until after the director has determined that such lien has been removed.

82.40.115 Lien of tax on other property. If any dealer liable for the remittance of tax imposed by this chapter fails to pay the same, the amount thereof, including any interest, penalty, or addition to such tax, together with any costs that may accrue in addition thereto, shall be a lien in favor of the state upon all franchises, property, and rights to property, whether real or personal, then belonging to or thereafter acquired by such person, located or situated in the county wherein such lien arises, whether such property is employed by such person in the prosecution of business or is in the hands of a trustee, or receiver, or assignee for the benefit of creditors, from the date the taxes were due and payable, until the amount of the lien is paid or the property sold in payment thereof.

The lien shall have priority over any lien or encumbrance whatsoever, except the lien of other state taxes having priority by law, and except that such lien shall not be valid as against any bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights have attached prior to the time the director has filed and recorded notice of such lien in the office of the county auditor of the county in which the principal place of business of the taxpayer is located.

82.40.120 Notice of delinquency to user's debtors. In the event any user is delinquent in the payment of any obligation imposed hereunder, the director may give notice of the amount of such delinquency by registered mail to all persons having in their possession or under their control any credits or other personal property belonging to such user, or owing any debts to such user, at the time of the receipt by them of such notice, and thereafter any person so notified shall neither transfer nor make other disposition of such credits, personal property, or debts until the director consents to a transfer or other disposition or until twenty days have elapsed from and after the receipt of the notice. All persons so notified must, within five days after receipt of the notice, advise the director of

any and all such credits, personal property, or debts in their possession, under their control or owing by them, as the case may be.

82.40.130 Bond to secure payments and compliance. The director may require any person subject to the excise tax imposed hereunder to provide a bond as defined in RCW 82.40.010, to secure his compliance with this chapter, and the payment of any and all taxes, penalties and interest due and to become due hereunder.

The total amount of the bond or bonds required of any person subject to the tax shall be fixed by the director in an amount not less than twice the estimated amount of the monthly tax, determined in such manner as the director shall deem proper, and may be increased or reduced by the director at any time subject to the limitations herein prescribed: *Provided, however,* That the total amount of such bond or bonds shall not exceed fifty thousand dollars.

Every bond filed with and approved by the director shall, without the necessity of periodic renewal, remain in force and effect until such time as the use fuel tax permit of the principal is revoked for cause or otherwise canceled. The surety on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety shall have lodged with the director a written request to be released and discharged, but this provision shall not operate to relieve, release or discharge the surety from any liability already accrued or which shall accrue (due and to become due hereunder) before the expiration of the thirty day period. The director shall promptly, upon receiving any such request, notify the principal who furnished the bond; and unless the principal shall, on or before the expiration of the thirty day period, file a new bond, the director shall forthwith cancel the principal's use fuel tax permit.

82.40.140 Delinquency—Seizure and sale of vehicle. Whenever any user is delinquent in the payment of any obligation imposed hereunder, and such delinquency continues after notice and demand for payment by the director, the director shall proceed to collect the amount due from the user in the following manner: The director shall seize any motor vehicle subject to the lien of said excise tax, penalty, and interest and thereafter sell it at public auction to pay said obligation and any and all costs that may have been incurred on account of the seizure and sale. Notice of such intended sale and the time and place thereof shall be given to such delinquent user and to all persons appearing of record to have an interest in such motor vehicle. The notice shall be given in writing at least ten days before the date set for the sale by enclosing it in an envelope addressed to such user at his address as the same appears in the records of the director and, in the case of any person appearing of record to have

an interest in such motor vehicle, addressed to such person at his last known residence or place of business, and depositing such envelope in the United States mail, postage prepaid. In addition, the notice shall be published for at least ten days before the date set for the sale in a newspaper of general circulation published in the county in which the motor vehicle seized is to be sold. If there is no newspaper of general circulation in such county, the notice shall be posted in three public places in the county for a period of ten days. The notice shall contain a description of the motor vehicle to be sold, together with a statement of the amount due hereunder, the name of the user and the further statement that unless such amount is paid on or before the time fixed in the notice the motor vehicle will be sold in accordance with law.

The director shall then proceed to sell the motor vehicle in accordance with the law and the notice, and shall deliver to the purchaser a bill of sale which shall vest title in the purchaser. If upon any such sale the moneys received exceed the amount due to the state hereunder from the delinquent user, the excess shall be returned to such user and his receipt obtained therefor. If any person having an interest in or lien upon the motor vehicle has filed with the director prior to such sale notice of such interest or lien, the director shall withhold payment of any such excess to such user pending a determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of such user shall not be available, the director shall deposit such excess with the state treasurer as trustee for such user, his heirs, successors, or assigns: *Provided*, That prior to making any seizure of property as herein provided for, the director may first serve upon the user's bondsman a notice of the delinquency, with a demand for the payment of the amount due.

82.40.150 Delinquency—Collection by civil action. Whenever any user is delinquent in the payment of any obligation hereunder, the director may transmit notice of such delinquency to the attorney general who shall at once proceed to collect by appropriate legal action the amount due the state from such user. In any suit brought to enforce the rights of the state hereunder, a certificate by the director showing the delinquency shall be prima facie evidence of the amount of the obligation, of the delinquency thereof and of compliance by the director with all provisions of this chapter relating to such obligation.

82.40.160 Remedies cumulative. The foregoing remedies of the state shall be cumulative and no action taken by the director shall be construed to be an election on the part of the state or any of its officers to pursue any remedy hereunder to the exclusion of any other remedy for which provision is made in this chapter.

82.40.170 Deficiency assessment—Interest—Penalties. If the director is not satisfied with the report filed or amount of tax paid to the state by any user, he may make an additional assessment of tax due from such user based upon any information available to him. Every such additional assessment shall bear interest at the rate of one-half of one percent per month, or a fraction thereof, from the twentieth day after the close of the month or months, for which the additional assessment is imposed until paid. If any part of the deficiency for which the additional assessment is imposed is found to have been occasioned by negligence or intentional disregard of this chapter or rules and regulations adopted hereunder, a penalty of ten percent of the amount of the additional assessment may be added thereto. If any part of the deficiency for which the additional assessment is imposed is found to have been occasioned by fraud or an intent to evade this chapter or rules and regulations adopted hereunder, a penalty of twenty-five percent of the amount of the additional assessment shall be added thereto in addition to the ten percent penalty above provided for. The director shall give to the user written notice of such additional assessment. Such notice may be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage prepaid addressed to the user at his address as the same appears in the records of the director.

82.40.180 Failure to report—Default assessment. If any user neglects or refuses to make a report as required by this chapter, the director shall make an estimate, based upon the best information available for the month or months with respect to which such user failed to make a report, of the amount of fuel used by such user and, upon the basis of such estimate, compute and assess the tax due from such user. Every such assessment shall bear interest at the rate of one-half of one percent per month, or fraction thereof, from the twentieth day after the close of the month or months, for which such assessment is imposed until paid. There shall be added to every such assessment a penalty of twenty-five percent of the amount thereof. If the neglect or refusal to make a report as required by this chapter is found to have been occasioned by fraud or an intent to evade this chapter or rules and regulations adopted hereunder, a penalty of twenty-five percent of the amount of such assessment shall be added thereto in addition to the twenty-five percent penalty above provided for. The director shall give to such user written notice of such assessment, the notice to be served in the manner prescribed in RCW 82.40.170.

82.40.190 Jeopardy determination of tax—Petition for reassessment—Security. If the director believes that the collection of any amount of excise tax imposed hereunder will be jeopardized by

delay, he shall thereupon make a determination of the amount of excise tax due, noting that fact upon such determination and the amount of such excise tax shall be immediately due and payable. If the amount of the excise tax, interest, and penalty specified in the jeopardy determination is not paid or a petition for reassessment is not filed within ten days after the service upon the user of notice of the determination, such determination becomes final, and the delinquency penalty and interest provided in RCW 82.40.170 and 82.40.180 shall attach to the amount of excise tax specified therein.

The petition for reassessment must be filed with the director within ten days after the service upon the user of notice of the determination and the user must also within such ten day period deposit with the director such security as he may deem necessary to insure compliance with the provisions of this chapter. Such security may be sold by the director in the manner provided in this chapter.

82.40.200 Reassessment of deficiency and default assessments. Any user against whom an assessment is made under the provisions of RCW 82.40.170 or 82.40.180 may petition for a reassessment thereof within fifteen days after service upon the user of notice thereof. If such petition is not filed within such fifteen day period, the amount of the assessment becomes final at the expiration thereof.

If a petition for reassessment is filed within the fifteen day period the director shall reconsider the assessment and, if the user has so requested in his petition shall grant such user an oral hearing and give the user ten days' notice of the time and place thereof. The director may continue the hearing from time to time. The decision of the director upon a petition for reassessment shall become final thirty days after service upon the user of notice thereof.

Every assessment made by the director shall become due and payable at the time it becomes final and if not paid to the director when due and payable there shall be added thereto a penalty of ten percent of the amount of the tax.

Any notice required by this section shall be served in the manner prescribed by RCW 82.40.170.

82.40.210 Notice of additional tax. Except in the case of a fraudulent report or neglect or refusal to make a report, every notice of additional tax proposed to be assessed hereunder shall be served on the user within three years after the claimed erroneous report is filed.

82.40.220 Refund or credit for overpayment—Interest. If the director determines any amount of tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected, he shall credit such amount against any amounts then due from the

user under this chapter and shall refund any balance to the user, his successor, administrator, or executor, but no such credit or refund shall be allowed unless a claim therefor is filed with the director within three years from the date of overpayment or, with respect to an assessment made under the provisions of RCW 82.40.170 or 82.40.180, within six months after such assessment becomes final, whichever period expires later. Every such claim must be in writing and state the specific grounds upon which it is founded.

Failure to file such claim within the time prescribed in this section shall constitute waiver of any and all demands against this state on account of overpayments hereunder. Within fifteen days of allowing or disallowing any such claim in whole or in part, the director shall serve notice of such action on the claimant, such service to be made in the manner prescribed by RCW 82.40.170.

Interest shall be computed, allowed, and paid upon any overpayment of tax, penalty, or interest, unless such overpayment was made intentionally or by reason of negligence, at the rate of one-half of one percent per month, or fraction thereof, from the date of overpayment as follows:

(1) In the case of a refund, to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the director.

(2) In the case of a credit, to the same date that interest is computed on the tax against which the credit is applied.

82.40.230 Suits for refunds. No suit or proceeding shall be maintained in any court for the recovery of any amount alleged to have been illegally collected unless a claim for refund or credit has been duly filed as provided in RCW 82.40.220.

Within ninety days after service of notice of the director's action upon such a claim, the claimant may bring an action against the state treasurer on the grounds set forth in the claim in the superior court of Thurston county for recovery of the whole or any part of the amount with respect to which such claim has been disallowed.

If the director fails to serve notice of action on any such claim within six months after the claim is filed, the claimant may, prior to service of notice of the director's action on such claim, consider the claim disallowed and bring action against the state treasurer on the grounds set forth in such claim for the recovery of the whole or any part of the amount claimed.

Failure to bring an action within the time specified herein shall constitute a waiver of any and all demands against this state on account of any alleged overpayments hereunder.

If in any such action judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any tax due from the plaintiff, the balance of the judgment shall be refunded

to the plaintiff. In any such judgment, interest shall be allowed at the rate of six percent per year on the amount found to have been illegally collected from the date of payment of such amount to the date of allowance of credit on account of such judgment or to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the director.

In no case shall any judgment be rendered in favor of the plaintiff in any action brought against the state treasurer to recover any tax paid hereunder when such action is brought by or in the name of an assignee of the user paying such tax.

82.40.240 License to sell or distribute fuel. It shall be unlawful for any person to sell or otherwise distribute fuel in this state unless such person is the holder of an unrevoked license issued to him pursuant to this chapter. Application for such a license must be made to the director upon forms furnished by him. No charge shall be made for such a license. The license shall be valid only for the person in whose name it is issued and shall be valid until revoked. The director may revoke such a license issued to any person who fails to comply with the provisions of this chapter or any rule or regulation adopted hereunder, provided the procedure prescribed by RCW 82.40.060 is followed.

82.40.250 Records to be kept by users and sellers—Liability of persons delivering into noncommercial vehicles—Examination—Enforcement—Rules and regulations. Every user and every person selling, distributing, storing, transporting, or otherwise handling fuel, shall keep in this state records, in such form as the director may require.

Every person required to remit the tax on fuel delivered into noncommercial passenger vehicles shall be subject to the same penalties imposed upon users. The director shall pursue against such persons the same procedure and remedies for audit, adjustment, collection, and enforcement of this chapter as is provided with respect to users.

The director may examine during normal business hours the books, papers, records, and equipment of any user or of any person selling, distributing, storing, transporting, or otherwise handling fuel and investigate the character of the disposition which any such user or such other person makes of fuel in order to determine whether all taxes due hereunder are being properly reported and paid.

The director is charged with the enforcement of the provisions of this chapter and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement hereof. State patrolmen shall aid the director in the enforcement of this chapter, and, for this purpose, are declared to be peace officers, and

given police power and authority throughout the state to arrest on sight any person known to have committed a violation of the provisions of this chapter.

82.40.260 Secrecy enjoined—Exception. It shall be unlawful for the director, or any person having an administrative duty under this chapter, to divulge or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any user or other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any report, or to permit any report or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law: *Provided*, That the director may, upon request from the officials to whom are entrusted the enforcement of the use fuel tax law of any other state or any political subdivision, the District of Columbia, the United States, its territories and possessions, the provinces or the Dominion of Canada, forward to such officials any information which he may have relative to the receipt, storage, delivery, sale, use, or other disposition of use fuel by any use fuel seller or use fuel user, provided such other state or states furnish like information to this state.

82.40.270 Emblem must be displayed before vehicle can be fueled—Storage delivery evidence of intended use. It shall be unlawful for any person to deliver fuel, which is to be consumed in propelling a motor vehicle in this state, into or place such fuel into, or cause such fuel to be delivered into or placed into, any receptacle on such motor vehicle from which receptacle such fuel can be supplied to propel such motor vehicle, unless an emblem is displayed on such motor vehicle as provided in RCW 82.40.050. Delivery of fuel into storage facilities having dispensing equipment designed to fuel motor vehicles shall be prima facie evidence that the intended use of such fuel is for motor vehicles.

82.40.280 Penalties. In addition to any other penalties provided for herein, any person who refuses or neglects to make any report required by the provisions of this chapter, who knowingly makes or aids or assists any other person in making, a false statement in any such report or in connection with any claim for refund, or who knowingly collects, or attempts to collect or causes to be repaid to himself or to any other person, any refund of any amount paid to the state hereunder without being entitled to the same, or who uses fuel within this state without being the holder of a valid use fuel tax permit, or who otherwise violates any of the provisions of this chapter, shall upon conviction thereof, be punished by a fine of not

more than one thousand dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

82.40.290 Revenue to motor vehicle fund. All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. A duplicate of such statement shall be sent to the state auditor.

Note: See also section 4, chapter 7, Laws of 1961 extraordinary session.

82.40.900 Short title. This chapter shall be known and may be cited as the "Use Fuel Tax Act of 1941."

Chapter 82.44

MOTOR VEHICLE EXCISE

82.44.010 Definitions. For the purposes of this chapter, unless context otherwise requires:

"Motor vehicle" means all motor vehicles, trailers and semi-trailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but shall not include (1) vehicles carrying exempt licenses, (2) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets, or highways, (3) motor vehicles or their trailers used entirely upon private property, or (4) motor vehicles owned by nonresident military personnel of the armed forces of the United States or Canada, stationed in the state of Washington provided such personnel were also nonresident at the time of their entry into military service; or (5) house trailers as defined in RCW 82.50.010.

"Commission" or "tax commission" means the tax commission of the state.

82.44.020 Basic tax imposed. An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under dealer's licenses. The annual amount of such excise shall be two percent of the fair market value of such vehicle: *Provided*, That in no case shall the tax be less than one dollar: *Provided further*, That during the period of changeover to the staggered system of registration of those motor vehicles as defined in RCW 46.16.400 the excise tax may be computed and imposed for periods of less than one year sufficient to make the collection thereof coincide with the collection of license fees on such vehicles.

82.44.030 Tax on motor vehicle dealers. Every dealer in motor vehicles, for the privilege of using any motor vehicle eligible to be used under a set of dealer's license plates, shall pay an excise tax of two dollars, and such tax shall be collected upon the issuance of each original set of dealer's license plates, and also a similar tax shall be collected upon the issuance of each set of dealer's duplicate license plates, which taxes shall be in addition to any tax otherwise payable under this chapter.

82.44.040 Schedule to be prepared—Basis of tax. The commission and association of county assessors of the state shall prepare and, on or before December 1st of each year, furnish to the county auditor of each county in the state a schedule for use in the collection of the excise tax imposed by this chapter. Such schedule shall be based upon such information as may be available to them pertaining to the fair market value of motor vehicles. Such vehicles shall be classified therein into a convenient number of classes on the basis of make, type, year of manufacture, or any other reasonable basis, and to the value of vehicles within the classes as thus determined shall be applied the rate of tax prescribed in RCW 82.44.020. In determining fair market value, the commission and county assessors may use any guidebook, report, or compendium of recognized standing in the automotive industry. The schedule shall show, so far as possible, the amount of excise tax for vehicles within each class and shall sufficiently describe the various motor vehicles included within each classification to enable the county auditor to ascertain readily the amount of tax applicable to any particular motor vehicle.

82.44.050 Independent appraisal of unlisted vehicles. Whenever a person applies to the county auditor for a license for a motor vehicle which does not appear upon the schedule, the applicant shall apply to the county assessor of his county for computation of the amount of excise tax due. Upon any such application the assessor shall appraise the vehicle at its fair market value from such automotive guidebooks or listings or other information as he may have available and ascertain the amount of excise tax by applying to such appraisal the rate of one and one-half percent and thereupon the applicant shall be given a certificate showing the excise tax payable under this chapter.

82.44.060 Payment of tax — Abatement for fractional year — Transfer of ownership. The excise tax hereby imposed shall be due and payable to the county auditor at the time of registration of a motor vehicle. Whenever an application is made to the auditor for a license for a motor vehicle he shall collect, in addition to the amount of the license fee, the amount of the excise tax imposed by this chapter, and no dealer's license or license plates, and no license or

license plates for a motor vehicle shall be issued unless such tax is paid in full. The excise tax hereby imposed shall be collected for each calendar year: *Provided*, That upon motor vehicles licensed for the first time in this state after March 31st the excise tax for such year shall be reduced by one-fourth thereof, upon vehicles licensed for the first time in this state after June 30th the excise tax shall be reduced by one-half thereof and upon vehicles licensed for the first time in this state after September 30th the excise tax shall be reduced by three-fourths thereof: *Provided further*, That the tax shall in no case be less than one dollar.

No additional tax shall be imposed under this chapter upon any vehicle upon the transfer of ownership thereof if the tax imposed with respect to such vehicle has already been paid for the year or fraction of a year in which transfer of ownership occurs.

82.44.070 Tax collectible by public service commission in certain cases. Whenever any person shall apply to the public service commission for a permit or identification plates to operate a motor vehicle in interstate commerce, in any year, under the provisions of Title 81, and it appears to the public service commission that the vehicle will be operated in the state less than fifty percent of the total mileage it will be operated in such year, said person shall pay to the public service commission, together with the fee for such permit or plates, a partial payment of fifty percent of the full excise fee payable for that year on the vehicle under the provisions of this chapter, except in the following cases:

(1) If the excise fee for such vehicle, whether owned, leased or rented, for such year has theretofore been paid and such person furnishes to the public service commission a receipt, or other satisfactory proof, evidencing such payment, which receipt, or other evidence, after any necessary verification, shall be returned to him upon request; or

(2) If the application is for a permit or plates for a vehicle, licensed in another state, which will simply permit an occasional irregular trip or trips from another state into this state.

In either of the two above enumerated cases the public service commission, in accounting to the state treasurer, shall note the reason for noncollection of the excise.

In any case where a person has paid the excise fee for any vehicle for any year to the public service commission and later applies to a county auditor for a motor vehicle license for such year, such auditor shall issue the license without collecting the excise fee but only after verifying such payment from the excise fee receipt, or from a signed statement, issued by the public service commission, and in accounting to the state treasurer for such noncollection the

auditor shall note the number of the receipt or the number of the identification plates issued by the public service commission.

The public service commission shall account for and pay over to the state treasurer, at the latest within thirty days after it has received payment, the excise fees it has collected under this chapter, and the state treasurer shall credit the same to the motor vehicle excise fund.

It is the intent of this chapter that not more than one excise fee imposed under RCW 82.44.020 shall be collected for any vehicle for any year.

For the purposes of this section, the several provisions of this chapter applying to the county auditor shall apply to the public service commission and those applying to the county assessor shall apply to the tax commission.

82.44.080 Tax additional. The taxes imposed by this chapter are in addition to all other licenses and taxes otherwise imposed.

82.44.090 Penalty for issuing plates without collecting tax. It shall be unlawful for the county auditor or any other person to issue a dealer's license or dealer's license plates or a license or identification plates with respect to any motor vehicle without collecting, with the required license fee, the amount of the excise tax due thereon under the provisions of this chapter. Any violation of this section shall constitute a gross misdemeanor.

82.44.100 Tax receipt. The county auditor shall give to each person paying the excise tax a receipt therefor which shall sufficiently designate and identify the vehicle with respect to which the tax is paid. Such receipt may be incorporated in the receipt given for the motor vehicle license fee or dealer's license fee paid.

82.44.110 Disposition of revenue—Motor vehicle excise fund created. The county auditor shall regularly, when remitting license fee receipts, pay over and account to the director of licenses for the excise taxes collected under the provisions of this chapter. The director shall forthwith transmit the excise taxes to the state treasurer, ninety-eight percent of which excise tax revenue shall upon receipt thereof be credited by the state treasurer to a fund which is hereby created to be known as the motor vehicle excise fund, and two percent of which excise tax revenue shall be credited by the state treasurer to the motor vehicle fund to defray administrative and other expenses incurred by the state department of licenses in the collection of the excise tax.

82.44.120 Refunds — Claims — Time limitation. Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of this chapter, and the director of licenses determines that the payor is entitled

to a refund of the entire amount of the license fee as provided by law, then he shall also be entitled to a refund of the entire excise tax collected under the provisions of this chapter. In case the director of licenses determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected and the state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the tax commission and the association of county assessors.

In case no claim is to be made for the refund of the license fee or any part thereof but claim is made by any person that he has paid an erroneously excessive amount of excise tax, the tax commission shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

No refund of excise tax shall be allowed under the first paragraph of this section unless application for a refund of license fee is filed with the director of licenses within the period provided by law, and no such refund shall be allowed under the second paragraph of this section unless filed with the tax commission within ninety days after such claimed excessive excise tax was paid.

Any person authorized by the public service commission to operate a motor vehicle for the conveyance of freight or passengers for hire as a common carrier or as a contract carrier, and so operating such vehicle partly within and partly outside of this state during any calendar year, shall be entitled to a refund of that portion of the full excise tax for such vehicle for such year that the mileage actually operated by such vehicle outside the state bears to the total mileage so operated both within and outside of the state: *Provided*, If only one-half of the full excise fee was paid, the unpaid one-half shall be deducted from the amount of refund so determined: *Provided further*, If only a one-half fee was paid, and the vehicle was operated in this state more than fifty percent of the total miles operated, a balance of the tax is due equal to an amount which is the same percentage of the full excise fee as is the percentage of mileage the vehicle was operated in this state minus the one-half fee previously paid, and any balance due, is payable on or before the first day of June of the year in which the amount of the excise fee due the state has been determined, and until any such balance has been paid no identification plate or permit shall be thereafter issued for such vehicle or any other vehicle owned by the same person. Any claim for such refund must be filed with the tax commission at Olympia not later than within the first three months of the calendar year following the year for which refund is claimed

and the applicant must therewith furnish to the commission his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of the state, and the total of all mileage so operated: *Provided*, A claim for refund may be filed after the three month period has expired, but in such case a penalty of ten percent of any refund otherwise allowable shall be charged and withheld for each month or portion thereof subsequent to the three month period.

If the commission approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds and the other refunds herein provided for from the motor vehicle excise fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement, in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

82.44.130 Ad valorem taxation barred. No motor vehicle shall be listed and assessed for ad valorem taxation so long as this chapter remains in effect.

82.44.140 Director of licenses may act. Any duties required by this chapter to be performed by the county auditor may be performed by any other person designated by the director of licenses and authorized by him to receive motor vehicle license fees and issue receipt therefor.

82.44.150 Distribution of motor vehicle excise fund generally. On the first day of the months of January, April, July, and October of each year, the state treasurer shall make the following apportionment and distribution of all moneys remaining in the motor vehicle excise fund: Five percent thereof shall be credited and transferred to the state general fund; seventeen percent thereof shall be paid to cities and towns in the proportions and for the purposes hereinafter set forth; and seventy-eight percent thereof shall be credited and transferred to the state school equalization fund.

The amount payable to cities and towns shall be apportioned among the several cities and towns within the state ratably, on the basis of the population as last determined by the board.

When so apportioned, the amount payable to each such city and town shall be transmitted to the city treasurer thereof, and shall be utilized by such city or town for the purposes of police and fire protection and the preservation of the public health therein, and not otherwise. In case it be adjudged that revenue derived from the excise tax imposed by this chapter cannot lawfully be apportioned or distributed to cities or towns, all moneys directed by this

section to be apportioned and distributed to cities and towns shall be credited and transferred to the state general fund.

82.44.160 Distribution to university bureau of governmental research. Before distributing moneys to the cities and towns from the motor vehicle excise fund, as provided in RCW 82.44.150, the state treasurer shall make an annual deduction therefrom of a sum equal to four cents per capita of the population of all cities or towns, determined as provided in said section, which sum shall be apportioned and transmitted to the University of Washington for use by its bureau of governmental research, and shall be used for studies and research in municipal government, publications, educational conferences, and attendance thereat, and in furnishing technical, consultative, and field services to cities and towns in problems relating to planning, public health, municipal sanitation, fire protection, law enforcement, postwar improvements, and public works, and in all matters relating to city and town government. The program shall be carried on and all expenditures shall be made in cooperation with the cities and towns of the state acting through the Association of Washington Cities by its executive committee which is hereby recognized as their official agency or instrumentality.

Any moneys remaining unexpended or uncontracted for by the bureau at the end of any calendar year shall be returned to the motor vehicle excise fund and be paid to cities and towns under the provisions of RCW 82.44.150.

Note: See also section 1, chapter 115, Laws of 1961.

82.44.900 Severability—Construction. If any provision of this chapter relating either to the apportionment or allocation of the revenue derived from the excise tax thereby imposed, or to any appropriation made by this chapter, be adjudged unconstitutional, such adjudication shall not be held to render unconstitutional or ineffectual the remaining portions of said chapter or any part thereof: *Provided, however,* That except as otherwise hereinabove provided by this section, if any section or part of a section of this chapter be adjudged unconstitutional, this entire chapter shall thereupon be and become inoperative and of no force or effect whatsoever.

Chapter 82.48

AIRCRAFT EXCISE

82.48.010 Definitions. For the purposes of this chapter, unless otherwise required by the context:

“Aircraft” means any weight-carrying device or structure for navigation of the air, designed to be supported by the air, but which is heavier than air and is mechanically driven;

“Director” means the director of aeronautics; and

“Person” includes a firm, partnership, or corporation.

82.48.020 Excise tax imposed on aircraft. An annual excise tax is hereby imposed for the privilege of using any aircraft in the state. The tax shall be collected for each calendar year by the auditor of the county in which the aircraft is based, and paid on and after the first day of December of the preceding year. No additional tax shall be imposed under this chapter upon any aircraft upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such aircraft has already been paid for the year in which transfer of ownership occurs.

82.48.030 Amount of tax. The amount of the tax imposed by this chapter for each year shall be one percent of the fair market value of the aircraft, as determined in the manner provided in this chapter: *Provided*, That upon aircraft registered for the first time under this chapter after March 31st and before July 1st of any year the excise tax for such year shall be reduced by one-fourth thereof; that upon aircraft so registered for the first time after June 30th and before October 1st of any year the excise tax shall be reduced by one-half thereof; and that upon aircraft so registered for the first time after September 30th of any year the excise tax shall be reduced by three-fourths thereof: *Provided further*, That the minimum amount payable shall be three dollars.

82.48.040 Classification of aircraft for tax purposes—Schedule of tax applicable. The tax commission and the association of county assessors and the director shall jointly prepare and shall, on or before November 1st of each year, furnish to each county auditor a schedule for use on and after the following December 1st in the collection of such excise tax, and all payments and collections of the tax shall be in accordance with such schedule. The schedule shall be based upon such information as may be available to them pertaining to the fair market value of aircraft. Aircraft shall be classified therein into a convenient number of classes on the basis of make, type, year of manufacture, or any other reasonable basis, and to the value of the aircraft within the classes as thus determined shall be applied the rate of tax. In determining such fair market value, the tax commission and association of county assessors and the director may use any guidebook, report or compendium of recognized standing in the aircraft industry. Such schedule shall show, so far as possible, the amount of excise tax for aircraft within each class and shall sufficiently describe the various aircraft included within each classification to enable the county auditor to ascertain readily the amount of tax applicable to any particular aircraft.

82.48.050 Unclassified aircraft—Determining tax. Whenever a person applies to the county auditor for payment of the excise tax upon an aircraft which does not appear upon the schedule provided for in RCW 82.48.040, the applicant shall be required to apply to the county assessor of his or its county for computation of the amount of excise tax due. Upon any such application the assessor shall appraise the aircraft at its fair market value from such aircraft guidebooks or listings or other information as he may have available and ascertain the amount of excise tax by applying to such appraisal the rate of one percent, and thereupon the applicant shall be given a statement showing the excise tax payable under this chapter.

82.48.060 Is in addition to other taxes. Except as provided in RCW 82.48.110, the tax imposed by this chapter is in addition to all other licenses and taxes otherwise imposed.

82.48.070 Tax receipt. The county auditor shall give to each person paying the excise tax a copy of a receipt therefor on a form approved by the director which shall designate and identify the aircraft taxed and contain such information as the director may require. A copy of such receipt shall be transmitted by the auditor to the director.

82.48.080 Auditor pay tax to treasurer for credit of motor vehicle excise fund. The county auditor shall regularly, when remitting motor vehicle license fee and excise tax receipts, pay to the state treasurer the excise taxes collected under this chapter, which shall be credited by the state treasurer to the motor vehicle excise fund.

82.48.090 Refund of excessive tax payment. In case a claim is made by any person that he has paid an erroneously excessive amount of excise tax under this chapter, he may apply to the tax commission for a refund of the claimed excessive amount. The commission shall review such application, and if it determines that an excess amount of tax has actually been paid by the taxpayer, such excess amount shall be refunded to the taxpayer by means of a voucher approved by the tax commission and by the issuance of a state warrant drawn upon and payable from such funds as the legislature may provide for that purpose. No refund shall be allowed, however, unless application for the refund is filed with the tax commission within ninety days after the claimed excessive excise tax was paid.

82.48.100 Exempt aircraft. This chapter shall not apply to: Aircraft owned by and used exclusively in the service of any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession

of the United States, or the District of Columbia, which are not engaged in carrying persons or property for commercial purposes;

Aircraft registered under the laws of a foreign country;

Aircraft which are owned by a nonresident and registered in another state: *Provided*, That if any such aircraft shall remain in and/or be based in this state for a period of ninety consecutive days or longer it shall not be exempt under this section;

Aircraft engaged principally in commercial flying which constitutes interstate or foreign commerce; and aircraft owned by the manufacturer thereof while being operated for test or experimental purposes, or for the purpose of training crews for purchasers of the aircraft;

Aircraft being held for sale, exchange, delivery, test, or demonstration purposes solely as stock in trade of an aircraft dealer licensed under RCW Title 14.

82.48.110 Aircraft not to be subject to ad valorem tax—Exceptions. The first tax to be collected under this chapter shall be for the calendar year 1950. No aircraft with respect to which the excise tax imposed by this chapter is payable shall be listed and assessed for ad valorem taxation in the year of 1949 or any succeeding year, for taxes of the year 1950 or any succeeding year, so long as this chapter remains in effect, and any such assessment heretofore made in 1949 is hereby directed to be canceled: *Provided*, That any aircraft, whether or not subject to the provisions of this chapter, with respect to which the excise tax imposed by this chapter will not be paid or has not been paid for any year shall be listed and assessed for ad valorem taxation in that year, and the ad valorem tax liability resulting from such listing and assessment shall be collected in the same manner as though this chapter had not been passed: *Provided further*, That this chapter shall not be construed to affect any ad valorem tax based upon assessed valuations made in 1948 and/or any preceding year for taxes payable in 1949 or any preceding year, which ad valorem tax liability tax for any such years shall remain payable and collectible in the same manner as though this chapter had not been passed.

Chapter 82.50

HOUSE TRAILER EXCISE

82.50.010 Definitions. "House trailer" means all trailers of the type designed to be used upon the public streets and highways which are capable of being used as facilities for human habitation and which are ten feet or more in length and six feet or more in height from floor to ceiling, except as hereinafter specifically excluded.

“Commission” means the tax commission of the state.

“Director” means the director of licenses of the state.

82.50.020 Tax imposed—Collection—Transfer of ownership. An annual excise tax is imposed on the owner of any house trailer for the privilege of using such house trailer in this state. The tax shall be collected for each calendar year by the county auditor of the county in which the house trailer is located at the time payment is made and shall be due on and after January 1st or on the date the house trailer is first purchased or brought into this state, and paid on or before March 31st of each calendar year or thirty days after the house trailer is first purchased or brought into this state, whichever is later. No additional tax shall be imposed under this chapter upon any house trailer upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such house trailer has already been paid for the calendar year or fractional part thereof in which such transfer occurs.

82.50.030 Rate—Minimum payable—Fractional amounts. The rate and measure of tax imposed by this chapter for each year shall be one percent of the fair market value of the house trailer, as determined in the manner provided in this chapter: *Provided*, That upon house trailers upon which a tax is due for the first time in this state after March 31st and before July 1st, the excise tax for such year shall be reduced by one-fourth thereof; that upon house trailers upon which the tax hereunder is due for the first time after June 30th and before October 1st, the excise tax shall be reduced by one-half thereof; and that upon house trailers upon which the tax hereunder is due for the first time after September 30th, the excise tax shall be reduced by three-fourths thereof: *Provided further*, That the minimum amount of tax payable shall be one dollar.

82.50.040 Classification and schedule—Basis. The classification and schedule prepared under RCW 82.44.040 for trailers used as facilities for human habitation shall be the schedule used by the county auditors for determining the amount of tax due hereunder.

82.50.050 Amount on unclassified house trailers. The tax hereunder for any house trailer not classified as provided in RCW 82.44.040 shall be determined as provided in RCW 82.44.050 for trailers used as facilities for human habitation.

82.50.060 Tax additional. Except as provided herein, the tax imposed by this chapter is in addition to all other licenses and taxes otherwise imposed.

82.50.070 Tax receipt—Records—License plate, fee. The county auditor upon payment of the tax hereunder shall issue a receipt

which shall include such information as may be required by the director, including the name of the taxpayer, and a description of the house trailer, which receipt shall be printed by the department of licenses in such form as it deems proper and furnished by the department to the various county auditors of the state. The county auditor shall keep a record of the excise taxes paid hereunder during the calendar year under the name of owners of house trailers, listed alphabetically.

In addition thereto the county auditor shall issue a license plate and register the house trailer under the provisions of chapter 46.16 and shall collect the additional fees therein provided.

82.50.090 Unlawful issuance of tax receipt—Penalty. It shall be unlawful for the county auditor or any person to issue a receipt hereunder to any person without collecting the amount of the excise tax due thereon under the provisions of this chapter and any violation of this section shall constitute a gross misdemeanor.

82.50.101 Director's power of entry to determine whether tax paid—Inspection of trailer camp records. The director or his authorized representative shall have power to enter at reasonable times all trailer parks and other areas where house trailers are parked for the purpose of determining whether or not the tax herein prescribed has been paid. The records required to be kept under RCW 19.48.020 shall be open to inspection by the director or his representative.

82.50.105 Notice of amount of tax payable, contents—Notice of delinquency—Request for distraint. On or before the fifteenth day of February of each calendar year, the director shall cause to be mailed to the owners of house trailers, of record, notice of the amount of tax payable during the calendar year. Said notice shall contain a legal description of the house trailer, prominent notice of penalties, due dates, and such other information as may be required by the director. If the tax is not paid within thirty days of the date payable, the director shall issue a notice of delinquency which may be mailed to the trailer owner, which notice shall advise of the delinquency, and demand immediate payment. If payment is not made within thirty days of the issuance of said notice, the director shall forward a notification of delinquency to the county sheriff of the county wherein the trailer is located, requesting distraint of said trailer.

82.50.110 Late payments—Penalty—Lien. If any excise tax due hereunder is not paid when due and payable, the county auditor shall collect in addition to the sum herein, a penalty of three dollars and, in addition, the unpaid tax shall bear interest at the

rate of six percent per annum from the time such tax is due and payable.

The tax hereunder shall be a specific lien on the house trailer from and after the date it first becomes due hereunder, and shall include all charges authorized by this chapter, which lien shall have priority to and be fully paid and satisfied before any recognition, mortgage, judgment, debt, obligation or responsibility to or with which the house trailer may become charged or liable, after July 1, 1957, and no sale or transfer of any house trailer shall in any way affect the lien for such excise tax upon the house trailer.

82.50.120 Unlawful removal of house trailer—Penalty. It shall be unlawful for any owner or other person to remove a house trailer from the real property on which it is situated after the tax hereunder shall become due and payable without payment of the excise tax hereunder or under RCW 82.44.020, and any violation of this section shall constitute a misdemeanor, upon conviction of which there shall be imposed a fine of not more than fifty dollars.

82.50.130 Delinquencies—Distraint procedure. When notified by the director that the excise tax is delinquent on any house trailer, the sheriff shall personally serve the owner in the manner provided for service of summons in civil actions or post thereon in a conspicuous place, a notice of delinquency, supplied by the director, which shall contain a description of the house trailer, the amount of excise tax due, together with accrued interest, the penalty and the sheriff shall add thereto his fee for service or posting of the notice, which shall be the same as for the service of summons in a civil action, with fees for mileage based on the number of miles from the county seat of the county to the location of the house trailer, and the name of the owner or reputed owner, if such is known. Thereafter, the sheriff may without further demand or notice, distraint the house trailer for the payment of tax, together with the penalty and accrued interest, and the costs and fees.

If he shall determine that it is reasonably impracticable to take manual possession of the house trailer, it shall be deemed to have been distrained and taken into possession when the sheriff posts thereon in a conspicuous place, a notice in writing reciting that he has distrained such house trailer, describing it and giving the name of the owner or reputed owner, if such is known, the amount of the tax due, together with the penalty, accrued interest, costs and fees, and the time when and the place where the sale, as hereinafter provided, shall be made.

The director shall forward by registered or certified mail a copy of the notice of delinquency herein provided to the legal owner recorded with the director pursuant to chapter 46.12.

82.50.140 Sale of trailer after distraint—Procedure. If the tax is not paid forthwith after distraint, the sheriff shall advertise the sale of the house trailer by posting written notices in three public places in the county in which the house trailer is located, one of which shall be at the county court house of such county, and by posting a written notice on the house trailer in a conspicuous place, if he has not taken manual possession of it. Such notices shall state the time when and the place where the house trailer will be sold. He shall tax the same fees for making the distraint and sale of the house trailer for the payment of taxes as are allowed him by law for making levy and sale of property on execution, traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which the house trailer is distrained, together with the penalty, accrued interest, and costs and fees accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the distraint and taking of such house trailer and posting of the notices, the sheriff shall proceed to sell the house trailer at public auction. After deducting the costs and fees, he shall pay to the county auditor the amount to pay the taxes, the penalty and accrued interest to the date of sale, if there is sufficient to do so, and, if there is any overplus of money arising from the sale, he shall pay such overplus to the owner of the house trailer so sold or to his legal representative, who shall be deemed to be the county treasurer in the event the owner or other legal representative cannot be determined or found.

82.50.160 Remittance of tax by county to state—Motor vehicle excise fund. The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes collected under this chapter, which shall be credited by the state treasurer to the motor vehicle excise fund.

82.50.170 Refund procedure—Penalty for false statement. In case a claim is made by any person that he has erroneously paid the tax or a part thereof or any charge hereunder, he may apply in writing to the commission for a refund of the amount of the claimed erroneous payment within ninety days of the time of payment of the tax on such a form as is prescribed by the commission. The commission shall review such application for refund, and, if it determines that an erroneous payment has been made by the taxpayer, it shall certify the amount to be refunded to the state treasurer that such person is entitled to a refund in such amount, and the treasurer shall make such approved refund herein provided for from the motor vehicle excise fund and shall mail or deliver the same to the person entitled thereto.

Any person making any false statement in the affidavit herein mentioned, under which he obtains any amount of refund to which he is not entitled under the provisions of this section, shall be guilty of a gross misdemeanor.

82.50.180 Exemptions. The following house trailers are specifically exempted from the operation of this chapter:

(1) Any unoccupied house trailer when it is part of an inventory of house trailers held for sale by a manufacturer or dealer in the course of his business.

(2) A house trailer owned by any government or political subdivision thereof.

(3) A house trailer owned by a nonresident and currently licensed in another state, unless such house trailer shall remain in this state for a period of ninety days or more during the calendar year.

(4) House trailers eligible to be used under a set of dealer's license plates, and taxed under RCW 82.44.030 while so eligible.

(5) A house trailer which has substantially lost its identity as a vehicle by virtue of being permanently fixed in location upon the land by foundation, attached structures and fixed pipe connections with sewer, water or other utilities.

82.50.190 Ad valorem taxes prohibited—Collection of first taxes. The first tax to be collected under this chapter shall be for the last half of the calendar year 1955. No house trailer with respect to which the excise tax imposed by this chapter is payable shall be listed and assessed for ad valorem taxation in the year 1955 or any succeeding year, so long as this chapter remains in effect, and any such assessment heretofore made in 1955 is directed to be canceled: *Provided*, That for any house trailer upon which an assessment for ad valorem tax was not made in the year 1954 and paid in 1955, and any house trailer purchased or brought into the state in 1955, the tax hereunder shall be paid for the last half of the year 1955.

82.50.200 Taxed and licensed trailers entitled to use of streets and highways. House trailers taxed and licensed under the provisions of this chapter shall be entitled to the use of the public streets and highways subject to the provisions of the motor vehicle laws of this state except as herein otherwise provided.

Chapter 82.52

EXTENSION OF EXCISES TO FEDERAL AREAS

82.52.010 State accepts provisions of federal (Buck) act. The state hereby accepts jurisdiction over all federal areas located within its exterior boundaries to the extent that the power and authority to levy and collect taxes therein is granted by that certain

act of the 76th congress of the United States, approved by the president on October 9, 1940, and entitled: "An Act to permit the states to extend their sales, use, and income taxes to persons residing or carrying on business, or to transactions occurring, in federal areas, and for other purposes."

82.52.020 State's tax laws made applicable to federal areas—Exception. From and after January 1, 1941, all laws of this state relating to revenue and taxation which, except for this chapter and the act of congress described herein, would not be operative within federal areas, are hereby extended to, and shall be construed as being operative in and upon all lands or premises held or acquired by or for the use of the United States or any department, establishment, or agency of the United States located within the exterior boundaries of the state, to the same extent and with the same effect as though such area was not a federal area: *Provided*, That nothing in this section shall be construed as extending the provisions of this title to the gross income received from, or to sales made for use in performing within a federal military or naval reservation, any contract entered into with the United States of America, or any department or agency thereof or any subcontract made pursuant thereto for which a bid covering such contract or subcontract was submitted prior to October 9, 1940.

Chapter 82.98

CONSTRUCTION

82.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

82.98.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

82.98.030 Invalidity of part of title not to affect remainder. If any chapter, section, subdivision of a section, paragraph, sentence, clause or word of this title for any reason shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of this title but shall be confined in its operation to the chapter, section, subdivision of a section, paragraph, sentence, clause or word of the title directly involved in the controversy in which such judgment shall have been rendered. If any tax imposed under this title shall be adjudged invalid as to any person, corporation, association or class of persons, corporations or associations included within the

scope of the general language of this title such invalidity shall not affect the liability of any person, corporation, association or class of persons, corporations, or associations as to which such tax has not been adjudged invalid. It is hereby expressly declared that had any chapter, section, subdivision of a section, paragraph, sentence, clause, word or any person, corporation, association or class of persons, corporations or associations as to which this title is declared invalid been eliminated from the title at the time the same was considered the title would have nevertheless been enacted with such portions eliminated. This section shall not apply to chapter 82.44.

82.98.040 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Section 2, chapter 54, Laws of 1917;
- (2) Chapter 173, Laws of 1921;
- (3) Chapter 81, Laws of 1923;
- (4) Sections 1 through 4, chapter 18, Laws of 1925;
- (5) Sections 1 through 4, chapter 280, Laws of 1927;
- (6) Chapter 140, Laws of 1931;
- (7) Chapter 58, Laws of 1933;
- (8) Chapter 109, Laws of 1935;
- (9) Sections 1 through 103, 128 through 218, chapter 180, Laws of 1935;
- (10) Chapter 191, Laws of 1937;
- (11) Chapter 219, Laws of 1937;
- (12) Chapter 227, Laws of 1937;
- (13) Chapter 228, Laws of 1937;
- (14) Chapter 177, Laws of 1939;
- (15) Chapter 225, Laws of 1939;
- (16) Chapter 76, Laws of 1941;
- (17) Chapter 118, Laws of 1941;
- (18) Chapter 127, Laws of 1941;
- (19) Chapter 175, Laws of 1941;
- (20) Chapter 178, Laws of 1941;
- (21) Chapter 84, Laws of 1943;
- (22) Chapter 110, Laws of 1943;
- (23) Chapter 144, Laws of 1943;
- (24) Chapter 156, Laws of 1943;
- (25) Chapter 38, Laws of 1945;
- (26) Chapter 54, Laws of 1945;
- (27) Chapter 126, Laws of 1945;
- (28) Chapter 152, Laws of 1945;
- (29) Chapter 249, Laws of 1945;
- (30) Chapter 251, Laws of 1945;
- (31) Chapter 135, Laws of 1947;

- (32) Chapter 244, Laws of 1947;
- (33) Chapter 248, Laws of 1947;
- (34) Sections 1 through 10, and 13, chapter 49, Laws of 1949;
- (35) Sections 17 and 18, chapter 196, Laws of 1949;
- (36) Sections 7, 12, and 13, chapter 220, Laws of 1949;
- (37) Chapter 228, Laws of 1949;
- (38) Sections 1 and 2, chapter 234, Laws of 1949;
- (39) Chapter 5, Laws of 1950, extraordinary session;
- (40) Chapter 37, Laws of 1951;
- (41) Chapter 44, Laws of 1951;
- (42) Chapter 263, Laws of 1951;
- (43) Chapter 267, Laws of 1951;
- (44) Section 43, chapter 269, Laws of 1951;
- (45) Chapter 9, Laws of 1951, first extraordinary session;
- (46) Chapter 28, Laws of 1951, second extraordinary session;
- (47) Chapter 91, Laws of 1953;
- (48) Chapter 150, Laws of 1953;
- (49) Chapter 151, Laws of 1953;
- (50) Chapter 157, Laws of 1953;
- (51) Chapter 195, Laws of 1953;
- (52) Section 2, chapter 240, Laws of 1953;
- (53) Chapter 90, Laws of 1955;
- (54) Chapter 95, Laws of 1955;
- (55) Chapter 110, Laws of 1955;
- (56) Chapter 137, Laws of 1955;
- (57) Sections 1 through 20, and 25, chapter 139, Laws of 1955;
- (58) Section 12, chapter 150, Laws of 1955;
- (59) Chapter 189, Laws of 1955;
- (60) Chapter 207, Laws of 1955;
- (61) Section 6, chapter 259, Laws of 1955;
- (62) Chapter 264, Laws of 1955;
- (63) Chapter 287, Laws of 1955;
- (64) Chapter 389, Laws of 1955;
- (65) Chapter 396, Laws of 1955;
- (66) Chapter 10, Laws of 1955, extraordinary session;
- (67) Chapter 88, Laws of 1957;
- (68) Chapter 127, Laws of 1957;
- (69) Chapter 128, Laws of 1957;
- (70) Section 12, chapter 175, Laws of 1957;
- (71) Chapter 218, Laws of 1957;
- (72) Chapter 247, Laws of 1957;
- (73) Section 10, chapter 261, Laws of 1957;
- (74) Sections 1 through 8, 11, 12, 13, 15, and 18, chapter 269, Laws of 1957;
- (75) Chapter 279, Laws of 1957;

- (76) Chapter 292, Laws of 1957;
- (77) Chapter 197, Laws of 1959;
- (78) Chapter 211, Laws of 1959;
- (79) Chapter 232, Laws of 1959;
- (80) Chapter 259, Laws of 1959;
- (81) Chapter 270, Laws of 1959;
- (82) Chapter 298, Laws of 1959;
- (83) Chapter 3, Laws of 1959, extraordinary session;
- (84) Chapter 5, Laws of 1959, extraordinary session.

Such repeals shall not be construed as affecting any existing right acquired, or obligation or liability incurred, under the provisions of the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

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

TITLE 83

INHERITANCE AND GIFT TAXES

Chapter 83.01

GENERAL PROVISIONS

83.01.010 Definitions. For the purposes of this title, unless otherwise required by the context:

(1) "Supervisor" means and refers to the supervisor of the inheritance tax division of the tax commission of the state of Washington;

(2) "Tax commission" or "commission" means the tax commission of the state of Washington;

(3) "Taxpayer" includes any individual, group of individuals, corporation, or association liable for any tax or the collection of any tax under the provisions of this title, or who engages in any business or performs any act for which a tax is imposed by this title;

(4) Words in the singular number shall include the plural and the plural shall include the singular;

(5) Words in one gender shall include all other genders.

Chapter 83.04**PROPERTY AND PERSONS SUBJECT TO INHERITANCE
TAX—LIEN**

83.04.010 Estates generally subject to tax — Liability for tax, transfers, joint property, etc.—Lien of tax. All property within the jurisdiction of this state, and any interest therein, whether belonging to the inhabitants of this state or not, and whether tangible or intangible, which shall pass by will or by the statutes of inheritance of this or any other state or by deed, grant, sale, contract or gift made in contemplation of the death of the grantor, or donor, or by deed, grant or sale, contract or gift made or intended to take effect in possession or in enjoyment after death of the grantor, or donor, to any person in trust or otherwise, or by a transfer in trust or otherwise, under which the grantor or donor has retained for his life or for any period not ascertainable without reference to his death, or for any period which does not in fact end before his death, the possession or enjoyment of any part of the property, or the right to all or any part of the income from the property, or the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom shall, for the use of the state, be subject to a tax measured by the full value of the entire property as provided for in chapter 83.08, after the payment of all debts owing by the decedent at the time of his death, the local and state taxes due from the estate prior to his death, and a reasonable sum for funeral expenses, monument or crypt, court costs, including cost of appraisal made for the purpose of assessing the inheritance tax, the fees of executors, administrators or trustees, reasonable attorney's fees, and family allowance not to exceed one thousand dollars, and no other sum, but said debts shall not be deducted unless the same are allowed or established within the time provided by law, and all administrators, executors, and trustees, and any such grantee under a conveyance, and any such donee under a gift, made during the grantor's or donor's life, shall be respectively liable for all such taxes to be paid by them, with interest as hereinafter provided until the same shall have been paid, and whenever property, real or personal, other than real property held by the entirety, is held in the joint name of two or more persons, or deposited in banks or other institutions or depositories in the joint names of two or more persons and payable to either or the survivor, upon the death of one of such persons the right of the surviving joint tenants, person or persons to the immediate ownership or possession and enjoyment of such property shall be deemed a transfer taxable under the provisions of the inheritance tax provisions of this title in the same manner as though the whole

property to which such transfer relates belonged absolutely to the deceased joint tenant or joint depositor and had been devised or bequeathed to the surviving joint tenant or tenants, person or persons by such deceased joint tenant or joint depositor by will, excepting therefrom such parts thereof as may be shown to have originally belonged to such surviving joint tenant, joint depositor or person, and never to have been acquired from the decedent for less than a fair consideration in money or money's worth, and if said property shall have been acquired from decedent for less than such fair consideration, there shall be excepted from the value of said property a portion equal to the amount of the consideration so furnished.

Unless the tax is sooner paid in full, it shall be a lien upon the gross estate of the decedent for ten years from the date of death, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien. If the tax commission is satisfied that the tax liability of an estate has been fully discharged or provided for, it may, under regulations prescribed by it, issue its certificate, releasing any or all property of such estate from the lien herein imposed. The limitation period shall in each case be extended for a period of time equal to the period of pendency of litigation of questions affecting the determination of the amount of tax due, provided a lis pendens has been filed with the county auditor.

Any part of the gross estate as is sold, pursuant to an order of the court for the payment of charges against the estate and the expenses of its administration, shall be divested of such lien and such lien shall be transferred to the proceeds. A mortgage on property pursuant to an order of court for payment of charges against the estate and expenses of administration shall constitute a lien upon said property prior and superior to the inheritance tax lien which inheritance tax lien shall attach to the proceeds.

If (1) except in the case of a bona fide sale for an adequate and full consideration in money or money's worth, the decedent makes a transfer, by trust or otherwise, of any property in contemplation of or intended to take effect in possession or enjoyment at or after his death, or makes a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (a) the possession or enjoyment of, or the right to the income from, the property, or (b) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, or (2) if insurance passes under a contract executed by the decedent in favor

of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax. Any part of such property sold by such transferee or trustee to a bona fide purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a bona fide purchaser for an adequate and full consideration in money or money's worth.

Note: See also sections 1-8, chapter 292, Laws of 1961.

83.04.030 Property outside state. Except as to the limitations prescribed in chapter 83.08 from the inheritance tax and real property located outside the state passing in fee from the decedent owner, the tax imposed under chapter 83.08 shall hereafter be assessed against and be collected from property of every kind, which, at the death of the decedent owner is subject to, or thereafter, for the purpose of distribution, is brought into this state and becomes subject to the jurisdiction of the courts of this state for distribution purposes, or which was owned by any decedent domiciled within the state at the time of the death of such decedent, even though the property of said decedent so domiciled was situated outside of the state.

Note: See also section 9, chapter 292, Laws of 1961.

83.04.040 Intangibles of nonresident. Nothing in the inheritance tax provisions of this title shall be construed as imposing a tax upon any transfer, as defined in the inheritance tax provisions of this title, of intangibles, however used or held, whether in trust or otherwise, by any person, or by reason of the death of any person who at the time of his death was domiciled in a territory or state of the United States other than the state of Washington. The provisions of this section shall apply to all cases subject to the provisions thereof, whether the death occurred prior to March 21, 1941 or subsequent thereto.

Note: See also section 10, chapter 292, Laws of 1961.

83.04.050 Transfer in contemplation of death. Any transfer of property made by a decedent by deed, grant, sale or gift within two years prior to said decedent's death, without a valid and adequate consideration therefor, shall be presumed to have been made in contemplation of death.

83.04.080 Exercise of power of appointment. Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property, made either before or after March

21, 1931, such appointment when made shall be deemed a transfer taxable under the provisions of the inheritance tax laws of the state of Washington in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power and had been bequeathed or devised by such donee by will, except that where the donor was a resident and the donee, at the time the appointment takes effect, is a nonresident, the property to which the appointment relates shall be taxable as having been transferred in the estate of the donor.

Chapter 83.05

TRANSFERS BY POWER OF APPOINTMENT

83.05.010 Definitions. As used in this chapter:

“Grantor” means any person who creates a power of appointment.

“Donee” means any person given the power to exercise the appointment.

“Property” means any property subject to the power of appointment which is within the jurisdiction of this state.

“Trustee” means any person, including a donee, who holds the property or the title thereto in trust or otherwise.

“Ultimate beneficiary” means any person who becomes entitled to the property through exercise of the power, or by reason of non-exercise of the power, or by reason of renouncement of the power by the donee, or by reason of renouncement or waiver by the person appointed to receive the property.

“Greatest possible tax” means a tentative tax computed on an assumed devolution of the property to an ultimate beneficiary within the limitations of the power who would be taxable at the highest rates provided by the inheritance tax laws of this state.

“Final tax” means the tax determined under the inheritance tax laws of this state when the power is exercised or terminated.

“Commission” means the tax commission of this state.

83.05.020 Granting of power is transfer subject to tax, when. The granting of a power of appointment, in conjunction with a disposition of property which is effected before or after June 7, 1951, by will, or by deed, grant, sale, contract or gift made in contemplation of the death of the grantor, or by deed, grant, sale, contract or gift made or intended to take effect in possession or enjoyment at or after the death of the grantor, to any person in trust or otherwise, or by a transfer in trust or otherwise, under which the grantor has retained for his life or for any period not ascertainable without reference to his death, or for any period which does not in fact end before his death, the possession or enjoyment of any part of the property, or the right to all or any part of the income from the

property, or the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, is a transfer subject to the inheritance tax laws of this state from the grantor to the ultimate beneficiary thereof.

83.05.030 Due date, lien, payment of tax—Valuation—Refund inures to ultimate beneficiary. The tax is due as of the date of death of the grantor, and shall be a lien upon the property until paid in full. It shall be the duty of the trustee to pay the tax or provide the security therefor as hereinafter provided, but no provision of this chapter shall be construed as imposing a personal liability on such trustee. The tax shall be assessed on the value of the property as of the date of death of the grantor regardless of any subsequent increase or decrease in value, and may be paid from the property at the discretion of the trustee. Any refund granted as hereinafter provided shall inure to the benefit of the ultimate beneficiary.

83.05.040 Donee to give notice of exercise, termination of power—Liability for failure. Upon the exercise or termination of the power, prior to furnishing the bond or other security for the tax as hereinafter provided, it shall be the duty of the donee to immediately notify the commission thereof, together with the name and address of the ultimate beneficiary and his relationship to the grantor. If the donee fails to so notify the commission, which failure results in loss of tax, he shall be liable for such tax.

83.05.050 Bond or security for payment of tax—Alternatives. Unless the greatest possible tax is paid in full within thirty days after receipt of the property by the trustee or within thirty days after the death of the grantor, whichever occurs last, a surety company bond shall be executed in favor of the state of Washington by the trustee and filed with the commission, which bond shall be binding on his successors or representatives, in an amount equal to the greatest possible tax, conditioned that upon the exercise or termination of the power the commission will be notified and the final tax paid in full: *Provided*, That the trustee may elect to pay a tentative tax based on the probabilities of devolution of the property, and file a bond only for the difference between the tentative tax paid and the greatest possible tax. The commission, in its discretion, may accept other adequate security in lieu of any bond or payment of tentative tax. If at any time the commission has cause to believe that the bond or security furnished is inadequate to insure payment of the final tax, it may require such further security from the remaining property as it deems necessary. If the trustee fails or refuses to pay such tax, or furnish a bond or adequate security, the greatest possible tax shall immediately become due and payable,

and may be enforced against the property by the commission through foreclosure proceedings. Any bond executed by the trustee as above provided shall not be released or exonerated without written consent of the commission.

83.05.060 Refund of excess payment of tentative tax. In the event any tentative tax paid as provided heretofore is determined to be in excess of the final tax, a refund for the excess shall be granted by the commission, without interest.

83.05.070 Tax payments—When due—Delinquencies—Interest. The trustee shall have thirty days after receipt of the property or thirty days after the date of death of the grantor, whichever occurs last, within which to pay any tentative tax provided in this chapter, and if not so paid, interest shall be charged on such tax at the rate of one percent per month from the date of receipt of the property until paid. Interest shall not be charged on the final tax if paid within three months of the exercise or termination of the power, but if not so paid, interest shall be charged at the rate of six percent per annum from the date the power was exercised or terminated.

83.05.080 Exercise of power by granting power to another donee—Taxation. In the event the donee exercises the power by granting a power of appointment to another donee to all or any part of the property, such property shall be taxed as if the second donee is the ultimate beneficiary thereof, as above provided, and the second donee is then considered as the owner of the property for the purposes of this chapter.

83.05.090 Powers granted before June 7, 1951—Taxation. Powers of appointment granted prior to June 7, 1951 are not subject to the provisions hereof, but the exercise or termination of such powers are taxable as provided by RCW 83.04.080.

Chapter 83.08

INHERITANCE TAX RATES

83.08.010 Tax imposed. An inheritance tax shall be imposed on all estates subject to this title at the rates set forth in this chapter.

83.08.020 Class A rates. Any devise, bequest, legacy, gift or beneficial interest to any property or income therefrom which shall pass to any lineal ancestor, lineal descendant, husband, wife, step-child or lineal descendant of a stepchild, adopted child or lineal descendant of an adopted child, adopted child of the lineal descendant, son-in-law, or daughter-in-law of the decedent is denominated class A. On any amount passing to class A up to and including twenty-five thousand dollars, one percent; on any amount in excess

of twenty-five thousand dollars up to and including fifty thousand dollars, two percent; on any amount in excess of fifty thousand dollars up to and including seventy-five thousand dollars, three percent; on any amount in excess of seventy-five thousand dollars up to and including one hundred thousand dollars, four percent; on any amount in excess of one hundred thousand dollars up to and including two hundred thousand dollars, seven percent; on any amount in excess of two hundred thousand dollars up to and including five hundred thousand dollars, nine percent; on any amount in excess of five hundred thousand dollars, ten percent: *Provided*, That except as otherwise provided by statute there shall be allowed as an exemption to class A the following amounts: (A-1) Five thousand dollars of any amount passing to class A, and in addition thereto (A-2) five thousand dollars for the surviving spouse and five thousand dollars for each living child born prior to the death of the decedent, stepchild, or adopted child; and in addition thereto (A-3) five thousand dollars for the living descendants of any deceased child, stepchild, or adopted child per stirpes and not per capita. The exemptions fixed by (A-2) and (A-3) shall be allowed regardless of the amounts passing to the persons named therein. If no person in class A as defined in (A-2) and (A-3) survives the decedent then there shall be allowed as an additional exemption to class A the sum of five thousand dollars. All of the amounts specified in A-1, A-2 and A-3 shall be allowed as exemptions to class A as a whole and not to the persons mentioned therein, which exemptions shall include all allowances in lieu of homestead and all family allowances in excess of one thousand dollars.

In computing the tax liability under class A the aggregate amount of the exemption shall be deducted from that portion of the total amount of the estate passing to beneficiaries which is taxable at the lowest rate specified herein.

83.08.030 Class B rates. Any devise, bequest, legacy, gift, or beneficial interest to any property or income therefrom which shall pass to any sister or brother is denominated class B. On any amount passing to class B up to and including five thousand dollars, three percent; on any amount in excess of five thousand dollars up to and including ten thousand dollars, four percent; on any amount in excess of ten thousand dollars up to and including thirty thousand dollars, seven percent; on any amount in excess of thirty thousand dollars up to and including fifty thousand dollars, ten percent; on any amount in excess of fifty thousand dollars up to and including one hundred thousand dollars, fifteen percent; on any amount in excess of one hundred thousand dollars, twenty percent: *Provided*, That except as otherwise provided by statute there shall be exempt one

thousand dollars of any amount passing to class B, which exemption shall be taken from the first five thousand dollars.

83.08.040 Class C rates. Any inheritance, devise, bequest, legacy, gift or beneficial interest to any property or income therefrom which shall pass to any person or body politic or corporate other than mentioned in class A and class B herein, is hereby denominated class C. On any amount passing to class C up to and including ten thousand dollars, ten percent; on any amount in excess of ten thousand dollars up to and including twenty-five thousand dollars, fifteen percent; on any amount in excess of twenty-five thousand dollars up to and including fifty thousand dollars, twenty percent; on any amount in excess of fifty thousand dollars, twenty-five percent.

83.08.050 Classification of testamentary trusts. Any devise, bequest, legacy, gift or beneficial interest to any property or income therefrom passing in trust shall be classified and taxed in accordance with the relationship of the cestui que trust.

83.08.060 Apportionment between classes and beneficiaries. The taxes imposed and the exemption with respect to each class of beneficiaries shall be apportioned between the beneficiaries in such class in proportion to the amount receivable by such beneficiary.

Chapter 83.12

ALIEN ESTATES AND RECIPROCITY WITH OTHER STATES

83.12.010 Taxes due other states. When it shall appear that a part or portion of decedent's estate is being administered upon in any other state or territory of the United States, no decree of distribution shall be signed by any court in this state until there has been a receipt filed with the clerk of the superior court showing that the inheritance tax has been paid in full or that there is no tax due in the estates being administered without the state of Washington: *Provided, however,* That this section shall apply only to estates that are being administered in the territories or states of the United States having adopted a similar provision.

83.12.020 Exemptions prorated. Where there is property belonging to decedent both within the state of Washington and without the state of Washington exemptions allowed under the inheritance tax provisions of this title shall be prorated, and that portion allowed in the state of Washington shall be in that proportion that the value of the property within the state of Washington bears to all the property within and without the state of Washington. In order to secure an exemption where the property is thus situated, the representative must file with the inheritance tax division of the

tax commission a certified copy of the inventory of all the properties without the state of Washington, and upon his failure so to do, no exemptions will be allowed in this state, whether there is property within this state or without this state.

83.12.030 No exemption to alien estates. It is further provided, that there shall be no exemption allowed where the decedent was not a resident of a territory or state of the United States, and the property of such decedent shall be taxable whether same is tangible or intangible property, including certificates of stock, bonds, bills, notes, bank deposits, and other written evidences of intangible property which are physically situated within the state of Washington, or where the domicile of the debtor is in the state of Washington.

Chapter 83.14

SETTLEMENT OF DEATH TAX DISPUTES WITH OTHER STATES

83.14.010 Definitions. For the purposes of this chapter:

(1) "Executor" means an executor of a will or administrator of the estate of the decedent, but does not include an ancillary administrator nor an administrator with the will annexed if an executor named in the will has been appointed and has qualified in another state.

(2) "Taxing official" means the state tax commission and the designated authority of a reciprocal state charged with the duty of collecting its death taxes.

(3) "Death tax" means any tax levied by a state on account of the transfer or shifting of economic benefits in property at death, or in contemplation thereof, or intended to take effect in possession or enjoyment at or after death, whether denominated an "inheritance tax", "transfer tax", "succession tax", "estate tax", "death duty", "death dues", or otherwise.

(4) "Interested person" means any person who may be entitled to receive or who has received any property or interest which may be required to be considered in computing the death taxes of any state involved in the dispute.

(5) "State" means the District of Columbia and any state, territory or possession of the United States.

(6) "This state" means the state of Washington.

(7) "Board" means board of arbitration.

83.14.020 Procedure to invoke chapter. When the taxing official of this state and the taxing official of one or more other states each claims that his state respectively was the domicile of the decedent for the purpose of death taxes, at any time prior to the commence-

ment within this state of suit or action for determination of the decedent's domicile for death tax purposes, or within sixty days thereafter, the executor or the taxing official of any such state may elect to invoke the provisions of this chapter. Such executor or taxing official shall send a notice of such election by registered mail, receipt requested, to the taxing official of each such state and to each executor, ancillary administrator, and interested person. Within forty days after the receipt of such notice of election the executor may reject such election by sending a notice of rejection by registered mail, receipt requested, to all persons to whom the notice of election is required to be sent. When an election has been rejected by the executor no further proceedings shall be had under this chapter. If such election is not rejected within the forty-day period, the dispute in respect of the domicile of the decedent for death tax purposes shall be settled solely as hereinafter in this chapter provided and no other or additional proceedings to determine or re-determine the domicile of the decedent for death tax purposes shall thereafter be instituted in any court of this state or otherwise.

83.14.030 Agreement for amount in full payment. In any case in which an election is made and not rejected, as provided in RCW 83.14.020, the state tax commission may enter into a written agreement with the other taxing officials involved and with the executor to accept a sum certain in full payment of any death taxes, together with interest and penalties, which may be due this state, provided the agreement fixes the amount of death taxes with interest and penalties to be paid to the other states involved in the dispute.

83.14.040 Board of arbitration—Powers and duties—Procedure—Compensation—Expenses. When it appears by the written admission of the executor and the tax official of each state involved in the dispute that an agreement contemplated in RCW 83.14.030 cannot be reached or, in all events, if one year has elapsed from the date of the election without such an agreement having been reached, the domicile of the decedent at the time of his death shall be determined solely for death tax purposes as follows:

(1) When this state and one other state only are involved in the dispute, the state tax commission and the taxing official of the other state shall each appoint a member of a board of arbitration and those members shall appoint the third member of the board. If this state and more than one other state are involved, the taxing officials thereof shall agree upon the authorities charged with the duty of administering death tax laws in three states not involved in the dispute and each of these authorities shall appoint one member of the board of arbitration. The board shall select one of its members as chairman.

(2) The board shall hold hearings at such places as it deems necessary, upon reasonable notice to the executor, ancillary administrators, all interested persons and the taxing officials of the state involved, all of whom are entitled to be heard.

(3) The board may administer oaths, take testimony, subpoena witnesses and require their attendance, require the production of books, papers and documents and issue commissions to take testimony. Subpoenas may be issued by any member of the board. Failure to obey a subpoena of the board may be punished by any court of record in the same manner as if the subpoena had been issued by such court.

(4) Whenever practicable the board shall apply the rules of evidence then prevailing in the federal courts under the federal rules of civil procedure.

(5) The board, by the decision of its majority, shall determine the domicile of the decedent at the time of his death. The decision of the board is final and conclusive and binds this state and all its judicial and administrative officials on all questions concerning the domicile of the decedent for death tax purposes. If the board does not render a decision within one year from the time that it is fully constituted, all authority of the board shall cease and the bar to court proceedings set forth in RCW 83.14.020 shall no longer exist.

(6) The decision of the board and the record of its proceeding shall be filed with the authority having jurisdiction to assess death taxes in the state determined to be the domicile of the decedent and with the authorities which would have had jurisdiction to assess death taxes in each of the other states involved if the decedent had been found to be domiciled therein.

(7) The reasonable compensation and expenses of the members of the board and its employees shall be agreed upon among such members, the taxing officials involved, and the executor. If such an agreement cannot be reached, the compensation and expenses shall be determined by such taxing officials and, if they cannot agree, by the appropriate probate court of the state determined to be the domicile of the decedent. Such amount so determined shall be borne by the decedent's estate and shall be deemed an administration expense thereof.

83.14.050 Agreement for amount in full payment after proceedings commenced—Assessments—Additional amounts due. Notwithstanding the commencement of a legal action for determination of domicile within this state or the commencement of an arbitration proceeding as provided in RCW 83.14.040, the state tax commission, at any time prior to the conclusion of such action or proceeding, may in any case enter into a written agreement with the other taxing officials involved and with the executor to accept a sum certain in

full payment of any death tax, together with interest and penalties, which may be due this state, provided the agreement fixes the amount of death taxes with interest and penalties to be paid the other states involved in the dispute. Upon the filing of the agreement with the authority which would have jurisdiction to assess the death taxes of this state if the decedent died domiciled in this state, an assessment shall be made as provided in such agreement, and such assessment shall finally and conclusively fix the amount of death taxes due this state. If the aggregate amount payable under such agreement or under an agreement made in accordance with the provisions of RCW 83.14.030 to the states involved in the dispute is less than the minimum credit allowable to the estate against the United States estate tax imposed with respect thereto, the executor forthwith shall also pay to the state tax commission of his state the same percentage of the difference between such aggregate amount of such credit as the amount payable to the state tax commission under such agreement bears to such aggregate amount.

83.14.060 Interest for nonpayment when decedent domiciled in state. When the board of arbitration determines that a decedent died domiciled in this state, interest for nonpayment of the tax during the period commencing with the date of the election and ending with the date of final determination of the board shall be charged and collected in accordance with the provisions of chapter 83.44 and the lien provisions of 83.04.010 then in effect.

83.14.070 Application of chapter. This chapter shall be applicable only to cases in which each of the states involved in the dispute has in effect therein a reciprocal statute, or has in effect therein a statute empowering one or more of its officials to voluntarily enter into a binding arbitration or compromise agreement respecting disputed liability for death taxes and such an agreement with each of the other states involved in the dispute and the executor is entered into prior to the appointment of the board of arbitration as provided in RCW 83.14.040. Any procedural conflict between this chapter and the statute of a reciprocal state involved in the dispute shall be resolved by the decision of the majority of the board. If there is a statutory conflict relating to the number of board members to be selected or the manner of their selection, the appropriate provision of whichever of the conflicting statutes is designated by the executor shall govern and control.

Chapter 83.16

VALUATIONS, CREDITS, AND EXEMPTIONS

83.16.010 Property appraised at fair market value. All property of the estate of a deceased person, for the purposes of computing

the inheritance tax, shall be valued and appraised at the fair market value thereof on the day of the death of the decedent owner thereof and subsequent sales shall not affect the value so used. The executor, administrator or trustee in preparing the inventory in all probate cases, shall insert at the right of each real estate tract, the assessed valuation of such tract and of the improvements thereon for the information of the appraisers and other interested parties.

83.16.020 Estates for life—Vested remainders. When the estate of a deceased person is subject to an inheritance tax, and there is an annuity, life estate, or an estate for a term of years given to one or more persons and the remainder to another or others, the entire estate shall be appraised as other estates are required to be appraised by the laws of this state. The value of the annuity, life or term estate shall be determined in accordance with the rules, methods, and standards of mortality and value that are set forth in tables to be furnished by the insurance commissioner of this state upon request of the tax commission based upon such mortality tables as is from time to time required by law for use by life insurance companies in this state in determining nonforfeiture values under ordinary life insurance policies, except that the rate of interest used in computing the present value of the annuity, life or term estate shall be three and one-half percent per annum, and the value of the remainder interest shall be determined by deducting such computed value from the value of the entire property. After the values shall have been determined as provided in this section, the tax shall be computed and collected in the same manner that the tax on other estates is computed and collected: *Provided*, That any person owning the beneficial interest in the remainder may defer the payment of the tax thereon until he comes into possession of the same by filing in the office of the county clerk within thirty days after the determination of the tax, a good and sufficient surety company bond to the state, or such other security as is deemed by the tax commission to be adequate, in a sum equal to the amount of the tax conditioned that he will pay such tax in full within sixty days after coming into possession of the estate. The bond shall not operate to defer payment of the tax unless it is approved by the tax commission, and if it shall appear to the commission at any time that a bond previously filed and approved has become insufficient it may require a new bond to be filed. If the person owning the beneficial interest in the remainder shall fail to file a bond within the time herein provided, or if he shall fail to file a new bond when directed by the commission, the tax shall immediately become due and payable.

83.16.030 Contingent remainders. When property is transferred in trust or otherwise and the rights, interests or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, such property shall be appraised at its clear market value immediately upon the transfer or as soon thereafter as practicable and a tax shall be imposed upon such transfer at the highest rate which on the happening of any such contingencies or conditions would be probable under the inheritance tax provisions of this title and such tax so imposed shall be due and payable in the same manner as other taxes.

Where an estate for life or for years can be divested by the act or omission of the legatee or devisee, it shall be taxed as if there were no possibility of such divesting.

83.16.040 Appraisalment—Review. The superior court having jurisdiction, shall appoint three suitable, disinterested persons to appraise the estate and effects of deceased persons for inheritance tax purposes and subsequent sales shall not affect the value so used, and unless otherwise provided by order of the court, the appraisers appointed under the probate law to appraise the estate and effects of deceased persons, shall be and constitute the appraisers under the inheritance tax provisions of this title: *Provided, however,* That one of such appraisers shall be recommended by the supervisor, and appointed by the court as one of the three appraisers. The three appraisers thus appointed to appraise the estate shall determine the value thereof. In the event the three appraisers cannot agree upon the value, then each appraiser shall file with the court his findings, and the court shall then fix a value for the appraisalment and inheritance tax purposes. Anyone may file exceptions with the court to the appraisalment as found by the appraisers, which shall be heard and determined by the court having jurisdiction of the estate.

83.16.060 Credit for gift tax paid. In case any gift tax has been imposed upon any gift by the state of Washington under any gift tax act, and the property which was the subject of the gift is required to be included, upon the death of the donor, as a part of his estate, then there shall be credited against and applied in reduction of the inheritance taxes which would otherwise be chargeable against the heirs and the estate of such decedent an amount equal to the principal of the tax paid with respect to such gift.

83.16.070 Property previously taxed. As used in this section: "Property" includes property which can be identified as having been acquired in exchange for or with the proceeds of property previously taxed.

“Property previously taxed” means property transferred by a present decedent to any person who is a class A transferee, as defined by the inheritance tax laws of this state, with respect to the present decedent, where the property had previously been transferred to the present decedent by a prior decedent, whose death occurred not more than five years prior to that of the present decedent, and in relation to whom the present decedent was a class A transferee, and where an inheritance tax was paid to this state on such transfer.

There shall be allowed as an exemption in the estate of the present decedent an amount equal to that portion of the property previously taxed which is exclusive of the proportion of deductions chargeable against and any exemption allowed against the property previously taxed in the estate of the prior decedent and the proportion of deductions chargeable against the property previously taxed in the present decedent’s estate, which shall be determined under rules prescribed by the tax commission. For the purpose of computing such exemption, the value of each item of the property previously taxed shall be the gross value thereof as of the date of death of the prior decedent or as of the date of death of the present decedent, whichever is lower.

83.16.080 Insurance taxable—Lien—Payment of proceeds. Insurance payable upon the death of any person shall be deemed a part of the estate for the purpose of computing the inheritance tax and shall be taxable to the person, partnership, or corporation entitled thereto. Such insurance shall be taxable irrespective of the fact that the premiums of the policy have been paid by some person, partnership, or corporation other than the insured, or paid out of the income accruing from principal provided by the assured for such payment, whether such principal was donated in trust or otherwise: *Provided, however,* That there is exempt from the total amount of insurance receivable by all beneficiaries other than the executor, administrator or representative of the estate, regardless of the number of policies, the sum of forty thousand dollars and no more: *Provided, however,* That in the case of insurance upon the life of a decedent officer or employee of a corporation, payable to the corporation, or upon the life of a decedent employee of or partner in a business enterprise, payable to one or more of the partners, where all the premiums upon such policy have been paid exclusively by such beneficiary, upon the death of the decedent, the amount only of the proceeds of the policy in excess of the cash surrender value immediately preceding the death of the decedent shall be deemed a part of the estate for the purpose of computing the inheritance tax, and taxed as provided in class A, RCW 83.08.020.

Where more than one beneficiary is entitled to the benefit of

the provisions of this section exempting forty thousand dollars of the proceeds of insurance policies payable upon death, the benefit of such exemption shall be apportioned among such beneficiaries ratably and proportionately: *Provided*, That where there is fraternal benefit society insurance payable upon the death of the decedent and other insurance payable upon the death of the decedent, the forty thousand dollars exemption shall first be taken from the fraternal benefit society insurance and if the same does not equal forty thousand dollars, then the balance of the forty thousand shall be prorated among other policies.

The inheritance tax upon the proceeds of any insurance policy shall be a lien upon the proceeds of such policy in the hands or possession of the estate of the deceased insured or in the hands or possession of any other beneficiary under such policy to whom such proceeds may have been paid: *Provided*, That when proceeds of insurance payable upon death, or receivable by a beneficiary other than the executor or representative, the executor or representative shall recover from such beneficiary the tax due upon such proceeds of such policy or policies. The supervisor shall have power to release such lien with respect to all or any part of such proceeds if he be satisfied that the collection of the tax will not thereby be jeopardized.

Nothing in the inheritance tax provisions of this title shall prevent the payment by any insurance company, association or society of the proceeds of any policy upon the death of a decedent to the person entitled thereto, except where prior to such payment the supervisor has notified the company that the state is claiming a lien thereon payment shall be deferred until the tax has been paid.

Note: See also section 11, chapter 292, Laws of 1961.

83.16.090 War risk insurance exempt. The proceeds of all federal war risk insurance, heretofore or hereafter written, executed or issued or heretofore or hereafter paid or become a part of the estate of an insured, deceased soldier, shall be exempt from inheritance tax in passing from the federal government to the estate of such deceased soldier, and in passing from the estate of such deceased soldier to his heirs, legatees, devisees or beneficiaries.

Chapter 83.20

LEGACIES AND TRANSFERS EXEMPT FROM INHERITANCE TAX

83.20.010 Legacies and transfers to certain entities. All gifts, bequests, devises, and transfers of property to or for the use of any of the following shall be exempt from inheritance tax:

- (1) The United States of America;
- (2) The state of Washington;

(3) A municipal or public corporation, school district or any school or educational institution in this state supported by public funds in whole or in part;

(4) A trust or a fraternal society, order or association operating under the lodge system, exclusively for any religious, charitable, scientific, literary, educational, public or other like work, whether or not such work is to be carried on within this state; or

(5) A society, corporation, institution, organization or association exclusively engaged in or devoted to any religious, charitable, scientific, literary, educational, public or other like work, no part of the net earnings of which inures to the benefit of any private stockholder or individual, whether or not it be organized under the laws of this state or engaged in such work therein.

Chapter 83.24

DETERMINATION OF TAX WITHOUT PROBATE

83.24.010 Determination of tax without administration. When any person dies leaving property within the jurisdiction of the state of Washington, which shall pass by the statutes of inheritance of this or any other state, or by deed, grant, sale or gift made in contemplation of the death of the grantor or donor, or by deed, grant, sale or gift made or intended to take effect in possession or in enjoyment after the death of the grantor or donor, to any person in trust or otherwise, and there has been no application for letters of administration of the estate of such deceased person, or when administration of any estate has been completed without an adjudication of the inheritance tax, the liability of such property for the payment of an inheritance tax may be determined without administration in the manner hereinafter provided.

When any person interested in such property shall deem the same not subject to an inheritance tax, or when he admits the liability for such tax but desires to adjust the same, he may file a petition in the superior court of the proper county to determine the questions arising under the inheritance tax statutes. Such petition shall contain the name and date of death of decedent, the description and estimated value of all property involved, the names and places of residence of all persons interested in the same, and such other facts as are necessary to give the court jurisdiction. The court shall thereupon set a day for hearing said petition and a copy thereof, together with a notice of the time and place of such hearing, shall be served by the petitioner or his attorney upon the supervisor of the inheritance tax division and on each person interested in said property at least twenty days before the date of hearing, if served

personally, and if served by publication the service shall be the same as the service of summons by publication in civil actions.

The court shall hear said matter upon the relation of the parties, the testimony of witnesses and evidence produced in open court, and, if it shall be found that the property is not subject to any tax, the court shall make and enter an order determining that fact; but, if it shall appear that the whole or any part of said property is subject to a tax, the same shall be appraised and the tax levied and collected as in other cases. An adjudication by the superior court, as herein provided, shall be conclusive as to the lien of said tax, subject to the right of appeal to the supreme court allowed by the laws of the state.

In any case where the inheritance tax will not exceed three hundred dollars, the supervisor of the inheritance tax division may compromise such tax and issue a satisfaction therefor, without probate proceedings, where the necessary facts are furnished and filed by affidavit, but such release shall be only as to the assets of the estate shown and disclosed by such proceedings.

Note: See also section 12, chapter 292, Laws of 1961.

Chapter 83.28

PROCEDURE TO FIX TAX ON ESTATE

83.28.010 Powers of commission and supervisor. All the powers of a referee of the superior court having jurisdiction of the estate of a decedent shall be vested in the tax commission and its supervisor shall have jurisdiction to require the attendance before him of the executor or administrator of said estate or any person interested therein or any other person whom he may have reason to believe possesses knowledge of the estate of said decedent or knowledge of any property transferred by said decedent within the meaning of the inheritance tax provisions of this title or knowledge of any facts that will aid the supervisor or the court in the determination of said tax, but no person shall be required to attend at any place outside of the county in which such decedent resided at the time of his death or in which letters of administration could lawfully issue upon the estate of such decedent.

83.28.020 Examination by supervisor. For the purpose of compelling the attendance of such person or persons, and for the purpose of appraising any property or interest subject to or liable for any inheritance tax hereunder, and for the purpose of determining the amount of tax due thereon, the tax commission through its supervisor is hereby authorized to issue subpoenas compelling the attendance of witnesses before said supervisor. The supervisor may examine and take evidence of such witnesses or of such executor

or administrator or other person under oath concerning such property and the value thereof, and concerning the property or the estate of such decedent subject to probate. Any person or persons who shall be subpoenaed by the said supervisor to appear and testify or to produce books and papers and who shall refuse and neglect to appear and produce books relative to such appraisal shall be guilty of contempt.

83.28.030 Findings filed in court. Upon the completion of the investigation by the supervisor he shall file his findings with the clerk of the superior court in the matter of the estate of the decedent, showing the value of the estate and the amount of inheritance tax chargeable against or a lien upon such interest, acquired by virtue of said probate proceedings or by any transfer within the meaning of the inheritance tax provisions of this title, to any person, institution or corporation acquiring any property by virtue of said probate proceedings, or by any transfer within the meaning of the inheritance tax provisions of this title, and shall find the total amount of tax due the state of Washington, which shall be a claim against the estate and a lien upon all the property of the estate until same is paid.

83.28.040 Clerk to give notice of findings. Upon filing said report the clerk of said superior court shall on said day or the next succeeding judicial day give notice of such filing to all persons interested in such proceeding by causing notice thereof to be posted at the courthouse in the county where the court is held, and in addition thereto shall mail to all persons chargeable with any tax in said report, who have appeared in such proceedings, a copy of said notice.

83.28.050 Court order. At any time after the expiration of thirty days thereafter, if no objection to said report be filed, the said superior court or a judge thereof, shall, without further notice, give and make its order confirming said report and fixing the tax in accordance therewith.

83.28.060 Objections. At any time prior to the making of such order any person interested in such proceeding may file objections in writing with the clerk of the superior court, and serve a copy thereof upon the supervisor, and the same shall be noted for trial before the court and a hearing had thereon as provided for hearings in probate matters.

83.28.070 Hearing by court. Upon the hearing of said objections, the court shall make such order as to it may seem meet and proper in the premises: *Provided*, That for the purposes of said hearing the report of the supervisor shall be presumed to be correct

and it shall be the duty of the objector or objectors to proceed in support of said objection or objections.

Chapter 83.32

PROCEDURE TO FIX TAX ON PROPERTY PREVIOUSLY TRANSFERRED

83.32.010 Citation by tax commission. If it shall appear that any transfer has been made within the meaning of the inheritance tax provisions of this title, and the taxability thereof and the liability for such tax and the amount thereof have not been determined and that no proceedings are pending in any court in this state wherein the taxability of such transfer and liability therefor and the amount thereof may be determined, the tax commission through its supervisor shall issue a citation ordering and directing the persons who may appear liable therefor or known to own any interest in or part of the property transferred to appear before the said supervisor or other duly authorized agent of the tax commission in any county in which, under the law, letters of administration could issue upon the estate of the decedent, at a time and place in said citation named not less than ten days nor more than thirty days from the issuance of such citation to be examined under oath by said supervisor or agent concerning property transferred and the character and value thereof.

83.32.020 Examination by supervisor or agent—Subpoenas—Findings filed in court—Subsequent proceedings. The said supervisor or agent at the time and place in said citation named, or at such time and place to which he may adjourn said hearing, shall proceed to examine said person or persons, and such witnesses as he may subpoena before him and for the purpose of said hearing, and for the purpose of ascertaining any facts concerning the taxability of said transfer or any taxes due on account of such transfer, said supervisor or agent shall have the powers of a superior court to issue subpoenas compelling the attendance of witnesses before him and to administer oaths and take the evidence of such witnesses under oath concerning such property and the value thereof, and concerning such transfer. Said supervisor or agent shall enter his findings and conclusions in relation to said transfer and said tax, fix and determine the amount of inheritance tax, if any, due the state of Washington, and file his findings in which shall be set forth the amount of inheritance tax due the state of Washington, with the clerk of the superior court of such county. The procedure subsequent to such filing shall conform with the procedure outlined in RCW 83.28.040 and shall have the same effect as provided in RCW 83.28.050 and the same shall be a final determination of the

tax, subject to such exception as is found in RCW 83.28.060 and 83.28.070, and subject to such procedure as therein outlined.

Note: See also sections 14-17, chapter 292, Laws of 1961.

83.32.050 Judgment in favor of state. Should the court determine that the property described in the findings is subject to the lien of the said tax and that said property has been transferred within the meaning of the inheritance provisions of this title, the court shall afford affirmative relief to the state in said action and a judgment shall be rendered therein in favor of the state ascertaining and determining the amount of said tax, and the person or persons liable therefor and the property chargeable therewith or subject to lien therefor.

No fee shall be charged against the state, the tax commission or the supervisor by any officer in this state in any proceeding taken under the inheritance tax provisions of this title, nor shall any bond or undertaking be required in any such proceeding.

The orders, decrees, and judgments, fixing tax or determining that no tax is due, shall have the force and effect of judgments in civil actions, and the state or any interested party may appeal to the supreme court.

The lien of a judgment rendered as provided by this section shall be and remain a lien from the date of entry thereof for six years unless sooner paid, irrespective of the provisions of RCW 83.04.010, as amended.

Chapter 83.36

TAX COMMISSION'S POWERS

83.36.005 Adoption of provisions of Chapter 82.01. The provisions of chapter 82.01, as now or hereafter amended, apply to Title 83 as fully as though they were set forth herein.

83.36.010 Powers in general. The tax commission shall take charge of and exercise general supervision of the enforcement and collection of the direct and collateral inheritance taxes under this title, and in the discharge of such duty the tax commission through its supervisor may institute and prosecute such suits or proceedings in the courts of the state as may be necessary and proper, appearing therein for such purpose; and it shall be the duty of the several prosecuting attorneys to render assistance therein when called upon by the tax commission so to do.

The tax commission shall make and publish rules and regulations not inconsistent with the inheritance tax provisions of this title, necessary in enforcing its provisions, which rules and regulations shall have the same force and effect as if specifically included herein, unless declared invalid by the judgment of a court of record not appealed from.

The tax commission shall keep a record in which shall be entered memoranda of all the proceedings had in each case, and shall also keep an itemized account showing the amount of such taxes collected, in detail, charging the state treasurer therewith.

83.36.020 Examination of books and documents—Secrecy enjoined—Penalty. Whenever the supervisor shall have reasonable cause to believe that a tax is due under the inheritance tax provisions of this title, upon any transfer of any property, and that any person, firm, institution, company, association or corporation has possession, custody or control of any books, accounts, papers, or documents relating to or evidencing such transfer, the supervisor or his duly authorized agent, is hereby authorized and empowered to inspect the books, records, accounts, papers and documents of any such person, firm, institution, company, association or corporation, including the stock transfer book of any corporation, and to administer oaths to and examine any such person or any officer or agent of such firm, institution, company, association or corporation, for the purpose of acquiring any information deemed necessary or desirable by said supervisor or his assistants, for the proper enforcement of the inheritance tax provisions of this title, and for the collection of the full amount of the tax which may be due the state hereunder. Any and all information and records acquired by said supervisor, or his assistants, shall be deemed and held by said supervisor and said supervisor's assistants and each of them, as confidential, and shall not be divulged, disclosed or made known by them or any of them except insofar as may be necessary for the enforcement of the provisions of the inheritance tax provisions of this title. Any supervisor or assistant supervisor, or ex-supervisor or ex-assistant supervisor, or inheritance tax attorney, or ex-inheritance tax attorney, or assistant inheritance tax attorney, or ex-assistant inheritance tax attorney, who shall divulge, disclose, or make known any information acquired by such inspection and examination aforesaid, except insofar as the same may be necessary for the enforcement of the provisions of the inheritance tax provisions of this title, shall be guilty of a gross misdemeanor.

83.36.030 Access to books and records. An officer or agent of any firm, institution, company, association or corporation having or keeping an office within this state, who has in his custody or under his control any book, record, account, paper or document of such firm, institution, company, association or corporation, and any person having in his custody or under his control such book, record, account, paper or document who refuses to give to the supervisor, or said inheritance tax attorney, or any of said assistant inheritance tax attorneys, lawfully demanding as provided in this section, during office hours to inspect or take a copy of the same, or any

part thereof, for the purposes provided in RCW 83.36.020, a reasonable opportunity so to do, shall be liable to a penalty of not less than one thousand dollars nor more than twenty thousand dollars, and in addition thereto shall be liable for the amount of the taxes, interest and penalties due under the inheritance tax provisions of this title on such transfer, and the said penalties and liabilities for the violation of this section may be enforced in an action brought by the supervisor in any court of competent jurisdiction.

83.36.040 List of heirs. Upon the filing of any petition for letters of administration or for the probate of any will, the petitioner shall file with the clerk of the court a statement in such form as the tax commission may prescribe, which statement shall contain a list of heirs, legatees or devisees of said estate, if known, and the relationship which each bears to the decedent, together with a statement of the location, nature and probable value of the entire estate, and an estimate of the amount or value of each distributive share, the residence and date of death of decedent, and shall state whether such deceased died testate or intestate, and the clerk of the court shall not accept such petition for filing unless the same is accompanied by such statement. The clerk of the court shall immediately forward such statement to the tax commission.

83.36.050 Copies of reports and papers by fiduciaries. Administrators, executors and trustees of the estates subject to the inheritance tax shall, when demanded by the tax commission, send certified copies of such parts of their reports as may be demanded by it, and upon refusal of said parties to comply with such demand, it is the duty of the clerk of the court to furnish such copies, and the expense of making the same shall be charged against the estate as are other costs in probate, and such administrator, executor, or trustee, shall also upon request of the tax commission, furnish copies of all deeds, mortgages, trust agreements, insurance policies, and other instruments in writing that within his judgment are necessary for the determination of the inheritance taxes due the state of Washington, and shall also furnish to the tax commission an inheritance tax report in such form as prescribed by the tax commission, listing under oath the debts and expenses of administration which are allowable as deductions, and including such other information under oath, concerning the inheritance tax liability of the estate as may be required.

83.36.060 Notice of transfer of real estate by trustees, executors and administrators. Whenever any of the real estate of which any decedent may die seized shall pass to any body politic or corporate, or to any person or persons, or in trust for them, or some of them, it shall be the duty of the executor, administrator, or trustee of

said decedent to give information thereof in writing to the tax commission within three months after they undertake the execution of their expected duties, or if the fact be not known to them within that period, then within one month after the same shall have come to their knowledge.

Chapter 83.40

ADJUSTMENTS WITH FEDERAL TAX

83.40.010 Absorption of eighty percent federal estate tax credit.

Where the tax imposed by the inheritance tax laws of the state of Washington is of a lesser amount than the maximum credit of eighty percent of the federal estate tax allowed by the federal estate tax act, then the tax provided for by the said inheritance tax laws of the state of Washington shall be increased so that the amount of tax due the state of Washington shall be the maximum amount of the credit allowed under said federal estate tax act: *Provided*, That the said additional tax shall be paid out of the same funds as any ordinary charge against the estate.

Where no tax is imposed by the inheritance tax laws of the state of Washington because of the exemptions thereunder and a tax is due the United States under the federal estate tax act, then a tax shall be due the state of Washington equal to maximum amount of the credit allowed under said federal estate act.

Should the amount of tax imposed by the inheritance tax laws of the state of Washington increased by this section, be afterwards found to be more than the maximum credit allowed under the federal estate tax act, then any excess over and above the said maximum credit shall be refunded as provided by law.

The executor or administrator of every decedent whose estate may be subject to the federal estate tax or to the inheritance tax laws of the state of Washington, shall file in the office of the supervisor of the inheritance tax division within twelve months after the death of such decedent, one copy of the federal estate tax return and inventory provided for in the federal estate tax act, and in like manner, one copy of all supplemental or amended returns and inventories filed with the federal government.

Said executor or administrator shall also file in the office of the supervisor of the inheritance tax division a copy of the corrected inventory and appraisal of the estate and the total amount of federal estate tax thereon, as finally determined by the federal government.

Note: See also sections 18-21, chapter 292, Laws of 1961.

83.40.040 Valuation to be adjusted according to federal appraisal. If after the values have been determined under the state statute for inheritance tax purposes, the same estate is valued

under the federal estate tax statute and the value of the property, or any portion thereof, fixed under the state statute as provided in RCW 83.40.010, and this valuation under the federal estate tax is accepted by the estate either by agreement or through final determination in the federal court, then in that event, the value as fixed under the state statute upon such property or portion thereof shall be increased to this amount for state inheritance tax purposes.

83.40.050 Federal estate tax deducted. In all estates the amount of the federal estate tax, as paid by the estate, shall be deducted as a claim or indebtedness against the estate: *Provided*, That where there is property belonging to decedent both within and without the state of Washington the amount of federal estate tax deductible shall be the proportionate part thereof that the value of the property having a taxable situs within this state bears to all of the property within and without this state.

Note: See also section 5, chapter 24, Laws of 1961 extraordinary session.

Chapter 83.44

PAYMENT OF INHERITANCE TAX—ENFORCEMENT— COMPROMISE

83.44.010 Taxes when due—Interest. All taxes imposed by the inheritance tax provisions of this title shall take effect and accrue upon the death of the decedent or donor. If such tax is not paid within fifteen months from the accruing thereof, interest shall be charged and collected at the rate of six percent per year unless the amount of tax cannot be determined because of litigation pending in any court of competent jurisdiction or arbitration under the provisions of chapter 83.14 which involves, either directly or indirectly, the amount of tax payable, in which case interest shall not be charged during the time necessarily consumed by such litigation or arbitration: *Provided*, That in no case shall interest be tolled for a period of more than three years from the expiration of the fifteen months after date of death. The minimum tax due in any event shall be paid within fifteen months from the accruing thereof. In all cases where a bond shall be given under the provisions of RCW 83.16.020 interest shall be charged at the rate of six percent per year from and after a period of sixty days from the time that the person or persons owning the beneficial interest come into the possession of same until the payment thereof.

The tax commission may, in its discretion, waive the payment of interest required to be assessed under the inheritance tax provisions of this title.

83.44.020 Extension of time if estate complicated. Whenever, by reason of the complicated nature of an estate, or by reason of

the confused condition of the decedent's affairs, it is impracticable for the executor, administrator, trustee or beneficiary of said estate to file with the clerk of the court a full, complete and itemized inventory of the personal assets belonging to the estate, within the time required by statute for filing inventories of the estates, the court may, upon the application of such representatives or parties in interest, extend the time for filing of the appraisal for a period not to exceed three months beyond the time fixed by law.

83.44.030 Tax on corporate stock—How paid. If a foreign executor, administrator or trustee shall assign any corporate stock, or obligations in this state standing in the name of a decedent, or in trust for a decedent, liable to such tax, the tax shall be paid to the state treasurer on or before the transfer thereof, otherwise, the corporation permitting its stock to be so transferred on its books shall be liable to pay such tax. No safe deposit company, bank or other institution, person or persons, holding any securities, property or assets of any nonresident decedent, shall deliver or transfer the same to any nonresident executor, administrator or representative of such decedent, until after a notice in writing of the time and place of such transfer shall have been duly given the tax commission at least ten days prior thereto, and the tax imposed by the inheritance tax provisions of this title paid thereon, and every such safe deposit company, bank or other institution, person or persons, shall be liable for the payment of such tax.

83.44.040 Devise or bequest to fiduciary in lieu of commission—Excess liable to tax. Whenever a decedent appoints one or more executors or trustees and in lieu of their allowance or commission, makes a bequest or devise of property to them which would otherwise be liable to said tax, or appoints them his residuary legatees, and said bequests, devises, or residuary legacies exceed what would be a reasonable compensation for their services, such excess shall be liable to such tax, and the court having jurisdiction of their accounts, upon its own motion, or on the application of the tax commission, shall fix such compensation.

83.44.050 When legatee or devisee must pay tax—Lien. Whenever any legacies subject to said tax are charged upon or payable out of any real estate, the heir or devisee, before paying the legacies, shall deduct said tax therefrom and pay it to the executor, administrator, trustee or state treasurer, and the same shall remain a charge and be a lien upon said real estate until it is paid; and payment thereof shall be enforced by the executor, administrator, trustee or tax commission, in the same manner as the payment of the legacy itself could be enforced.

83.44.060 Fiduciaries must deduct or collect tax—Withholding delivery of legacy or property. Every executor, administrator or trustee having in charge or trust any property subject to said tax, and which is made payable by him, shall deduct the tax therefrom, or shall collect the tax thereon from the legatee or person entitled to said property, and he shall not deliver any specific legacy or property subject to said tax to any person until he has collected the tax thereon.

83.44.070 Compromise when liability doubtful. Whenever an estate charged, or sought to be charged with the inheritance tax, is of such a nature, or is so disposed, that the liability of the estate is doubtful, or the value thereof cannot, with reasonable certainty, be ascertained under the provisions of law, the tax commission may compromise with the beneficiaries or representatives of such estates, and compound the tax thereon; but said settlement must be approved by the superior court having jurisdiction of the estate, and after such approval, the payment of the amount of the taxes so agreed upon shall discharge the lien against the property of the estate.

83.44.080 Interest paid on refunds. Where refunds are allowed in inheritance tax and escheat cases by relief bills of the legislature, the amount of money received and held by the state treasurer, by way of inheritance tax or escheat, shall draw interest at the rate of two percent per annum from the time of the receipt by the state treasurer of said money until the refund thereof pursuant to the relief bills of the legislature: *Provided*, That in all inheritance tax cases where securities are deposited with the state treasurer in lieu of a cash payment and thereafter returned to the person or persons so depositing said securities with the state treasurer, the interest and income from said securities received by the state treasurer shall be paid over to said person or persons so depositing said securities.

83.44.100 Disposition of money received. The state treasurer, upon receipt of any payments of tax, penalty, interest or fees collected under the inheritance tax provisions of this title shall deposit the same to the credit of the state general fund.

83.44.110 No decree of distribution or discharge of fiduciary from liability until tax paid. An executor, administrator or trustee shall not be discharged from liability for such inheritance tax, nor shall a decree of distribution be entered, nor said estate, nor any part of said estate, be distributed until a receipt signed by the state treasurer showing that the inheritance tax is paid, or written waiver executed by the supervisor showing that the estate is not subject to inheritance tax, or written acknowledgment by the

supervisor that provision for payment of the tax has been made to his satisfaction, is filed with the clerk of the court, or the court having jurisdiction over such estate shall have determined as herein provided that such estate is not liable to pay an inheritance tax.

Note: See also section 22, chapter 292, Laws of 1961.

Chapter 83.48

QUIETING TITLE AGAINST TAX LIABILITY

83.48.010 Actions authorized — Procedure. Actions may be brought against the state by any interested person for the purpose of quieting the title to any property against the lien or claim of lien of any tax or taxes under the inheritance tax provisions of this title, or for the purpose of having it determined that any property is not subject to any lien for taxes nor chargeable with any tax under the inheritance tax provisions of this title. No such action shall be maintained where any proceedings are pending in any court or before the tax commission or the supervisor thereof in this state wherein the taxability of such transfer and the liability therefor and the amount thereof may be determined. All parties interested in said transfer and in the taxability thereof shall be made parties thereto and any interested person who refuses to join as plaintiff therein may be made a defendant. Summons for the state in said action shall be served upon the tax commission by delivering a copy thereof to the supervisor.

Upon the filing of the complaint the court shall enter an order directing the supervisor to hear said matter and to report to the court thereon, and shall direct notice of such time and place to be given for such hearing as the court shall deem proper, and shall refer said matter to said supervisor, who shall have all of the powers of a referee of said court, including the powers prescribed in RCW 83.28.020. The procedure subsequent to said reference to said supervisor shall conform to the provisions of RCW 83.28.030, 83.28.040, 83.28.050, 83.28.060 and 83.28.070. Should the court determine that the property described in the complaint is subject to the lien of said tax and that said property has been transferred within the meaning of the inheritance tax provisions of this title, the court shall grant affirmative relief to the state in said action and judgment shall be rendered therein in favor of the state, ascertaining and determining the amount of said tax and the person or persons liable therefor, and the property chargeable therewith or subject to lien therefor. If the court shall determine that such property or estate is not liable to be charged with any tax under the provisions of the inheritance tax provisions of this title, it shall enter its decree quieting title to such property against any and all such taxes, and discharging such person or persons from liability therefor.

Chapter 83.52**VIOLATIONS AND PENALTIES**

83.52.020 Fraudulent practices — Concealment — Penalty. Any person or persons found guilty of practicing a fraud upon the state of Washington relating to the ascertainment, determination and collection of inheritance taxes, by misrepresentation of facts, or concealment of facts, and any person or persons who assist therein, either as principal, agent or accessory, either before or after the fact, shall be deemed guilty of a gross misdemeanor and upon conviction thereof be punished accordingly.

Chapter 83.56**GIFT TAXES**

83.56.005 “Calendar year” defined. The term “calendar year” indicates only the calendar year 1941 and succeeding years, and, in the case of the calendar year 1941, includes only the portion of such year after March 21, 1941.

83.56.010 “Deficiency” defined. As used in this chapter in respect of the tax imposed by this chapter the term “deficiency” means:

(1) The amount by which the tax imposed by this chapter exceeds the amount shown as the tax by the donor upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax; or

(2) If no amount is shown as the tax by the donor upon his return, or if no return is made by the donor, then the amount by which the tax exceeds the amount previously assessed (or collected without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment shall first be decreased by the amount previously abated, refunded, or otherwise repaid in respect of such tax.

83.56.020 “Net gifts” defined. The term “net gifts” means the total amount of gifts made during the calendar year, less the deductions provided in RCW 83.56.060.

83.56.030 Transfers subject to tax. (1) For year 1941 and each calendar year thereafter a tax, computed as provided in this chapter, shall be imposed upon the privilege of transferring property by gift during such calendar years, by any individual resident or nonresident of the state of Washington; which tax shall apply whether the transfer is in trust or otherwise, whether the gift is direct or indirect, and whether the property is real or personal,

tangible or intangible; as to residents of this state, the tax shall apply to the transfer by gift of any property whatsoever, excepting only property, real or tangible personal permanently located outside this state; but, in the case of a nonresident, shall apply to a transfer only if the property is real or tangible personal, permanently located within the state of Washington; the tax shall not apply to a transfer made on or before March 21, 1941.

(2) In case of a transfer of community property, real or personal, tangible or intangible, by one spouse or by both spouses to a person other than a member of the community, two gifts shall be deemed to have been made, one by each spouse and each for one-half of the whole value of the property transferred.

(3) The tax shall not apply to a transfer of property in trust where the power to revest in the donor title to such property is vested in the donor, either alone or in conjunction with any person not having a substantial adverse interest in the disposition of such property or the income therefrom, but the relinquishment or termination of such power (other than the donor's death) shall be considered to be a transfer by the donor by gift of the property subject to such power, and any payment of the income therefrom to a beneficiary other than the donor shall be considered to be a transfer by the donor of such income by gift.

83.56.040 Tax imposed—Basic exemptions. A gift tax shall be imposed on the aggregate total of all net gifts for each calendar year and all prior years subject to this chapter at the following rates:

Class A. Any gift made to or for the use or benefit of a lineal ancestor, lineal descendant, husband, wife, stepchild or lineal descendant of a stepchild, adopted child or lineal descendant of an adopted child, adopted child of the lineal descendant of the donor, son-in-law, or daughter-in-law, is hereby denominated as class A. On any amount passing to class A, the tax shall be ninety percent of the amount of a tax computed at the following rates: On any amount up to and including twenty-five thousand dollars, one percent; on any amount in excess of twenty-five thousand dollars up to and including fifty thousand dollars, two percent; on any amount in excess of fifty thousand dollars up to and including seventy-five thousand dollars, three percent; on any amount in excess of seventy-five thousand dollars up to and including one hundred thousand dollars, four percent; on any amount in excess of one hundred thousand dollars up to and including two hundred thousand dollars, seven percent; on any amount in excess of two hundred thousand dollars up to and including five hundred thousand dollars, nine percent; on any amount in excess of five hundred thousand dollars, ten percent: *Provided*, That there shall be exempt ten

thousand dollars of any amount passing to class A, which exemption shall be taken from the first twenty-five thousand dollars.

Class B. Any gift made to or for the use or benefit of a brother or sister is denominated class B. On any amount passing to class B the tax shall be ninety percent of the amount of a tax computed at the following rates: On any amount up to and including five thousand dollars, three percent; on any amount in excess of five thousand dollars up to and including ten thousand dollars, four percent; on any amount in excess of ten thousand dollars up to and including thirty thousand dollars, seven percent; on any amount in excess of thirty thousand dollars up to and including fifty thousand dollars, ten percent; on any amount in excess of fifty thousand dollars up to and including one hundred thousand dollars, fifteen percent; on any amount in excess of one hundred thousand dollars, twenty percent: *Provided*, That there shall be exempt one thousand dollars of any amount passing to class B, which exemption shall be taken from the first five thousand dollars.

Class C. Any gift to or for the use or benefit of any person or body politic or corporate other than mentioned in class A and class B herein, is hereby denominated class C. On any amount passing to class C the tax shall be ninety percent of the amount of tax computed at the following rates: On any amount up to and including ten thousand dollars, ten percent; on any amount in excess of ten thousand dollars up to and including twenty-five thousand dollars, fifteen percent; on any amount in excess of twenty-five thousand dollars up to and including fifty thousand dollars, twenty percent; on any amount in excess of fifty thousand dollars, twenty-five percent.

Any gift of any property or income therefrom passing in trust shall be classified and taxed in accordance with the relationship of the cestui que trust.

In each calendar year a deduction shall be allowed from the gross tax as computed under this section in an amount equal to the total of all gift taxes previously paid to the state by the taxpayer on gifts subject to this chapter.

83.56.050 Annual exclusion of three thousand dollars. In the case of gifts, other than of future interests in property, made to any person by the donor during any calendar year, the first three thousand dollars of such gifts to such person or body politic or corporate shall not, for the purpose of this chapter, be included in the total amount of gifts made during such year.

83.56.060 Deductions—Gifts to certain entities. In computing net gifts for any calendar year there shall be allowed as deductions all gifts of property to or for the use of any of the following:

- (1) The United States of America;

(2) The state of Washington;

(3) A municipal or public corporation, school district or any school or educational institution in this state supported by public funds in whole or in part;

(4) A trust, or a fraternal society, order, or association operating under the lodge system, exclusively for any religious, charitable, scientific, literary, educational, public or other like work, whether or not such work is to be carried on within this state; or

(5) A society, corporation, institution, organization or association exclusively engaged in or devoted to any religious, charitable, scientific, literary, educational, public or other like work, no part of the net earnings of which inures to the benefit of any private stockholder or individual, whether or not it be organized under the laws of this state or engaged in such work therein.

83.56.070 Transfer for inadequate consideration. Where property is transferred for less than an adequate and full consideration in money or money's worth, the amount by which the value of the property exceeded the value of the consideration, in money or money's worth, for the purpose of the tax imposed by this chapter, shall be deemed a gift, and shall be included in computing the amount of gifts made during the calendar year.

83.56.080 Valuation of property other than money. If the gift is made in property other than money, the amount thereof shall be its true and fair value in money, less any encumbrance thereon at the time such gift is made, and such value shall be determined by the tax commission, and any party in interest may, within thirty days, appeal to the superior court from such determination. If the gift is made by transfer of property in trust or otherwise and constitutes a present or future interest less than a fee simple interest therein, the value thereof shall be computed in the same manner as provided by statute for the determination of inheritance taxes on like interests at the time the gift is made.

83.56.090 Returns—Date of filing. Any individual who within any calendar year makes any transfers by gift (except those which are not to be included in the total amount of gifts for such year) shall make a return under oath which shall set forth such information as is required by the tax commission.

The return shall be filed with the tax commission of the state of Washington on or before the fifteenth day of April following the close of the calendar year in which the gift is made.

83.56.100 Donor to keep records and make returns. (1) Every person liable to any tax imposed by this chapter or for the collection thereof, shall keep such records, render under oath such statements,

make such returns, and comply with such rules and regulations, as the tax commission may from time to time prescribe;

(2) Whenever it is necessary in the judgment of the tax commission it may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records, as the tax commission deems sufficient to show whether or not such person is liable to tax under this chapter.

83.56.110 Payment of tax—Disposition of revenue. The tax imposed by this chapter shall be paid by the donor to the tax commission on or before the fifteenth day of April following the close of the calendar year in which the gift is made.

All moneys paid to the tax commission under this chapter shall forthwith be transmitted to the state treasurer and credited to the general fund.

83.56.120 Lien of tax. The tax imposed by this chapter is a lien on any personal property embraced in a gift from the time the gift is made and until ten years after the time the tax becomes delinquent. The lien hereby imposed shall be subordinate to the lien of a mortgage or pledge of any part mortgaged or pledged by the donee or his successor in interest to a bona fide mortgagee or pledgee; and any part of the personal property, embraced in a gift, which is sold by the donee or his successor in interest to a bona fide purchaser for an adequate and full consideration in money or money's worth is divested of the lien hereby imposed and, in lieu thereof, the lien shall attach to all property of the donee (including after-acquired property), except any part thereof sold by the donee or his successor in interest to a bona fide purchaser for an adequate and full consideration in money or money's worth, and such lien shall be subordinate to the lien of a mortgage or pledge of any part of such property mortgaged or pledged by the donee or his successor in interest to a bona fide mortgagee or pledgee.

83.56.130 Recordation of certificate of nonpayment attaches lien to realty. In any case in which any tax, interest, or penalty imposed by this chapter is not paid when due, the tax commission may file for record in the office of the county auditor of any county a certificate giving the name of the donor and the donee or either of them and the amount of taxes, interest and penalties due. From the time of the recording of any such certificate the amount of the tax, interest and penalties therein set forth shall constitute a lien upon any real property then owned or thereafter acquired by any donor or donee named in such certificate located in the county in which said certificate is recorded, which lien shall have the same force, effect and priority as a lien created by the recording of a judgment. Said lien shall continue, however, for ten years after

the time the tax becomes delinquent or until the tax is paid, the property sold for the nonpayment thereof until the lien is released or otherwise extinguished.

83.56.140 Release of lien. If the tax commission is satisfied that the gift tax liability of any person has been provided for or will be provided for or that no gift tax liability exists, it may issue its certificate releasing any property of such person from the lien imposed by this chapter.

83.56.150 Determination of correct tax. As soon as practicable after the return is filed the tax commission shall examine it and shall determine the correct amount of the tax.

83.56.160 Deficiency assessment—Review. (1) If the tax commission determines that there is a deficiency in respect to the tax imposed by this chapter, it is authorized to send notice of such deficiency to the donor by registered mail. Within thirty days after such notice is mailed the donor may have the decision of the tax commission reviewed by filing a petition in the superior court for Thurston county, Washington, for determination of the deficiency. No assessment of a deficiency in respect to the tax imposed by this chapter, and no distraint or proceeding in court for its collection shall be made, begun or prosecuted until such notice has been mailed to the donor, nor until the expiration of such thirty days; nor if a petition be filed with the superior court for review until the decision has become final;

(2) If the donor files a petition for review, the entire amount redetermined as a deficiency by the decision of the court shall become final and shall be assessed and shall be paid upon notice and demand from the tax commission. No part of the amount determined as a deficiency by the tax commission, but disallowed as such by the decision of the court, shall be assessed or collected by distraint or by proceedings in court without assessment;

(3) If the donor does not file a petition for review as provided herein within the time prescribed, the deficiency, notice of which has been mailed to the donor, shall be assessed and shall be paid upon notice and demand of the tax commission;

(4) The donor shall at any time have the right, by a signed notice in writing filed with the tax commission, to waive the restrictions provided herein on the assessment and collection of the whole or any part of the deficiency;

(5) The tax commission shall have jurisdiction to redetermine the correct amount of the deficiency even if the amount so redetermined is greater than the amount of the deficiency, notice of which has been mailed to the donor, and to determine whether any additional amount or addition to the tax should be assessed,

if claim therefor is asserted by the tax commission at or before the hearing or rehearing;

(6) If the tax commission has mailed to the donor notice of a deficiency as provided herein, and the donor files a petition with the tax commission within the time prescribed, the tax commission shall have no right to determine any additional deficiency in respect to the calendar year, except in the case of fraud, and except as provided in this section, relating to assertion of greater deficiencies before the tax commission, or the making of jeopardy assessments. If the donor is notified that, on account of a mathematical error appearing upon the face of the return, an amount of tax in excess of that shown upon the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical error, such notice shall not be considered (for the purposes of this chapter) as a notice of a deficiency, and the donor shall have no right to file a petition with the tax commission based on such notice, nor shall such assessment or collection be prohibited by the provisions hereof;

(7) The tax commission in redetermining a deficiency in respect to any calendar year shall consider such facts with relation to the taxes for other calendar years as may be necessary correctly to determine the amount of such deficiency, but in so doing shall have no jurisdiction to determine whether the tax for any other calendar year has been overpaid or underpaid;

(8) For the purposes of this chapter the decision of the superior court shall be final unless there is an appeal taken to the supreme court;

(9) Where it is shown to the satisfaction of the tax commission that the payment of the deficiency upon the date prescribed for the payment thereof, will result in undue hardship to the donor, the tax commission, except where the deficiency is due to negligence, to intentional disregard of the rules and regulations, or to fraud with intent to evade the tax, may grant an extension for the payment of such deficiency or any part thereof, for a period not in excess of six months. If an extension is granted, the tax commission may require the donor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties as the tax commission deems necessary conditioned upon the payment of the deficiency in accordance with the terms of the extension;

(10) In the absence of notice to the tax commission of the existence of a fiduciary relationship notice of a deficiency in respect of the tax imposed by this chapter, if mailed to the donor at his last known address, shall be sufficient for the purposes of this chapter even if such donor is deceased, or is under a legal disability.

83.56.170 Interest on deficiency assessments. Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the tax commission, and shall be collected as a part of the tax, at the rate of six percent per annum from the due date of the tax to the date the deficiency is assessed, or, in case of waiver under RCW 83.56.160(4), to the thirtieth day after the filing of such waiver or the date the deficiency is assessed, whichever is the earlier.

83.56.180 Jeopardy assessment. (1) If the tax commission believes that the assessment or collection of a deficiency will be jeopardized by delay, it shall immediately assess such deficiency (together with all interest, additional amounts or additions to the tax provided for by law) and notice and demand shall be made by the tax commission for the payment thereof;

(2) If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed, then the tax commission shall mail a notice within sixty days after the making of the assessment;

(3) The jeopardy assessment may be made in respect of a deficiency greater or less than that notice of which has been mailed to the donor, despite the provisions of this chapter prohibiting the determination of additional deficiencies, and whether or not the donor has theretofore filed a petition with the superior court;

(4) When a jeopardy assessment has been made, the donor, within ten days after notice and demand for the payment of the amount of the assessment, may obtain a stay of collection of the whole or any part of the amount of the assessment by filing with the tax commission a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties as the tax commission deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated by a decision of the superior court which has become final, together with interest thereon as provided herein;

(5) If the bond is given before the donor has filed his petition with the superior court the bond shall contain a further condition that if a petition is not filed within the period provided in this chapter, then the amount, the collection of which is stayed by the bond, will be paid on notice and demand at any time after the expiration of such period, together with interest thereon at the rate of six percent per annum from the date of the jeopardy notice and demand to the date of notice and demand under this subsection;

(6) Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. The donor shall have the right to waive such stay at any time in respect

of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the donor, be proportionately reduced. If the tax commission determines that the amount assessed is greater than the amount which should have been assessed then when the decision of the superior court is rendered the bond shall, at the request of the donor, be proportionately reduced;

(7) When the petition has been filed with the superior court and when the amount which should have been assessed has been determined by a decision of the court which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the commission, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be credited or refunded by the state of Washington. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the tax commission.

83.56.190 Interest on jeopardy assessment. In the case of the amount collected under RCW 83.56.180 (4) there shall be collected at the same time as such amount, and as a part of the tax, interest at the rate of six percent per annum upon such amount from the date of the jeopardy notice and demand to the date of notice and demand under RCW 83.56.180 (7), or, in case of the amount collected in excess of the amount of the jeopardy assessment, interest as provided in RCW 83.56.170.

83.56.200 Time limited for making assessment. (1) Except as otherwise herein provided, the amount of taxes imposed by this chapter shall be assessed within one year after the return is filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of three years after the return was filed;

(2) In the case of false or fraudulent return with intent to evade tax or of failure to file return the tax may be assessed or a proceeding in court for the collection of such tax may be begun without assessment at any time;

(3) Where the assessment of any tax imposed by this chapter has been made within the statutory period of limitation properly applicable thereto such tax may be collected by distraint or by a proceeding in court, but only if begun (a) within six years after the assessment of the tax, or (b) prior to the expiration of any

period for collection agreed upon in writing by the tax commission and the donor.

83.56.210 Suspension of statute of limitations. The running of the statute of limitations provided herein on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall (after the mailing of notice) be suspended for the period during which the tax commission is prohibited from making the assessment or beginning distraint or a proceeding in court, and for sixty days thereafter.

83.56.220 Interest on delinquent taxes. (1) Where the amount determined by the donor as the tax imposed by this chapter, or any part of such amount, is not paid on the due date of the tax, there shall be collected as a part of the tax, interest, upon the unpaid amount at the rate of one percent per month from the due date until it is paid;

(2) Where an extension of time for payment of the amount so determined as the tax by the donor has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under RCW 83.56.230(1), is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in subsection (1) of this section, interest at the rate of one percent per month shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid;

(3) Where a deficiency, or any interest assessed in connection therewith under RCW 83.56.170 or any addition to the tax provided for in this chapter, is not paid in full within ten days from the date of notice and demand from the tax commission, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of one percent a month from the date of such notice and demand until it is paid;

(4) If a bond is filed, as provided in RCW 83.56.180, the provisions of subsection (1) of this section shall not apply to the amount covered by the bond;

(5) If the part of the deficiency, the time for payment of which is extended as provided in RCW 83.56.160 (9) is not paid in accordance with the terms of the extensions, there shall be collected, as a part of the tax, interest on such amount at the rate of one percent per month for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period;

(6) If the amount included in the notice and demand from the tax commission under RCW 83.56.180 (7) is not paid in full within ten days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of

one percent a month from the date of such notice and demand until it is paid.

83.56.230 Interest when time is extended. (1) If the time for payment of the amount determined as the tax by the donor is extended under the authority of this chapter, there shall be collected as a part of such amount interest thereon at the rate of six percent per annum from the date when such payment should have been made if no extension had been granted, until the expiration of the period of the extension;

(2) In case an extension for the payment of a deficiency is granted, there shall be collected as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended, at the rate of six percent per annum for the period of extension, and no other interest shall be collected on such part of the deficiency for such period.

83.56.240 Credit or refund for overpayment—Claim—Time limit.

(1) Where there has been an overpayment of any tax imposed by this chapter, the amount of such overpayment shall be credited against any gift tax then due from the taxpayer, and any balance shall be refunded by the state of Washington to the taxpayer;

(2) Limitation on allowance. (a) No such credit or refund shall be allowed or made after two years from the time the tax was paid, unless before the expiration of such period a claim therefor is filed by the taxpayer; (b) The amount of the credit or refund shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim, or if no claim was filed, then during the three years immediately preceding the allowance of the credit or refund;

(3) If the tax commission has mailed to the taxpayer a notice of deficiency under RCW 83.56.160(1) and if the taxpayer files a petition with the superior court within the time prescribed in such section, no credit or refund in respect of the tax for the calendar year in respect of which the tax commission has determined the deficiency shall be allowed or made and no suit by the taxpayer for the recovering of any part of such tax shall be instituted in any court except: (a) As to the overpayments determined by a decision of the court which has become final; and (b) as to any amount collected in excess of an amount computed in accordance with the decision of the court which has become final; and (c) as to any amount collected after the period of limitation upon the beginning of distraint or a proceeding in court for collection has expired; but in any such claim for credit or refund or in any such suit for refund the decision of the court which has become final, as to whether such period has expired before the notice of deficiency was mailed, shall be conclusive;

(4) If the court finds that there is no deficiency and further finds that the taxpayer has made an overpayment of tax in respect of the taxable year in respect of which the tax commission determined the deficiency, the court shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the court has become final, be credited or refunded to the taxpayer. No such credit or refund shall be made of any portion of the tax paid more than three years before the filing of the claim or the filing of the petition, whichever is earlier.

83.56.250 Liability of transferee or fiduciary—Statute of limitations—Injunctions prohibited. (1) The amount of the following liabilities shall, except as hereinafter provided, be assessed, collected and paid in the same manner and subject to the same provisions and limitations as in the case of a deficiency in the tax imposed by this chapter (including the provisions in case of a delinquency in payment after notice and demand, the provisions authorizing distraint and proceedings in court for collection, and the provisions prohibiting claims and suits for refunds):

(a) The liability, at law or in equity, of a transferee of property of a donor, in respect to the tax (including interest, additional amounts, and additions to the tax provided by law) imposed by this chapter;

(b) The liability of a fiduciary in respect of the payment of any such tax from the estate of the donor;

Any such liability may be either as to the amount of tax shown on the return or as to any deficiency in tax;

(2) The period of limitation for assessment of any such liability of a transferee or fiduciary shall be as follows:

(a) Within one year after the expiration of the period of limitation for assessment against the donor;

(b) If a court proceeding against the donor for the collection of the tax has been begun within the period provided in paragraph (a), then within one year after return of execution in such proceedings;

(3) For the purpose of this section, if the donor is deceased, the period of limitation for assessment against the donor shall be the period that would be in effect had the death not occurred;

(4) The running of the statute of limitations upon the assessment of the liability of a transferee or fiduciary shall, after mailing of the notice under RCW 83.56.160(1) to the transferee or fiduciary, be suspended for the period during which the tax commission is prohibited from making the assessment in respect of the liability of the transferee or fiduciary (and in any event, if a proceeding in respect of the liability is placed on the docket of the superior court, until the decision of the court becomes final, and for sixty days thereafter);

(5) No suit shall be maintained in any court for the purpose of restraining the assessment or collection of (a) the amount of the liability, at law or in equity of a transferee of property of a donor in respect of any gift tax, or (b) the amount of the liability of a fiduciary under this chapter, in respect of any such tax;

(6) As used in this section, the term "transferee" includes donee, heir, legatee, devisee, and distributee;

(7) In the absence of notice to the tax commission under RCW 83.56.270(2) of the existence of a fiduciary relationship, notice of liability enforceable under this section in respect of a tax imposed by this chapter, if mailed to the person subject to the liability at his last known address, shall be sufficient for the purposes of this chapter even if such person is deceased, or is under legal disability, or, in the case of a corporation, has terminated its existence.

83.56.270 Powers and duties of fiduciary. (1) Upon notice to the tax commission that any person is acting in a fiduciary capacity such fiduciary shall assume the powers, rights, duties and privileges of the donor in respect of a tax imposed by this chapter (except as otherwise specifically provided and except that the tax shall be collected from the estate of the donor), until notice is given that the fiduciary capacity has terminated;

(2) Upon notice to the tax commission that any person is acting in a fiduciary capacity for a person subject to the liability of the tax imposed under this chapter, the said fiduciary shall assume on behalf of such person, the powers, rights, duties, and all the privileges of such person (except, however, that the liability shall be collected from the estate of such person), until notice is given that the fiduciary capacity has terminated;

(3) Notice shall be given in accordance with the regulations prescribed by the tax commission.

83.56.280 Civil penalty for failure to file return. In case of any failure to make and file a return required by this chapter, within the time prescribed by law or by the tax commission in pursuance of law, twenty-five percent of the tax shall be added to the tax, except that when a return is filed after such time and it is shown that the failure to file it was not due to wilful neglect no such addition shall be made to the tax. The amount so added to any tax shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, in which case the amount so added shall be collected in the same manner as the tax.

83.56.290 Civil penalties for negligent or fraudulent deficiencies. (1) If any part of any deficiency is due to negligence or intentional disregard of rules and regulations but without intent to defraud,

five percent of the total amount of the deficiency (in addition to such deficiency) shall be assessed, collected, and paid in the same manner as if it were a deficiency, except that the provisions relating to interest on deficiencies shall not be applicable;

(2) If any part of any deficiency is due to fraud with intent to evade the tax, then fifty percent of the total amount of the deficiency (in addition to such deficiency) shall be so assessed and collected, and paid.

83.56.300 Criminal penalty. Any person required under this chapter to pay any tax or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purpose of the computation, assessment, or collection of any tax imposed by this chapter who fraudulently fails to pay such tax, make such return, keep such records, or supply such information, or who fraudulently attempts in any manner to evade or defeat any tax imposed by this chapter, or the payment thereof at the time or times required by law or regulations shall, in addition to other penalties provided by law, be guilty of a misdemeanor, and upon conviction thereof, be fined not more than one thousand dollars or imprisoned for not more than one year, or both, together with the costs of prosecution.

83.56.310 Rules and regulations. The tax commission shall prescribe and publish all needful rules and regulations for the enforcement of this chapter.

83.56.320 Compromise or waiver of interest assessed. The tax commission may, for good cause shown, compromise or waive any interest assessed under the provisions of this chapter.

83.56.900 Short title. This chapter may be cited as the "Gift Tax Act of 1941".

Chapter 83.60

GIFTS OF POWERS OF APPOINTMENT

83.60.010 Definitions. As used in this chapter:

"Donor" means any person who creates a power of appointment.

"Donee" means any person given the power to exercise the appointment.

"Property" means any property subject to the power of appointment which is within the jurisdiction of this state.

"Trustee" means any person, including a donee, who holds the property or the title thereto in trust or otherwise.

"Ultimate beneficiary" means any person who becomes entitled to the property through exercise of the power, or by the reason of nonexercise of the power, or by reason of renouncement of the

power by the donee, or by reason of renouncement or waiver by the person appointed to receive the property.

"Greatest possible tax" means a tentative tax computed on an assumed devolution of the property to an ultimate beneficiary within the limitations of the power, who would be taxable at the highest rates provided by the gift tax laws of this state.

"Final tax" means the tax determined under the gift tax laws of this state when the power is exercised or terminated.

"Due date" means the fifteenth day of March following the close of the calendar year in which any gift is made.

"Commission" means the tax commission of this state.

83.60.020 Transfer subject to gift tax, when. The gift of a power of appointment, in conjunction with a disposition of property which is effected before or after June 7, 1951, by intervivos transfer, direct, or in trust or otherwise, is subject to the gift tax laws of this state from the donor to the ultimate beneficiary thereof.

83.60.030 Due date, lien, payment of tax—Valuation—Refund inures to ultimate beneficiary. The tax due is due as of the date of the gift, and shall be a lien upon the property until paid in full. It shall be the duty of the trustee to pay the tax or provide the security therefor as hereinafter provided, but no provision of this chapter shall be construed as imposing a personal liability on such trustee. The tax shall be assessed on the value of the property as of the date of the gift regardless of any subsequent increase or decrease in value, and may be paid from the property at the discretion of the trustee. Any refund granted as hereinafter provided shall inure to the benefit of the ultimate beneficiary.

83.60.040 Donee to give notice of exercise, termination of power—Liability for failure. Upon the exercise or termination of the power, prior to furnishing the bond or other security for the tax as hereinafter provided, it shall be the duty of the donee to immediately notify the commission thereof, together with the name and address of the ultimate beneficiary and his relationship to the donor. If the donee fails to so notify the commission, which failure results in loss of tax, he shall be liable for such tax.

83.60.050 Bond or security for payment of tax—Alternatives. Unless the greatest possible tax is paid in full on or before the due date, a surety company bond shall be executed in favor of the state of Washington by the trustee and filed with the commission, which bond shall be binding on his successors or representatives in an amount equal to the greatest possible tax, conditioned that upon the exercise or termination of the power the commission will be notified and the final tax paid in full: *Provided*, That the trustee may elect to pay a tentative tax based on the probabilities of devolu-

tion of the property, and file a bond only for the difference between the tentative tax paid and the greatest possible tax. The commission, in its discretion, may accept other adequate security in lieu of any bond or payment of tax. If at any time the commission has cause to believe that the bond or security furnished is inadequate to insure payment of the final tax, it may require such further security from the remaining property as it deems necessary. If the trustee fails or refuses to pay such tax, or furnish a bond or adequate security, the greatest possible tax shall immediately become due and payable, and may be enforced against the property by the commission through foreclosure proceedings. Any bond executed by the trustee as above provided shall not be released or exonerated without written consent of the commission.

83.60.060 Refund of excess payment of tentative tax. In the event any tentative tax paid as provided heretofore is determined to be in excess of the final tax, a refund for the excess shall be granted by the commission, without interest.

83.60.070 Tax payments — When due—Delinquencies—Interest. The trustee shall have until the due date to pay any tentative tax provided in this chapter, and if not so paid, interest shall be charged on such tax at the rate of one percent per month from the first of January next preceding the due date until paid. Interest shall not be charged on the final tax if paid within three months of the exercise or termination of the power, but if not so paid, interest shall be charged at the rate of six percent per annum from the date the power was exercised or terminated.

83.60.080 Exercise of power by granting power to another donee —Taxation. In the event the donee exercises the power by granting a power of appointment to another donee to all or any part of the property, such property shall be taxed as if the second donee is the ultimate beneficiary thereof, as above provided, and the second donee is then considered as the owner of the property for the purposes of this chapter.

Chapter 83.98

CONSTRUCTION

83.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

83.98.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title, do not constitute any part of the law.

83.98.030 Invalidity of part of title not to affect remainder. If any section, subdivision of a section, paragraph, sentence, clause or word of this title for any reason shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of this title but shall be confined in its operation to the section, subdivision of a section, paragraph, sentence, clause or word directly involved in the controversy in which such judgment shall have been rendered. If any tax imposed under this title shall be adjudged invalid as to any person, corporation, association or class of persons, corporations or associations included within the scope of the general language of this title such invalidity shall not affect the liability of any person, corporation, association or class of persons, corporations or associations as to which such tax has not been adjudged invalid. It is hereby expressly declared that had any section, subdivision of a section, paragraph, sentence, clause, word or any person, corporation, association or class of persons, corporations or associations as to which this title is declared invalid been eliminated from the title at the time the same was considered the title would have nevertheless been enacted with such portions eliminated.

83.98.040 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Sections 1 through 18, chapter 55, Laws of 1901;
- (2) Section 1, chapter 93, Laws of 1905;
- (3) Sections 1 and 2, chapter 114, Laws of 1905;
- (4) Sections 1 through 13, chapter 217, Laws of 1907;
- (5) Section 1, chapter 19, Laws of 1911;
- (6) Section 1, chapter 43, Laws of 1917;
- (7) Sections 1 through 7, chapter 146, Laws of 1917;
- (8) Section 1, chapter 24, Laws of 1919;
- (9) Section 1, chapter 29, Laws of 1919;
- (10) Section 1, chapter 51, Laws of 1921;
- (11) Section 1, chapter 119, Laws of 1923;
- (12) Sections 1-3, chapter 135, Laws of 1929;
- (13) Sections 1 through 4, chapter 202, Laws of 1929;
- (14) Sections 1 through 8, chapter 205, Laws of 1929;
- (15) Section 1, chapter 124, Laws of 1931;
- (16) Sections 1 through 13, chapter 134, Laws of 1931;
- (17) Sections 104 through 127, chapter 180, Laws of 1935;
- (18) Section 1, chapter 106, Laws of 1937;
- (19) Sections 1 through 14, chapter 202, Laws of 1939;
- (20) Sections 1 through 31, chapter 119, Laws of 1941;
- (21) Sections 1 through 3, chapter 124, Laws of 1941;

- (22) Sections 1 through 3, chapter 197, Laws of 1941;
- (23) Section 1, chapter 224, Laws of 1943;
- (24) Section 1, chapter 276, Laws of 1943;
- (25) Section 1, chapter 277, Laws of 1943;
- (26) Sections 1 through 6, chapter 184, Laws of 1945;
- (27) Sections 1 and 2, chapter 206, Laws of 1945;
- (28) Sections 1 and 2, chapter 21, Laws of 1947;
- (29) Sections 1 through 5, chapter 140, Laws of 1949;
- (30) Section 1, chapter 218, Laws of 1949;
- (31) Sections 1 through 17, chapter 185, Laws of 1951;
- (32) Section 1, chapter 136, Laws of 1953;
- (33) Section 1, chapter 137, Laws of 1953;
- (34) Sections 1 and 2, chapter 138, Laws of 1953;
- (35) Section 1, chapter 139, Laws of 1953;
- (36) Section 1, chapter 118, Laws of 1955;
- (37) Section 1, chapter 119, Laws of 1955;
- (38) Sections 1 through 3, chapter 280, Laws of 1957;
- (39) Sections 1 through 4, chapter 285, Laws of 1957;
- (40) Sections 1 through 7, chapter 46, Laws of 1959;
- (41) Section 1, chapter 296, Laws of 1959.

Such repeals shall not be construed as affecting any existing right acquired or any liability or obligation incurred under the provisions of the statutes repealed, nor as affecting the application of any provision repealed herein which provides for the retroactive application of any provision of this title or laws prior hereto, nor as invalidating, abating or otherwise affecting any criminal or civil proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder.

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

TITLE 84 PROPERTY TAXES

Chapter 84.04

DEFINITIONS

84.04.010 Introductory. Unless otherwise expressly provided or unless the context indicates otherwise, terms used in this title shall have the meaning given to them in this chapter.

84.04.020 "Assessed valuation of taxable property", and allied terms. The terms "assessed valuation of taxable property", "valuation of taxable property", "value of taxable property", "taxable value of property", "property assessed" and "value" whenever used in any statute, law, charter or ordinance with relation to the levy of taxes in any taxing district, shall be held and construed to mean "assessed value of property" as defined in RCW 84.04.030.

84.04.030 "Assessed value of property." "Assessed value of property" shall be held and construed to mean the aggregate valuation of the property subject to taxation by any taxing district as placed on the last completed and balanced tax rolls of the county preceding the date of any tax levy.

84.04.040 "Assessment year", "fiscal year." The assessment year contemplated in this title and the fiscal year contemplated in this title shall commence on January 1st and end on December 31st in each year.

84.04.045 "County auditor." "County auditor" shall be construed to mean registrar or recorder, whenever it shall be necessary to use the same to the proper construction of this title.

84.04.050 "Householder." "Householder" shall be taken to mean and include every person, married or single, who resides within the state of Washington being the owner or holder of an estate or having a house or place of abode, either as owner or lessee.

84.04.060 "Money", "moneys." "Money" or "moneys" shall be held to mean gold and silver coin, gold and silver certificates, treasury notes, United States notes, and bank notes.

84.04.065 Number and gender. Every word importing the singular number only may be extended to or embrace the plural number, and every word importing the plural number may be applied and limited to the singular number, and every word importing the masculine gender only may be extended and applied to females as well as males.

84.04.070 "Oath", "swear." "Oath" may be held to mean affirmation, and the word "swear" may be held to mean affirm.

84.04.075 "Person." "Person" shall be construed to include firm, company, association or corporation.

84.04.080 "Personal property." "Personal property" for the purposes of taxation, shall be held and construed to embrace and include, without especially defining and enumerating it, all goods, chattels, stocks, estates or moneys; all standing timber held or owned separately from the ownership of the land on which it may stand; all fish trap, pound net, reef net, set net and drag seine

fishing locations; all leases of real property and leasehold interests therein for a term less than the life of the holder; all improvements upon lands the fee of which is still vested in the United States, or in the state of Washington; all gas and water mains and pipes laid in roads, streets or alleys; and all property of whatsoever kind, name, nature and description, which the law may define or the courts interpret, declare and hold to be personal property for the purpose of taxation and as being subject to the laws and under the jurisdiction of the courts of this state, whether the same be any marine craft, as ships and vessels, or other property holden under the laws and jurisdiction of the courts of this state, be the same at home or abroad: *Provided*, That mortgages, notes, accounts, certificates of deposit, tax certificates, judgments, state, county, municipal and taxing district bonds and warrants shall not be considered as property for the purpose of this title, and no deduction shall hereafter be made or allowed on account of any indebtedness owed.

84.04.090 "Real property." The term "real property" for the purposes of taxation shall be held and construed to mean and include the land itself, whether laid out in town lots or otherwise, and all buildings, structures or improvements or other fixtures of whatsoever kind thereon, except improvements upon lands the fee of which is still vested in the United States, or in the state of Washington, and all rights and privileges thereto belonging or in any wise appertaining, except leases of real property and leasehold interests therein for a term less than the life of the holder; and all substances in and under the same; all standing timber growing thereon, except standing timber owned separately from the ownership of the land upon which the same may stand or be growing; and all property which the law defines or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law for the purposes of taxation.

84.04.100 "Tax" and derivatives. The word "tax" and its derivatives, "taxes," "taxing," "taxed," "taxation" and so forth shall be held and construed to mean the imposing of burdens upon property in proportion to the value thereof, for the purpose of raising revenue for public purposes.

84.04.110 "Tax commission." "Tax commission" shall be held and construed to mean the tax commission of the state of Washington.

84.04.120 "Taxing district." "Taxing district" shall be held and construed to mean and include the state and any county, city, town, township, port district, school district, road district, metropolitan park district, water district or other municipal corporation, now or hereafter existing, having the power or authorized by law to

impose burdens upon property within the district in proportion to the value thereof, for the purpose of obtaining revenue for public purposes, as distinguished from municipal corporations authorized to impose burdens, or for which burdens may be imposed, for such purposes, upon property in proportion to the benefits accruing thereto.

84.04.130 "Tract", "lot", etc. "Tract" or "lot," and "piece or parcel of real property," and "piece or parcel of lands" shall each be held to mean any contiguous quantity of land in the possession of, owned by, or recorded as the property of the same claimant, person or company.

Chapter 84.08

GENERAL POWERS AND DUTIES OF TAX COMMISSION

84.08.005 Adoption of provisions of chapter 82.01. The provisions of chapter 82.01, as now or hereafter amended, apply to Title 84 as fully as though they were set forth herein.

84.08.010 Powers of tax commission—General supervision—Rules and processes—Visitation of counties. The tax commission shall:

(1) Exercise general supervision and control over the administration of the assessment and tax laws of the state, over county assessors, and county boards of equalization, and over boards of county commissioners, county treasurers and county auditors and all other county officers, in the performance of their duties relating to taxation, and perform any act or give any order or direction to any county board of equalization or to any county assessor or to any other county officer as to the valuation of any property, or class or classes of property in any county, township, city or town, or as to any other matter relating to the administration of the assessment and taxation laws of the state, which, in the commission's judgment may seem just and necessary, to the end that all taxable property in this state shall be listed upon the assessment rolls and valued and assessed according to the provisions of law, and equalized between persons, firms, companies and corporations, and between the different counties of this state, and between the different taxing units and townships, so that equality of taxation and uniformity of administration shall be secured and all taxes shall be collected according to the provisions of law.

(2) Formulate such rules and processes for the assessment of both real and personal property for purposes of taxation as are best calculated to secure uniform assessment of property of like kind and value in the various taxing units of the state, and relative uniformity between properties of different kinds and values in the

same taxing unit. The tax commission shall furnish to each county assessor a copy of the rules and processes so formulated. The tax commission may, from time to time, make such changes in the rules and processes so formulated as it deems advisable to accomplish the purpose thereof, and it shall inform all county assessors of such changes.

(3) Visit the counties in the state, unless prevented by necessary official duties, for the investigation of the methods adopted by the county assessors and county boards of commissioners in the assessment and equalization of taxation of real and personal property; carefully examine into all cases where evasion of property taxation is alleged, and ascertain where existing laws are defective, or improperly or negligently administered.

84.08.020 Additional powers—To advise county and local officers—Books and blanks—Reports. The tax commission shall:

(1) Confer with, advise and direct assessors, boards of equalization, county boards of commissioners, county treasurers, county auditors and all other county and township officers as to their duties under the law and statutes of the state, relating to taxation, and direct what proceedings, actions or prosecutions shall be instituted to support the law relating to the penalties, liabilities and punishment of public officers, persons, and officers or agents of corporations for failure or neglect to comply with the provisions of the statutes governing the return, assessment and taxation of property, and the collection of taxes, and cause complaint to be made against any of such public officers in the proper county for their removal from office for official misconduct or neglect of duty. In the execution of these powers and duties the said commission or any member thereof may call upon prosecuting attorneys or the attorney general, who shall assist in the commencement and prosecution for penalties and forfeiture, liabilities and punishments for violations of the laws of the state in respect to the assessment and taxation of property.

(2) Prescribe all forms of books and blanks to be used in the assessment and collection of taxes, and change such forms when prescribed by law, and recommend to the legislature such changes as may be deemed most economical to the state and counties, and such recommendation shall be accompanied by carefully prepared bill or bills for this end.

(3) Require county, city and town officers to report information as to assessments of property, equalization of taxes, the expenditure of public funds for all purposes, and other information which said commission may request.

84.08.030 Additional powers—To test work of assessors—Supplemental assessment lists. The tax commission shall examine and test the work of county assessors at any time, and have and possess

all rights and powers of such assessors for the examination of persons, and property, and for the discovery of property subject to taxation, and if it shall ascertain that any taxable property is omitted from the assessment list, or not assessed or valued according to law, it shall bring the same to the attention of the assessor of the proper county in writing, and if such assessor shall neglect or refuse to comply with the request of the tax commission to place such property on the assessment list, or to correct such incorrect assessment or valuation the tax commission shall have the power to prepare a supplement to such assessment list, which supplement shall include all property required by the tax commission to be placed on the assessment list and all corrections required to be made. Such supplement shall be filed with the assessor's assessment list and shall thereafter constitute an integral part thereof to the exclusion of all portions of the original assessment list inconsistent therewith, and shall be submitted therewith to the county board of equalization.

84.08.040 Additional powers—To keep valuation records—Access to files of other public offices. The tax commission shall secure, tabulate, and keep records of valuations of all classes of property throughout the state, and for that purpose, shall have access to all records and files of state offices and departments and county and municipal offices and shall require all public officers and employees whose duties make it possible to ascertain valuations, including valuations of property of public service corporations for rate making purposes to file reports with the commission, giving such information as to such valuation and the source thereof: *Provided*, That the nature and kind of the tabulations, records of valuation and requirements from public officers, as stated herein, shall be in such form, and cover such valuations, as the tax commission shall prescribe.

84.08.050 Additional powers—Access to books and records—Hearings—Investigation of complaints. The tax commission shall:

(1) Require individuals, partnerships, companies, associations and corporations to furnish information as to their capital, funded debts, investments, value of property, earnings, taxes and all other facts called for on these subjects so that the commission may determine the taxable value of any property or any other fact it may consider necessary to carry out any duties now or hereafter imposed upon it, or may ascertain the relative burdens borne by all kinds and classes of property within the state, and for these purposes their records, books, accounts, papers and memoranda shall be subject to production and inspection, investigation and examination by said commission, or any employee thereof designated by said commission for such purpose, and any or all real

and/or personal property in this state shall be subject to visitation, investigation, examination and/or listing at any and all times by the commission or by any employee thereof designated by said commission.

(2) Summon witnesses to appear and testify on the subject of capital, funded debts, investments, value of property, earnings, taxes, and all other facts called for on these subjects, or upon any matter deemed material to the proper assessment of property, or to the investigation of the system of taxation, or the expenditure of public funds for state, county, district and municipal purposes: *Provided, however,* No person shall be required to testify outside of the county in which the taxpayer's residence, office or principal place of business, as the case may be, is located. Such summons shall be served in like manner as a subpoena issued out of the superior court and be served by the sheriff of the proper county, and such service certified by him to said commission without compensation therefor. Persons appearing before said commission in obedience to a summons shall in the discretion of the commission receive the same compensation as witnesses in the superior court, to be audited by the state auditor on the certificate of said commission.

Any member of the commission or any employee thereof designated for that purpose may administer oaths to witnesses.

In case any witness shall fail to obey the summons to appear, or refuse to testify, or shall fail or refuse to comply with any of the provisions of subsections (1) and (2) of this section, such person, for each separate or repeated offense, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than fifty dollars, nor more than five thousand dollars. Any person who shall testify falsely shall be guilty of and shall be punished for perjury.

(3) Thoroughly investigate all complaints which may be made to it of illegal, unjust or excessive taxation, and shall endeavor to ascertain to what extent and in what manner, if at all, the present system is inequal or oppressive.

84.08.060 Additional powers—Power over county boards of equalization—Reconvening. The tax commission shall have power to direct and to order any county board of equalization to raise or lower the valuation of any taxable property, or to add any property to the assessment list, or to perform or complete any other duty required by statute. The tax commission may require any such board of equalization to reconvene after its adjournment for the purpose of performing any order or requirement made by the tax commission and may make such orders as it shall determine to be just and necessary. The commission may require any county board

of equalization to reconvene at any time for the purpose of performing or completing any duty or taking any action it might lawfully have performed or taken at any of its previous regular July, November or April meetings. If such board of equalization shall fail or refuse forthwith to comply with any such order or requirement of the tax commission, the tax commission shall have power to take any other appropriate action, or to make such correction or change in the assessment list, and such corrections and changes shall be a part of the record of the proceedings of the said board of equalization: *Provided*, That in all cases where the tax commission shall raise the valuation of any property or add property to the assessment list, it shall give notice either for the same time and in the same manner as is now required in like cases of county boards of equalization, or if it shall deem such method of giving notice impracticable it shall give notice by publication thereof in a newspaper of general circulation within the county in which the property affected is situated once each week for two consecutive weeks, and the tax commission shall not proceed to raise such valuation or add such property to the assessment list until a period of five days shall have elapsed subsequent to the date of the last publication of such notice. Such notice shall give the legal description of each tract of land involved, or a general description in case of personal property; the tax record-owner thereof; the assessed value thereof determined by the county board of equalization in case the property is on the assessment roll; and the assessed value thereof as determined by the tax commission and shall state that the tax commission proposes to increase the assessed valuation of such property to the amount stated and to add such property to the assessment list at the assessed valuation stated. The necessary expense incurred by the tax commission in making such reassessment and/or adding such property to the assessment list shall be borne by the county or township in which the property as reassessed and/or so added to the assessment list is situated and shall be paid out of the proper funds of such county upon the order of the tax commission.

84.08.070 Rules and regulations authorized. The tax commission shall make such rules and regulations as may be necessary to carry out the powers granted by this chapter, and for conducting hearings and other proceedings before it.

84.08.080 Commission to decide questions of interpretation. The tax commission shall, with the advice of the attorney general, decide all questions that may arise in reference to the true construction or interpretation of this title, or any part thereof, with reference to the powers and duties of taxing district officers, and such decision

shall have force and effect until modified or annulled by the judgment or decree of a court of competent jurisdiction.

84.08.090 Biennial reports—Drafts of legislative bills. The tax commission shall make diligent investigation concerning the revenue laws and systems of other states and countries, so far as the same may be known by reports and statistics and can be ascertained by correspondence, and with the aid of information thus obtained, together with the experience and observation of our own laws and the operation thereof, recommend to the governor, in a biennial report at least sixty days before the meeting of the legislature, such amendments, changes and modification of our revenue laws as seem proper and requisite to remedy injustice and irregularities in taxation, and to facilitate the assessment and collection of public revenue in the most economical manner. All such recommendations shall be accompanied by suitable bill or bills necessary to carry into effect such recommendations. This report shall also show in tabulated form the whole amount of taxes collected in the state for all purposes, classified as state, county and municipal, with the sources thereof, the amount lost, the cause of the loss and such other pertinent statistics, matter and information concerning revenue and taxation as may be deemed of public interest.

84.08.100 Advance copies to members of legislature. There shall be printed copies of said report, one copy of which shall be sent to each member of the legislature at least twenty days prior to the assembling thereof.

84.08.110 Commission to compile tax laws. The tax commission shall compile the laws of this state relating to assessment and collection of taxes, with such annotations, instructions and references to the decisions of the courts concerning the same as it may deem proper. It shall cause the same to be printed and distributed to the several county assessors, deputy county assessors, prosecuting attorneys, county commissioners, in the state, and to such other officers and persons as may request the same.

84.08.120 Duty to obey orders of tax commission. It shall be the duty of every public officer to comply with any lawful order, rule or regulation of the tax commission made under the provisions of this title, and whenever it shall appear to the tax commission that any public officer or employee whose duties relate to the assessment or equalization of assessments of property for taxation or to the levy or collection of taxes has failed to comply with the provisions of this title or with any other law relating to such duties or the rules of the commission made in pursuance thereof, the commission after a hearing on the facts may issue its order directing such public officer or employee to comply with such pro-

visions of law or of its rules, and if such public officer or employee for a period of ten days after service on him of the commission's order shall neglect or refuse to comply therewith, the commission may apply to a judge of the superior court or court commissioner of the county in which said public officer or employee holds office for an order returnable within five days from the date thereof to compel such public officer or employee to comply with such provisions of law or of the commission's order, or to show cause why he should not be compelled so to do, and any order issued by the judge pursuant thereto shall be final. The remedy herein provided shall be cumulative and shall not exclude the tax commission from exercising any power or rights otherwise granted.

84.08.130 Appeals from county board of equalization to commission. Any taxpayer or taxing unit feeling aggrieved by the action of any county board of equalization may appeal to the tax commission by filing with the county auditor a notice of appeal in duplicate within ten days after the action of such board of equalization, which notice shall specify the actions complained of, and said auditor shall forthwith transmit one of said notices to the tax commission; and in like manner any county assessor may appeal to the commission from any action of any county board of equalization. The tax commission shall require the board appealed from to certify the minutes of its proceedings resulting in such action and all evidence taken in connection therewith, and may receive further evidence, and shall make such order as in its judgment is just and proper.

84.08.140 Appeals from levy of taxing district to commission. Any taxpayer feeling aggrieved by the levy or levies of any taxing district except levies authorized by a vote of the people of the district may appeal therefrom to the tax commission as hereinafter provided. Such taxpayer, upon the execution of a bond, with two or more sufficient sureties to be approved by the county auditor, payable to the state of Washington, in the penal sum of two hundred dollars and conditioned that if the petitioner shall fail in his appeal for a reduction of said levy or levies he will pay the taxable costs of the hearings hereinafter provided, not exceeding the amount of such bond, may file a written complaint with the county auditor wherein such taxing district is located not later than ten days after the making and entering of such levy or levies, setting forth in such form and detail as the tax commission shall by general rule prescribe, his objections to such levy or levies. Upon the filing of such complaint, the county auditor shall immediately transmit a certified copy thereof, together with a copy of the budget or estimates of such taxing district as finally adopted, including estimated revenues and such other information as the tax commission

shall by rule require, to the tax commission. The tax commission shall fix a date for a hearing on said complaint at the earliest convenient time after receipt of said record, which hearing shall be held in the county in which said taxing district is located, and notice of such hearing shall be given to the officials of such taxing district, charged with determining the amount of its levies, and to the taxpayer on said complaint by registered mail at least five days prior to the date of said hearing. At such hearings all interested parties may be heard and the tax commission shall receive all competent evidence. After such hearing, the tax commission shall either affirm or decrease the levy or levies complained of, in accordance with the evidence, and shall thereupon certify its action with respect thereto to the county auditor, who, in turn, shall certify it to the taxing district or districts affected, and the action of the tax commission with respect to such levy or levies shall be final and conclusive.

84.08.190 Assessors to meet with tax commission. For the purpose of instruction on the subject of taxation, the county assessors of the state shall meet with the tax commission at the capital of the state, or at such place within the state as they may determine at their previous meeting, on the second Monday of October of each year or on such other date as may be fixed by the tax commission. Each assessor shall be paid by the county of his residence his actual expenses in attending such meeting, upon presentation to the county auditor of proper vouchers.

Chapter 84.09

GENERAL PROVISIONS

84.09.010 Nomenclature—Taxes designated as taxes of year in which payable. All annual taxes and assessments of real and personal property shall hereafter be known and designated as taxes and assessments of the year in which such taxes and assessments, or the initial installment thereof, shall become due and payable.

84.09.020 Abbreviations authorized. In all proceedings relative to the levy, assessment or collection of taxes, and any entries required to be made by any officer or by the clerk of the court, letters, figures and characters may be used to denote townships, ranges, sections, parts of sections, lots or blocks, or parts thereof, the year or years for which taxes were due, and the amount of taxes, assessments, penalties, interest and costs. Whenever the abbreviation "do." or the character "" or any other similar abbreviations or characters shall be used in any such proceedings, they shall be construed and held as meaning and being the same name, word,

initial, letters, abbreviations, figure or figures, as the last one preceding such "do." and "" or other similar characters.

84.09.030 Taxing district boundary changes—Time limitation—Filing. For the purposes of property taxation and the levy of property taxes the boundaries of counties, cities and all other taxing districts shall be the established official boundaries of such districts existing on the first day of March of the year in which the levy is made, and no such levy shall be made for any taxing district whose boundaries were not duly established on the first day of March of such year. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor.

84.09.040 Penalty for nonperformance of duty by county officers. Every county auditor, county assessor and county treasurer who in any case refuses or knowingly neglects to perform any duty enjoined on him by this title, or who consents to or connives at any evasion of its provisions whereby any proceeding herein provided for is prevented or hindered, or whereby any property required to be listed for taxation is unlawfully exempted, or the valuation thereof is entered on the tax roll at less than its true taxable value, shall, for every such neglect, refusal, consent or connivance, forfeit and pay to the state not less than two hundred nor more than one thousand dollars, at the discretion of the court, to be recovered before any court of competent jurisdiction upon the complaint of any citizen who is a taxpayer; and the prosecuting attorney shall prosecute such suit to judgment and execution.

84.09.050 Fees and costs allowed in civil actions against county officers. Whenever a civil action is commenced against any person holding the office of county treasurer, county auditor, or any other officer, for performing or attempting to perform any duty authorized or directed by any statute of this state for the collection of the public revenue, such treasurer, auditor or other officer may, in the discretion of the court before whom such action is brought, by an order made by such court and entered in the minutes thereof, be allowed and paid out of the county treasury, reasonable fees of counsel and other expenses for defending such action.

Chapter 84.12**ASSESSMENT AND TAXATION OF PUBLIC UTILITIES**

84.12.200 Definitions. For the purposes of this chapter and unless otherwise required by the context:

(1) "Commission" without other designation means the tax commission of the state of Washington.

(2) "Railroad company" shall mean and include any person owning or operating a railroad, street railway, suburban railroad or interurban railroad in this state, whether its line of railroad be maintained at the surface, or above or below the surface of the earth, or by whatever power its vehicles are transported; or owning any station, depot, terminal or bridge for railroad purposes, as owner, lessee or otherwise.

(3) "Motor vehicle transportation company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the conveyance and transportation of persons and/or property by motor propelled vehicles over any public street and/or highway in this state, between fixed termini or over a regular route, and engaged in the business of transporting persons and/or property for compensation as owner, lessee or otherwise.

(4) "Airplane company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the conveyance and transportation of persons and/or property by aircraft, and engaged in the business of transporting persons and/or property for compensation, as owner, lessee or otherwise.

(5) "Electric light and power company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the generation, transmission or distribution of electricity in this state, and engaged in the business of furnishing, transmitting, distributing or generating electrical energy for light, heat or power for compensation as owner, lessee or otherwise.

(6) "Telegraph company" shall mean and include any person owning, controlling, operating or managing any telegraph or cable line in this state, with appliances for the transmission of messages, and engaged in the business of furnishing telegraph service for compensation, as owner, lessee or otherwise.

(7) "Telephone company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the transmission of communication by telephone in this state through owned or controlled exchanges and/or switchboards, and

engaged in the business of furnishing telephonic communication for compensation as owner, lessee or otherwise.

(8) "Gas company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the manufacture, transportation, or distribution of natural or manufactured gas in this state, and engaged for compensation in the business of furnishing gas for light, heat, power or other use, as owner, lessee or otherwise.

(9) "Pipe line company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the conveyance or transportation of oils, natural or manufactured gas and/or other substances, except water, by pipe line in this state, and engaged in such business for compensation, as owner, lessee or otherwise.

(10) "Water company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the supply, storage, distribution, diversion or carriage of water in this state, and engaged in the business of furnishing water for power, irrigation, manufacturing, domestic or other uses for compensation, as owner, lessee or otherwise.

(11) "Heating company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the generation and/or distribution of steam or hot water for heat, power, manufacturing or other purposes in this state, and engaged principally in business of furnishing, distributing, supplying or generating steam or hot water for heat, power, manufacturing or other purposes for compensation, as owner, lessee or otherwise.

(12) "Toll bridge company" shall mean and include any person owning, controlling, operating, or managing real or personal property, used for or in connection with or to facilitate the conveyance or transportation of persons and/or property over a bridge or bridge approach over any stream, river or body of water within, or partly within this state, and operated as a toll bridge for compensation, as owner, lessee, or otherwise.

(13) "Steamboat company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the conveyance and transportation of persons and/or property by vessel or ferry, upon the waters within this state, including the rivers and lakes and Puget Sound, between fixed termini or over a regular route, and engaged in the business of transporting persons and/or property for compensation as owner, lessee or otherwise.

(14) "Logging railroad company" shall mean and include any person owning, controlling, operating or managing real or personal property, used or to be used for or in connection with or to facilitate the conveyance and transportation of forest products by rail in this state, and engaged in the business of transporting forest products either as private carrier or carrier for hire.

(15) "Person" shall mean and include any individual, firm, copartnership, joint venture, association, corporation, trust, or any other group acting as a unit, whether mutual, cooperative or otherwise, and/or trustees or receivers appointed by any court.

(16) "Company" shall mean and include any railroad company, motor vehicle transportation company, airplane company, electric light and power company, telegraph company, telephone company, gas company, pipe line company, water company, heating company, toll bridge company, steamboat company, or logging railroad company; and the term "companies" shall mean and include all of such companies.

(17) "Operating property" shall mean and include all property, real and personal, owned by any company, or held by it as occupant, lessee or otherwise, including all franchises and lands, buildings, rights-of-way, water powers, motor vehicles, wagons, horses, aircraft, aerodromes, hangars, office furniture, water mains, gas mains, pipe lines, pumping stations, tanks, tank farms, holders, reservoirs, telephone lines, telegraph lines, transmission and distribution lines, dams, generating plants, poles, wires, cables, conduits, switch boards, devices, appliances, instruments, equipment, machinery, vessels, ferries, landing slips, docks, roadbeds, tracks, terminals, rolling stock equipment, appurtenances and all other property of a like or different kind, situate within the state of Washington, used by the company in the conduct of its operations; and, in case of personal property used partly within and partly without the state, it shall mean and include a proportion of such personal property to be determined as in this chapter provided.

(18) "Nonoperating property" shall mean all physical property owned by any company, other than that used during the preceding calendar year in the conduct of its operations. It shall include all lands and/or buildings wholly used by any person other than the owning company. In cases where lands and/or buildings are used partially by the owning company in the conduct of its operations and partially by any other person not assessable under this chapter under lease, sublease, or other form of tenancy, the operating and nonoperating property of the company whose property is assessed hereunder shall be determined by the commission in such manner as will, in its judgment, secure the separate valuation of such operating and nonoperating property upon a fair and equitable basis.

The amount of operating revenue received from tenants or occupants of property of the owning company shall not be considered material in determining the classification of such property.

84.12.210 Property used but not owned deemed sole operating property of owning company. Property used but not owned by an operating company shall, whether such use be exclusive or jointly with others, be deemed the sole operating property of the owning company.

84.12.220 Jurisdiction to determine operating, nonoperating property. In all matters relating to assessment and taxation the commission shall have jurisdiction to determine what is operating property and what is nonoperating property.

84.12.230 Annual reports to be filed. Each company doing business in this state shall annually on or before the 15th day of March, make and file with the commission an annual report, in such manner, upon such form, and giving such information as the commission may direct. At the time of making such report each company shall also be required to furnish to the commission the annual reports of the board of directors, or other officers to the stockholders of the company, duplicate copies of the annual reports made to the interstate commerce commission and to the public service commission of this state and duplicate copies of such other reports as the commission may direct.

84.12.240 Access to books and records. The commission shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of the state; and it shall have the power to issue subpoenas, signed by a member of the commission and served in a like manner as a subpoena issued from courts of record, to compel witnesses to appear and give evidence and to produce books and papers. Any member of the commission, or the secretary thereof, or any employee officially designated by the commission is authorized to administer oaths to witnesses. The attendance of any witness may be compelled by attachment issued out of any superior court upon application to said court by any member of the commission, upon a proper showing that such witness has been duly served with a subpoena and has refused to appear before the said commission. In case of the refusal of a witness to produce books, papers, documents, or accounts, or to give evidence on matters material to the hearing, the commission or any member thereof may institute proceedings in the proper superior court to compel such witness to testify or to produce such books or papers, and to punish him for such failure or refusal. All process issued by the commission shall be served by the sheriff of the proper county or by a duly authorized agent of the commission and such service,

if made by the sheriff, shall be certified by him to the commission without any compensation therefor. Persons appearing before the commission in obedience to a subpoena shall receive the same compensation as witnesses in the superior court, to be audited by the state auditor on the certificate of the commission. The records, books, accounts and papers of each company shall be subject to visitation, investigation or examination by the commission, or any employee thereof officially designated by the commission. All real and/or personal property of any company shall be subject to visitation, investigation, examination and/or listing at any and all times by the commission, or any commissioner, or any person officially designated by the commission.

84.12.250 Depositions may be taken. The commission, in any matter material to the valuation, assessment or taxation of the operating property of any company, may cause the deposition of witnesses residing without the state or absent therefrom, to be taken upon notice to the company interested in like manner as the depositions of witnesses are taken in civil actions in the superior court.

84.12.260 Default valuation by commission—Penalty—Estoppel. If any company, or any of its officers or agents shall refuse or neglect to make any report required by this chapter, or by the commission, or shall refuse to permit an inspection and examination of its records, books, accounts, papers or property requested by the commission, or shall refuse or neglect to appear before the commission in obedience to a subpoena, the commission shall inform itself to the best of its ability of the matters required to be known, in order to discharge its duties with respect to valuation and assessment of the property of such company, and the commission shall add to the value so ascertained twenty-five percent as a penalty for such failure or refusal and such company shall be estopped to question or impeach the assessment of the commission in any hearing or proceeding thereafter.

84.12.270 Annual assessment—Sources of information. The commission shall annually make an assessment of the operating property of all companies; and between the fifteenth day of March and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter and assess the true cash value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the true cash value of such property the commission may inspect the property belonging to said companies and may take into consideration any information or knowledge obtained by it from such examination and inspection of such

property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating or nonoperating property, and whether situated within or outside the state, and any other facts, evidence or information that may be obtainable bearing upon the value of the operating property: *Provided*, That in no event shall any statement or report required from any company by this chapter be conclusive upon the commission in determining the amount, character and true cash value of the operating property of such company.

84.12.280 Classification of real and personal property. In making the assessment of the operating property of any railroad or logging railroad company and in the apportionment of the values and the taxation thereof, all land occupied and claimed exclusively as the right-of-way for railroads, with all the tracks and substructures and superstructures which support the same, together with all side tracks, second tracks, turn-outs, station houses, depots, round houses, machine shops, or other buildings belonging to the company, used in the operation thereof, without separating the same into land and improvements, shall be assessed as real property. And the rolling stock and other movable property belonging to any railroad or logging railroad company shall be considered as personal property and taxed as such: *Provided*, That all of the operating property of street railway companies shall be assessed and taxed as personal property.

All of the operating property of airplane companies, telegraph companies, pipe line companies, water companies and toll bridge companies; the rolling stock of motor vehicle transportation companies and floating equipment of steamboat companies, and all of the operating property other than lands and buildings of electric light and power companies, telephone companies, gas companies and heating companies shall be assessed and taxed as personal property.

84.12.290 Rolling stock of motor vehicle transportation companies excluded. Rolling stock of motor vehicle transportation companies used, or of the type designed primarily to be used, on the public streets or highways, shall not be listed or assessed for ad valorem taxation so long as chapter 82.44 remains in effect.

84.12.300 Valuation of interstate utility—Apportionment of system value to state. In determining the value of the operating prop-

erty within this state of any company, the properties of which lie partly within and partly without this state, the commission may, among other things, take into consideration the value of the whole system as a unit, and for such purpose may determine, insofar as the same is reasonably ascertainable, the salvage value, the actual cost new, the cost of reproduction new less depreciation and plus appreciation, the par value, actual value and market value of the company's outstanding stocks and bonds during one or more preceding years, the past, present and prospective gross and net earnings of the whole system as a unit.

In apportioning such system value to the state, the commission shall consider relative costs, relative reproduction cost, relative future prospects and relative track mileage and the distribution of terminal properties within and without the state and such other matters and things as the commission may deem pertinent.

The commission may also take into consideration the actual cost, cost of reproduction new, and cost of reproduction new less depreciation, earning capacity and future prospects of the property, located within the state and all other matters and things deemed pertinent by the commission.

84.12.310 Deduction of nonoperating property. For the purpose of determining the system value of the operating property of any such company, the commission shall deduct from the actual cash value of the total assets of such company, the actual cash value of all nonoperating property owned by such company. For such purpose the commission may require of the assessors of the various counties within this state a detailed list of such company's properties assessed by them, together with the assessable or assessed value thereof: *Provided*, That such assessed or assessable value shall be advisory only and not conclusive on the commission as to the value thereof.

84.12.320 Persons bound by notice. Every person, company or companies operating any property in this state as defined in this chapter shall be the representative of every title and interest in the property as owner, lessee or otherwise, and notice to such person shall be notice to all interests in the property for the purpose of assessment and taxation. The assessment and taxation of the property of the company in the name of the owner, lessee or operating company shall be deemed and held an assessment and taxation of all the title and interest in such property of every kind and nature.

84.12.330 Assessment roll—Notice of valuation. Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of sub-

division (17) of RCW 84.12.200, as applied to said company, following which shall be entered the actual cash value of the operating property as determined by the commission. No assessment shall be invalidated by reason of a mistake in the name of the company assessed, or the omission of the name of the owner or by the entry as owner of a name other than that of the true owner. When the commission shall have prepared the assessment roll and entered thereon the actual cash value of the operating property of the company, as herein required, it shall notify the company by mail of the valuation determined by it and entered upon said roll.

84.12.340 Hearings on assessment, time and place of. At any time between the tenth and twenty-fifth days of July, inclusive, following the making of the assessment, every company shall be entitled on its own motion, presented to the commission before the tenth day of July, to a hearing and to present evidence before the commission, relating to the value of its operating property and to the value of other taxable property in the counties in which its operating property is situate. Upon request in writing for such hearing, the commission shall appoint a time and place therefor, within the period aforesaid, the hearing to be conducted in such manner as the commission shall direct. Hearings provided for in this section may be held at such times and in such places throughout the state as the commission may deem proper or necessary, may be adjourned from time to time and from place to place and may be conducted by the commission or by such member or members thereof as may be duly delegated to act for it. Testimony taken before less than the entire commission shall be reported and a transcript thereof filed with the commission prior to its decision.

84.12.350 Review by state board of equalization—Apportionment. The assessment rolls of companies assessed under the provisions of this chapter shall be reviewed, examined and corrected by the state board of equalization at its annual meeting held in August for the purpose of equalizing the assessed valuation of the taxable property of the state and said state board of equalization may correct the valuation in such manner as may in its judgment make the valuation thereof just and relatively equal with the valuation of the general property of the state. The said state board of equalization shall not increase the valuation of any property on such assessment roll, without giving to the company at least five days' written notice by registered letter to appear and show cause, if any there be, why such valuation shall not be increased. Upon determination by the state board of equalization of the true and correct actual cash value of the property appearing on such rolls it shall apportion such value to the respective counties entitled thereto, as hereinafter provided, and shall determine the equalized

assessed valuation of such property in each such county and in the several taxing districts therein, by applying to such actual apportioned value the same ratio as the ratio of assessed to actual value of the general property in such county: *Provided*, That, whenever the amount of the true and correct value of the operating property of any company otherwise apportionable to any county or other taxing district shall be less than two hundred fifty dollars, such amount need not be apportioned to such county or taxing district but may be added to the amount apportioned to an adjacent county or taxing district.

84.12.360 Basis of apportionment. The actual cash value of the operating property assessed to a company, as fixed and determined by the state board of equalization, shall be apportioned by the commission to the respective counties and to the taxing districts thereof wherein such property is located in the following manner:

(1) Property of steam, suburban, and interurban railroad companies, telegraph companies and pipe line companies—upon the basis of that proportion of the value of the total operating property within the state which the mileage of track, as classified by the commission (in case of railroads), mileage of wire (in the case of telegraph companies) and mileage of pipe line (in the case of pipe line companies) within each county or taxing district bears to the total mileage thereof within the state, at the end of the calendar year last past. For the purpose of such apportionment the commission may classify railroad track.

(2) Property of street railroad companies, motor vehicle transportation companies, telephone companies, electric light and power companies, gas companies, water companies, heating companies and toll bridge companies—upon the basis of relative value of the operating property within each county and taxing district to the value of the total operating property within the state to be determined by such factors as the commission shall deem proper.

(3) Planes or other aircraft of airplane companies and watercraft of steamboat companies—upon the basis of such factor or factors of allocation, to be determined by the commission, as will secure a substantially fair and equitable division between counties and other taxing districts.

All other property of airplane companies and steamboat companies—upon the basis set forth in subdivision (2) hereof.

The basis of apportionment with reference to all public utility companies above prescribed shall not be deemed exclusive and the tax commission in apportioning values of such companies may also take into consideration such other information, facts, circumstances, or allocation factors as will enable it to make a substantially

just and correct valuation of the operating property of such companies within the state and within each county thereof.

84.12.370 Certification to county assessors—Entry upon tax rolls. When the state board of equalization shall have determined the equalized assessed value of the operating property of each company in each of the respective counties and in the taxing districts thereof, as hereinabove provided, the commission shall certify such equalized assessed value to the county assessor of the proper county. The county assessor shall enter the company's real operating property upon the real property tax rolls and the company's personal operating property upon the personal property tax rolls of his county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating property of the company in such county and the taxing districts therein for that year, upon which taxes shall be levied and collected in the same manner as on the general property of such county.

84.12.380 Assessment of nonoperating property. All property of any company not assessed as operating property under the provisions of this chapter shall be assessed by the assessor of the county wherein the same may be located or situate the same as the general property of the county.

84.12.390 Rules and regulations. The commission shall have the power to make such rules and regulations, not inconsistent herewith, as may be convenient and necessary to enforce and carry out the provisions of this chapter.

Chapter 84.16

ASSESSMENT AND TAXATION OF PRIVATE CAR COMPANIES

84.16.010 Definitions. For the purposes of this chapter and unless otherwise required by the context:

(1) The term "commission" without other designation means the tax commission of the state of Washington.

(2) The term "private car company" or "company" shall mean and include any person, copartnership, association, company or corporation owning, controlling, operating or managing stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars or any other kind of cars, used for transportation of property, by or upon railroad lines running in, into or through the state of Washington when such railroad lines are not owned or leased by such person, copartnership, association, company or corporation; or owning, controlling, operating or managing sleeping cars, parlor cars, buffet cars, tourist cars or any other kind of cars, used for transportation of persons by or upon railroads on lines running in,

into or through the state of Washington, when such railroad lines are not owned or leased by such person, copartnership, association, company or corporation and upon which an extra charge in addition to the railroad transportation fare is made.

(3) The term "operating property" shall mean and include all rolling stock and car equipment owned by any private car company, or held by it as occupant, lessee or otherwise, including its franchises used and reasonably necessary in carrying on the business of such company; and in the case of rolling stock and car equipment used partly within and partly without the state, shall mean and include a proportion of such rolling stock and car equipment to be determined as in this chapter provided; and all such property shall, for the purposes of this chapter be deemed personal property.

84.16.020 Annual statement of private car companies. Every private car company shall annually on or before the first day of May, make and file with the commission in such form and upon such blanks as the commission may provide and furnish, a statement, for the year ending December thirty-first next preceding, under the oath of the president, secretary, treasurer, superintendent or chief officer of such company, containing the following facts:

(1) The name of the company, the nature of the business conducted by the company, and under the laws of what state or country organized; the location of its principal office; the name and post office address of its president, secretary, auditor, treasurer, superintendent and general manager; the name and post office address of the chief officer or managing agent or attorney in fact in Washington.

(2) The total number of cars of every class used in transacting business on all lines of railroad, within the state and outside the state; together with the original cost and the fair average value per car of all cars of each of such classes.

(3) The total number of miles of railroad main track over which such cars were used within this state and within each county in this state.

(4) The total number of car miles made by all cars on each of the several lines of railroad in this state, and the total number of car miles made by all cars on all railroads within and without the state during the year.

(5) A statement in detail of the entire gross receipts and net earnings of the company during the year within the state and of the entire system, from all sources.

(6) Such other facts or information as the commission may require in the form of return prescribed by it.

The commission shall have power to prescribe directions, rules and regulations to be followed in making the report required herein.

84.16.030 Annual statement of railroad companies. The president or other officer of every railroad company whose lines run in, into or through this state, shall, on or before the first day of April in each year, furnish to the commission a statement, verified by the affidavit of the officer making the same, showing as to every private car company respectively, the name of the company, the class of car and the total number of miles made by each class of cars, and the total number of miles made by all cars on its lines, branches, sidings, spurs or warehouse tracks, within this state during the year ending on the thirty-first day of December next preceding.

84.16.032 Access to books and records. The commission shall have access to all books, papers, documents, statements and accounts on file or of record in any of the departments of the state; and shall have the power, by summons signed by a member of the commission and served in a like manner as a subpoena issued from courts of record, to compel witnesses to appear and give evidence and to produce books and papers. Any member of the commission or the secretary thereof or any employee officially designated by the commission is authorized to administer oaths to witnesses. The attendance of any witness may be compelled by attachment issued out of any superior court upon application to said court by any member of the commission, upon a proper showing that such witness has been duly served with a summons and has refused to appear before the said commission. In case of the refusal of a witness to produce books, papers, documents or accounts or to give evidence on matters material to the hearing, the commission or any member thereof may institute proceedings in the proper superior court to compel such witness to testify, or to produce such books or papers and to punish him for the refusal. All summons and process issued by the commission shall be served by the sheriff of the proper county and such service certified by him to the commission without any compensation therefor. Persons appearing before the commission in obedience to a summons, shall, in the discretion of the commission, receive the same compensation as witnesses in the superior court to be audited by the state auditor on the certificate of the commission. The records, books, accounts and papers of each company shall be subject to visitation, investigation or examination by the commission, or any employee thereof officially designated by the commission. All real and/or personal property of any company shall be subject to visitation, investigation, examination and/or listing at any and all times by the commission, or any commissioner, or any person employed by the commission.

84.16.034 Depositions may be taken, when. The commission in any matter material to the valuation, assessment or taxation of the property of any company, may cause the deposition of witnesses residing without the state or absent therefrom, to be taken upon notice to the company interested in like manner as the deposition of witnesses are taken in civil actions in the superior court.

84.16.036 Default valuation by commission—Penalty—Estoppel. If any company, or its officer or agent, shall refuse or neglect to make any report required by this chapter, or by the commission, or shall refuse or neglect to permit an inspection and examination of its records, books, accounts, papers or property requested by the commission, or shall refuse or neglect to appear before the commission in obedience to a summons, the commission shall inform itself the best it may of the matters to be known, in order to discharge its duties with respect to valuation and assessment of the property of such company; and the commission shall add to the value so ascertained twenty-five percent as a penalty for the failure or refusal of such company to make its report and such company shall be estopped to question or impeach the assessment of the commission in any hearing or proceeding thereafter.

84.16.040 Annual assessment—Sources of information. The commission shall annually make an assessment of the operating property of each private car company; and between the first day of May and the first day of July of each of said years shall prepare an assessment roll upon which it shall enter and assess the true cash value of all the operating property of each of such companies as of the first day of January of the year in which the assessment is made. For the purpose of determining the true cash value of such property the commission may take into consideration any information or knowledge obtained by it from an examination and inspection of such property, or of the books, records and accounts of such companies, the statements filed as required by this chapter, the reports, statements or returns of such companies filed in the office of any board, office or commission of this state or any county thereof, the earnings and earning power of such companies, the franchises owned or used by such companies, the assessed valuation of any and all property of such companies, whether operating property or nonoperating property, and whether situated within or without the state, and any other facts, evidences or information that may be obtainable bearing upon the value of the operating property: *Provided*, That in no event shall any statement or report required from any company by this chapter be conclusive upon the commission in determining the amount, character and true cash value of the operating property of such company.

84.16.050 Basis of valuation—Apportionment of system value to state. The commission may, in determining the actual cash value of the operating property to be placed on the assessment roll value the entire property as a unit. If the company owns, leases, operates or uses property partly within and partly without the state, the commission may determine the value of the operating property within this state by the proportion that the value of such property bears to the value of the entire operating property of the company, both within and without this state. In determining the operating property which is located within this state the commission may consider and base such determination on the proportion which the number of car miles of the various classes of cars made in this state bears to the total number of car miles made by the same cars within and without this state, or to the total number of car miles made by all cars of the various classes within and without this state. If the value of the operating property of the company cannot be fairly determined in such manner the commission may use any other reasonable and fair method to determine the value of the operating property of the company within this state.

84.16.090 Assessment roll—Notice of valuation. Upon the assessment roll shall be placed after the name of each company a general description of the operating property of the company, which shall be considered sufficient if described in the language of subdivision (3) of RCW 84.16.010 or otherwise, following which shall be entered the actual cash value of the operating property as determined by the commission. No assessment shall be invalid by a mistake in the name of the company assessed, by omission of the name of the owner or by the entry of a name other than that of the true owner. When the commission shall have prepared the assessment roll and entered thereon the actual cash value of the operating property of the company, as herein required, it shall notify the company by mail of the valuation determined by it and entered upon said roll; and thereupon such valuation shall become the actual cash value of the operating property of the company, subject to revision or correction by the state board of equalization as hereinafter provided; and shall be the valuation upon which, after equalization by the state board of equalization as hereinafter provided, the taxes of such company shall be based and computed.

84.16.100 Hearings, time and place of. Every company assessed under the provisions of this chapter shall be entitled on its own motion to a hearing and to present evidence before the commission, at any time between the twentieth day of July and the fifteenth day of August, relating to the value of the operating property of such company and to the value of the other taxable property in the

counties in which the operating property of such company is situate. Upon request in writing for such hearing, which must be presented to the commission on or before the twentieth day of July following the making of the assessment, the commission shall appoint a time and place therefor, within the respective periods aforesaid, the hearing to be conducted in such manner as the commission shall direct. Hearings provided for in this section may be held at such times and in such places throughout the state as the commission may deem proper or necessary and may be adjourned from time to time and from place to place.

84.16.110 Review by state board of equalization—Notice—Apportionment to counties. The assessment roll of each company assessed under the provisions of this chapter shall, by the commission, be submitted to the state board of equalization at its annual meeting held for the purpose of equalizing the assessed valuation of the taxable property of the state; and said board of equalization may correct the valuation in such manner as may in its judgment make the valuation thereof just and relatively equal with the valuation of the general property of the state. The said board of equalization shall not increase the valuation of any property on such assessment roll, without giving to the company at least five days' written notice, by registered letter to appear and show cause, if any there be, why such valuation shall not be increased: *Provided*, That such notice shall not be necessary if the company appears voluntarily before said board, and is there notified by said board or a member thereof that the property on such roll, or some specified part thereof, is in the opinion of the board, valued below its actual value. Upon determination by the state board of equalization of the true and correct actual cash value of the property appearing on such rolls the board shall apportion such value to the respective counties entitled thereto as hereinafter provided, and shall determine the equalized or assessed valuation of such property in such counties by applying to such actual apportioned value the same ratio as the ratio of assessed to actual value of the general property of the respective counties: *Provided*, That, whenever the amount of the true and correct value of the operating property of any company otherwise apportionable to any county shall be less than two hundred fifty dollars, such amount need not be apportioned to such county but may be added to the amount apportioned to an adjacent county.

84.16.120 Basis of apportionment. The actual cash value of the property of each company as fixed and determined by the state board of equalization as herein provided shall be apportioned to the respective counties in the following manner:

(1) If all the operating property of the company is situated entirely within a county and none of such property is located

within, extends into, or through or is operated into or through any other county, the entire value thereof shall be apportioned to the county within which such property is situate, located and operated.

(2) If the operating property of any company is situated or located within, extends into or is operated into or through more than one county, the value thereof shall be apportioned to the respective counties into or through which its cars are operated in the proportion that the length of main line track of the respective railroads moving such cars in such counties bears to the total length of main line track of such respective railroads in this state.

(3) If the property of any company is of such character that it will not be reasonable, feasible or fair to apportion the value as hereinabove provided, the value thereof shall be apportioned between the respective counties into or through which such property extends or is operated or in which the same is located in such manner as may be reasonable, feasible and fair.

84.16.130 Certification to county assessors—Apportionment to taxing districts—Entry upon tax rolls. When the state board of equalization shall have determined the equalized or assessed value of the operating property of each company in the respective counties as hereinabove provided, the tax commission shall certify such equalized or assessed value to the county assessor of the proper county; and the county assessor shall apportion and distribute such assessed or equalized valuation to and between the several taxing districts of his county entitled to a proportionate value thereof in the manner prescribed in RCW 84.16.120 for apportionment of values between counties. The county assessor shall enter such assessment upon the personal property tax rolls of his county, together with the values so apportioned, and the same shall be and constitute the assessed valuation of the operating company in such county for that year, upon which taxes shall be levied and collected the same as on general property of the county.

84.16.140 Assessment of nonoperating property. All property of any company not assessed as operating property under the provisions of this chapter shall be assessed by the assessor of the county wherein the same may be located or situate the same as the general property of the county.

Chapter 84.20

EASEMENTS OF PUBLIC UTILITIES

84.20.010 Easements taxable as personalty. Easements and the property constructed upon or occupying such easements owned by public service corporations shall be assessed and taxed together as personal property and the taxes thereon shall be collected as personal property taxes.

84.20.020 Servient estate taxable as realty. Real estate subject to any such easement shall be assessed and taxed as real estate subject to such easement.

84.20.030 Sale for taxes—Realty to be sold subject to easement. When any such real estate is sold for delinquent taxes thereon it shall be sold subject to such easement, and the purchaser at any such tax sale shall acquire no title to such easement or the property constructed upon or occupying the same.

84.20.040 Realty not subject to tax on easement or property thereon. Real estate subject to any such easement shall not be chargeable with any tax levied upon such easement or the property constructed upon or occupying such easement and shall not be sold for the nonpayment of any such tax.

84.20.050 Railroads excepted. This chapter shall not apply to railroad easements or property.

Chapter 84.24

REASSESSMENT OF PROPERTY

84.24.010 Definitions. The terms used in this chapter shall be construed as follows: The phrase "error in taxation" shall mean and embrace any action on the part of any assessing or taxing officer or board resulting in taxes being levied on any property at an amount in excess of what they should have been, or resulting in a tax void in whole or in part; the word "owner" shall be construed to mean the person owning the legal title to the property which shall be reassessed and retaxed pursuant to this chapter as shown by the county auditor's records; the phrase "releived tax" shall mean the tax levied on any property as a result of a reassessment as provided in this chapter; the phrase "original tax" shall mean the tax originally levied upon the property for the year or years for which a reassessment and relevy is made; the phrase "original assessment" shall mean all of the proceedings of the assessing and taxing officers leading up to the actual levying of the original tax; the phrase "original assessment date" shall mean the date as of which the property in question was valued for the purpose of fixing the original tax thereon; the word "hearing" shall mean a proceeding in which any taxpayer or other person having an interest in the matter concerning which such hearing is had, is afforded an opportunity of making such showing with respect thereto, as he may desire; the phrase "tax commission" shall mean the tax commission of the state of Washington; the term "person" shall import both the singular and plural as the case may demand, or as shall be applicable, and shall include individuals, copartnerships, corporations, and unincorporated societies and associations.

84.24.020 Relisting for claimed error in taxation. Whenever it is alleged in any protest accompanying the payment of taxes heretofore or hereafter filed with any county or state board or officer, or in any petition or complaint heretofore or hereafter served or filed in any court for or on behalf of such taxpayer that any error in taxation has occurred in the assessment or taxation, or reassessment or retaxation, heretofore or hereafter made of any property taxable in this state, and that such assessment or reassessment or tax is excessive or void in whole or in part, such property may forthwith, in the manner provided in this chapter, be relisted, revalued, reassessed and retaxed for the year or years in the assessment and taxation, or reassessment and retaxation, of which such error or errors in taxation are so alleged to have been made. One or more reassessments shall not exhaust the assessing officials' power to reassess, where authority to make a further reassessment is given by judicial decree.

84.24.030 Notice—Publication and service. The tax commission shall cause a notice, signed by it, to be served upon the owner in the manner hereinafter provided, which notice shall be addressed to the owner and also "to all persons known and unknown having or claiming any interest in the property in this notice described", shall describe such property with the same particularity as the same is required by law to be described upon the assessment rolls, and shall give notice that at a time to be fixed in such notice (which time shall not be less than ten, nor more than thirty days after the date of the last publication of such notice hereinafter provided), such tax commission will, at its office proceed to reassess and retax said property for the particular year or years involved (naming them) and further giving notice that said owner or other interested persons may appear at the time and place set forth in said notice, and show cause, if any there be, why such reassessment and retaxation should not be made, and make such showing as they shall desire to make as to the claimed illegality of such tax. Such notice shall also be published once a week for three consecutive weeks in a newspaper printed and published and of general circulation in one of the counties in which such property is located. A copy of such notice shall also be mailed not less than ten days prior to the date fixed for such hearing to the prosecuting attorney of each county in which the property is located.

The notice referred to in this section shall be served either (1) in the same manner as personal service of summons in civil actions is made, or (2) by depositing a true copy thereof in the United States post office at Olympia, Washington, securely wrapped and plainly addressed to such owner at his last known address. Proof of such service shall be made by the affidavit of the person making such service.

84.24.040 Hearing. A hearing shall be had at the time and place set forth in the notice provided for in RCW 84.24.030, and thereafter the tax commission shall determine, as of the original assessment date, and in the manner provided by existing law, the cash market value of the property in question, and the ratio between cash market value and assessed value of the other taxable property in the county where such property is located, and shall fix the equalized value of the property in question at that percentage of its cash market value as of the original assessment date, which the equalized assessed value of the general taxable property in the county where such reassessed property is located, bore to its cash market value: *Provided, however,* That in case of a protest, complaint or petition based upon an alleged excessive assessment, the reassessment shall not exceed the original assessment.

84.24.050 Certification and entry on rolls—Relisting and relevy. If the original assessment was made by a county assessor, the equalized valuation of such property for the purpose of such reassessment and any other corrections made by the tax commission in the original tax shall be forthwith certified to the county assessor of the county in which such reassessed property is located, and the same shall be entered and the tax extended by such assessor under an appropriate heading, in the assessment rolls for the year or years for which such reassessment is made, in the same manner as provided by existing law for the entry and extension of the original assessment of such property. If the original assessment was made by the tax commission, the equalized valuation of such property for the purpose of such reassessment shall be forthwith entered by the tax commission under an appropriate heading, in its assessment rolls for the year or years for which such reassessment was made, and shall be apportioned to the county or counties, and certified to the county assessors of the proper counties, and shall be distributed by the county assessors among taxing districts, and shall be placed upon the county tax rolls, in the same manner as provided by existing law for the entry and extension of the original assessment of such property.

The officers authorized by existing law to levy and collect taxes on said property shall forthwith proceed to relist said property, and to relevy and collect the tax thereon as of the original assessment year or years, in the same manner as provided by existing law for the listing of property, and the levying and collection of taxes thereon, save and except, that each such officer shall, in turn, perform the several duties to be performed by him in connection with such reassessment and retaxation, as soon as the completion of the duties of other officers in connection therewith make it possible for him to do so: *Provided,* That such tax as reassessed and

releived shall be figured and determined at the same tax rate as the original tax on said property for the year or years for which said reassessment was made, was or should have been, figured and determined.

84.24.060 Substituted for original tax—Interest. The tax as so relieved and reassessed shall, for all purposes, be deemed to have been levied on said property as of the time that the original tax was levied, and in substitution therefor, and all payments made upon such original tax shall be deemed to have been made upon, and shall be credited upon, such relieved tax, as of the time and with the same effect as though made on such relieved tax: *Provided, however,* That any portion of the relieved tax that shall not have been paid prior to the date of delinquency of the original tax shall bear interest at the same rate and from the same dates as the unpaid portion of the original tax.

84.24.070 Refunding of excess—County tax refund fund. As soon as any such relieved tax shall have been reassessed and relieved as herein provided, the board of county commissioners shall forthwith, by proper resolution, order and direct the repayment to the owner of the property affected, of such an amount as the payments theretofore made upon the original tax exceed the amount of such relieved tax (the amount of which shall be certified by the county treasurer to said commissioners), together with interest on such excess at six percent per annum from the date or dates of such excess payment, and such repayment shall be made by warrants drawn upon a fund in said treasury hereby created to be known and designated as the county tax refund fund.

Annually, at the time required by law for the levying of taxes for county purposes the proper county officers required by law to make and enter such tax levies, shall make and enter a tax levy or levies for said county tax refund fund as follows:

(1) A levy upon all of the taxable property within the county for the amount of all taxes collected by the county for county and/or state purposes, and which the board of county commissioners has ordered and directed to be repaid within the preceding twelve months, including legal interest, together with the additional amounts hereinafter provided for;

(2) A levy upon all of the taxable property of each taxing district within the county for the amount of all taxes collected by the county for the purposes of the various taxing districts in such county, which the board of county commissioners has ordered and directed to be repaid within the preceding twelve months, including legal interest, together with the additional amounts hereinafter provided for.

The aforesaid levy or levies shall also include a proper share of

the interest paid out of said fund during said twelve months upon warrants issued against said fund, plus an additional amount not to exceed ten percent of the total of the preceding items required to be included in such levy or levies as such levying officers shall deem necessary to meet the obligations of such fund, taking into consideration the probable portions of such taxes that will not be collected or collectible during the year in which they are due and payable, and also any unobligated cash on hand in said fund.

Chapter 84.28

REFORESTATION LANDS

84.28.005 Purpose. Public welfare demands that steps be taken to encourage reforestation and to protect and promote the growth of new forests on lands chiefly valuable for that purpose in order that they may be restored to the economic and industrial life of the state. To accomplish that end it is necessary that a system of taxation and assessment be devised for such lands, which will encourage the growth of new and immature forests on lands chiefly valuable for that purpose, and which will enable the owners thereof to bear the burden of taxation on such lands over the period of years necessary to produce forests of commercial value. Therefor the state of Washington, through its legislature, hereby exercising its police and sovereign power, declares and enacts that all logged-off lands and all unforested lands chiefly valuable for the production and growth of forests and all lands growing immature forests and forests of no commercial value shall not be assessed or taxed at a rate which will discourage or hamper the growth of forests on such lands, but shall be assessed and taxed at such rate and in such manner that owners of such lands may be encouraged to reforest, protect and grow forests of commercial value on such lands.

84.28.010 Lands to be classified. All unforested lands in the state of Washington and those upon which the forest crop is not mature in merchantable quantities and which by reason of location, topography and geological formation are chiefly valuable for the purpose of developing and growing forests may be classified as reforestation lands as hereinafter provided, and shall thereupon be taxed and assessed as in this chapter provided, and not otherwise. No land shall be classified as reforestation land hereunder which was valued and assessed for its forest growth on the 1930 tax rolls, without approval of the board of county commissioners of the county in which said land is located, or until after said forest growth so valued and assessed has been cut and removed. Nothing herein contained, however, shall be construed as prohibiting the state department of natural resources (hereinafter referred to as the

department) from classifying land as reforestation lands when after harvesting mature timber, an immature stand is left for a future forest crop.

84.28.020 Classification procedure—Review by tax commission. It shall be the duty of the department to determine what lands within the state of Washington shall be classified as reforestation lands, and upon such determination to prepare a list of such lands, by counties, giving the legal description thereof by government legal subdivisions (in tracts not smaller than a forty acre tract or government lot). Hearing, preparation and filing of one list in any county shall not prevent the department from holding other hearings, and preparing other lists relating to other lands in the same county. Upon the preparation of the list, the department shall forward to the county assessor of each county wherein such lands are situated, one copy of the list. Following the preparation and filing of the list with the assessor, a hearing on the proposed classification shall be held before the department or one or more of its officers or employees designated by it at the court house in the county seat in each county of the state wherein any lands proposed for classification are situated. Notice of the hearing shall be given by the department by publication of a notice in at least two issues of a newspaper published and having general circulation in the county wherein such hearing is to be held. The notice shall specify the time, place and general purpose of the hearing and shall advise that a list of the lands proposed for classification as reforestation lands, with the legal description and the names of the respective owners, has been filed with the county assessor. The last publication of such notice shall be at least fifteen days prior to the date fixed for the hearing. The department shall on or before the date of the last publication of the notice mail a copy of the notice to each owner of land proposed for classification, to the address of such owner as shown on the records of the county treasurer of the county, and shall also notify the owner of the particular description of lands owned by him which it has proposed for classification as reforestation lands. The department shall also, on or before the date of the last publication mail to the county commissioners and county assessor of such county a copy of the notice of hearing. At the hearing, the department or officer or employee holding such hearing shall hear objections to, and arguments for and against the proposed classification as to all, or any particular lands described on the list. Following the hearing the department shall reconsider the proposed list and classification and shall strike from the list any lands it determines are not suitable as reforestation lands. After having reconsidered the proposed list and classification the department shall file with the state tax commission a list of the lands as pre-

viously proposed by it, or as modified after reconsideration, showing the lands in the respective counties proposed by it for classification as reforestation lands, with description by government legal subdivisions, and names and addresses of respective owners.

The tax commission shall hold said list for a period of two weeks, during which time any taxpayer, or the county assessor, of the county in which the lands are located shall be entitled to file written objections with it to the classification as reforestation lands of any particular lands on such list. If any objection is filed the commission shall fix a date for hearing thereon, and shall in writing notify the objector, the department and the owner of the lands of the date fixed for the hearing. At the hearing the commission shall hear and consider evidence offered by the department, owner, or objector as to the nature and character of such lands, and from such evidence shall determine whether the lands shall be classified as reforestation lands; and if the commission determines that the lands are not suitable for reforestation and should not be classified as reforestation lands, it shall cause such lands to be stricken from the list. If no objections are filed to the classification of any lands on such list or if objections are filed and after hearing are overruled, the commission shall enter an order approving the list as filed; and if, following a hearing on objections to classification as to any particular lands on the list, the commission determines that the particular lands are not properly classified as reforestation lands, it shall enter an order to that effect and shall strike such lands from the list, and enter an order approving the list with such lands stricken therefrom. Upon entry of the order the commission shall, at its expense, cause a certified copy thereof, together with the approved list to be recorded in the office of the auditor of the county in which the lands are situated, and shall forward one certified copy thereof, together with the approved list, to the assessor of the county wherein the lands are situated, one copy to the department, and one copy of its order to the owner, with a list only of lands in which he has an interest; and thereupon the lands described on such list shall be classified as reforestation lands.

84.28.050 Removal from classification—Petition of department—Hearing—Taxation of land. Whenever the department believes that any lands classified as reforestation lands are not being protected as provided by law, or are not being used primarily for forest crop production, it may petition the tax commission to remove such lands from classification as reforestation lands. The petition shall describe the lands by government legal subdivisions and shall set forth the name of the owner thereof, and the grounds and reasons for which such removal is sought. The commission shall thereupon fix a time and place for hearing on the petition and shall mail a

notice thereof, together with a copy of the petition, to the owner at his address as shown by the records of the county treasurer's office. At the time and place fixed for the hearing the commission shall hold a hearing on the petition and shall receive evidence offered by the owner or the department for and against the petition. Upon the conclusion of the hearing the commission shall determine whether such lands shall be removed from the classification as reforestation lands, and shall enter an order accordingly. One certified copy of such order shall be furnished by the commission to the county assessor of the county in which the lands are situated, one to the owner and one to the department, and the commission shall, at its own expense, cause a certified copy of such order, together with a list of the lands covered thereby, to be recorded in the office of the auditor of the county in which the lands are situated.

Whenever any land is removed from classification as reforestation land it shall thereafter be assessed and taxed without regard to the provisions of this chapter, and there shall thereupon become due and owing to the county in which such land is situated a sum of money equivalent to the difference, if any, between the tax theretofore paid thereon under the provisions of this chapter and the tax paid by similar unclassified lands during the same period. The county assessor shall determine the assessed valuation of such lands as unclassified lands for the period involved, and shall prepare an assessment roll of such lands and submit the same to the county treasurer, who shall extend upon his rolls a tax against such lands equivalent to the difference, if any, in the tax theretofore paid, and the tax on similar unclassified lands for said period; and said tax shall thereupon become a lien against said lands and shall become payable, delinquent and collectible at the same time and in the same manner as taxes for the current year.

84.28.060 ———Petition of taxpayers—Hearing. Whenever any lands previously classified as reforestation lands shall be or become more valuable for some other purpose and twenty-five taxpayers of the county in which the lands are situated file a petition with the tax commission, alleging such to be the case, the commission shall fix a date for hearing on the petition and shall in writing notify the taxpayers by mailing notice thereof directed to the taxpayers at the address shown on the petition; and shall likewise notify the department, and the owners of the lands involved, by mailing a notice of the hearing to them directed to their respective addresses. At the hearing the petitioners, the department and the owners shall be entitled to offer evidence bearing upon the question of the value of such lands for reforestation and other purposes. The commission from the evidence shall determine whether the lands are more

valuable for some other purpose than for reforestation; and if it so determines it shall enter an order to that effect and thereupon the lands shall be removed from classification as reforestation lands. Upon entry of an order by the commission, as provided for in this section, the commission shall, at its own expense, cause a certified copy thereof, together with a list of the lands covered thereby, to be recorded in the office of the auditor of the county in which the lands are situated.

84.28.080 Court review. Whenever the state tax commission shall enter an order with respect to classification or reclassification of forest lands under this chapter, the owner of such lands, the department, the county assessor of the county in which such lands are located, or the taxpayers in a case arising under RCW 84.28.060, may, within thirty days following the entry of such order, appeal to the superior court of the county within which lands are situated for a review of the decision of the state tax commission. The appeal shall be perfected in the same manner as is provided by law for appeals from decisions of the state tax commission. Upon such appeal, the superior court shall sit without a jury, shall receive evidence de novo and shall determine the correct classification of the lands involved in accordance with the requirements of this chapter. The decision of the superior court shall be subject to appeal and review in the supreme court in the same manner and by the same procedure as appeals are taken and perfected to that court in civil actions at law. Upon appeal from any decisions of the commission and pending the dismissal or final determination of such appeal, the lands involved shall be assessed and taxed in the same manner as they were assessed and taxed prior to such decision.

84.28.090 Basis of assessment prescribed. All lands classified as reforestation lands as provided in this chapter and lying west of the summit of the Cascade range of mountains in the state of Washington shall, after the date of such classification, be assessed for purposes of taxation at one dollar per acre, which is hereby declared to be the assessed value thereof; and all lands so classified lying east of the summit of the Cascade range of mountains shall be assessed for purposes of taxation at fifty cents per acre, which is hereby declared to be the assessed value thereof. The above values shall apply as the actual basis for taxation of such lands, without regard to any percentages of value which may apply for taxation of other classes of property; and the taxation of such lands on the basis herein provided shall be separate and distinct from and in addition to the cost of protecting such lands from fire as provided under the laws of Washington.

84.28.095 Tax on unclassified lands. Any lands not classified as reforestation lands, shall be assessed and taxed under the general taxation laws and not under the provisions of this chapter.

84.28.100 Permit to remove forest crop—Bond or deposit. The owner or owners of lands classified and taxed as reforestation lands under this chapter, desiring to harvest any forest crop, or to remove or cause to be removed any forest growth therefrom shall in writing notify the department of such desire, and the department shall thereupon issue a permit authorizing the cutting and removal of such forest crop. The permit shall describe by legal subdivisions, or fractions thereof, areas on which cutting will be permitted. Before any forest growth is cut or removed from such lands the permittee shall file with the county treasurer of the county in which such lands are situated a good sufficient surety company bond payable to the county in form prescribed by the department, and which before filing shall be approved by the judge of the superior court of such county, or make a cash deposit with such treasurer, in lieu of such bond, in such amount as the department shall fix, the bond to be conditioned to pay to the county in question the yield tax to which the county will be entitled upon the cutting of the forest growth from such lands. In case a cash deposit is made in lieu of the bond the same shall be applied in payment of the yield tax provided in RCW 84.28.110, but such deposit shall not relieve an owner from payment of any additional amounts due for said yield tax nor of right of refund of any sum deposited in excess of the amount due on said tax. In event collection is made on the bond, either with or without suit, the amount collected shall be applied in payment of the yield tax due.

84.28.110 Report of cutting—Yield tax—Rates—Actions to recover tax. Whenever the whole or any part of the forest crop shall be cut upon any lands classified and assessed as reforestation lands under the provisions of this chapter, the owner of such lands shall, on or before the first day of January of each year, report under oath to the department and the assessor of the county in which such lands are located, the amount of such timber or other forest crop cut during the preceding twelve months, in units of measure in conformity with the usage for which the cutting was made, together with a description, by government legal subdivisions, of the lands upon which the same are cut. If no such report of cutting is made, or if the assessor or the department shall believe the report to be inaccurate, incorrect or mistaken, either the assessor or the department may by such methods as shall be deemed advisable, determine the amount of timber or other forest product cut during such period. If both the assessor and the department make separate

determinations of the amount of such cutting, the determination of the department shall be accepted and used as a basis for computation of the yield tax. As soon as the report is filed, if the assessor and the department are satisfied with the accuracy of the report, or if dissatisfied, as soon as the assessor or the department shall have determined the amount of timber or forest crop cut, as herein provided, the department shall determine the full current stumpage rates for the timber or forest crop cut, and shall notify the assessor of the county in which the lands are situated of the rates so fixed by it, and the assessor shall thereupon compute, and there shall become due and payable from the owner, a yield tax equal to twelve and one-half percent of the market value of the timber or forest crop so cut, based upon the full current stumpage rates so fixed by the department: *Provided*, Whenever within a period of twelve years following the classification of any lands as reforestation lands, any forest material shall be cut on such lands, the owner thereof shall be required to pay a yield tax of one percent for each year that has expired from the date of such classification until such cutting: *Provided, further*, That no yield tax need be paid on any forest material cut for domestic use of the owner of such lands, or on materials necessarily used in harvesting the forest crop.

Whenever the owner is dissatisfied with either the determination of the amount cut as made by the assessor or the department, or with the full current stumpage rates as fixed by the department, and shall pay the tax based thereon under protest, such owner may maintain an action in the superior court of the county in which the lands are located for recovery of the amount of the tax paid in excess of what the owner alleges the tax would be if based upon a cutting or stumpage rate which the owner alleges to be correct. In any such action the county involved, the county assessor of the county, and the department, shall be joined as parties defendant, but in case a recovery is allowed, judgment shall be entered against the county only. In such action the court shall determine, in accordance with the issues, the true and correct amount of timber and forest crop which has been cut, and if an issue in the case, the true and correct full current stumpage rates, and shall enter judgment accordingly, either dismissing the action, or allowing recovery based upon its determination of the amount of timber or forest crop cut and if in issue, the full current stumpage rate.

84.28.130 Agreements between department and owners for assessment and taxation. Owners of land previously classified as reforestation lands under the provisions of this chapter may prepare a list of such lands, describing the same by government legal

subdivision, and file such list with the department with the request that the department enter into an agreement providing for the assessment and taxation of such lands as provided in this section. If the department shall deem it advisable, it may enter into a written agreement with such owner, providing that such lands shall be assessed for taxation purposes as in this chapter provided, which assessed valuations shall continue for a definite number of years, to be stated in such agreement, which shall not exceed the number of years estimated by said department as necessary to mature the forest crops growing or to be grown on such lands, and shall provide that if the timber or forest material thereon have not been removed at the expiration of such period the yield tax required by the agreement shall be paid whenever such removal takes place. The agreement shall provide that when any part of the forest crop is cut, such cutting shall be done, and the area cut reforested and protected from fire in accordance with such rules and regulations as the department may prescribe. Such an agreement shall set forth the requirements of the owner with respect to reforestation, cultivation, care and protection of forests grown and to be grown on such lands; shall require the owner to comply with all the laws of the state of Washington with respect to forest fire protection; shall require the owner to report to the department and to the county assessor of the county in which the lands are situated the amount of timber or forest material cut during the twelve months prior to the first day of January of each year, and that the assessor or department may, in case of dissatisfaction with the report or failure to make the same, determine the amount so cut; and shall require the owner to secure a permit and furnish and file a bond, or make cash deposit in lieu thereof, as required by this chapter for other lands under this chapter but not covered by a written agreement; and shall require the owner to pay to the county treasurer of the county in which any lands are located from which any forest materials are cut a yield tax of twelve and one-half percent of the value of such forest materials, based upon full current stumpage rates at the time such forest materials are cut, in accordance with schedules of stumpage rates to be furnished by the department at the time of such cutting; and shall contain a proviso that if, within twelve years following the date of entering into such agreement, any forest material shall be cut on such lands, the owner of such lands shall be required to pay a yield tax of one percent for each year that expires from the date of such agreement until such cutting; and may provide that no yield tax need be paid on any forest materials cut for domestic use of the owner of such lands, or on materials necessarily used in harvesting the forest crop. The agreement shall provide that if the

owner shall fail to comply with all the conditions and requirements of the agreement and the various provisions of this chapter, the state, acting through the department, may at its option, cancel said agreement, and that after the date of such cancellation, the lands covered by the agreement shall be assessed and taxed without regard to provisions of the agreement, and shall pay the yield tax and any other tax that similar lands are required to pay, at the same time and in the same manner as if such lands had never been covered by the agreement. Upon any such cancellation, the lands in question shall be taxed an amount to be determined by the department, equivalent to the difference, if any, between the tax paid thereon under the agreement, and the tax paid during the period said lands have been under said agreement by similar lands. The amount of such difference in taxes, if any, shall be reported by the department to the county treasurer of the county in which such lands are located, and the county treasurer shall enter the amount thereof upon his tax rolls against said lands, and thereupon the amount thereof shall become a lien against such lands and shall become payable at the same time, and collected in the same manner as general taxes for the current year. Upon entering into such agreement, the department shall furnish the state tax commission with two copies of such agreement and the state tax commission shall furnish a copy of such agreement to the county assessor of the county in which such lands are located, and thereafter such lands shall only be assessed and taxed in accordance with the terms of such agreement and as in this chapter provided. Whenever the owner, or owners, of any lands shall make written application to the department for an agreement with the state under this chapter, the board shall, within one year after receiving such written application, act upon same and determine whether the state will enter into such agreement.

84.28.140 Collection of yield tax—Delinquency—Lien. Upon receipt of a report of cutting or upon determination of the amount cut as provided in this chapter or as required in an agreement entered into under the provisions of this chapter, the county assessor shall assess and tax against the owner of such lands the amount of yield tax due on account of such cutting; and shall forthwith transmit to the county treasurer a record of such tax; and the county treasurer shall thereupon enter the amount of such yield tax on his records against such lands and their owner; and such yield tax shall thereupon become a lien against such lands and also against the forest material cut thereon and against any other real or personal property owned by such owner, which shall become delinquent unless paid on or before the fifteenth day of March following the date when such report is made, or should have been

made. The lien of such tax shall be superior and paramount to all other liens, taxes, assessments and encumbrances, and if not paid before the same becomes delinquent, may be collected by seizure and sale of such forest material, or any other personal property of such owner, in the same manner as personal property is seized and sold for delinquent taxes under the general tax laws; and the lien of said tax against the lands from which such forest materials are cut, or any other real property of such owner, may be foreclosed and said lands sold, in the same manner as liens for taxes are foreclosed and land sold for delinquent taxes under the general tax laws of the state. Said tax, if not otherwise collected, may be collected by means of an action instituted in the superior court of the county in which are situated the lands from which such forest materials are cut, against such owner by the prosecuting attorney in behalf of the county, in which the lands are situated from which such forest materials are cut. Any person, firm, or corporation buying any forest material on which the yield tax herein provided has not been paid shall be liable for the payment of said tax and the amount thereof may be collected from such person, firm or corporation by seizure and sale of any real or personal property belonging to such person, firm or corporation in the same manner in which real or personal property, respectively is seized and sold for delinquent taxes under the general tax laws of the state; and said tax, if not otherwise collected, may be collected by means of an action instituted in the superior court of the county in which are situated the lands from which such forest materials are cut, against such person, firm or corporation, by the prosecuting attorney in behalf of the county in which the lands are situated from which such forest materials are cut. All taxes collected under the provisions of this chapter or any agreement made in pursuance thereof, shall be paid to the county treasurer of the county in which the lands are situated from which such forest materials are cut, and shall be paid into the same fund and distributed by the county treasurer in the same proportions as the general taxes on other property in the same taxing district, are paid and distributed in the year in which such payment or collection is made.

84.28.150. Reforestation land taxes exclusive—Exceptions. Any lands or forest materials assessed and taxed under the provisions of this chapter shall not be otherwise assessed and taxed under the laws of this state, but nothing contained in this chapter shall prevent the assessment and taxation under general tax laws of all buildings, improvements, agricultural, mineral or values other than forest values, upon any lands assessed and taxed under the provisions of this chapter, or the assessment and taxation of such lands for any benefits authorized by any local improvement laws of the state of Washington.

84.28.160 Rules and regulations authorized. The department and the state tax commission, respectively, shall have power to make such rules and regulations as they shall deem necessary or advisable in the exercise of the powers and performance of the duties imposed upon them by this chapter.

84.28.170 Penalty. Violation of any of the provisions of this chapter shall constitute a gross misdemeanor.

Chapter 84.32

FORESTS AND FOREST LANDS

84.32.010 Definitions. For the purposes of this chapter, unless otherwise indicated by the context:

(1) The word "commission" means the tax commission of the state of Washington;

(2) The term "forest crop" means the merchantable timber growing upon forest land;

(3) The term "forest land" means all land heretofore or hereafter acquired by private ownership held or to be held chiefly for forest crop production, not classified or eligible for classification as reforestation land under chapter 84.28, and classified as forest land under the provisions of this chapter; but does not include wood lots of forty acres or less situated upon or owned in conjunction with or adjacent to lands devoted primarily to farming;

(4) The word "harvesting" means removal for sale or use;

(5) The term "legal description" or "description" means government subdivision, recorded plat or description by metes and bounds;

(6) The term "merchantable timber" means all wood growth capable of being marketed commercially;

(7) The words "person" and "owner" mean and include persons, firms, copartnerships, associations or corporations.

84.32.020 Forest crops taxable as personalty, land as realty—Basis of assessment—Limitation on distraint. For the purpose of taxation, all forest crops on land classified as forest land under the provisions of this chapter shall be deemed to be personal property and all forest land shall be deemed to be real property. Forest land shall be assessed and taxed under the provisions of law pertaining to the assessment and taxation of real property. The basis of assessment shall be fifty percent of the true and fair value of the land in money, which shall be taken to be that value which would remain if the forest crop were entirely harvested. All such forest crops shall be assessed and taxed as personal property, but there shall be no distraint for any such taxes until five years after

delinquency thereof. Forest crops upon forest lands, as hereinafter classified, shall be assessed and taxed only as in this chapter provided.

84.32.030 Classification on petition of owner—Appeal to commission—Subsequent additions or eliminations—Court review. Any owner of land which he may deem eligible for classification as forest land under the provisions of this chapter may petition the county assessor to so classify such land. Such petition shall be verified and shall contain a full and complete legal description of his land, the approximate stand of timber by cruise or count and such other information as may assist the assessor in determining whether the property shall be classified as forest land. The assessor shall then so classify such land or refuse to so classify it. He shall then prepare a list of the land he has classified or has refused to classify, containing a legal description of each tract or parcel, the name and address of the owner, the cruise or approximate stand of timber and such other information as may be relevant to the purposes of this chapter, and in case he has refused classification shall state the reason for such refusal. Such list shall be made in triplicate and one copy forwarded to the commission and one furnished to the county treasurer. After completing his classification, the assessor shall notify each owner or petitioner by mail that his land has been classified as forest land or that the assessor has refused to classify a petitioner's land as forest land and the owner, petitioner or any person having a lien on or a contract for the purchase of said property, may thereupon, if dissatisfied with the determination of the assessor, appeal to the commission by mailing to or filing with the commission within ten days after receipt of the notice a statement in writing that he appeals from the action of the county assessor. The commission shall fix a time for hearing not less than twenty nor more than sixty days from the date of receipt of the notice of appeal at which objections to the classification or the failure of the assessor to classify may be heard. Such hearing may be held at Olympia or, if the commission so elects, at the county seat of the county where the land is located, and may be conducted by an agent or appointee of the commission who shall prepare a transcript of the testimony and submit the same, together with his recommendation, to the commission for final order. The commission in its order shall have the right to add to or eliminate from the assessor's classification such land described in the petition as in its judgment properly should or should not be classified as forest land. One copy of the commission's order shall be mailed to the assessor and one copy to the owner or appellant and said order shall be reviewable by certiorari as provided by law.

84.32.050 Assessment of forest crops—Deferment—Form of rolls—Duties of county assessor and treasurer. Annually at the time of listing personal property, the county assessor of each county having within it any classified forest lands shall proceed to assess all forest crops upon the lands so classified, the basis of assessment to be fifty percent of the true and fair value of such forest crops in money. Permanent forest assessment rolls shall be prepared by the county assessor, in form prescribed by the commission, containing vertical columns for the consecutive entry from year to year of "assessed valuation," "total tax," "current tax," "deferred tax," "cumulative deferred taxes," "interest" and "total currently payable." Above the vertical columns shall be space for the listing of the name of the owner, a description of the forest crop and the legal description of the underlying forest land. One such roll may be used for all contiguous lands in common ownership in the same taxing district. After computing and extending the total tax against forest crops classified under this chapter, based upon his assessment thereof for the year in question, the assessor shall extend in the "current tax" column the amount of tax against forest crop upon such legal description which is currently to be paid and shall extend in the "deferred tax" column the amount of such tax the payment of which is to be deferred under the provisions of this chapter, and he shall also compute and extend in the proper columns the amount of cumulative deferred taxes, interest chargeable thereon and the total sum currently payable. For the first assessment year following classification, the current tax to be extended in the column headed "current tax" shall be the total tax diminished by an amount equal to seven and one-half percent thereof and the deferred tax to be extended in the column headed "deferred tax" shall be the amount by which the total tax is thus diminished, and for each succeeding year up to and including the tenth year after classification the total tax as annually levied and extended shall be successively diminished by an amount equal to an additional seven and one-half percent thereof in order to arrive at the current tax and deferred tax for each respective year. After the tenth year after classification there shall be no further diminution of tax and the current tax shall be twenty-five percent and the deferred tax seventy-five percent, respectively, of the total tax for each year: *Provided*, That the cumulative total of deferred taxes to be extended against any description in any year prior to the beginning of harvesting shall in no event exceed twenty-five percent of the assessed valuation of the forest crop on such description and, whenever in any such year the theretofore accumulated total of deferred taxes plus the amount of annual deferred tax computed on the basis of the percentages above set forth exceeds such twenty-five percent of assessed valuation, the

annual deferred tax to be currently extended in the "deferred tax" column shall be the amount only, if any, by which such twenty-five percent of assessed valuation of the property exceeds the theretofore accumulated deferred taxes.

Upon completion of the forest assessment rolls and at the time his other assessment rolls are transmitted, the county assessor shall, for the first year after classification of forest lands under this chapter, transmit duplicate forest assessment rolls to the county auditor, who shall in turn transmit the same to the county treasurer for collection. The county treasurer shall post the tax and interest currently payable to his segregation register, return one duplicate of the forest assessment rolls to the county assessor for assessment purposes during the next year and retain the other as his permanent tax roll and record of forest taxes levied under this chapter. For each succeeding year the forest assessment rolls shall be made singly and be similarly transmitted and upon receipt thereof the county treasurer shall post the amount currently payable to his segregation register and all amounts as extended thereon by the assessor to his permanent tax roll and record of forest taxes, returning the forest assessment roll to the county assessor for next year's assessment purposes.

84.32.070 Current taxes and deferred tax interest payable annually — Collection — Distribution of interest — Loss of deferment. The current tax including accrued interest on deferred taxes shall be collected under the provisions of the general revenue laws applicable to the collection of personal property taxes and shall be subject to the same penalties provided by said laws for delinquency in payment, but there shall be no distraint for such tax until five years after delinquency in payment thereof. The principal of the deferred tax shall accumulate from year to year and shall draw simple interest at the rate of three percent per annum from the time when such tax would have been payable except for the provisions of this chapter. The interest on the deferred taxes shall be added to and become part of a taxpayer's current tax and shall be payable annually at the same time and in the same manner and shall be subject to the same rebates and penalties as the current tax against the same description. Deferred tax interest shall when collected be distributed to the same taxing district funds as are entitled to share in current tax collections. Nothing in this chapter shall be construed to prevent an owner of forest land from paying the deferred tax upon the forest crop at the time of paying the current tax. Deferment of taxes under this chapter shall in no wise impair the lien thereof against the forest land or crop but the same shall remain a valid and subsisting lien until paid. If an owner of forest crops upon forest lands classified under this chapter fails to pay or cause

to be paid the current tax and deferred tax interest against the forest crop upon any description, plus the interest thereon, and the taxes assessed against the forest land underlying such forest crop, plus the interest thereon, within five years from the date of delinquency thereof, the privilege of further deferment of taxes against such forest crop shall be immediately withdrawn and the cumulative deferred taxes then standing against the particular description upon the county treasurer's permanent record shall become immediately due and payable and shall be included by the county treasurer in any distraint proceeding against the forest crop and any proceeding for the foreclosure of certificates of delinquency against the underlying forest land.

84.32.080 Harvesting permit—Payment of all taxes and interest required. Any person desiring to harvest the forest crop upon any lands classified under this chapter shall before commencing such harvesting obtain from the county treasurer of the county in which such forest crop is situated a harvesting permit. Said permit shall be issued by the treasurer on written application therefor, stating the name of the applicant and the legal description or descriptions upon which harvesting is proposed to be conducted. Before such permit shall be issued the applicant shall pay or cause to be paid in full all taxes then due and payable against the particular description or descriptions covered by the application, including all taxes plus interest thereon, if any, against the forest land; all current taxes and deferred tax interest plus interest thereon, if any, against the forest crop; and the cumulative deferred taxes then standing against such description or descriptions upon the county treasurer's permanent record. Deferred taxes are hereby declared to be due and payable against any legal description at the time the harvesting permit is applied for. Each harvesting permit shall explicitly state the legal description or descriptions upon which harvesting is thereby permitted. It shall be unlawful for any person to harvest any forest crop upon forest lands classified under this chapter without first having secured a harvesting permit under this section.

84.32.090 Report by permittee of acreage harvested — Penalty for excess harvest. Each such permittee shall, on or before January 15th of each year, report under oath, to the county treasurer who issued the harvesting permit, the total acreage by description harvested during the preceding calendar year on the authority of each permit theretofore issued. If the report shows, or investigation by the county treasurer independently of such report discloses, that the acreage actually harvested exceeds that covered by the permit, there shall be added to the cumulative deferred taxes standing on the treasurer's record against the legal description containing

such excess acreage a penalty of ten percent thereof, which penalty shall for all purposes become a part of such tax. In case harvesting under a permit is completed before the end of the calendar year, the report required by this section shall be made to the county treasurer within fifteen days after completion of harvesting, but in all other respects the provisions of this section shall apply.

84.32.190 Deferred taxes—Distribution, county borrowing, investments in obligations secured by, etc. Whenever deferred taxes are collected by the county treasurer, he shall distribute the same, so far as possible, to the various funds existing at the date the deferred taxes would have become due and payable except for the provisions of this chapter, in accordance with the levies in effect as of said date. In the event any fund existent at that time has in the meantime been abolished by law and its obligations fully liquidated, its proportion of the tax shall be credited to the county current expense fund. Any advancements between funds shall upon such payment be properly adjusted. Deferred taxes under this chapter shall be considered an asset against which a county or other taxing district, to whose credit such taxes stand, may for corporate purposes borrow money to the extent of fifty percent thereof, and such borrowing shall not be construed as increasing the net indebtedness of the county or other taxing district. Obligations secured by taxes deferred under this chapter shall be a legal investment for state funds, including the permanent school fund, any higher educational funds and the accident fund. Deferred taxes under this chapter shall not be considered as delinquent state taxes for the purpose of the state auditor's certification of such taxes for the seventh preceding year under RCW 84.48.110, it being the intent of this chapter that the state shall carry its proportion of the deferred taxes the same as counties or other taxing districts until the same are actually collected. Each county treasurer shall on or before January 15th of each year certify to the state auditor the amount of the state's portion of the total of forest taxes deferred in his county in the preceding fiscal year and the state auditor shall carry such amount as a charge against the county until such cumulative deferred forest taxes are collected as in this chapter provided.

84.32.110 Lien of deferred taxes. From and after the assessment date, all deferred taxes under this chapter shall be and constitute a lien prior to all other liens against the description of forest crop specifically assessed therefor, and against the description of forest land which underlies the forest crop specifically assessed, and shall also be and constitute a lien against any other harvested or unharvested forest crop belonging to the owner of said taxed property

when so assessed. Any transfer of ownership of the forest crop specifically assessed or of the underlying forest land shall not divest or in any wise impair the lien of the deferred taxes against such crop or against the forest land.

84.32.120 Criminal penalties—Harvest without permit, excess harvest, reports of permittee. Every person who harvests any forest crop without obtaining the permit required by this chapter or any permittee who wilfully or knowingly violates any provision of RCW 84.32.080 or 84.32.090 shall be guilty of a gross misdemeanor.

Chapter 84.36

EXEMPTIONS

84.36.005 Property subject to taxation. All property now existing, or that is hereafter created or brought into this state, shall be subject to assessment and taxation for state, county, and other taxing district purposes, upon equalized valuations thereof, fixed with reference thereto on the first day of January at twelve o'clock meridian in each year, excepting such as is exempted from taxation by law.

84.36.010 Public property exempt. All property belonging exclusively to the United States, the state, any county or municipal corporation shall be exempt from taxation.

84.36.020 Cemeteries, churches and grounds. The following property shall be exempt from taxation:

All lands used exclusively for public burying grounds or cemeteries;

All churches, built and supported by donations, whose seats are free to all; and the ground, not exceeding five acres in area, upon which any cathedral or church of any recognized religious denomination is or shall be built, together with a parsonage. The area exempted shall in any case include all ground covered by the church and parsonage and the structures and ground necessary for street access, light, and ventilation, but the area of unoccupied ground exempted in such cases, in connection with both church and parsonage, shall not exceed the equivalent of one hundred twenty by one hundred twenty feet. The parsonage need not be on land contiguous to the church property if the total area exempted does not exceed the areas above specified. To be exempt the grounds must be used wholly for church purposes.

Note: See also section 3, chapter 103, Laws of 1961.

84.36.030 Nonsectarian, character building, veteran and relief organizations. The following property shall be exempt from taxation:

Property of nonsectarian organizations or associations, organized and conducted primarily and chiefly for religious purposes and not for profit, which shall be used, or to the extent solely used, for the religious purposes of such associations, or for the educational, benevolent, protective, or social departments growing out of, or related to, the religious work of such associations;

Property of nonprofit organizations or associations engaged in character building in boys and girls under twenty-one years of age, to the extent such property is necessarily employed and devoted solely to the said purposes, provided such purposes are for the general public good and such properties are devoted to the general public benefit;

Property of all organizations and societies of veterans of any war of the United States, recognized as such by the United States War Department, which shall have national charters, and which shall have for their general purposes and objects, the preservation of the memories and associations incident to their war service and the consecration of the efforts of their members to mutual helpfulness and to patriotic and community service to state and nation. To be exempt such property must be primarily used in such manner as may be reasonably necessary to carry out the purposes and objects of such societies;

Property of all corporations, incorporated under any act of congress, whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

84.36.040 Libraries, orphanages, institutions, nursing homes, hospitals. The following property shall be exempt from taxation:

All free public libraries, orphanages, orphan asylums, institutions for the reformation of fallen women, homes for the aged and infirm, and hospitals for the care of the sick, when such institutions are supported in whole or in part by public donations or private charity, and all of the income and profits thereof are devoted, after paying the expenses thereof, to the purposes of such institutions; and the grounds, together with all real and personal property owned or used as a part of such institutions, whenever such libraries, orphanages, institutions, homes, and hospitals are built and used exclusively for the purposes herein enumerated.

In order to determine whether such libraries, orphanages, institutions, homes, and hospitals are exempt from taxes within the intent of this chapter, the director of health shall have access to their books and the superintendent or manager of the library,

orphanage, institution, home, or hospital claiming exemption from taxation shall make oath before the assessor that the income and the receipts thereof, including donations to it, have been applied to the actual expenses of maintaining it, and to no other purpose. He shall also, under oath, make annual report to the department of health of its receipts and disbursements, specifying in detail the sources from which the receipts have been derived, and the object to which disbursements have been applied, and shall furnish in such report full and complete vital statistics for the use and information of the department of health, which may publish the same in its annual report.

A hospital, within the meaning of this section, includes any portion of the hospital building, or other buildings in connection therewith, used as a nurses' home or as a residence for persons engaged or employed in the operation of the hospital, or operated as a portion of the hospital unit.

84.36.050 Schools and colleges. The following property shall be exempt from taxation:

Property owned or used for any school or college in this state, supported in whole or in part by gifts, endowments, or charity, the entire income of which said school or college, after paying the expenses thereof, is devoted to the purposes of such institution, and which is open to all persons upon equal terms. To be exempt, such property must be used solely for educational purposes or the revenue therefrom be devoted exclusively to the support and maintenance of such institution. Real property so exempt shall not exceed one hundred acres in extent and shall be used exclusively for college or campus purposes.

Real property owned or controlled by such institution or leased or rented by it for the purpose of deriving revenue therefrom shall not be exempt from taxation under this section.

Before any exemption provided for by this section shall be allowed for any year, the institution claiming such exemption shall file with the county assessor of the county wherein such property is situated, on or before the first day of January in such year, a statement verified by the oath of the president, treasurer, or other proper officer of the institution, containing a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it for the preceding year, the use to which such revenue was applied, the number of students in attendance at the school or college, the total revenues of the institution with the source from which they were derived, and the purposes to which such revenues were applied, giving the items of such revenues and expenditures in detail. The county assessor of the county wherein such property is subject to taxation and such exemption is claimed,

shall at all times have access to the books and records of such institution in order to determine whether any property claimed to be exempt from taxation should be exempted under the provisions of this section.

84.36.060 Art, scientific and historical collections, fire companies, humane societies. The following property shall be exempt from taxation:

All art, scientific, or historical collections of associations maintaining and exhibiting such collections for the benefit of the general public and not for profit;

All fire engines and other implements used for the extinguishment of fire, with the buildings used exclusively for the safekeeping thereof, and for meetings of fire companies, provided such properties belong to any city or town or to a fire company therein;

Property owned by humane societies in this state in actual use by such societies not exceeding ten thousand dollars in taxable value.

84.36.070 Intangibles exempt. All moneys and credits including mortgages, notes, accounts, certificates of deposit, tax certificates, judgments, state, county and municipal bonds and warrants and bonds and warrants of other taxing districts, bonds of the United States and of foreign countries or political subdivisions thereof and the bonds, stocks or shares of private corporations shall be and hereby are exempted from ad valorem taxation.

84.36.079 Rights, title, interest, and materials of certain vessels under construction. All rights, title or interest in or to any vessel of more than one thousand ton burden, and the materials and parts held by the builder of the vessel at the site of construction for the specific purpose of incorporation therein, shall be exempt from taxation while the vessel is under construction within this state.

84.36.080 Ships and vessels in interstate or foreign commerce partially exempt. All ships and vessels taxable in the state of Washington, engaged in interstate commerce, foreign commerce or commerce between ports of the state of Washington and the high seas, shall be and are hereby made exempt from all ad valorem taxes, except taxes levied for any state purpose.

84.36.090 Other ships and vessels. All ships and vessels taxable in the state, other than those taxable under RCW 84.36.080 and those described in RCW 84.36.079, are exempt from all ad valorem taxes, except taxes levied for any state purpose and twenty percent of taxes levied for all other purposes.

84.36.100 Size of vessel immaterial. RCW 84.36.080 and 84.36.090 shall apply to all ships, vessels and boats, irrespective of size, and to the taxes thereon becoming due and payable.

84.36.110 Household goods and personal effects—Three hundred dollars actual value to head of family. The following property shall be exempt from taxation:

(1) All household goods and furnishings in actual use by the owner thereof in equipping and outfitting his or her residence or place of abode and not for sale or commercial use, and all personal effects held by any person for his or her exclusive use and benefit and not for sale or commercial use.

(2) The personal property, other than specified in subdivision (1) hereof, of each head of family liable to assessment and taxation of which such individual is the actual and bona fide owner to an amount of three hundred dollars of actual values: *Provided*, That this exemption shall not apply to any private motor vehicle, and *Provided, further*, That if the county assessor is satisfied that all of the personal property of any person is exempt from taxation under the provisions of this statute or any other statute providing exemptions for personal property, no listing of such property shall be required; but if the personal property described in subdivision (2) of this section exceeds in value the amount allowed as exempt, then a complete list of said personal property shall be made as provided by law, and the county assessor shall deduct the amount of the exemption authorized by this subdivision from the total amount of the assessment and assess the remainder.

84.36.120 ———Definitions. For the purposes of RCW 84.36.110 "head of a family" shall be construed to include a widow, any person receiving an old age pension under the laws of this state and any citizen of the United States, over the age of sixty-five years, who has resided in the state of Washington continuously for ten years.

"Personal effects" shall be construed to mean and include such tangible property as usually and ordinarily attends the person such as wearing apparel, jewelry, toilet articles and the like.

"Private motor vehicle" shall be construed to mean and include all motor vehicles used for the convenience or pleasure of the owner and carrying a licensing classification other than motor vehicle for hire, auto stage, auto stage trailer, motor truck, motor truck trailer or dealers' licenses.

84.36.130 Airport property in this state belonging to municipalities of adjoining states. All property, whether real or personal, belonging exclusively to any municipal corporation in an adjoining state legally empowered by the laws of such adjoining state to acquire and hold property within this state, and which property is used primarily for airport purposes and other facilities for landing, terminals, housing, repair and care of dirigibles, airplanes and seaplanes for the aerial transportation of persons, property or mail, or in the armed forces of the United States, and upon which property

there is expended funds by the federal, county or state agencies, or upon which funds are allocated by the federal government agencies on national defense projects, is hereby exempted from ad valorem taxation.

84.36.140 Exemption of grains, flour, fruit, vegetables and fish—Limitation—Proof of shipment. All grains and flour, fruit and fruit products, vegetables and vegetable products, and fish and fish products, while being transported to or held in storage in a public or private warehouse shall be exempt from taxation if actually shipped to points outside the state on or before April 30th of the first year for which they would otherwise be taxable: *Provided*, That proof of shipment be furnished as required in RCW 84.36.150.

84.36.150 ———Listing and subsequent cancellation—Proof. The county assessor shall list and assess all such grains and flour, fruit and fruit products, vegetables and vegetable products, and fish and fish products as of January 1st of each year, without regard to any average inventory; but shall cancel any such assessment in whole or in proportionate part upon receipt of sufficient documentary proof that the property so assessed was actually shipped to points outside the state on or before April 30th of such year: *Provided*, That no such cancellation shall be made unless such proof be furnished to the county assessor before June 1st of such year: *Provided further*, That any such assessment of grain shall also be subject to cancellation as provided in this section if sufficient documentary proof be so furnished that the grain so assessed was milled into flour and such flour was actually shipped to points outside the state on or before April 30th of such year.

84.36.160 ———Definitions. For the purposes of RCW 84.36.140, 84.36.150, 84.36.161 and 84.36.162:

The term "grains and flour" shall mean and include all raw whole grains in their usual marketable state; and grain flour in the hands of the first processor; but not any other grain product.

The term "fruit and fruit products" shall mean and include all raw edible fruits and berries; and all processed products of fruits or berries, suitable and designed for human consumption, while in the hands of the first processor.

The term "vegetables and vegetable products" shall mean and include all raw edible vegetables, such as peas, beans, beets, and other vegetables; and all processed products of vegetables, suitable and designed for human consumption, while in the hands of the first processor.

The term "fish and fish products" shall mean and include all fish and fish products suitable and designed for human consumption, excluding all others.

The term "processed" shall be construed to refer to canning, barreling, bottling, preserving, refining, freezing, packing, milling or any other method employed to keep any grain, fruit, vegetables or fish in edible condition or to put them into more suitable or convenient form for consumption, storing, shipping or marketing.

84.36.161 ————**Construction of RCW 84.36.140, 84.36.150, 84.36.160 and 84.36.162—Effect on other acts.** RCW 84.36.140, 84.36.150, 84.36.160 and 84.36.162 shall not be construed to amend or repeal RCW 84.40.210 or 84.44.060.

84.36.162 ————**Purpose.** The purpose of RCW 84.36.140, 84.36.150, 84.36.160 and 84.36.161 is to encourage the storage of the commodities herein defined in the state of Washington and RCW 84.36.140, 84.36.150, 84.36.160 and 84.36.161 shall be liberally construed.

84.36.190 Metals in cathode or bar form for sale and held under negotiable warehouse receipt. All metals refined by electrolytic process into cathode or bar form while in such form and held under negotiable warehouse receipt in a public or private warehouse recognized by an established incorporated commodity exchange, and for sale through such exchange, shall be considered and held to be property in transit and not taxable.

84.36.191 ————**Purpose and construction.** The purpose of RCW 84.36.190 is to encourage the storage of such products in the state of Washington, and to this end RCW 84.36.190 shall be liberally construed.

84.36.210 Public right of way easements. Whenever the state, or any city, town, county or other municipal corporation has obtained a written easement for a right of way over and across any private property and the written instrument has been placed of record in the county auditor's office of the county in which the property is located, the easement rights shall be exempt from taxation and exempt from general tax foreclosure and sale for delinquent property taxes of the property over and across which the easement exists; and all property tax records of the county and tax statements relating to the servient property shall show the existence of such easement and that it is exempt from the tax; and any notice of sale and tax deed relating to the servient property shall show that such easement exists and is expected from the sale of the servient property.

84.36.230 Interstate bridges—Reciprocity. Any bridge, including its approaches, over rivers or bodies of water forming interstate boundaries, which bridge has been constructed or acquired and is being operated by any foreign state bordering upon such common interstate boundary, or which has been constructed or acquired

and is being operated by any county, city or other municipality of such foreign state, shall be exempt from all property and other taxes in the state of Washington, if the foreign state exempts from all taxation any bridge or bridges constructed or acquired and being operated by the state of Washington or any county, city or other municipality thereof.

Chapter 84.40

LISTING OF PROPERTY

84.40.020 Assessment date—Average inventory basis may be used. All real property in this state subject to taxation shall be listed and assessed every year, with reference to its value on the first day of January of the year in which it is assessed. All personal property in this state subject to taxation shall be listed and assessed every year, with reference to its value and ownership on the first day of January of the year in which it is assessed: *Provided*, That if the stock of goods, wares, merchandise or material, whether in a raw or finished state or in process of manufacture, owned or held by any taxpayer on January 1 of any year does not fairly represent the average stock carried by such taxpayer, the county assessor shall list and assess such stock upon the basis of the monthly average of stock owned or held by such taxpayer during the preceding calendar year or during such portion thereof as the taxpayer was engaged in business.

84.40.030 Basis of valuation—Criterion of value—Growing crops excluded — Mines, quarries — Leaseholds. All property shall be assessed fifty percent of its true and fair value in money. In determining the true and fair value of real or personal property, the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation; nor shall he adopt as a criterion of value the price for which the said property would sell at auction, or at a forced sale, or in the aggregate with all the property in the town or district; but he shall value each article or description of property by itself, and at such price as he believes the same to be fairly worth in money at the time such assessment is made. The true cash value of property shall be that value at which the property would be taken in payment of a just debt from a solvent debtor. In assessing any tract or lot of real property, the value of the land, exclusive of improvements, shall be determined; also, the value of all improvements and structures thereon and the aggregate value of the property, including all structures and other improvements, excluding the value of crops growing on cultivated lands. In valuing any real property on which there is a coal or other mine, or stone or other quarry, the land

shall be valued at such price as such land would sell at a fair, voluntary sale for cash; any improvements thereon shall be separately valued and assessed as hereinabove provided; and any personal property connected therewith shall be listed, valued and assessed separately as other personal property is assessed under general law. Taxable leasehold estates shall be valued at such price as they would bring at a fair, voluntary sale for cash.

84.40.040 Time and manner of listing. The assessor shall begin the preliminary work for each assessment not later than the first day of December of each year in all counties in the state. He shall also complete the duties of listing and placing valuations on all property by May 31st of each year, and in the following manner, to wit:

He shall actually determine as nearly as practicable the true and fair value of each tract or lot of land listed for taxation and of each improvement located thereon and shall enter fifty percent of the value of such land and of the total value of such improvements, together with the total of such fifty percent valuations, opposite each description of property on his assessment list and tax roll.

He shall make an alphabetical list of the names of all persons in his county liable to assessment of personal property, and require each person to make a correct list and statement of such property according to the prescribed form, which statement and list shall be subscribed and sworn to by the person listing the property, and the assessor shall thereupon determine the value of the property included in such statement and enter fifty percent of the same in the assessment books opposite the name of the party assessed; and in making such entry in his assessment list, he shall give the name and post office address of the party listing the property, and if the party resides in a city the assessor shall give the street and number or other brief description of his residence or place of business.

84.40.050 Detail and assessment lists. The tax commission shall from time to time prescribe suitable blank forms of detail and assessment lists or schedules, to be used by the assessors for the listing and assessment and equalization of property, and upon which shall be entered by the assessor, or by the owner or holder, the agent or attorney, the partner, trustee, assignee, receiver, guardian, executor or administrator, or by the president, secretary or principal accounting officer of any company or corporation, a full, true and accurate statement or listing of all property, real and personal, as being owned, held or controlled as aforesaid, and as in such detail list directed, with any and all other property that may not be specified therein, if any such there be, that may be liable to assessment and taxation, and including all property that may or shall be deducted therefrom under exemptions. Such listing shall be verified under the oath of the owner or holder of any such

listed property or by the duly authorized agent making the same, on the blank form of affidavit prescribed, and the true and fair value of such property having been determined and fixed by the assessor, fifty percent of such valuation shall be entered opposite each and every item as therein listed and verified, but to which detail and assessment list may and shall be added by the assessor or his deputy, any and all other taxable property that may at any time be thereafter created or discovered, not appearing therein, so that no property shall escape assessment and taxation.

84.40.060 Assessor to call at office, business, or residence in listing. The assessor shall call at the office, place of doing business or residence of each person required by this title to list property, and list his name, and shall require such person to make a correct statement of his taxable property, in accordance with the provisions of this title; and every person so required shall enter a true and correct statement of such property in the form prescribed, which statement shall be signed and verified by the oath of the person listing the property, and shall deliver to the assessor, who shall thereupon assess the value of such property and enter fifty percent of the same in his books: *Provided*, If any property is listed or assessed on or after the 31st day of May, the same shall be legal and binding as if listed and assessed before that time: *Provided, further*, That if from any reason the assessor shall fail to visit any such person, firm or corporation, the said failure shall not impair or invalidate such assessment.

84.40.070 Corporate listing. The president, secretary or principal accounting officer or agent of any company or association, whether incorporated or unincorporated, except as otherwise provided for in this title, shall make out and deliver to the assessor a sworn statement of its property, setting forth particularly—First, the name and location of the company or association; second, the real property of the company or association, and where situated; third, the nature and value of its personal property. The real and personal property of such company or association shall be assessed the same as other real and personal property. In all cases of failure or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the assessor to make such return or statement from the best information he can obtain.

84.40.080 Listing omitted property or improvements. The assessor, upon his own motion, or upon the application of any taxpayer, shall enter in the detail and assessment list of the current year any property shown to have been omitted from the assessment list of any preceding year, at the valuation of that year, or if not then valued, at such valuation as the assessor shall determine from

the preceding year, and such valuation shall be stated in a separate line from the valuation of the current year. Where improvements have not been valued and assessed as a part of the real estate upon which the same may be located, as evidenced by the assessment rolls, they may be separately valued and assessed as omitted property under this section: *Provided*, That no such assessment shall be made for any period more than three years preceding the year in which such improvements are valued and assessed: *Provided, further*, That no such assessment shall be made in any case where a bona fide purchaser, encumbrancer, or contract buyer has acquired any interest in said property prior to the time such improvements are assessed. When such an omitted assessment is made, the taxes levied thereon may be paid within one year of the due date of the taxes for the year in which the assessment is made without penalty or interest.

84.40.090 Taxing districts to be designated. It shall be the duty of assessors, when assessing real or personal property, to designate the name or number of each taxing and road district in which each person and each description of property assessed is liable for taxes, which designation shall be made by writing the name or number of the districts opposite each assessment in the column provided for that purpose in the detail and assessment list. When the real and personal property of any person is assessable in several taxing districts and/or road districts, the amount in each shall be assessed on separate detail and assessment lists, and all property assessable in incorporated cities or towns shall be assessed in consecutive books, where more than one book is necessary, separate from outside property and separately, and the name of the owner, if known, together with his post office address, placed opposite each amount.

84.40.100 Map of districts to be furnished by county commissioners. The county commissioners of each county shall furnish the assessor with a map of the county, showing the boundaries of each taxing and road district therein named or numbered. And the board of county commissioners in fixing, changing or revising the boundaries of any road district or districts, shall, wherever practicable, make the boundaries of such road district or districts conform to the boundaries of the school district nearest coincident thereto, to the end that the several school and road districts in each county shall correspond in territory one with the other: *Provided*, That any road district may include more than one school district.

84.40.110 Examination under oath—Default listing. When the assessor shall be of opinion that the person listing property for himself or for any other person, company or corporation, has not

made a full, fair and complete list of such property, he may examine such person under oath in regard to the amount of the property he is required to list, and if such person shall refuse to answer under oath, and a full discovery made, the assessor may list the property of such person, or his principal, according to his best judgment and information.

84.40.120 Oaths, who may administer — Criminal penalty for wilful false listing. Any oath authorized to be administered under this title may be administered by any assessor or deputy assessor, or by any other officer having authority to administer oaths. Any person wilfully making a false list, schedule or statement under oath shall be liable as in case of perjury.

84.40.130 Civil penalty for false or fraudulent listing or refusal to list. If any person or corporation shall give a false or fraudulent list, schedule or statement required by this chapter, or shall fail or refuse to deliver to the assessor, when called on for that purpose, a list of the taxable personal property which he is required to list under this chapter, he or it shall be liable to a penalty of not less than ten dollars nor more than two thousand dollars, to be recovered in any proper form of action in the name of the state of Washington on the complaint of any person, such fine, when collected, to be paid into the county treasury to the credit of the current expense fund.

84.40.140 Sick or absent persons—Listing by. If any person required by this title to list property shall be sick or absent when the assessor calls for a list of his property, the assessor shall leave at the office, or usual place of residence or business of such person, a written or printed notice requiring such person to make out and leave at the place named by said assessor, on or before some convenient day named therein, the statement or list required by this title. The date of leaving such notice and the name of the person required to list the property, shall be noted by the assessor in his assessment book.

84.40.150 ————May report to board of equalization. If any person required to list property for taxation is prevented by sickness or absence from giving to the assessor such statement, such person or his agent having charge of such property, may, at any time before the close of the session of the board of equalization, make out and deliver to said board a statement of the same as required by this title, and the board shall, in such case, make an entry thereof, and correct the corresponding item or items in the return made by the assessor, as the case may require; but no such statement shall be received by the said board from any person who refused or neglected to make oath to his statement when required by the assessor as provided herein; nor from any person unless he makes and files with

the said board an affidavit that he was absent from his county, without design to avoid the listing of his property, or was prevented by sickness from giving the assessor the required statement when called on for that purpose.

84.40.160 Manner of listing real estate. The assessor shall list all real property according to the largest legal subdivision as near as practicable. The assessor shall make out in the plat an description book in numerical order a complete list of all lands or lots subject to taxation, showing the names and owners, if to him known and if unknown, so stated; the number of acres and lots or parts of lots included in each description of property and the value per acre or lot: *Provided*, That the assessor shall give to each tract of land where described by metes and bounds a number, to be designated as Tax No., which said number shall be placed on the tax rolls to indicate that certain piece of real property bearing such number, and described by metes and bounds in the plat and description book herein mentioned, and it shall not be necessary to enter a description by metes and bounds on the tax roll of the county, and the assessor's plat and description book shall be kept as a part of the tax collector's records: *And provided, further*, That the board of county commissioners of any county may by order direct that the property be listed numerically according to lots and blocks or section, township and range, in the smallest platted or government subdivision, and when so listed the value of each block, lot or tract, the value of the improvements thereon and the total value thereof, including improvements thereon, shall be extended after the description of each lot, block or tract, which last extension shall be in the column headed "Total value of each tract, lot or block of land assessed with improvements as returned by the assessor." In carrying the values of said property into the column representing the equalized value thereof, the county assessor shall include and carry over in one item the equalized valuation of all lots in one block, or land in one section, listed consecutively, which belong to any one person, firm or corporation, and are situated within the same taxing district, and in the assessed value of which the county board of equalization has made no change. Where assessed valuations are changed, the equalized valuation must be extended and shown by item.

84.40.170 Plat of irregular subdivided tracts—Notice to owner—Surveys. In all cases of irregular subdivided tracts or lots of land other than any regular government subdivision the county assessor shall outline a plat of such tracts or lots and notify the owner or owners thereof with a request to have the same surveyed by the county engineer, and cause the same to be platted into numbered (or lettered) lots or tracts: *Provided, however*, That where any

county has in its possession the correct field notes of any such tract or lot of land a new survey shall not be necessary, but such tracts may be mapped from such field notes. In case the owner of such tracts or lots neglects or refuses to have the same surveyed or platted, the county assessor shall notify the board of county commissioners in and for the county, who may order and direct the county engineer to make the proper survey and plat of the tracts and lots. A plat shall be made on which said tracts or lots of land shall be accurately described by lines, and numbered (or lettered), which numbers (or letters) together with number of the section, township and range shall be distinctly marked on such plat, and the field notes of all such tracts or lots of land shall describe each tract or lot according to the survey, and such tract or lot shall be numbered (or lettered) to correspond with its number (or letter) on the map. The plat shall be given a designated name by the surveyor thereof. When the survey, plat, field notes and name of plat, shall have been approved by the board of county commissioners, the plat and field notes shall be filed and recorded in the office of the county auditor, and the description of any tract or lot of land described in said plats by number (or letter), section, township and range, shall be a sufficient and legal description for revenue and all other purposes.

84.40.175 Listing of exempt property—Proof of exemption. At the time of making the assessment of real property, the assessor shall enter each description of property exempt under the provisions of RCW 84.36.005 through 84.36.060, and value and list the same in the manner and subject to the same rule as he is required to assess all other property, designating in each case to whom such property belongs, and for what purpose used, to entitle it to exemption, and he shall require from every person claiming such exemption proof of the right to such exemption.

84.40.180 Manner of listing personalty—Who shall list. Personal property shall be listed in the manner following: First, every person of full age and sound mind, being a resident of this state, shall list all his moneys, shares of stock of joint stock or other companies (when the property of such company is not assessed in the state), franchises, royalties and other personal property; second, he shall also list separately as agent, and in the name of his principal, all personal property in his possession or under his control belonging to his principal who is a nonresident of the state of Washington or of the county where such personal property is situated; third, the property of a minor child shall be listed by his guardian or by the person having such property in charge; fourth, the property of an idiot or lunatic, by the person having charge of such property; fifth, the property of a person for whose benefit

it is held in trust by the trustee of the estate of the deceased person, or by the executor or administrator; sixth, the property of corporations whose assets are in the hands of receivers, by such receivers or their agents; seventh, the property of a body politic or corporate, by the president or proper agent or officer thereof; eighth, the property of a firm or company, by a partner or agent thereof; ninth, money and property in litigation, in possession of any county officer, must be assessed to the custodian thereof, and the taxes thereon paid by the custodian thereof under the direction of the court.

84.40.190 Statement of personalty to be delivered to assessor. Every person required by this title to list property shall make out and deliver to the assessor, when required, a statement, verified by his oath, of all the personal property in his possession or under his control, and which, by the provisions of this title, he is required to list for taxation, either as owner or holder thereof or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; no person shall be required to list for taxation in his statement to the assessor any share or portion of the capital stock, or of any of the property of any company, association or corporation, which such person may hold in whole or in part, where such company, being required so to do, has listed for assessment and taxation its capital stock and property with the tax commission, or as otherwise required by law. The assessor may require such statement listing personal property to be delivered to him by mail or in such other manner as he may prescribe, providing that he shall first clearly outline to the board of county commissioners of his county the procedure he proposes to follow, and shall have obtained from such board its formal approval of such procedure, and such approval when once granted shall remain effective until formally rescinded by such board.

84.40.200 Listing of personalty on failure to obtain statement—Statement of valuation to person assessed or listing. In all cases of failure to obtain a statement of personal property, from any cause, it shall be the duty of the assessor to ascertain the amount and value of such property and assess the same at such amount as he believes to be the true value thereof. The assessor, in all cases of the assessment of personal property, shall deliver or mail to the person assessed, or to the person listing the property, a copy of the statement of property hereinbefore required, showing the valuation of the property so listed, which copy shall be signed by the assessor.

84.40.210 Personalty of manufacturer—Ores, metals in reduction or refinement—Merchandise, raw furs, etc., in transit. Every person

who purchases, receives or holds personal property of any description for the purpose of adding to the value thereof by any process of manufacturing, refining, rectifying, or by the combination of different materials with the view of making gain or profit by so doing shall be held to be a manufacturer, and he shall, when required to, make and deliver to the assessor a statement of the amount of his other personal property subject to taxes, also include in his statement the value of all articles purchased, received or otherwise held for the purpose of being used in whole or in part in any process or processes of manufacturing, combining, rectifying or refining. Every person owning a manufacturing establishment of any kind and every manufacturer shall list as part of his manufacturer's stock the value of all engines and machinery of every description used or designed to be used in any process of refining or manufacturing except such fixtures as have been considered as part of any parcel of real property, including all tools and implements of every kind, used or designed to be used for the first aforesaid purpose: *Provided, however,* That all ore or metal shipped from without this state to any smelter or refining works within this state while in process of reduction or refinement and for thirty days after the completion of said reduction or refinement, shall be considered and held to be property in transit and nontaxable: *And provided further,* That goods, wares and merchandise manufactured or produced in any of the territories or possessions of the United States situated outside the boundaries thereof, and all raw furs produced outside the state of Washington and brought into the state for the sole purpose of transportation through and to points without the state, while being so transported, or while held in storage in a public or private warehouse awaiting such transportation, shall be considered and held to be property in transit and nontaxable if actually shipped to points outside the state on or before April 30th of the first year for which they would otherwise be taxable; and the county assessor shall list and assess all such goods, wares, and merchandise as of January 1st of each year, without regard to any average inventory, but shall cancel any such assessment in whole or in proportionate part upon receipt of sufficient documentary proof that the identical property so assessed was actually shipped to points outside the state on or before April 30th of such year; but no such cancellation shall be made unless such proof be furnished to the county assessor before June 1st of such year. A sale of or transfer of title to any such property, while being so transported or held in storage, shall not operate to defeat the intent or purpose of this proviso.

Note: See also chapter 168, Laws of 1961.

84.40.220 Merchant's personalty held for sale—Consignment from out of state—Nursery stock assessable as growing crops. Who-

ever owns, or has in his possession or subject to his control, any goods, merchandise, grain or produce of any kind, or other personal property within this state, with authority to sell the same, which has been purchased either in or out of this state, with a view to being sold at an advanced price or profit, or which has been consigned to him from any place out of this state for the purpose of being sold at any place within the state, shall be held to be a merchant, and when he is by this title required to make out and to deliver to the assessor a statement of his other personal property, he shall state the value of such property pertaining to his business as a merchant. No consignee shall be required to list for taxation the value of any property the product of this state, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded, if he has no interest in such property nor any profit to be derived from its sale. The growing stock of nurserymen shall be considered the same as other growing crops on cultivated land.

84.40.230 Contract to purchase public land. When any real property is sold on contract by the United States of America, the state, or any county or municipality, and such contract expresses or implies that the vendee is entitled to the possession, use, benefits and profits thereof and therefrom so long as he complies with the terms of such contract, it shall be deemed that the vendor retains title merely as security for the fulfilment of the contract, and such property shall be assessed and taxed in the same manner as other similar property in private ownership is taxed, and the tax roll shall contain, opposite the description of the property so assessed the following notation: "Subject to title remaining in the vendor" or other notation of similar significance. No foreclosure for delinquent taxes nor any deed issued pursuant thereto shall extinguish or otherwise affect the title of the vendor. In any case under former law where the contract and not the property was taxed no deed of the property described in such contract shall ever be executed and delivered by the state or any county or municipality until all taxes assessed against such contract and local assessments assessed against the land described thereon are fully paid.

84.40.240 Annual list of lands sold or contracted to be sold to be furnished assessor. The assessor of each county shall, on or before the first day of January of each year, obtain from the department of natural resources, and from the local land offices of the state, lists of public lands sold or contracted to be sold during the previous year in his county, and certify them for taxation, together with the various classes of state lands sold during the same year, and it shall be the duty of the department of natural resources to certify a list

or lists of all public lands sold or contracted to be sold during the previous year, on application of the assessor of any county applying therefor.

84.40.250 Improvements on public lands assessed as personalty until final proof and certificate. The assessor must assess all improvements on public lands as personal property until the settler thereon has made final proof. After final proof has been made, and a certificate issued therefor, the land itself must be assessed, notwithstanding the patent has not been issued.

84.40.260 Procedure on failure to list personalty. In every case where any person whose duty it is to list personal property for taxation has refused or neglected to list the same when called on by the assessor for that purpose, or to take and subscribe an oath in regard to the truth of his statement of personal property, or any part thereof, when required by the assessor, the assessor shall enter opposite the name of such person, in an appropriate column, the words "refused to list," or "refused to swear," as the case may be; and in every case where any person required to list property for taxation has been absent or unable from sickness to list the same, the assessor shall list the property of such person and enter opposite the name of such person, in an appropriate column, the words "absent or sick." The assessor is hereby authorized to administer oaths to all persons who, by the provisions of this title are required to swear, or whom he may require to testify in any case, and he may examine upon oath any person whom he may suppose to have knowledge of the amount or value of the personal property of any person refusing to list or verify his list of personal property. The assessor shall report to the county board of equalization all cases where the owner or agent of property assessed was, at the time of assessment, either absent or sick, or refused to make a sworn statement in reference thereto.

84.40.270 Assessment of banks and bank stock. All the shares of stock in a bank, whether of issue or not, existing by authority of the United States or of the state, and located within the state, shall be assessed to the respective owners thereof in the city, town or other taxing district where such bank is located, and not elsewhere, in the assessment of all state, county, city, town and other taxing district taxes imposed and levied in such place, whether such owner is a resident of said city, town or other taxing district or not; all such shares shall be assessed at fifty percent of their full and fair value in money on the first day of January in each year, first deducting therefrom the proportionate part of the assessed value of the real property belonging to the bank less any incumbrance thereon, and the person or corporations who appear from

the records of the banks to be owners of shares at the close of the business day next preceding the first day of January in each year shall be taken and deemed to be the owners thereof for the purposes of this section.

84.40.280 ———Payment of tax by bank. Every such bank shall pay to the county treasurer, or other person authorized to collect the taxes of the state, county, city, town or other taxing district in which the same is located, at the time in each year when other taxes assessed in the said state, county, city, town or other taxing district become due, the amount of the tax so assessed in each year upon the shares in such bank. If such tax is not so paid, such bank shall be liable for the same.

84.40.290 ———Lien on shares and property of shareholders—Foreclosure by bank. The shares of such banks shall be subject to the tax paid thereon by the bank or by the officers thereof, and the bank and the officers thereof shall have a lien on all the shares in such bank and on all the rights and property of the shareholders in the corporate property for the payment of said taxes, which lien may be foreclosed by a similar proceeding as under chattel mortgages, and the said tax, with interest thereon at the rate of fifteen percent per annum from the day when the tax became due, together with a reasonable attorney's fee, may be recovered as in a civil action brought by the treasurer of such county.

84.40.300 ———List of shareholders to be furnished assessor. The cashier of every such bank shall make and deliver to the assessor of the county in which such bank is located, on or before the fifteenth day of January in each year, a statement verified by the oath of such cashier showing the name of each shareholder, with his residence and the number of shares belonging to him at the close of the business day next preceding the first day of January, as the same then appeared on the books of said bank. If the cashier fails to make such statement, said assessor shall forthwith, upon such failure, obtain a list of shareholders, with the residence of and number of shares belonging to each.

84.40.310 Foreign banks, assessment of. Foreign banks doing business in this state and having no fixed amount of capital paid in and used permanently in the conduct of such business shall be assessed on an amount equal to a general average of money used as exhibited by daily or monthly balance sheets during the year preceding the time of rendering such tax list to the assessor. If such bank shall refuse to make such return of capital as above provided, then the assessor shall proceed to make an arbitrary assessment, which shall be as fair and as equitable as he may be able to make from the best information he possesses.

84.40.315 Federal agencies and property taxable when federal law permits. Notwithstanding the provisions of RCW 84.36.010 or anything to the contrary in the laws of the state of Washington, expressed or implied, the United States and its agencies and instrumentalities and their property are hereby declared to be taxable, and shall be taxed under the existing laws of this state or any such laws hereafter enacted, whenever and in such manner as such taxation may be authorized or permitted under the laws of the United States.

84.40.320 Detail and assessment lists to board of equalization. The assessor shall add up and note the amount of each column in his detail and assessment lists, which he shall have bound in book form in such manner, to be prescribed or approved by the state tax commission, as will provide a convenient and permanent record of assessment. He shall also make, under proper headings, a tabular statement showing the footings of the several columns upon each page, and shall add and set down under the respective headings the total amounts of each column, which he shall attach to the highest numbered assessment book, and on the first Monday of July he shall file the same, properly indexed, with the clerk of the bounty board of equalization for the purpose of equalization by the said board. Such returns shall be verified by his affidavit, substantially in the following form:

State of Washington,County, ss.

I,, Assessor, do solemnly swear that the books No. 1 to No., to the last of which this is attached, contain a correct and full list of all the real property (or personal property, as the case may be) subject to taxation in county, so far as I have been able to ascertain the same; and that the assessed value set down in the proper column, opposite the several kinds and descriptions of property, is in each case fifty percent of the true and fair value of such property, to the best of my knowledge and belief, and that the footings of the several columns in said books, and the tabular statement returned herewith, are correct, as I verily believe.

....., Assessor.

Subscribed and sworn to before me this day of, 19

(L. S.), Auditor of county.

Provided, That the failure of the assessor to attach his certificate shall in nowise invalidate the assessment. After the same has been duly equalized by the county and state board of equalization, the same shall be delivered to the county assessor, who shall then extend the amount as levied by the state and county boards upon the said detail and assessment lists as by law provided.

84.40.330 Assessor to furnish commission list of businesses of public character. It shall be the duty of the county assessor, on the completion of his assessment rolls each year, to furnish the tax commission a list of corporations, companies, associations, banks and individuals doing business of a public character whose assessed valuation is three thousand dollars or more, together with the class of property and the valuation placed on same for assessment purposes.

Chapter 84.41

REVALUATION OF PROPERTY

84.41.010 Declaration of policy. Recent comprehensive studies by the legislative council have disclosed gross inequality and non-uniformity in valuation of real property for tax purposes throughout the state. Serious nonuniformity in valuations exists both between similar property within the various taxing districts and between general levels of valuation of the various counties. Such nonuniformity results in inequality in taxation contrary to standards of fairness and uniformity required and established by the Constitution and is of such flagrant and widespread occurrence as to constitute a grave emergency adversely affecting state and local government and the welfare of all the people.

Traditional public policy of the state has vested large measure of control in matters of property valuation in county government, and the state hereby declares its purpose to continue such policy. However, present statutes and practices thereunder have failed to achieve the measure of uniformity required by the Constitution; the resultant widespread inequality and nonuniformity in valuation of property can and should no longer be tolerated. It thus becomes necessary to require general revaluation of property throughout the state.

84.41.020 Scope of chapter. This chapter does not, and is not intended to affect procedures whereby taxes are imposed either for local or state purposes. This chapter concerns solely the administrative procedures by which the true and fair value in money of property is determined. The process of valuation, which is distinct and separate from the process of levying and imposing a tax, does not result either in the imposition of a tax or the determination of the amount of a tax. This chapter is intended to, and applies only to procedures and methods whereby the value of property is ascertained.

84.41.030 First program, dates—Continuous thereafter—Revaluation schedule. Each county assessor shall commence, immediately if possible, but no later than January 1, 1956, a comprehensive pro-

gram of revaluation of all taxable property within his respective county. Such program shall progress at a rate which will result in the revaluation of all taxable property within the county before June 1, 1958. Each assessor shall thereafter maintain an active and systematic program of revaluation on a continuous basis, and shall establish a revaluation schedule which will result in revaluation of all taxable property within the county at least once each four years. A copy of such schedule shall be filed by each assessor with the tax commission before October 15, 1956.

84.41.040 Physical inspection of property. Each county assessor shall cause real property being valued to be physically inspected and shall require such examination as will provide adequate data from which to make accurate valuations. Property which may have been revalued after physical examination by the assessor subsequent to May 31, 1954, shall be considered to have been revalued pursuant to the requirements of this chapter.

84.41.050 Budget, levy, to provide funds. Each county assessor in budgets hereafter submitted, shall make adequate provision to effect county-wide revaluations as herein directed. The several boards of county commissioners in passing upon budgets submitted by the several assessors, shall authorize and levy amounts which in the judgment of the board will suffice to carry out the directions of this chapter.

84.41.060 Assistance by tax commission at request of assessor. Any county assessor may request special assistance from the tax commission in the valuation of property which either (1) requires specialized knowledge not otherwise available to the assessor's staff, or (2) because of an inadequate staff, cannot be completed by the assessor within the time required by this chapter. After consideration of such request the tax commission shall advise the assessor that such request is either approved or rejected in whole or in part. Upon approval of such request, the tax commission may assist the assessor in the valuation of such property in such manner as the tax commission, in its discretion, considers proper and adequate.

84.41.070 Finding of unsatisfactory progress—Notice—Duty of county commissioners. If the tax commission finds upon its own investigation, or upon a showing by others, that the revaluation program for any county is not proceeding for any reason as herein directed, or is not proceeding for any reason with sufficient rapidity to be completed before June 1, 1958, the tax commission shall advise both the board of county commissioners and the county assessor of such finding. Within thirty days after receiving such advice, the board of county commissioners, at regular or special session, either

(1) shall authorize such expenditures as will enable the assessor to complete the revaluation program as herein directed, or (2) shall direct the assessor to request special assistance from the tax commission for aid in effectuating the county's revaluation program.

84.41.080 Contracts for special assistance. Upon receiving a request from the county assessor, either upon his initiation or at the direction of the board of county commissioners, for special assistance in the county's revaluation program, the tax commission may, before undertaking to render such special assistance, negotiate a contract with the board of county commissioners of the county concerned. Such contracts as are negotiated shall provide that the county will reimburse the state for fifty percent of the costs of such special assistance within three years of the date of expenditure of such costs. All such reimbursements shall be paid to the tax commission for deposit to the state general fund. The tax commission shall keep complete records of such contracts, including costs incurred, payments received, and services performed thereunder.

84.41.090 Valuation standards—Tax commission rules, regulations, publications. The tax commission shall make and publish such rules, regulations and guides which it determines are needed to supplement materials presently published by the tax commission for the general guidance and assistance of county assessors. Each assessor is hereby directed and required to value property in accordance with the standards established by RCW 84.40.030 and in accordance with the applicable rules, regulations and valuation manuals published by the tax commission.

84.41.110 Appraisers to act in advisory capacity. Appraisers whose services may be obtained by contract or who may be assigned by the tax commission to assist any county assessor shall act in an advisory capacity only, and valuations made by them shall not in any manner be binding upon the assessor, it being the intent herein that all valuations made pursuant to this chapter shall be made and entered by the assessor pursuant to law as directed herein.

84.41.120 Assessor to keep records—Orders of commission, compliance enjoined, remedies. Each county assessor shall keep such books and records as are required by the rules and regulations of the tax commission and shall comply with any lawful order, rule or regulation of the commission.

Whenever it appears to the tax commission that any assessor has failed to comply with any of the provisions of this chapter relating to his duties or the rules of the tax commission made in pursuance thereof, the tax commission, after a hearing on the facts, may issue an order directing such assessor to comply with

such provisions of this chapter or rules of the tax commission. Such order shall be mailed by registered mail to the assessor at the county court house. If, upon the expiration of fifteen days from the date such order is mailed, the assessor has not complied therewith or has not taken measures that will insure compliance within a reasonable time, the tax commission may apply to a judge of the superior court or court commissioner of the county in which such assessor holds office, for an order returnable within five days from the date thereof to compel him to comply with such provisions of law or of the tax commission's order or to show cause why he should not be compelled so to do. Any order issued by the judge pursuant to such order to show cause shall be final. The remedy herein provided shall be cumulative and shall not exclude the tax commission from exercising any powers or rights otherwise granted.

84.41.130 Assessor's annual reports. Each county assessor, before October 15th each year, shall prepare and submit to the tax commission a detailed report of the progress made in the revaluation program in his county to the date of the report and be made a matter of public record. Such report shall be submitted upon forms supplied by the tax commission and shall consist of such information as the tax commission requires. The tax commission shall transmit a copy of such report to the legislature.

84.41.140 Tax commission's report to legislature. The tax commission, thirty days prior to the convening of each regular session of the legislature, shall submit a comprehensive report showing the extent of progress of the revaluation program in each county. Such report shall also include any comments and recommendations the tax commission may have in regard to the revaluation program.

Chapter 84.44

TAXABLE SITUS

84.44.010 Situs of personalty generally—Personalty of merchant or manufacturer. Personal property, except such as is required in this title to be listed and assessed otherwise, shall be listed and assessed in the county where it is situated. The personal property pertaining to the business of a merchant or of a manufacturer shall be listed in the town or place where his business is carried on.

84.44.020 Gas, electric, water companies—Mains and pipes, as personalty. The personal property of gas, electric and water companies shall be listed and assessed in the town or city where the same is located. Gas and water mains and pipes laid in roads, streets or alleys, shall be held to be personal property.

84.44.030 Lumber and sawlogs. Lumber and sawlogs shall be assessed and taxed in the county and taxing district where the same may be situated at noon on the first day of January of the assessment year: *Provided*, That if any lumber or sawlogs shall, at said time, be in intrastate transit from one point to another within the state, the same shall be assessed and taxed in the county and taxing districts of their destination.

84.44.040 Personalty of road or bridge companies—Road or bridge as personalty. The personal property of plank road, gravel road, turnpike or bridge companies, shall be listed and assessed in the county, town or city where the same is located, and the road or bridge shall be held to be personal property.

84.44.050 Personalty of automobile transportation companies—Vessels, boats and small craft. The personal property of automobile transportation companies owning, controlling, operating or managing any motor propelled vehicle used in the business of transporting persons and/or property for compensation over any public highway in this state between fixed termini or over a regular route, shall be listed and assessed in the various counties where such vehicles are operated, in proportion to the mileage of their operations in such counties: *Provided*, That such vehicles shall not be listed or assessed for ad valorem taxation so long as chapter 82.44 remains in effect. All vessels of every class which are by law required to be registered, licensed or enrolled, must be assessed and the taxes thereon paid only in the county of their actual situs: *Provided*, That such interest shall be taxed but once. All boats and small craft not required to be registered must be assessed in the county of their actual situs.

84.44.060 Personalty connected with farm when owner doesn't reside thereon—Certain agricultural property exempt. When the owner of livestock or other personal property connected with a farm does not reside thereon, the property shall be listed and assessed in the county or place where the farm is situated; if not listed in said county, then to be taxed where found. All agricultural and horticultural products other than forest products, livestock and fowls, ownership of which remains in the original producer thereof on the first day of January next succeeding the harvesting thereof shall be exempt from assessment for taxation for the said year.

84.44.070 Migratory stock. When any cattle, horses, sheep or goats are driven into any county of this state for the purposes of grazing therein at any time after the first day of January in any year, they shall be liable to be assessed for all taxes leviable in that county for that year the same as if they had been in the county at the time of the annual assessment, and it shall be the

duty of the assessor in any county in which any of said stock are driven, to assess the same, and the taxes on said stock shall become due upon the assessment of the same, and the county treasurer shall collect said taxes at once in the manner prescribed by law for the collection of delinquent taxes: *Provided*, That such stock has not been assessed in some other county in this state for that year: *Provided further*, That upon demand of the county assessor of any county from or into which such stock may be driven for purposes of grazing, which demand must be made before July 1st of the assessment year, the total assessment of such stock shall be prorated between the home county of the stock and any other county or counties into which it may be driven for the purposes of grazing in proportion to the periods of time such stock is or will be physically situate in such respective counties; but no county shall be entitled to share in the assessment of grazing stock under this provision unless such stock shall have been physically situate in such county for a period of sixty days or more. The payment of taxes in any other state or territory, or the proof that said stock has been assessed for that year in any other state or territory, shall in no way exempt said stock from the operation of this section.

84.44.080 Owner moving into state or to another county after January 1st. The owner of personal property removing from one county to another between the first day of January and the first day of July shall be assessed in either in which he is first called upon by the assessor. The owner of personal property moving into this state from another state between the first day of January and the first day of July shall list the property owned by him on the first day of January of such year in the county in which he resides: *Provided*, That if such person has been assessed and can make it appear to the assessor that he is held for the tax of the current year on the property in another state or county, he shall not be again assessed for such year.

84.44.090 Disputes over situs to be determined by tax commission. In all questions that may arise under this title as to the proper place to list personal property, or where the same cannot be listed as stated in this title, if between several places in the same county, or between different counties, or places in different counties, the place for listing and assessing shall be determined and fixed by the tax commission; and when fixed in either case shall be as binding as if fixed by this title.

Chapter 84.48

EQUALIZATION OF ASSESSMENTS

84.48.010 County board of equalization, city board—Composition, duties—Duties of other county officers—Extending taxes. The county commissioners, or a majority of them, shall form a board for the equalization of the assessment of the property of the county: *Provided*, That in counties having a city or cities of the first or second class, the city council or other governing body thereof shall select a committee of three members of such council or other governing body to act with the board of county commissioners as a board of equalization, as to all property in their respective cities: *Provided further*, That in counties under township organization, the chairman of the township supervisors of the several townships, at a meeting called by the county auditor for that purpose, shall select a committee of three, one from each county commissioner's district, to sit with the county board of equalization as members of said county board of equalization as to all property outside the corporate limits of any city or town. The members of said board shall receive five dollars per day for each day of actual attendance of the meeting of the board of equalization to be paid out of the current expense fund of the county. The board of equalization shall meet in open session for this purpose annually on the first Monday in July at the office of the county assessor, who shall act as clerk of said board, and, having each taken an oath fairly and impartially to perform their duties as members of such board, they shall examine and compare the returns of the assessment of the property of the county and proceed to equalize the same, so that each tract or lot of real property and each article or class of personal property shall be entered on the assessment list at its true and fair value, according to the measure of value used by the county assessor in such assessment year, and subject to the following rules:

First. They shall raise the valuation of each tract or lot or item of real property which in their opinion is returned below its true and fair value to such price or sum as they believe to be the true and fair value thereof, after at least five days' notice shall have been given in writing to the owner or agent.

Second. They shall reduce the valuation of each tract or lot or item which in their opinion is returned above its true and fair value to such price or sum as they believe to be the true and fair value thereof.

Third. They shall raise the valuation of each class of personal property which in their opinion is returned below its true and fair

value to such price or sum as they believe to be the true and fair value thereof, and they shall raise the aggregate value of the personal property of each individual whenever they believe that such aggregate value is less than the true valuation of the taxable personal property possessed by such individual, to such sum or amount as they believe to be the true value thereof, after at least five days' notice shall have been given in writing to the owner or agent thereof.

Fourth. They shall, upon complaint in writing of any party aggrieved, reduce the valuation of each class of personal property enumerated on the detail and assessment list of the current year, which in their opinion is returned above its true and fair value, to such price or sum as they believe to be the true and fair value thereof; and, upon like complaint, they shall reduce the aggregate valuation of the personal property of such individual who, in their opinion, has been assessed at too large a sum, to such sum or amount as they believe was the true and fair value of his personal property.

The county assessor shall keep an accurate journal or record of the proceedings and orders of said board in a book kept for that purpose, showing the facts and evidence upon which their action is based, and the said record shall be published the same as other proceedings of county commissioners, and shall make a true record of the changes of the descriptions and assessed values ordered by the county board of equalization. Having corrected the real and personal assessment rolls in accordance with the changes made by said county board of equalization, he shall make duplicate abstracts of such corrected values, one copy of which shall be retained in his office, and one copy forwarded to the state board of equalization on or before the first day of August next following the meeting of the county board of equalization.

The county board of equalization shall meet on the first Monday in July and may continue in session and adjourn from time to time during a period not to exceed two weeks, but shall remain in session not less than three days: *Provided*, That, in addition to the several times fixed by statute, any county board of equalization may be reconvened for special or general purposes at any time by order of the state tax commission.

No taxes, except special taxes, shall be extended upon the tax rolls until the property valuations are equalized by the state board of equalization for the purpose of raising the state revenue.

Boards of county commissioners as such shall at no time have any authority to change the valuation of the property of any person or to release or commute in whole or in part the taxes due on the property of any person.

84.48.050 Abstract of rolls to state auditor—State action if assessor does not transmit, when. The county assessor shall, on or before the fifteenth day of January in each year, make out and transmit to the state auditor, in such form as may be prescribed, a complete abstract of the tax rolls of the county, showing the number of acres of land assessed, the value of such land, including the structures thereon; the value of town and city lots, including structures; the total value of all taxable personal property in the county; the aggregate amount of all taxable property in the county; the total amount as equalized and the total amount of taxes levied in the county for state, county, city and other taxing district purposes, for that year. Should the assessor of any county fail to transmit to the state board of equalization the abstract provided for in RCW 84.48.010 by the time the state board of equalization convenes, and if, by reason of such failure to transmit such abstract, any county shall fail to collect and pay to the state its due proportion of the state tax for any year, the state board of equalization shall, at its next annual session, ascertain what amount of state tax said county has failed to collect, and certify the same to the state auditor, who shall charge the amount to the proper county and notify the auditor of said county of the amount of said charge; said sum shall be due and payable immediately by warrant in favor of the state on the current expense fund of said county.

84.48.080 State board of equalization—General powers and duties—Levy and apportionments—Record to state auditor. The members of the tax commission shall constitute the state board of equalization; the chairman of the tax commission shall be the president of the board, and the secretary of the tax commission shall be the secretary thereof. The board shall remain in session not to exceed thirty days; it may adjourn from day to day, and employ such clerical assistance as may be deemed necessary to facilitate its labors. The board shall meet annually on the first day after the first day of August, Saturdays, Sundays and holidays excepted, at the office of the tax commission, and shall examine and compare the returns of the assessment of the property in the several counties of the state, and the assessment of the property of railroad and other companies assessed by the tax commission, and proceed to equalize the same, so that each county in the state shall pay its due and just proportion of the taxes for state purposes for such assessment year, according to the ratio the valuation of the property in each county bears to the total valuation of all property in the state.

First. They shall classify all property, real and personal, and shall raise and lower the valuation of any class of property in any county to a value that shall be equal and uniform, so far as possible,

in every part of the state, for the purpose of ascertaining the just amount of tax due from each county for state purposes.

Second. The secretary shall keep a full record of the proceedings of the board, and the same shall be published annually by the state tax commission.

Third. They shall have authority to adopt the rules and regulations for the government of the board, and to enforce obedience to its orders in all matters in relation to the returns of county assessments, and the equalization of values by said board.

The state board of equalization shall levy the state taxes authorized by law: *Provided*, That the amount levied in any one year for general state purposes shall not exceed the lawful millage on the dollar of the assessed value of the property of the entire state, which assessed value shall be fifty percent of the true and fair value of such property in money; and shall apportion the amount of tax for state purposes levied by the board, among the several counties, in proportion to the valuation of the taxable property of the county for the year as equalized by the board.

Within three days after the completion of the duties hereinabove prescribed, the president and secretary of the board shall certify the record of the proceedings of the board, the tax levies made for state purposes and the apportionment thereof among the counties, to the state auditor.

84.48.110 Transcript of proceedings to county assessors—Delinquent tax for seventh preceding year included. Within three days after the receipt of the record of the proceedings of the state board of equalization, the state auditor shall transmit to each county assessor a transcript of the proceedings of the board, specifying the amount to be levied and collected on said assessment books for state purposes for such year, and in addition thereto he shall certify to each county assessor the amount due to each state fund and unpaid from such county for the seventh preceding year, and such delinquent state taxes shall be added to the amount levied for the current year. The state auditor shall close the account of each county for the seventh preceding year and charge the amount of such delinquency to the tax levy of the current year. All taxes collected on and after the first day of July last preceding such certificate, on account of delinquent state taxes for the seventh preceding year shall belong to the county and by the county treasurer be credited to the current expense fund of the county in which collected.

84.48.120 Extension of state taxes. It shall be the duty of the county assessor of each county, when he shall have received from the state tax commission the assessed valuation of the property of railroad and other companies assessed by the commission and

apportioned to the county, and placed the same on the tax rolls, and received the report of the state auditor of the amount of taxes levied for state purposes, to compute the required percent on the assessed value of property in the county, and such state taxes shall be extended on the tax rolls in the proper column: *Provided*, That the rates so computed shall not be such as to raise a surplus of more than five percent over the total amount required by the state board of equalization.

84.48.130 Certification of assessed valuation to taxing districts.

It shall be the duty of the county assessor of each county, when he shall have received from the state tax commission the certificate of the assessed valuation of the property of railroad and/or other companies assessed by the commission and apportioned to the county, and shall have distributed the value so certified to him to the several taxing districts in his county entitled to a proportionate value thereof, and placed the same upon the tax rolls of the county, to certify to the board of county commissioners and to the officers authorized by law to estimate expenditures and/or levy taxes for any taxing district coextensive with the county, the total assessed value of property in the county as shown by the completed tax rolls, and to certify to the officers authorized by law to estimate expenditures and/or levy taxes for each taxing district in the county not coextensive with the county, the total assessed value of the property in such taxing district.

Chapter 84.52

LEVY OF TAXES

84.52.010 How levied—Effect of constitutional limitation. All taxes shall be levied or voted in specific amounts, and the rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the the taxing districts respectively: *Provided*, That when any such county assessor shall find that the aggregate rate of levy on any property will exceed the limitation fixed by section 2, article 7 of the state Constitution, as enacted by the seventeenth amendment, he shall recompute and establish a consolidated levy in the following manner:

(1) He shall include for extension on the tax rolls the full rates of levy certified to him for state, county, county road districts, city and school district purposes in amounts not exceeding the limitations established by law, and

(2) He shall include for extension on the the tax rolls the rates percent of the tax levies certified to him by all other taxing districts imposing taxes on such property, other than port districts and public utility districts, reduced by him in such uniform percentages as will bring the consolidated tax levy on such property within the provisions of the constitutional limitation.

84.52.020 City and district budgets to be filed with county commissioners, when. It shall be the duty of the city council or other governing body of cities of the first class, except cities having a population of three hundred thousand or more, the city councils or other governing bodies of cities of the second or third class, the board of directors of school districts of the first class, commissioners of port districts, commissioners of metropolitan park districts, and of all officials or boards of taxing districts within or coextensive with any county, except school districts of the second or third class, required by law to certify to boards of county commissioners, for the purpose of levying district taxes, budgets or estimates of the amounts to be raised by taxation on the assessed valuation of the property in the city or district, through their chairman and clerk, or secretary, to make and file such certified budget or estimates with the clerk of the board of county commissioners on or before the Wednesday next following the first Monday in October in each year.

84.52.030 Time of levy. For the purpose of raising revenue for state, county and other taxing district purposes, the board of county commissioners of each county at its October session, and all other officials or boards authorized by law to levy taxes for taxing district purposes, shall levy taxes on all the taxable property in the county or district, as the case may be, sufficient for such purposes, and within the limitations permitted by law.

84.52.040 Levies to be made on assessed valuation. Whenever any taxing district or the officers thereof shall, pursuant to any provision of law or of its charter or ordinances, levy any tax, the assessed value of the property of such taxing district shall be taken and considered as the taxable value upon which such levy shall be made.

84.52.050 Limitation of levies—"Forty mill" limit. Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal coporations, taxing districts and governmental agencies, now existing or hereafter created,

shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty percent of the true and fair value of such property in money; and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the public assistance program of the state; the levy by any county shall not exceed eight mills; the levy by or for any school district shall not exceed fourteen mills: *Provided*, That the levy by or for any union high school district shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component district within a union high school district shall not exceed three-fifths of the maximum levy permissible for any school district without a vote of the electors thereof: *Provided further*, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy; the levy for any road district shall not exceed ten mills; and the levy by or for any city or town shall not exceed fifteen mills: *Provided further*, That counties of the fifth class and under are hereby authorized to levy from eight to eleven mills for general county purposes and from seven to ten mills for county road purposes if the total levy for both purposes does not exceed eighteen mills.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district.

Note: See also section 1, chapter 143, Laws of 1961.

84.52.052 Excess levies authorized — When — Procedure. The limitations imposed by RCW 84.52.050 through 84.52.056, shall not prevent the levy of additional taxes, not in excess of five mills a year and without anticipation of delinquencies in payment of taxes, in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds, outstanding on December 6, 1934, issued by or through the agency of the state, or any county, city, town, or school district, or the levy of additional taxes to pay interest on or toward the reduction, at the rates provided by statute, of the principal of county, city, town, or school district warrants outstanding on December 6, 1932; but this millage limitation with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts. Any county, school district, metropolitan park district, park and recreation district in Class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district,

rural county library district, intercounty rural library district, fire protection district, city or town may levy taxes at a rate in excess of the rate specified in RCW 84.52.050 through 84.52.056, when authorized so to do by the electors of such county, school district, metropolitan park district, park and recreation district in Class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, city or town by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than twice in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of school directors, or council, board of commissioners, or other governing body of any metropolitan park district, park and recreation district in Class AA counties and counties of the second, eighth and ninth class, sewer district, water district, public hospital district, rural county library district, intercounty rural library district, fire protection district, city or town, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "Yes," and those opposed thereto to vote "No": *Provided*, That the total number of persons voting at such special election must constitute not less than forty percent of the voters in said taxing district who voted at the last preceding general state election: *Provided further*, That the total number of persons voting on an excess levy for school district purposes or for cities and towns at any such special election of any school district or of any city or town must constitute not less than forty percent of the voters in said taxing district or in any city or town, as the case may be who voted at the last preceding general election in such district.

84.52.054 Excess levies—Ballot contents—Eventual millage on tax rolls. The additional tax provided for in subparagraph (a) of the seventeenth amendment to the state Constitution and specifically authorized by RCW 84.52.052 shall be set forth in terms of dollars on the ballot of the proposition to be submitted to the voters, together with an estimate of the millage that will be required to produce the dollar amount; and the county assessor, in spreading this tax upon the rolls, shall determine the eventual millage rate required to produce the amount of dollars so voted upon, regardless of the estimate of millage carried in said proposition.

84.52.056 Excess levies for capital purposes authorized. Any municipal corporation otherwise authorized by law to issue general obligation bonds for capital purposes may, at an election duly held after giving notice thereof as required by law, authorized the issuance of general obligation bonds for capital purposes only, which shall not include the replacement of equipment, and provide for the payment of the principal and interest of such bonds by annual levies in excess of the tax limitation contained in RCW 84.52.050 to 84.52-.056, inclusive. Such an election shall not be held oftener than twice a calendar year, and the proposition to issue any such bonds and to exceed said tax limitation must receive the affirmative vote of a three-fifths majority of those voting on the proposition and the total number of persons voting at such election must constitute not less than forty percent of the voters in said municipal corporation who voted at the last preceding general state election.

Any taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for in RCW 84.52.050 to 84.52.056, inclusive.

84.52.070 Certification of levies to assessor. It shall be the duty of the board of county commissioners of each county, on or before the second Monday in October in each year, to certify to the county assessor of the county the amount of taxes levied upon the property in the county for county purposes, and the respective amounts of taxes levied by the board for each taxing district, within or coextensive with the county, for district purposes, and it shall be the duty of city councils of cities of the first class having a population of three hundred thousand or more, and of city councils of cities of the fourth class, or towns, and of all officials or boards of taxing districts within or coextensive with the county, authorized by law to levy taxes directly and not through the board of county commissioners, on or before the second Monday in October in each year, to certify to the county assessor of the county the amount of taxes levied upon the property within the city or district for city or district purposes.

84.52.080 Extension of taxes on rolls—Form of certificate—Delivery to auditor. The county assessor shall extend the taxes upon the tax rolls in the form herein prescribed. The rate percent necessary to raise the amounts of taxes levied for state and county purposes, and for purposes of taxing districts coextensive with the county, shall be computed upon the assessed value of the property of the county; the rate percent necessary to raise the amount of taxes levied for any taxing district within the county shall be computed upon the assessed value of the property of the district; all taxes

assessed against any property shall be added together and extended on the rolls in a column headed consolidated or total tax. In extending any tax, whenever it amounts to a fractional part of a cent greater than five mills it shall be made one cent, and whenever it amounts to five mills or less than five mills it shall be dropped. The amount of all taxes shall be entered in the proper columns, as shown by entering the rate percent necessary to raise the consolidated or total tax and the total tax assessed against the property.

Upon the completion of such tax extension, it shall be the duty of the county assessor to make in each assessment book, tax roll or list a certificate in the following form:

I, _____, assessor of _____ county, state of Washington, do hereby certify that the foregoing is a correct list of taxes levied on the real and personal property in the county of _____ for the year one thousand nine hundred and _____.

Witness my hand this _____ day of _____, 19_____
_____, County Assessor.

The county assessor shall deliver said tax rolls to the county auditor on or before the fifteenth day of December, taking his receipt therefor.

84.52.090 Record of errors—November meeting of board of equalization. The county assessor shall make a record of all errors in descriptions, double assessments, or manifest errors in assessment appearing on the assessment list at the time of the extension of the rolls, and after duly verifying the same, file said record with the county board of equalization on the third Monday in November next succeeding the annual meeting of the county board of equalization. The county board of equalization shall reconvene on such day for the sole purpose of considering such errors in description, double assessments, or manifest errors appearing on the assessment list at the time of the extension of the rolls and shall proceed to correct the same, but said board shall have no authority to change the assessed valuation of the property of any person or to reduce the aggregate amount of the assessed valuation of the taxable property of the county, except only insofar as the same may be affected by the corrections ordered based on the record submitted by the county assessor.

Chapter 84.56

COLLECTION OF TAXES

84.56.010 Tax rolls to county treasurer—Warrant for collection. On the first Monday in January next succeeding the date of levy of taxes the county auditor shall deliver to the county treasurer

the tax rolls of his county for such assessment year, with his warrant thereto attached, authorizing the collection of said taxes, taking his receipt therefor, and said books shall be preserved as a public record in the office of the county treasurer. The amount of said taxes levied and extended upon said rolls shall be charged to the treasurer in an account to be designated as treasurer's "Tax roll account" for and said rolls with the warrants for collection shall be full and sufficient authority for the county treasurer to receive and collect all taxes therein levied: *Provided*, That the county treasurer shall in no case collect such taxes or issue receipts for the same or enter payment or satisfaction of such taxes upon said assessment rolls before the fifteenth day of February following.

84.56.020 Taxes collected by treasurer—Dates of delinquency—Allocation of interest, costs. The county treasurer shall be the receiver and collector of all taxes extended upon the tax rolls of the county, whether levied for state, county, school, bridge, road, municipal or other purposes, and also of all fines, forfeitures or penalties received by any person or officer for the use of his county. All taxes upon real and personal property made payable by the provisions of this title shall be due and payable to the treasurer as aforesaid on or before the thirtieth day of April in each year, after which date they shall become delinquent, and interest at the rate of eight percent per annum shall be charged upon such unpaid taxes from the date of delinquency until paid: *Provided*, That when the total amount of tax on any lot, block or tract of real property payable by one person is ten dollars or more, and if one-half of such tax be paid on or before the said thirtieth day of April, then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of eight percent per annum shall be charged upon said remainder from the date of delinquency until paid: *Provided, further*, That when the total amount of personal property taxes falling due in any year, payable by one person, is ten dollars or more, and if one-half of such taxes be paid on or before said thirtieth day of April, then the time for payment of the remainder thereof shall be extended and said remainder shall be due and payable on or before the thirty-first day of October following, after which date such remaining one-half shall become delinquent, and interest at the rate of eight percent per annum shall be charged upon said remainder from the date of delinquency until paid. All collections of interest on delinquent taxes shall be credited to the county current expense fund; but the costs of foreclosure and sale

of real property, and the fees and costs of distraint and sale of personal property, for delinquent taxes, shall, when collected, be credited to the operation and maintenance fund of the county treasurer prosecuting the foreclosure or distraint or sale; and shall be used by the county treasurer as a revolving fund to defray the cost of further foreclosure, distraint and sale for delinquent taxes without regard to budget limitations.

84.56.050 Treasurer's duties on receiving rolls—Notice of taxes due. On receiving the tax rolls from the county auditor the treasurer shall post all real and personal property taxes from said rolls to the treasurer's tax segregation register, and shall carry forward to the current tax rolls, or if he so elects to a separate card or other record of delinquencies, a memorandum of all delinquent taxes on each and every description of property, and enter the same opposite or under the property upon which the said taxes are delinquent, in a space provided for that purpose, showing the amounts for each year, and shall then give notice by publication in some newspaper having general circulation in the county, once in each of three consecutive weeks, that the tax rolls have been turned over to him for collection of taxes thereon, on and after the fifteenth day of February. The treasurer shall notify each taxpayer in his county, at the expense of the county, having printed on said notice the name of each tax and the levy made on the same, of the amount of his real and personal property, and the total amount of tax due on the same; and the county treasurer shall be the sole collector of all delinquent taxes and all other taxes due and collectible on the tax rolls of the county: *Provided*, That the term "taxpayer" as used in this section shall mean any person charged, or whose property is charged, with property tax; and the person to be notified is that person whose name appears on the tax roll herein mentioned: *Provided, further*, That if no name so appears the person to be notified is that person shown by the treasurer's tax rolls or duplicate tax receipts of any preceding year as the payer of the tax last paid on the property in question.

84.56.060 Tax receipts—Current tax only may be paid—Collection register. The county treasurer upon receiving any tax, shall give to the person paying the same a receipt therefor, specifying therein the land, city or town lot, or other real and personal property on which the tax so paid was levied according to its description on the treasurer's tax roll and the year for which the tax was levied. The owner or owners of property against which there are delinquent taxes, shall have the right to pay the current tax without paying any delinquent taxes there may be against said property: *Provided, however*, That in issuing a receipt for such current tax the county treasurer shall endorse upon the face of

such receipt a memorandum of all delinquent taxes against the property therein described, showing the year for which said tax is delinquent and the amount of delinquent tax for each and every year. Such receipts shall be numbered consecutively for such year and such numbers and amount of taxes paid shall be immediately entered upon the treasurer's tax roll opposite or under each and every piece of property therein for which such receipt was given; it shall contain the name of the party paying, with the amount and date of payment and the description of the property upon which the tax is paid. Such receipt shall be made out with a stub, which shall be a summary of the receipt. He shall post such collections into his cash or collection register, provided for that purpose, to thus keep an accurate account not only of the gross amount of collections, but also the amount collected upon the consolidated fund and upon each and every separate fund. The treasurer shall also keep a separate register for the purpose of entering therein all collections made on account of delinquent taxes.

84.56.070 Personal property—Distrain and sale, notice, property incapable of manual delivery, property about to be removed or disposed of. On the fifteenth day of February succeeding the levy of taxes, the county treasurer shall proceed to collect all personal property taxes. He shall give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid before they become delinquent, he shall forthwith proceed to collect the same. In the event that he is unable to collect the same when due, he shall prepare papers in distrain, which shall contain a description of the personal property, the amount of taxes, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner, and he shall without demand or notice distrain sufficient goods and chattels belonging to the person charged with such taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall proceed to advertise the same by posting written notices in three public places in the county in which such property has been distrained, one of which places shall be at the county court house, such notice to state the time when and place where such property will be sold. The county treasurer, or his deputy, shall tax the same fees for making the distrain and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distrain. If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which shall not be less than ten

days after the taking of such property, such treasurer shall proceed to sell such property at public auction, or so much thereof as shall be sufficient to pay such taxes, with interest and costs, and if there be any overplus of money arising from the sale of any personal property, the treasurer shall pay such overplus to the owner of the property so sold or to his legal representative: *Provided*, That whenever it shall become necessary to distrain any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net or drag seine fishing location, or any other personal property as the treasurer shall determine to be incapable or reasonably impracticable of manual delivery, it shall be deemed to have been distrained and taken into possession when the said treasurer shall have, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that he has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale; a copy of said notice shall also be sent to the owner or reputed owner at his last known address, by registered letter at least thirty days prior to the date of sale: *And provided further*, That if the county treasurer has reasonable grounds to believe that any personal property upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold or disposed of, the county treasurer may demand such taxes, without the notice provided for in this section, and if necessary may forthwith distrain sufficient goods and chattels to pay the same.

84.56.090 Distraint and sale of property about to be removed or dissipated—Computation of taxes, entry on rolls, tax liens. Whenever in the judgment of the assessor or the county treasurer personal property is being removed or is about to be removed without the limits of the state, or is being dissipated or about to be dissipated, the treasurer shall immediately prepare papers in distraint, which shall contain a description of the personal property being or about to be removed or dissipated, the amount of the tax, the amount of accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner, and he shall without demand or notice distrain sufficient goods and chattels belonging to the person charged with such taxes to pay the same with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall advertise and sell said property as provided in RCW 84.56.070.

If said personal property is being removed or is about to be removed from the limits of the state, is being dissipated or about

to be dissipated at any time subsequent to the first day of January in any year, and prior to the levy of taxes thereon, the taxes upon such property so distrained shall be computed upon the rate of levy for state, county and local purposes for the preceding year; and all taxes collected in advance of levy under this section and RCW 84.56.120, together with the name of the owner and a brief description of the property assessed shall be entered forthwith by the county treasurer upon the personal property tax rolls of such preceding year, and all collections thereon shall be considered and treated in all respects, and without recourse by either the owner or any taxing unit, as collections for such preceding year. Property on which taxes are thus collected shall thereupon become discharged from the lien of any taxes that may thereafter be levied in the year in which payment or collection is made.

Whenever property has been removed from the county wherein it has been assessed, on which the taxes have not been paid, then the county treasurer, or his deputy, shall have the same power to distrain and sell said property for the satisfaction of said taxes as he would have if said property were situated in the county in which the property was taxed, and in addition thereto said treasurer, or his deputy, in the distraint and sale of property for the payment of taxes, shall have the same powers as are now by law given to the sheriff in making levy and sale of property on execution.

84.56.120 Removal of property from state after assessment without paying tax. After personal property has been assessed, it shall be unlawful for any person to remove the same from the state until taxes and interest are paid, or until notice has been given to the county treasurer describing the property to be removed and in case of public sales of personal property, a list of the property desired to be sold shall be sent to the treasurer, and no property shall be sold at such sale until the tax has been paid, the tax to be computed upon the consolidated tax levy for the previous year. Any person violating the provisions of this section shall be guilty of a misdemeanor.

84.56.150 Removal of personalty—Certification of tax by treasurer. If any person, firm or corporation shall remove from one county to another in this state personal property which has been assessed in the former county for a tax which is unpaid at the time of such removal, the treasurer of the county from which the property is removed shall certify to the treasurer of the county to which the property has been removed a statement of the tax together with all delinquencies and penalties.

84.56.160 Certification between counties. The treasurer of any county of this state shall have the power to certify a statement of

taxes and delinquencies of any person, firm, company or corporation, or of any tax on personal property together with all penalties and delinquencies, which statement shall be under seal and contain a transcript of the warrant of collection and so much of the tax roll as shall affect the person, firm, company or corporation or personal property to the treasurer of any county of this state, wherein any such person, firm, company or corporation has any real or personal property.

84.56.170 Collection of certified taxes—Remittance. The treasurer of any county of this state receiving the certified statement provided for in RCW 84.56.150 and 84.56.160, shall have the same power to collect the taxes, penalties and delinquencies so certified as he has to collect the personal taxes levied on personal property in his own county, and as soon as the said taxes are collected they shall be remitted, less the cost of collecting same, to the treasurer of the county to which said taxes belong, by the treasurer collecting them, and he shall return a certified copy of the certified statement to the auditor of the county to which the taxes belong, together with a certified statement of the amount remitted to the said treasurer.

84.56.180 Transient trader, taxation of merchandise of. Whenever any person, firm or corporation, shall, subsequent to the first day of January of any year, bring or send into any county from outside the state any stock of goods or merchandise to be sold or disposed of in a place of business temporarily occupied for their sale, without the intention of engaging in permanent trade in such place, the owner, consignee or person in charge of the said goods or merchandise shall immediately notify the county assessor, and thereupon the assessor shall at once proceed to value the said stock of goods and merchandise at its true value, and upon fifty percent of such valuation the said owner, consignee or person in charge shall pay to the collector of taxes a tax at the rate assessed for state, county and local purposes in the taxing district in the year then current. And it shall not be lawful to sell or dispose of any such goods or merchandise as aforesaid in such taxing district until the assessor shall have been so notified as aforesaid and the tax assessed thereon paid to the collector. Every person, firm or corporation bringing into any county of this state from outside the state any goods or merchandise after the first day of January shall be deemed subject to the provisions of this section.

84.56.190 Penalty for failure to notify assessor or pay tax. In case any such owner, consignee or person in charge of such stock of goods and merchandise as is mentioned in RCW 84.56.180, shall fail or neglect to notify the proper assessor, or to pay the said tax as herein required, or shall proceed to sell or dispose of such stock,

or any portion thereof, before the payment of the tax levied on account thereof, the owner of such goods or merchandise shall forfeit to the county for the benefit of the taxing districts entitled to said tax, a sum equal to twice the amount of tax assessable as aforesaid on account of such stock. Such forfeiture may be recovered in the same manner as delinquent personal property tax in any court having jurisdiction, to the amount thereof, and in such action the said penalty shall be preferred above all other debts or claims. Any mistake in the name of the owner of the said goods or merchandise shall not affect the right to recover such penalty.

84.56.200 Removal of timber or improvements on which tax is delinquent—Penalty. It shall be unlawful for any person, firm or corporation to remove any timber from timbered lands, no portion of which is occupied for farming purposes by the owner thereof, or to remove any building or improvements from lands, upon which taxes are delinquent until the taxes thereon have been paid.

Any person violating the provisions of this section shall be guilty of a gross misdemeanor.

84.56.210 Severance of standing timber assessed as realty—Timber tax may be collected as personalty tax. Whenever standing timber which has been assessed as real estate is severed from the land as part of which it was so assessed, it may be considered by the county assessor as personal property, and the county treasurer shall thereafter be entitled to pursue all of the rights and remedies provided by law for the collection of personal property taxes in the collection of taxes levied against such timber: *Provided*, That whenever the county assessor elects to treat severed timber as personalty under the provisions of this section, he shall immediately give notice by mail to the person or persons charged with the tax of the fact of his election, and the amount of tax standing against the timber.

84.56.220 Lien of personalty tax follows insurance. In the event of the destruction of personal property by fire after the date of delinquency of any year, the lien of the personal property tax shall attach to and follow any insurance that may be upon said property and the insurer shall pay to the county treasurer from the said insurance money all taxes, interest and costs that may be due, and or are a lien against the identical property so destroyed.

84.56.230 Monthly distribution of taxes collected. On the first day of each month the county treasurer shall distribute pro rata, according to the rate of levy for each fund, the amount collected as consolidated tax during the preceding month, and shall certify the same to the county auditor. On the tenth day of each month the county treasurer shall turn over to the respective city treasurers

all taxes collected for the previous month for such cities, respectively, and take receipts therefor in duplicate, and shall certify to the city comptroller or other accounting officer of each such city the amount of such taxes so collected and turned over, and shall deliver with such certificate one copy of the receipt of the city treasurer therefor.

84.56.240 Cancellation of uncollectible personalty taxes. If the county treasurer is unable, for the want of goods or chattels whereupon to levy, to collect by distress or otherwise, the taxes, or any part thereof, which may have been assessed upon the personal property of any person or corporation, or an executor or administrator, guardian, receiver, accounting officer, agent or factor, such treasurer shall file with the county auditor, on the first day of January following, a list of such taxes, with an affidavit of himself or of the deputy treasurer entrusted with the collection of said taxes, stating that he had made diligent search and inquiry for goods and chattels wherewith to make such taxes, and was unable to make or collect the same. The county auditor shall deliver such list and affidavit to the board of county commissioners at their first session thereafter, and they shall cancel such taxes as they are satisfied cannot be collected.

84.56.250 Penalty for wilful noncollection or failure to file delinquent list. If any county treasurer shall wilfully refuse or neglect to collect any taxes assessed upon personal property, where the same is collectible, or to file the delinquent list and affidavit, as herein provided, he shall be held, in his next settlement with the auditor, liable for the whole amount of such taxes uncollected, and the same shall be deducted from his salary and applied to the several funds for which they were levied.

84.56.260 Continuing power to collect taxes. The power and duty to levy on property and collect any tax due and unpaid shall continue in and devolve upon the county treasurer and his successors in office after his return to the county auditor, and until the tax is paid; and the warrant attached to the assessment roll shall continue in force and confer authority upon the treasurer to whom the same was issued, and upon his successors in office, to collect any tax due and uncollected thereon. This section shall apply to all assessment rolls and the warrants thereto attached.

84.56.270 Court cancellation of personalty taxes six years delinquent. The county treasurer of any county of the state of Washington, after he has first received the approval of the board of county commissioners of such county, through a resolution duly adopted, is hereby empowered to petition the superior court in or for his county to finally cancel and completely extinguish the lien of any

delinquent personal property tax which appears on the tax rolls of his county, which is more than six years delinquent, which he attests to be beyond hope of collection, and the cancellation of which will not impair the obligation of any bond issue nor be precluded by any other legal impediment that might invalidate such cancellation. The superior court shall have jurisdiction to hear any such petition and to enter such order as it shall deem proper in the premises.

84.56.280 Settlement with state for state taxes. Immediately after the last day of each month, the county treasurer shall pay over to the state treasurer the amount collected by him and credited to the various state funds, but every such payment shall be subject to correction for error discovered upon the quarterly settlement next following. The county auditor shall at the same time ascertain and report to the state auditor in writing the amounts due to the various state funds. If they are not paid to the state treasurer before the twentieth day of the month he shall make a sight draft on the county treasurer for such amount. On the first Mondays of January, April, July, and October, respectively, of each year, the county treasurer shall make full settlement with the county auditor of his receipts and collections for all purposes from the date of the last settlement up to and including the last day of the preceding month. The county auditor shall, on or before the fifteenth day of the month in which such settlement is made, notify the state auditor of the result of the quarterly settlement with the county treasurer. Should any county treasurer fail or refuse to honor the draft or make payment of the amount thereon, except for manifest error or other good and sufficient cause, he shall be guilty of nonfeasance in office and upon conviction thereof shall be punished according to law.

84.56.290 Adjustment with state for reduced or canceled taxes. Whenever any tax shall have been heretofore, or shall be hereafter, canceled, reduced or modified in any final judicial proceeding; or whenever any tax shall have been heretofore, or shall be hereafter canceled by sale of property to any irrigation district under foreclosure proceedings for delinquent irrigation district assessments; or whenever any contracts or leases on public lands shall have been heretofore, or shall be hereafter, canceled and the tax thereon remains unpaid for a period of two years, the state auditor shall, upon receipt from the county auditor of a certified copy of the final judgment or decree canceling, reducing or modifying taxes, or of a certificate from the county treasurer of the cancellation by sale to an irrigation district, or of a certificate from the commissioner of public lands and the county treasurer of the cancellation of public land contracts or leases and nonpayment of

taxes thereon, as the case may be, making corresponding entries and corrections on his records of the state's portion of reduced or canceled tax and shall notify the county auditor thereof who shall make like entries and corrections on his tax roll records.

Upon canceling taxes deemed uncollectible, the county commissioners shall notify the county auditor of such action, whereupon the county auditor shall deduct on his records the amount of such uncollectible taxes due the various state funds and shall immediately notify the state auditor of his action and of the reason therefor; which uncollectible tax shall not then nor thereafter be due or owing the various state funds and the necessary corrections shall be made by the county treasurer upon the quarterly settlement next following.

When any assessment of property is made which does not appear on the assessment list certified by the county board of equalization to the state board of equalization the county assessor shall indicate to the county auditor the assessments and the taxes due therefrom when the list is delivered to the county auditor on December 15th. The county auditor shall then notify the state auditor of the taxes due the state from the assessments which did not appear on the assessment list certified by the county board of equalization to the state board of equalization. The county treasurer shall make proper accounting to the county auditor of all sums collected as either advance tax or supplemental or omitted tax, whereupon the county auditor shall notify the state auditor of the amounts due the various state funds according to the levy used in extending such tax and those amounts shall immediately become due and owing to the various state funds, to be paid to the state treasurer in the same manner as taxes extended on the regular tax roll.

84.56.300 Annual report of collections to county auditor—Duties of auditor. On the first Monday of January of each year the county treasurer shall balance up the tax rolls in his hands and with which he stands charged on the roll accounts of the county auditor. He shall then report to the county auditor in full the amount of taxes he has collected and specify the amount collected on each fund. He shall also report the amount of taxes that remain uncollected and delinquent upon the tax rolls, which, with his collection and credits on account of errors and double assessments, should balance his roll accounts as he stands charged. He shall then report the amount of collections on account of interest since the taxes became delinquent, and as added by him to the original amounts when making such collections, and with which he is now to be charged by the auditor, such reports to be duly verified by affidavit. He shall also at the same time submit to the auditor his collection

register, showing all taxes collected by him since the last preceding annual settlement of current and delinquent taxes. The county auditor shall thereupon proceed to compare the stub tax receipts of the treasurer with the treasurer's tax rolls and the collection register submitted to him, and shall note if the tax rolls are properly marked opposite each tract or tax with the date and number of the treasurer's receipt that he gave in discharge of any tax, if same is properly entered to the credit of each tract or tax described in such receipt, and if the description, amount, names and numbers and funds agree. The auditor shall also compare such receipts with the treasurer's cash book or collection register, upon which he is required to post them, and if properly credited to the several funds, and also coincides in all respects with the tax rolls, he shall then test the footings upon the treasurer's collection register to see that no errors have been made or frauds perpetrated. He shall then satisfy himself that the interest required to be added after taxes have become delinquent has been collected and properly accounted for, and if so charge the treasurer therewith. If the treasurer's receipts in all respects are correct and true, and the collections fully and properly accounted for on the same, the auditor shall enter the credits and debits upon the treasurer's roll accounts and properly balance the same up to date.

84.56.310 Interested person may pay real property taxes. Any person being the owner or having an interest in an estate or claim to real property against which taxes shall have been unpaid may pay the same and satisfy the lien at any time before execution of a deed to said real property. The person or authority who shall collect or receive the same shall give a certificate that such taxes have been so paid to the person or persons entitled to demand such certificate.

84.56.320 Recovery by occupant or tenant paying realty taxes. When any tax on real property is paid by or collected of any occupant or tenant, or any other person, which, by agreement or otherwise, ought to have been paid by the owner, lessor or other party in interest, such occupant, tenant or other person may recover by action the amount which such owner, lessor or party in interest ought to have paid, with interest thereon at the rate of ten percent per annum, or he may retain the same from any rent due or accruing from him to such owner or lessor for real property on which such tax is so paid; and the same shall, until paid, constitute a lien upon such real property.

84.56.330 Payment by mortgagee or other lien holder. Any person who has a lien by mortgage or otherwise, upon any real property upon which any taxes have not been paid, may pay such

taxes, and the interest, penalty and costs thereon; and the receipt of the county treasurer or other collecting official shall constitute an additional lien upon such land, to the amount therein stated, and the amount so paid and the interest thereon at the rate specified in the mortgage or other instrument shall be collectible with, or as a part of, and in the same manner as the amount secured by the original lien: *Provided*, That the person paying such taxes shall pay the same as mortgagee or other lien holder and shall procure the receipt of the county treasurer therefor, showing the mortgage or other lien relationship of the person paying such taxes, and the same shall have been recorded with the county auditor of the county wherein the said real estate is situated, within ten days after the payment of such taxes and the issuance of such receipt. It shall be the duty of any treasurer issuing such receipt to make notation thereon of the lien relationship claim of the person paying such taxes. It shall be the duty of the county auditor in such cases to index and record such receipts in the same manner as provided for the recording of liens on real estate, upon the payment to the county auditor of the sum of fifty cents by the person presenting the same for recording: *And provided further*, That in the event the above provision be not complied with, the lien created by any such payment shall be subordinate to the liens of all mortgages or encumbrances upon such real property, which are senior to the mortgage or other lien of the person so making such payment.

84.56.340 Payment on part of tract or on undivided interest—
Division. Any person desiring to pay taxes upon any part or parts of real property heretofore or hereafter assessed as one parcel, or tract, may do so by applying to the county assessor, who must carefully investigate and ascertain the relative or proportionate value said part bears to the whole tract assessed, on which basis the assessment must be divided, and the assessor shall forthwith certify such proportionate value to the county treasurer: *Provided*, Where the assessed valuation of the tract to be divided exceeds two thousand dollars a notice by registered mail must be given by the assessor to the several owners interested in said tract, if known, and if no protest against said division be filed with the county assessor within twenty days from date of notice, the county assessor shall duly certify the proportionate value to the county treasurer. The county treasurer, upon receipt of certification, shall duly accept payment and issue receipt on the apportionment certified by the county assessor. In cases where protest is filed to said division appeal shall be made to the county commissioners at their next regular session for final division, and the county treasurer shall accept and receipt for said taxes as determined and ordered

by county commissioners. Any person desiring to pay on an undivided interest in any real property may do so by paying to the county treasurer a sum equal to such proportion of the entire taxes charged on the entire tract as interest paid on bears to the whole.

84.56.360 Separate ownership of improvements—Separate payment authorized. In any case where buildings, structures or improvements are held in separate ownership from the fee as a part of which they have been assessed for the purpose of taxation, any person desiring to pay separately the tax upon the buildings, structures or improvements may do so under the provisions of this section, RCW 84.56.370 and 84.56.380.

84.56.370 ————Procedure for segregation of improvement tax. Such person may apply to the county assessor for a certificate showing the total assessed value of the land together with all buildings, structures or improvements located thereon and the assessed value of the building, structure or improvement the tax upon which the applicant desires to pay. It shall be the duty of the county assessor to issue such certificate of segregation upon written application accompanied by an affidavit attesting to the fact of separate ownership of land and improvements. Upon presentation of such certificate of segregation to the county treasurer, that officer shall segregate the total tax in accordance therewith and accept and receipt for the payment of that proportion of total tax which is shown to be due against any building, structure or improvement upon which the applicant desires to pay.

84.56.380 ————Segregation or payment not to release lien. A segregation or payment under RCW 84.56.360 and 84.56.370 shall not release the land or the building, structure or improvement paid on from any tax lien to which it would otherwise be subject.

84.56.390 Treasurer's record of false or erroneous listing to board of equalization. If the county treasurer has reason to believe or is informed that any person has given to the county assessor a false statement of his personal property, or that the county assessor has not returned the full amount of personal property required to be listed in his county, or has omitted or made erroneous return of any property which is by law subject to taxation, or if it comes to his knowledge that there is personal property which has not been listed for taxation for the current year, he shall prepare a record setting out the facts with reference thereto and file such record with the county board of equalization. The county board of equalization shall reconvene on the third Monday in April for the purpose of considering such matters as appear in the record filed by the treasurer and may issue compulsory process and require the attendance of any person having knowledge of the articles or

value of the property erroneously or fraudulently returned, and examine such person on oath in relation to the statement or return of assessment, and the board shall in all such cases notify every person affected before making a finding, so that he may have an opportunity of showing that his statement or the return of the assessor is correct.

84.56.400 Treasurer's record of manifest errors in listing—April meeting of board of equalization. The county treasurer shall also make and file with the county board of equalization a record, setting forth the facts relating to such manifest errors in description, double assessments, clerical errors in extending the rolls, and such manifest errors in the listing of property which do not involve a revaluation of property, such as the assessment of property exempted by law from taxation or the failure to deduct the exemption allowed by law to the head of a family, as shall come to his attention after the rolls have been turned over to him for collection. The said record shall also set forth by legal description all property belonging exclusively to the state, any county or any municipal corporation whose property is exempt from taxation, upon which there remains, according to the tax roll, any unpaid taxes.

The county board of equalization at its meeting on the third Monday in April shall consider such matters as appear in the record filed with it by the county treasurer, and shall only correct such matters as are set forth in such record, but it shall have no power to change or alter the assessment of any person, or change the aggregate value of the taxable property of the county, except insofar as it is necessary to correct the errors hereinbefore mentioned: *Provided*, That the board shall cancel all unpaid taxes upon property which belongs exclusively to the state, any county or municipal corporation. The board shall make findings of the facts upon which it bases its decision on all matters submitted to it, and when so made the assessment and levy shall have the same force as if made in the first instance, and the county treasurer shall proceed to collect the taxes due on the rolls as modified.

The board at its April meeting shall consider only matters referred to it by the records of the county treasurer under this section and RCW 84.56.390.

84.56.430 Relisting and relevy of tax adjudged void. If any tax or portion of any tax heretofore or hereafter levied on any property liable to taxation is prevented from being collected for any year or years, by reason of any erroneous proceeding connected with either the assessment, listing, equalization, levying or collection thereof, or failure of any taxing, assessing or equalizing officer or board to give notice of any hearing or proceeding connected therewith, or, if any such tax or any portion of any such tax heretofore or

hereafter levied has heretofore or is hereafter recovered back after payment by reason of any such erroneous proceedings, the amount of such tax or portion of such tax which should have been paid upon such property except for such erroneous proceeding, shall be added to the tax levied on such property for the year next succeeding the entry of final judgement adjudging such tax or portion of tax to have been void. If any tax or portion of a tax levied against any property for any year has been, or is hereafter adjudged void because of any such erroneous proceeding as hereinbefore set forth, the county and state officers authorized to levy and assess taxes on said property shall proceed, in the year next succeeding, to relist and reassess said property and to reequalize such assessment, and to re-levy and collect the taxes thereon as of the year that said void tax or portion of tax was levied, in the same manner, and with the same effect as though no part of said void tax had ever been levied or assessed upon said property: *Provided*, That such tax as reassessed and releived shall be figured and determined at the same tax-rate as such erroneous tax was or should have been figured and determined, and in paying the tax so reassessed and releived the taxpayer shall be credited with the amount of any taxes paid upon property retaxed for the year or years for which the reassessment is made.

Chapter 84.60

LIEN OF TAXES

84.60.010 Priority of tax lien. All taxes and levies which may hereafter be lawfully imposed or assessed shall be and they are hereby declared to be a lien respectively upon the real property upon which they may hereafter be imposed or assessed, which liens shall include all charges and expenses of and concerning the said taxes which, by the provisions of this title, are directed to be made. The said lien shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgement, debt, obligation or responsibility to or with which said real property may become charged or liable.

84.60.020 Time of attachment of tax liens. The taxes assessed upon real property shall be a lien thereon from and including the first day of January in the year in which they are levied until the same are paid, but as between the grantor and the grantee of any real property, and as between the vendor and the purchaser of any real property, when there is no express agreement as to payment of the taxes thereon due and payable in the calendar year of the sale or the contract to sell, the grantor or vendor shall be liable for the same proportion of such taxes as the part of the calendar year prior to the day of the sale or the contract to sell bears to the

whole of such calendar year, and the grantee or purchaser shall be liable for the remainder of such taxes and subsequent taxes. The taxes assessed upon each item of personal property assessed shall be a lien upon such personal property from and after the date upon which the same is listed with and valued by the county assessor, and no sale or transfer of such personal property shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon each item of personal property of the person assessed, distrained by the treasurer as provided in RCW 84.56.070, from and after the date of the distraint and no sale or transfer of such personal property so distrained shall in any way affect the lien for such taxes upon such property. The taxes assessed upon personal property shall be a lien upon the real property of the person assessed, selected by the county treasurer and designated and charged upon the tax rolls as provided in RCW 84.60.040, from and after the date of such selection and charge and no sale or transfer of such real property so selected and charged shall in any way affect the lien for such personal property taxes upon such property.

84.60.040 Charging personalty tax against realty. When it becomes necessary, in the opinion of the county treasurer, to charge the tax on personal property against real property, in order that such personal property tax may be collected, such county treasurer shall select for that purpose some particular tract or lots of real property owned by the person owing such personal property tax, and in his tax roll and certificate of delinquency shall designate the particular tract or lots of real property against which such personal property tax is charged, and such real property shall be chargeable therewith.

84.60.050 Acquisition by governmental unit of property subject to tax lien—Effect. When real property is acquired by purchase or condemnation by the state of Washington or any of its political subdivisions, including counties, cities, and towns, the property so acquired shall continue to be subject to the tax lien of any tax collectible by the county treasurer, levied by the state, any county, any other municipal corporation or other tax levying public body, and delinquent at the date of sale, condemnation verdict, or judgment if not tried before a jury, except as is otherwise provided in RCW 84.60.070.

84.60.060 ———Amount payable when tax not delinquent—Withholding amount from condemnation award. Where any of the taxes on real property so acquired by purchase or condemnation are payable but not delinquent at the date of completion of the sale, date of condemnation verdict, or date of judgment if not tried

to a jury, the lien for taxes payable but not delinquent shall be for only one-half of the taxes so payable if the property is so acquired between February 15th and April 30th of the year in which such taxes become payable. If such property is so acquired after April 30th of the year in which such taxes are payable, the lien shall be for the full amount of the taxes payable. If such property is so acquired prior to February 15th of the year in which such taxes become payable, no tax lien for such taxes on such property shall be valid against the state or any of its political subdivisions, and any such taxes levied but not payable shall be canceled as provided in RCW 84.56.400.

The amount constituting a tax lien on real property acquired as provided in RCW 84.60.050 through 84.60.070 shall be withheld from the purchase price or condemnation award by the public body acquiring the property and shall be paid immediately to the county treasurer in payment and discharge of such lien, except as otherwise provided in RCW 84.60.070.

84.60.070 ————**Segregation of taxes if only part of parcel acquired.** In the event only a part of a given parcel of real property is so acquired by a public body either of the parties may require the assessor to segregate the taxes, in which event RCW 84.60.050 through 84.60.070 shall apply only to the taxes owing on the portion acquired by the public body: *Provided*, That if after such segregation the assessed valuation of the portion of the property not being acquired exceeds the amount of all delinquent taxes and taxes payable on the entire parcel, at the owner's election no taxes shall be paid out of the proceeds for the property being acquired by the public body, but the lien for the taxes owing and payable on all the property shall apply only to the property retained by the owner. All county assessors are hereby authorized to segregate taxes as provided above.

Chapter 84.64

CERTIFICATES OF DELINQUENCY

84.64.010 **Determination by county commissioners as to issuance—Form of certificate.** On the first business day after the expiration of the eleven months after the taxes charged against any real property are delinquent, the board of county commissioners shall determine whether it will be for the best interest of the county to carry or further carry the delinquent taxes on the books of the county or to permit certificates of delinquency for the same to be sold to any person, and should it be deemed advisable to permit the sale of certificates of delinquency they shall pass a resolution to that effect and publish a copy of the same in the next issue of

the official newspaper of the county and on the first day of the month next following, the treasurer shall have the right, and it shall be his duty, upon demand and payment of the taxes and interest, to make out and issue a certificate or certificates of delinquency against such property and such certificate or certificates shall be numbered and have a stub, which shall be a summary of the certificate, and shall contain a statement.

- (1) Description of the property assessed.
- (2) Year or years for which assessed.
- (3) Amount of tax and interest due.
- (4) Name of owner, or reputed owner, if known.
- (5) Rate of interest the certificates shall bear.
- (6) The time when a deed may be had, if not sooner redeemed.
- (7) A guaranty of the county or municipality to which the tax

is due that if for any irregularity of the taxing officers this certificate be void, then such county or municipality will repay the holder the sum paid thereon with interest at rate of six percent per annum from the date of the issuance: *Provided*, That nothing herein contained shall prevent the running of interest during the said period of twelve months from the date of delinquency, at the rate of interest provided by law on delinquent taxes: *Provided, further*, That all certificates of delinquency sold to persons shall be registered by the county treasurer in a book provided for that purpose, in which shall also be recorded the name and address of the purchaser of each certificate of delinquency. Thereafter at any time before the expiration of three years from the original date of delinquency of any tax included in a certificate of delinquency issued to a person, the owner of the property may pay to the county treasurer the amount of taxes due for one or more subsequent years, with delinquent interest, if any, to the date of payment, and if the same shall have been paid by the holder of the certificates of delinquency the county treasurer shall forward the amount of payment or payments made by such owner to the holder of the certificate of delinquency at his registered address. The payment of taxes for such subsequent year or years shall thereby extend the time of the foreclosure of the particular certificate of delinquency one year for each subsequent year's taxes so paid.

84.64.020 Interest rate—Probative force of certificate. Certificates of delinquency shall bear interest from the date of issuance till redeemed, at the rate of twelve percent per annum, and shall be sold to any person applying therefor, upon the payment of the value in principal and interest thereof: *Provided*, That when, from the failure of the taxing officers to do or perform any act in listing or assessing property, or in issuing such certificates, the same is declared void and the same is redeemed by the county or municipi-

pality issuing the same, such rate of interest shall be six percent per annum.

Certificates of delinquency shall be prima facie evidence that:

(1) The property described was subject to taxation at the time the same was assessed;

(2) The property was assessed as required by law;

(3) The taxes or assessments were not paid at any time before the issuance of the certificate;

(4) Such certificate shall have the same force and effect as a judgment execution and sale of and against the premises included therein.

84.64.030 Foreclosure — Notice and summons — Cost to be included in redemption. Any time after the expiration of three years from the original date of delinquency of any tax included in a certificate of delinquency, the holder of any certificate of delinquency may give notice and summons to the owner of the property described in such certificate that he will apply to the superior court of the county in which such property is situated for a judgment foreclosing the lien against the property mentioned therein. Such notice and summons shall contain:

(1) The title of the court, the description of the property and the name of the owner thereof, if known, the name of the holder of the certificate, the date thereof, and the amount for which it was issued, the year or years for the delinquent taxes for which it was issued, the amount of all taxes paid for prior or subsequent years, and the rate of interest on said amount.

(2) A direction to the owner summoning him to appear within sixty days after service of the notice and summons, exclusive of the day of service, and defend the action or pay the amount due, and when service is made by publication a direction to the owner, summoning him to appear within sixty days after the date of the first publication of the notice and summons, exclusive of the day of said first publication, and defend the action or pay the amount due.

(3) A notice that, in case of failure so to do, judgment will be rendered foreclosing the lien of such taxes and costs against the land and premises named.

The notice and summons shall be subscribed by the holder of the certificate of delinquency, or by someone in his behalf, and residing within the state of Washington, and upon whom all process may be served.

A copy of said notice and summons shall be delivered to the county treasurer. Thereafter when any owner of real property or person interested therein seeks to redeem as provided in RCW 84.64-.070, the treasurer shall ascertain the amount of costs accrued in

foreclosing said certificate and include said costs as a part of the redemption required to be paid.

The notice and summons shall be served in the same manner as a summons in a civil action is served in the superior court.

84.64.040 Prosecuting attorney to foreclose on request. The county prosecuting attorney shall furnish to holders of certificates of delinquency, at the expense of the county, forms of applications for judgment and forms of notice and summons when the same are required, and shall prosecute to final judgment all actions brought by holders of certificates under the provisions of this chapter for the foreclosure of tax liens, when requested so to do by the holder of any certificate of delinquency: *Provided*, Said holder has duly paid to the clerk of the court the sum of two dollars for each action brought as per RCW 84.64.120: *Provided, further*, That nothing herein shall be construed to prevent said holder from employing other and additional counsel, or prosecuting said action independent of and without assistance from the prosecuting attorney, if he so desires, but in such cases, no other and further costs or charge whatever shall be allowed than the costs provided in this section and RCW 84.64.120: *And provided, also*, That in no event shall the county prosecuting attorney collect any fee for the services herein enumerated.

84.64.050 Certificate to county—Foreclosure. After the expiration of five years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county, and shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with such legal assistance as the county commissioners shall provide in counties having a population of thirty thousand or more, and with the assistance of the county prosecuting attorney in counties having a population of less than thirty thousand, proceed to foreclose in the name of the county, the tax liens embraced in such certificates, and the same proceedings shall be had as when held by an individual: *Provided*, That notice and summons may be served or notice given exclusively by publication in one general notice, describing the property as the same is described on the tax rolls. It shall be the duty of the county treasurer to mail a copy of the published summons, within fifteen days after the first publication thereof, to the treasurer of each city or town within which any property involved in a tax foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of any tax sought to be foreclosed. Said certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and

the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made codefendants in said action, and if unknown may be therein named as unknown owners, and the publication of such notice shall be sufficient service thereof on all persons interested in the property described therein. The person or persons whose name or names appear on the treasurer's rolls as the owner or owners of said property shall be considered and treated as the owner or owners of said property for the purpose of this section, and if upon said treasurer's rolls it appears that the owner or owners of said property are unknown, then said property shall be proceeded against, as belonging to an unknown owner or owners, as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of said proceedings and of any and all steps thereunder. The publication of the notice and summons required by this section shall be made by the county treasurer in the official newspaper of the county and shall be paid for by the board of county commissioners out of a special appropriation made for that purpose: *Provided*, The price charged by any such newspaper for such publication, for the whole number of issues, shall not exceed in any case the price stated in the contract of the county with such newspaper for county printing, and that, if such publication cannot be made in said newspaper at said price, the county treasurer may cause such publication to be made in any other newspaper printed, published and of general circulation in the county, at a cost for the whole number of issues not to exceed in any case the maximum rate for county printing fixed by contract for such year.

84.64.060 Payment by interested person before deed. Any person owning an interest in lands or lots upon which judgment is prayed, as provided in this chapter, may in person or by agent pay the taxes, interest and costs due thereon to the county treasurer of the county in which the same are situated, at any time before the execution of the deed; and for the amount so paid he shall have a lien on the property liable for taxes, interest and costs for which judgment is prayed; and the person or authority who shall collect or receive the same shall give a receipt for such payment, or issue to such person a certificate showing such payment.

84.64.070 Redemption before deed—Minors and insane. Real property upon which certificates of delinquency have been issued under the provisions of this chapter, may be redeemed at any time before the issuance of tax deed, by payment, in legal money of the United States, to the county treasurer of the proper county, for the benefit of the owner of the certificate of delinquency against

said property, of the amount for which same was sold, together with interest at twelve percent per annum thereon from date of issuance of said certificate of delinquency until paid. The person redeeming such property shall also pay the amount of all taxes, interest and costs accruing after the issuance of such certificate of delinquency, and paid by the holder of said certificate of delinquency or his assignee, together with twelve percent interest on such payment from the day the same was made. No fee shall be charged for any redemption. Tenants in common or joint tenants shall be allowed to redeem their individual interest in real property for which certificates of delinquency have been issued under the provisions of this chapter, in the manner and under the terms specified in this section for the redemption of real property other than that of insane persons and minor heirs. Any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject, however, to the right of the person making the same to be reimbursed by the person benefited. If the real property of any minor, or any insane person, be sold for nonpayment of taxes, the same may be redeemed at any time within three years after the issuance of the tax deed upon the terms specified in this section, on the payment of interest at the rate of twelve percent per annum on the amount for which the same was sold, from and after the date of sale, and in addition the redemptioner shall pay the reasonable value of all improvements made in good faith on the property, less the value of the use thereof, which redemption may be made by themselves or by any person in their behalf.

84.64.080 Foreclosure proceedings — Judgment — Sale — Notice — Form of deed — Recording. The court shall examine each application for judgment foreclosing tax lien, and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of said lands or lots to the entry of judgment against the same, the court shall hear and determine the matter in a summary manner, without other pleadings, and shall pronounce judgment as the right of the case may be; or said court may, in its discretion, continue such individual cases, wherein defense is offered, to such time as may be necessary, in order to secure substantial justice to the contestants therein; but in all other cases said court shall proceed to determine the matter in a summary manner as above specified. In all judicial proceedings of any kind for the collection of taxes, and interest and costs thereon, all amendments which by law can be made in any personal action pending in such court shall be allowed, and no assessments of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax list or assessment

rolls or on account of the assessment rolls or tax list not having been made, completed or returned within the time required by law, or on account of the property having been charged or listed in the assessment or tax lists without name, or in any other name than that of the owner, and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collection of the taxes, shall vitiate or in any manner affect the tax or the assessment thereof, and any irregularities or informality in the assessment rolls or tax lists or in any of the proceedings connected with the assessment or levy of such taxes or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes, may be, in the discretion of the court, corrected, supplied and made to conform to the law by the court. The court shall give judgment for such taxes, interest and costs as shall appear to be due upon the several lots or tracts described in said notice of application for judgment or complaint, and such judgment shall be a several judgment against each tract or lot or part of a tract or lot for each kind of tax included therein, including all interest and costs, and the court shall order and direct the clerk to make and enter an order for the sale of such real property against which judgment is made, or vacate and set aside the certificate of delinquency or make such other order or judgment as in the law or equity may be just. Said order shall be signed by the judge of the superior court and attested by the clerk thereof, and a certified copy of said order, together with the list of the property therein ordered sold, shall be delivered to the county treasurer, and shall be full and sufficient authority for him to proceed to sell said property for said sum as set forth in said order and to take such further steps in the matter as are provided by law. The county treasurer shall immediately after receiving the order and judgment of the court proceed to sell said property as provided in this chapter to the highest and best bidder for cash. All sales shall be made on Saturday between the hours of 9 o'clock in the morning and 4 o'clock in the afternoon, and shall continue from day to day (Sundays excepted) during the same hours until all lots or tracts are sold, after first giving notice of the time and place where such sale is to take place for ten days successively by posting notice thereof in three public places in such county, one of which shall be in the office of said treasurer. Said notice shall be substantially in the following form:

TAX JUDGMENT SALE.

Public notice is hereby given that pursuant to real property tax judgment of the superior court of the county of....., in the state of Washington, and an order of sale duly issued by said court, entered the..... day of....., in proceedings for foreclosure of tax liens upon real property, as per

provisions of law, I shall on the..... day of....., at..... o'clock a. m., at the front door of the court house in the city of....., and county of....., state of Washington, sell the following described lands or lots, to the highest and best bidder for cash, to satisfy the full amount of taxes, interest and costs adjudged to be due thereon as follows, to wit:

(Description of property.)

In witness whereof, I have hereunto affixed my hand and seal this..... day of.....

.....
Treasurer of..... County,
State of Washington.

Provided, That no county officer or employee shall directly or indirectly be a purchaser of such property at such sale. The treasurer may include in one notice any number of separate tracts or lots: *Provided further*, That if any buildings or improvements shall be upon an area encompassing more than one tract or lot, the same must be advertised and sold as a single unit. Should the highest amount bid for any such separate unit tract or lot be in excess of the entire amount of the taxes and interest due upon the whole property included in such certificate of delinquency, such excess shall be refunded to the record owner of the property. The county treasurer shall execute to the purchaser of any piece or parcel of land a tax deed. The deed so made by the county treasurer, under the official seal of his office, shall be recorded in the same manner as other conveyances of real property, and shall vest in the grantee, his heirs and assigns the title to the property therein described, without further acknowledgment or evidence of such conveyance, and shall be substantially in the following form:

State of Washington }
 } ss.
County of..... }

This indenture, made this..... day of....., between....., as treasurer of county, state of Washington, party of the first part, and....., party of the second part:

Witnesseth, that, whereas, at a public sale of real property held on the..... day of....., pursuant to a real property tax judgment entered in the superior court in the county of..... on the..... day of....., in proceedings to foreclose tax liens upon real property and an order of sale duly issued by said court, duly purchased in compliance with the laws of the state of Washington, the following described real property, to wit:

(Here place description of real property conveyed) and that said has complied with the laws of the state of Washington necessary to entitle (him, or her or them) to a deed for said real property.

Now, therefore, know ye, that, I....., county treasurer of said county of....., state of Washington, in consideration of the premises and by virtue of the statutes of the state of Washington, in such cases provided, do hereby grant and convey unto....., his heirs and assigns, forever, the said real property hereinbefore described.

Given under my hand and seal of office this..... day of....., A. D.....

.....
County Treasurer.

84.64.120 Appeal to supreme court—Deposit. Appeals from the judgment of the court may be taken to the supreme court at any time within thirty days after the rendition of said judgment by giving notice thereof orally in open court at the time of the rendition of the judgment, or by giving written notice thereof at any time thereafter, and within thirty days from the date of the rendition of such judgment, and the party taking such appeal shall execute, serve and file a bond payable to the state of Washington, with two or more sureties, to be approved by the court, in an amount to be fixed by the court, conditioned that the appellant shall prosecute his said appeal with effect, and will pay the amount of any taxes, interest and costs which may be finally adjudged against the real property involved in the appeal by any court having jurisdiction of the cause, which bond shall be so served and filed at the time of the service of said notice of appeal, and the respondent may, within five days after the service of such bond, object to the sureties thereon, or to the form and substance of such bond, in the court in which the action is pending, and if, upon hearing of such objections to said bond, it is determined by the court that the sureties thereon are insufficient for any reason, or that the bond is defective for any other reason, the court shall direct a new bond to be executed with sureties thereon, to be justified as provided by law, but no appeal shall be allowed from any judgment for the sale of land or lot for taxes, and no bond given on appeal as herein provided shall operate as a supersedeas, unless the party taking such appeal shall before the time of giving notice of such appeal, and within thirty days herein allowed within which to appeal, deposit with the county treasurer of the county in which the land or lots are situated, an amount of money equal to the amount of the judgment and costs rendered in such cause by the trial court. If, in case of an appeal, the judgment of the lower court shall be affirmed, in whole or in

part, the supreme court shall enter judgment for the amount of taxes, interest and costs, with damages not to exceed twenty percent, and shall order that the amount deposited with the treasurer as aforesaid, or so much thereof as may be necessary, be credited upon the judgment so rendered, and execution shall issue for the balance of said judgment, damages and costs. The clerk of the supreme court shall transmit to the county treasurer of the county in which the land or lots are situated a certified copy of the order of affirmance, and it shall be the duty of such county treasurer upon receiving the same to apply so much of the amount deposited with him, as aforesaid, as shall be necessary to satisfy the amount of the judgment of the supreme court, and to account for the same as collected taxes. If the judgment of the superior court shall be reversed and the cause remanded for a rehearing, and if, upon a rehearing, judgment shall be rendered for the sale of the land or lots for taxes, or any part thereof, and such judgment be not appealed from, as herein provided, the clerk of such superior court shall certify to the county treasurer the amount of such judgment, and thereupon it shall be the duty of the county treasurer to certify to the county clerk the amount deposited with him, as aforesaid, and the county clerk shall credit such judgment with the amount of such deposit, or so much thereof as will satisfy the judgment, and the county treasurer shall be chargeable and accountable for the amount so credited as collected taxes. Nothing herein shall be construed as requiring an additional deposit in case of more than one appeal being prosecuted in said proceeding. If, upon a final hearing, judgment shall be refused for the sale of the land or lots for the taxes, penalties, interest and costs, or any part thereof, in said proceedings, the county treasurer shall pay over to the party who shall have made such deposit, or his legally authorized agent or representative, the amount of the deposit, or so much thereof as shall remain after the satisfaction of the judgment against the land or lots in respect to which such deposit shall have been made.

84.64.130 Certified copies of records as evidence. The books and records belonging to the office of county treasurer, certified by said treasurer, shall be deemed prima facie evidence to prove the issuance of any certificate, the sale of any land or lot for taxes, the redemption of the same or payment of taxes thereon. The county treasurer shall, at the expiration of his term of office, pay over to his successor in office all moneys in his hands received for redemption from sale for taxes on real property.

84.64.140 Erroneous sales. Whenever it shall be made to appear to the satisfaction of a county treasurer that any tract or lot was sold which was not subject to be taxed or upon which taxes have been paid previous to the sale, he shall make an entry opposite to

such tracts or lots in the sale or redemption record that the same was erroneously sold, and such entry shall be prima facie evidence of the fact therein stated.

84.64.150 Private certificate holder to pay subsequent taxes. Every purchaser of a certificate of delinquency shall before applying for judgment, pay all taxes that have accrued on the property included in said certificate since the issuance of said certificate, or any prior taxes that may remain due and unpaid on said property, and any purchaser of delinquent certificates that shall suffer a subsequent tax to become delinquent and a subsequent certificate of delinquency to issue on the same property included in his certificate, such first purchaser shall forfeit his rights thereunder to the subsequent purchaser, and such subsequent purchaser shall at the time of his obtaining his certificate redeem said first certificate of delinquency outstanding by depositing with the county treasurer the amount of said first certificate with interest thereon to the date of said redemption and the amount so paid in redemption shall become a part of said subsequent certificate of delinquency and draw interest at the rate of twelve percent per annum from the date of payment. Said holder of a certificate of delinquency permitting a subsequent certificate to issue on the same property, shall, on notice from the county treasurer, surrender said certificate of delinquency on payment to him of the redemption money paid by the subsequent purchaser: *Provided*, That this section shall not apply to counties or municipalities.

84.64.160 Certificate of redemption—Claims released by. The receipt of the redemption money of any tract or lot by any purchaser, or by the county treasurer for the benefit of such purchaser or the return of the certificate of delinquency for cancellation, shall operate as a release of all the claims to said tract under or by virtue of the issuance of said certificate of delinquency, and the county treasurer, upon the receipt of any such redemption money, shall immediately endorse upon the proper records the fact that such taxes, interest and costs have been paid and the property therein described redeemed by said payment, and shall deliver to the person redeeming the same a certificate of redemption therefor.

84.64.170 Redemptioner to pay cost of publication. In case any person shall be compelled to publish a notice in a newspaper under the provisions of this chapter, then, before any person who may have a right to redeem lands or lots from sale shall be permitted to redeem, he shall pay to the officer who by law is authorized to receive such redemption money the amount paid for publishing such notice for the use of the person compelled to publish such notice, as aforesaid, the fee for such publication.

84.64.180 Deeds as evidence—Estoppel by judgment. Deeds executed by the county treasurer, as aforesaid, shall be prima facie evidence in all controversies and suits in relation to the right of the purchaser, his heirs and assigns, to the real property thereby conveyed of the following facts: First, that the real property conveyed was subject to taxation at the time the same was assessed, and had been listed and assessed in the time and manner required by law; second, that the taxes were not paid at any time before the issuance of deed; third, that the real property conveyed had not been redeemed from the sale at the date of the deed; fourth, that the real property was sold for taxes, interest and costs, as stated in the deed; fifth, that the grantee in the deed was the purchaser, or assignee of the purchaser; sixth, that the sale was conducted in the manner required by law. And any judgment for the deed to real property sold for delinquent taxes rendered after January 9, 1926, except as otherwise provided in this section, shall estop all parties from raising any objections thereto, or to a tax title based thereon, which existed at or before the rendition of such judgment, and could have been presented as a defense to the application for such judgment in the court wherein the same was rendered, and as to all such questions the judgment itself shall be conclusive evidence of its regularity and validity in all collateral proceedings, except in cases where the tax has been paid, or the real property was not liable to the tax.

84.64.190 Certified copy of deed as evidence. Whenever it shall be necessary in any action in any court of law or equity, wherein the title to any real property is in controversy, to prove the conveyance to any county of such real property in pursuance of a foreclosure of a tax certificate and sale thereunder, a copy of the tax deed issued to the county containing a description of such real property, exclusive of the description of all other real property therein described, certified by the county auditor of the county wherein the real property is situated, to be such, shall be admitted in evidence by the court, and shall be proof of the conveyance of the real property in controversy to such county, to the same extent as would a certified copy of the entire record of such tax deed.

84.64.200 Prior taxes deemed delinquent. County as bidder at sale—Purchaser to pay subsequent taxes. All lots, tracts and parcels of land upon which taxes levied prior to January 9, 1926 remain due and unpaid at the date when such taxes would have become delinquent as provided in the act under which they were levied shall be deemed to be delinquent under the provisions of this title, and the same proceedings may be had to enforce the payment of such unpaid taxes, with interest and costs, and payment enforced and liens foreclosed under and by virtue of the

provisions of this chapter. For the purposes of foreclosure under this chapter, the date of delinquency shall be construed to mean the date when the taxes first became delinquent. At all sales of property for which certificates of delinquency are held by the county, if no other bids are received, the county shall be considered a bidder for the full area of each tract or lot to the amount of all taxes, interest and costs due thereon, and where no bidder appears, acquire title thereto as absolutely as if purchased by an individual under the provisions of this chapter; all bidders except the county at sales of property for which certificates of delinquency are held by the county shall pay the full amount of taxes, interests and costs for which judgment is rendered, together with all taxes, interests and costs for all subsequent years due on said property at the date of sale.

84.64.210 Fees of officers. (1) The treasurer shall upon the issuance of a certificate of delinquency collect fifty cents. (2) For making a deed, to include not more than ten tracts or lots, including all services rendered, including sales and posting notices, three dollars. (3) The clerk of the court shall upon filing application for judgment and for all services rendered to and including judgments, collect two dollars. (4) The clerk of the court shall collect from each contestant at time of filing such contest, five dollars.

84.64.215 Recording deed—Fee—Transmittal to county auditor and purchaser. In addition to the fees required to be collected by the county treasurer for the issuance of a deed upon the sale of general tax title property, the treasurer shall collect the proper recording fee. This fee together with the deed shall then be transmitted by the treasurer to the county auditor who will record the same and mail the deed to the purchaser.

84.64.220 County held tax-title property exempt. All property deeded to the county under the provisions of this chapter shall be stricken from the tax rolls as county property and exempt from taxation and shall not be again assessed or taxed while the property of the county.

84.64.230 Disposition of proceeds of sales. No claims shall ever be allowed against the county from any municipality, school district, road district or other taxing district for taxes levied on property acquired by the county by tax deed under the provisions of this chapter, but all taxes shall at the time of deeding said property be thereby canceled: *Provided*, That the proceeds of any sale of any property acquired by the county by tax deed shall be justly apportioned to the various funds existing at the date of the sale, in the territory in which such property is located, according to the tax levies of the year last in process of collection.

84.64.240 Payment of taxes by mistake. If any property owner shall pay taxes on the property of another by mistake of any kind, and the owner of such property fails or refuses, after thirty days' demand, to reimburse such payer before the date on which the delinquency certificates are issued, as provided in this chapter, the payer, or his assignee, may surrender the tax receipt given for such tax payment to the county treasurer and take a certificate of delinquency in lieu thereof, on payment of the accrued interest thereon.

84.64.250 Assignment of certificates issued to counties. Certificates of delinquency issued to counties shall be assignable to individuals by the county treasurer on demand and payment of the full amount due thereon, and said assignee shall have the same rights and proceed in the same manner as if said certificate had been originally issued to him.

84.64.260 Assignments generally. Certificates of delinquency shall be assignable in law, and an assignment thereof shall vest in the assignee or his legal representatives all the right and title of the original purchaser.

84.64.270 Sales of tax-title property—Reservations—Notices—Installment contracts—Separate sale of reserved resources. Real property heretofore or hereafter acquired by any county of this state by foreclosure of delinquent taxes may be sold by order of the board of county commissioners of the county when in the judgment of the members of the board they deem it for the best interests of the county to sell the same. When the board desires to sell any such property it may, if deemed advantageous to the county, combine any or all of the several lots and tracts of such property in one or more units, and may reserve from sale coal, oil, gas, gravel, minerals, ores, fossils, timber, or other resources on or in said lands, and the right to mine for and remove the same, and it shall then enter an order on its records fixing the unit or units in which the property shall be sold and the minimum price for each of such units, and reserving from sale such of said resources as it may determine and from which units such reservations shall apply, and directing the county treasurer to sell such property in the unit or units and at not less than the price or prices and subject to such reservations so fixed by said board: *Provided*, That the said order shall be subject to the approval of the county treasurer if several lots or tracts of land are combined in one unit. It shall be the duty of the county treasurer upon receipt of such order to publish once a week for three consecutive weeks a notice of the sale of such property in a newspaper printed and published in the county where the land is situated: *Provided*, That in counties where there is no newspaper published, the treasurer of such county shall cause such notice to be published in some newspaper in the state of general circulation in such county

having no resident newspaper, said notice shall describe the property to be sold, the unit or units, the reservations, and the minimum price fixed in said order, together with the time and place and terms of sale, which said sale shall be made at the front door of the county court house in the county in which the land is situated between the hours of 9 o'clock a. m. and 4 o'clock p. m., and all sales so made shall be to the highest and best bidder at such sale, and sales to be made under the provisions of this chapter may be adjourned from day to day by the county treasurer by public announcement made by the treasurer at the time and place designated in the notice of such sale, or at the time and place to which said sale may be adjourned. The person making the bid shall state whether he will pay cash for the amount of his bid or accept a real estate contract of purchase in accordance with the provisions hereinafter contained. The person making the highest bid shall become the purchaser of said property. If the highest bidder is a contract bidder the purchaser shall be required to pay twenty percent of the total purchase price at the time of said sale and shall enter into a contract with the county as vendor and the purchaser as vendee which shall obligate and require the purchaser to pay the balance of said purchase price in ten equal annual installments commencing November 1st and each year following the date of said sale, and shall require said purchaser to pay six percent interest on all deferred payments, interest to be paid at the time the annual installment is due; and may contain a provision authorizing the purchaser to make payment in full at any time of any balance due on the total purchase price plus accrued interest on such balance. Said contract shall contain a provision requiring the purchaser to pay before delinquency all subsequent taxes and assessments that may be levied or assessed against said property subsequent to the date of said contract, and shall contain a provision that time is of the essence of the contract and that in event of a failure of the vendee to make payments at the time and in the manner required and to keep and perform the covenants and conditions therein required of him that the said contract may be forfeited and terminated at the election of the vendor, and that in event of said election all sums theretofore paid by the vendee shall be forfeited as liquidated damages for failure to comply with the provisions of said contract; and shall require the vendor to execute and deliver to the vendee a deed of conveyance covering said property upon the payment in full of the purchase price, plus accrued interest: *Provided further*, That said board may, by order entered in its records, direct said coal, oil, gas, gravel, minerals, ores, timber, or other resources sold apart from the land, such sale to be conducted in the manner hereinabove prescribed for the sale of the land: *Provided further*, That any such reserved minerals or resources not exceeding two hundred dollars in value may be sold, when said

board deems it advisable, either with or without such publication of the notice of sale, and in such manner as the board may determine will be most beneficial to the county.

84.64.300 Form of deed and reservation. The county treasurer shall upon payment to him of the purchase price for said property and any interest due, make and execute under his hand and seal, and issue to the purchaser, a deed in the following form for any lots or parcels of real property sold under the provisions of RCW 84.64.270.

State of Washington }
County of } ss.

This indenture, made this..... day of....., 19....., between....., as treasurer of..... county, state of Washington, the party of the first part, and....., party of the second part.

WITNESSETH, That whereas, at a public sale of real property, held on the..... day of....., A. D., 19....., pursuant to an order of the board of county commissioners of the county of....., state of Washington, duly made and entered, and after having first given due notice of the time and place and terms of said sale, and, whereas, in pursuance of said order of the said board of county commissioners, and of the laws of the state of Washington, and for and in consideration of the sum ofdollars, lawful money of the United States of America, to me in hand paid, the receipt whereof is hereby acknowledged, I have this day sold to.....the following described real property, and which said real property is the property of..... county, and which is particularly described as follows, to wit:, the said..... being the highest and best bidder at said sale, and the said sum being the highest and best sum bid at said sale;

NOW, THEREFORE, Know ye that I,....., county treasurer of said county of....., state of Washington, in consideration of the premises and by virtue of the statutes of the state of Washington, in such cases made and provided, do hereby grant and convey unto....., heirs and assigns, forever, the said real property hereinbefore described, as fully and completely as said party of the first part can by virtue of the premises convey the same.

Given under my hand and seal of office this..... day of....., A. D. 19.....

.....
County Treasurer,
By.....
Deputy:

Provided, That when by order of the board of county commissioners any of the minerals or other resources enumerated in RCW 84.64.270 are reserved, the deed or contract of purchase shall contain the following reservation:

The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its successors, and assigns, forever, all oils, gases, coals, ores, minerals, gravel, timber and fossils of every name, kind or description, and which may be in or upon said lands above described; or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, gravel, timber and fossils; and it also hereby expressly saves reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right to enter by itself, its agents, attorneys and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, gravel, timber and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its successors and assigns, forever, the right by it or its agents, servants and attorneys at any and all times to erect, construct, maintain and use all such buildings, machinery, roads and railroads, sink such shafts, remove such oil, and to remain on said lands or any part thereof, for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself, its successors and assigns, as aforesaid, generally, all rights and powers in, to and over, said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved. No rights shall be exercised under the foregoing reservation, by the county, its successors or assigns, until provision has been made by the county, its successors or assigns, to pay to the owner of the land upon which the rights herein reserved to the county, its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: *Provided*, That if said owner from any cause whatever refuses or neglects to settle said damages, then the county, its successors or assigns, or any applicant for a lease or contract from the county for the purpose of prospecting for or mining valuable minerals, or operation contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situated, as may be necessary to determine the damages which said owner of said land may suffer: *Provided*, The county treasurer shall cross out of such reservation

any of said minerals or other resources which were not reserved by order of the said board.

84.64.310 Rental of tax-title property on month to month tenancy authorized. The board of county commissioners of any county may, pending sale of any county property acquired by foreclosure of delinquent taxes, rent any portion thereof on a tenancy from month to month. From the proceeds of the rentals the board of county commissioners shall first pay all expense in management of said property and in repairing, maintaining and insuring the improvements thereon, and the balance of said proceeds shall be paid to the various taxing units interested in the taxes levied against said property in the same proportion as the current tax levies of the taxing units having levies against said property.

84.64.320 Tax-title property may be disposed of without bids in certain cases. The board of county commissioners may dispose of tax foreclosed property to any governmental agency for public purposes by private negotiation, without a call for bids, for not less than the principal amount of the unpaid taxes.

84.64.330 Quieting title to tax-title property. In any and all instances in this state in which a treasurer's deed to real property has been or shall be issued to the county in proceedings to foreclose the lien of general taxes, and for any reason a defect in title exists or adverse claims against the same have not been legally determined, the county or its successors in interest or assigns shall have authority to institute an action in the superior court in said county to correct such defects, and to determine such adverse claims and the priority thereof as in RCW 84.64.330 through 84.64.440 provided.

84.64.340 ————Form of action—Pleadings. The county or its successors in interest or assigns shall have authority to include in one action any and all tracts of land in which plaintiff or plaintiffs in such action, jointly or severally, has or claims to have an interest. Such action shall be one in rem as against every right and interest in and claim against any and every part of the real property involved, except so much thereof as may be at the time the summons and notice is filed with the clerk of the superior court in the actual, open and notorious possession of any person or corporation, and then except only as to the interest claimed by such person so in possession: *Provided*, That the possession required under the provisions of RCW 84.64.330 through 84.64.440 shall be construed to be that by personal occupancy only, and not merely by representation or in contemplation of law. No person, firm or corporation claiming an interest in or to such lands need be specifically named in the summons and notice, except as in RCW 84.64.330 through 84.64.440 provided, and no pleadings other than the summons and notice and

the written statements of those claiming a right, title and interest in and to the property involved shall be required.

84.64.350 ————**Summons and notice.** Upon filing a copy of the summons and notice in the office of the county clerk, service thereof as against every interest in and claim against any and every part of the property described in such summons and notice, and every person or corporation, except one who is in the actual, open and notorious possession of any of said properties, shall be had by publication in the official county newspaper for six consecutive weeks; and no affidavit for publication of such summons and notice shall be required. In case there are outstanding local improvement assessments against any of the real property described in the summons and notice, a copy of the same shall be served on the treasurer of the city or town within which such real property is situated within five days after such summons and notice is filed.

The summons and notice in such action shall contain the title of the court; specify in general terms the years for which the taxes were levied and the amount of the taxes and the costs for which each tract of land was sold; give the legal description of each tract of land involved, and the tax record owner thereof during the years in which the taxes for which the property was sold were levied; state that the purpose of the action is to foreclose all adverse claims of every nature in and to the property described, and to have the title of existing liens and claims of every nature against said described real property, except that of the county, forever barred.

Said summons and notice shall also summon all persons, firms and corporations claiming any right, title and interest in and to said described real property to appear within sixty days after the date of the first publication, specifying the day and year, and state in writing what right, title and interest they have or claim to have in and to the property described, and file the same with the clerk of the court above named; and shall notify them that in case of their failure so to do, judgment will be rendered determining that the title to said real property is in the county free from all existing adverse interests, rights or claims whatsoever: *Provided*, That in case any of the lands involved is in the actual, open and notorious possession of anyone at the time the summons and notice is filed, as herein provided, a copy of the same modified as herein specified shall be served personally upon such person in the same manner as summons is served in civil actions generally. Said summons shall be substantially in the form above outlined, except that in lieu of the statement relative to the date and day of publication it shall require the person served to appear within twenty days after the day of service, exclusive of the date of service, and that the day of service need not be specified therein, and except further that the

recitals regarding the amount of the taxes and costs and the years the same were levied, the legal description of the land and the tax record owner thereof may be omitted except as to the land occupied by the persons served.

Every summons and notice provided for in RCW 84.64.330 through 84.64.440 shall be subscribed by the prosecuting attorney of the county or by any successor or assign of the county or his attorney, as the case may be, followed by his post office address.

84.64.360 ———Redemption before judgment. Any person, firm or corporation who or which may have been entitled to redeem the property involved prior to the issuance of the treasurer's deed to the county, and his or its successor in interest, shall have the right, at any time after the commencement of, and prior to the judgment in the action authorized herein, to redeem such property by paying to the county treasurer the amount of the taxes for which the property was sold to the county, and the amount of any other general taxes which may have accrued prior to the issuance of said treasurer's deed, together with interest on all such taxes from the date of delinquency thereof, respectively, at the rate of twelve percent per annum, and by paying for the benefit of the assessment district concerned the amount of principal, penalty and interest of all special assessments, if any, which shall have been levied against such property and by paying such porportional part of the costs of the tax foreclosure proceedings and of the action herein authorized as the county treasurer shall determine.

Upon redemption of any property before judgment as herein provided, the county treasurer shall issue to the redemptioner a certificate specifying the amount of the taxes, special assessments, penalty, interest and costs charged describing the land and stating that the taxes, special assessments, penalty, interest and costs specified have been fully paid, and the lien thereof discharged. Such certificate shall clear the land described therein from any claim of the county based on the treasurer's deed previously issued in the tax foreclosure proceedings.

84.64.370 ———Judgment. At any time after the return day named in the summons and notice the plaintiff in the cause shall be entitled to apply for judgment. In case any person has appeared in such action and claimed any interest in the real property involved adverse to that of the county or its successors in interest, such person shall be given a three days' notice of the time when application for judgment shall be made. The court shall hear and determine the matter in a summary manner similar to that provided in RCW 84.64.080, relating to judgment and order of sale in general tax foreclosure proceedings, and shall pronounce and enter judgment according to the rights of the parties and persons concerned in the action. No order of sale shall be made nor shall any

sale on execution be necessary to determine the title of the county to the real property involved in such action.

84.64.380 ———Proof—Presumptions. The right of action of the county, its successors or assigns, under RCW 84.64.330 through 84.64.440 shall rest on the validity of the taxes involved, and the plaintiff shall be required to prove only the amount of the former judgment foreclosing the lien thereof, together with the costs of the foreclosure and sale of each tract of land for said taxes, and all the presumptions in favor of the tax foreclosure sale and issuance of treasurer's deed existing by law shall obtain in said action.

84.64.390 ———Appearance fee—Tender of taxes. Any person filing a statement in such action shall pay the clerk of the court an appearance fee in the amount required by the county for appearances in civil actions, and shall be required to tender the amount of all taxes, interest and costs charged against the real property to which he lays claim, and no further costs in such action shall be required or recovered.

84.64.400 ———Appeal to supreme court. Any person aggrieved by the judgment rendered in such action shall have the right to appeal from the part of said judgment objectionable to him to the supreme court of the state substantially in the manner and within the time prescribed for appeals in RCW 84.64.120.

84.64.410 ———Effect of judgment. The judgment rendered in such action, unless appealed from within the time prescribed herein and upon final judgment on appeal, shall be conclusive, without the right of redemption upon and against every person who may or could claim any lien or any right, title or interest in or to any of the properties involved in said action, including minors, insane persons, those convicted of crime, as well as those free from disability, and against those who may have at any time attempted to pay any tax on any of the properties, and against those in actual open and notorious possession of any of said properties.

Such judgment shall be conclusive as to those who appeal therefrom, except as to the particular property to which such appellant laid claim in the action and concerning which he appealed, and shall be conclusive as to those in possession of any property and who were not served except as to the property which such person is in the actual, open and notorious possession of, and in any case where it is asserted that the judgment was not conclusive because of such possession, the burden of showing such actual, open and notorious possession shall be on the one asserting such possession.

84.64.420 ———Special assessments payable out of surplus. Nothing in RCW 84.64.330 through 84.64.440 contained shall be construed to deprive any city or town, local improvement or special assessment district of its right to reimbursement for special assess-

ments out of any surplus over and above the taxes, interest and costs involved.

84.64.430 ————**Form of deed on sale after title quieted.** That in all cases where any county of the state of Washington has perfected title to real estate owned by such county, under the provisions of RCW 84.64.330 through 84.64.420 and resells the same or part thereof, it shall give to the purchaser a warranty deed in substantially the following form:

STATE OF WASHINGTON }
County of } ss.

This indenture, made this..... day of 19....., between..... as treasurer of..... county, state of Washington, the party of the first part, and, party of the second part.

WITNESSETH, THAT WHEREAS, at a public sale of real property, held on the day of A.D. 19....., pursuant to an order of the board of county commissioners of the county of, state of Washington, duly made and entered, and after having first given due notice of the time and place and terms of said sale, and, whereas, in pursuance of said order of the said board of county commissioners, and of the laws of the state of Washington, and for and in consideration of the sum of dollars, lawful money of the United States of America, to me in hand paid, the receipt whereof is hereby acknowledged, I have this day sold to the following described real property, and which said real property is the property of county, and which is particularly described as follows, to wit:

....., the said being the highest and best bidder at said sale, and the said sum being the highest and best sum bid at said sale:

NOW THEREFORE KNOW YE that I, county treasurer of said county of, state of Washington, in consideration of the premises and by virtue of the statutes of the state of Washington, in such cases made and provided, do hereby grant, convey and warrant on behalf of county unto, his heirs and assigns, forever, the said real property hereinbefore described.

Given under my hand and seal of office this day of A.D., 19.....

.....
County Treasurer.
By
Deputy.

84.64.440 ————Limitation on recovery for breach of warranty. No recovery for breach of warranty shall be had, against the county executing a deed under the provisions of RCW 84.64.430, in excess of the purchase price of the land described in such deed, with interest at the legal rate.

84.64.450 Tax deeds to cities and towns absolute despite reversionary provision. All sales of tax-title lands heretofore consummated by any county, to a city or town, for municipal purposes, or public use, shall be absolute and final, and transfer title in fee, notwithstanding any reversionary provision in the tax deed to the contrary; and all tax-title deeds containing any such reversionary provision shall upon application of grantee in interest, be revised to conform with the provisions herein.

84.64.460 Easements. The general property tax assessed on any tract, lot, or parcel of real property includes all easements appurtenant thereto, provided said easements are a matter of public record in the auditor's office of the county in which said real property is situated. Any foreclosure of delinquent taxes on any tract, lot or parcel of real property subject to such easement or easements, and any tax deed issued pursuant thereto shall be subject to such easement or easements, provided such easement or easements were established of record prior to the year for which the tax was foreclosed.

Chapter 84.68

RECOVERY OF TAXES PAID OR PROPERTY SOLD FOR TAXES

84.68.010 Injunctions prohibited — Exceptions. Injunctions and restraining orders shall not be issued or granted to restrain the collection of any tax or any part thereof, or the sale of any property for the nonpayment of any tax or part thereof, except in the following cases:

- (1) Where the law under which the tax is imposed is void; and
- (2) Where the property upon which the tax is imposed is exempt from taxation.

84.68.020 Payment under protest—Claim not required. In all cases of the levy of taxes for public revenue which are deemed unlawful or excessive by the person, firm or corporation whose property is taxed, or from whom such tax is demanded or enforced, such person, firm or corporation may pay such tax or any part thereof deemed unlawful, under written protest setting forth all of the grounds upon which such tax is claimed to be unlawful or excessive; and thereupon the person, firm or corporation so paying, or his or its legal representatives or assigns, may bring an action

in the superior court or in any federal court of competent jurisdiction against the state, county or municipality by whose officers the same was collected, to recover such tax, or any portion thereof, so paid under protest: *Provided*, That RCW 84.68.010 through 84.68.070 shall not be deemed to enlarge the grounds upon which taxes may now be recovered: *And provided further*, That no claim need be presented to the state or county or municipality, or any of their respective officers, for the return of such protested tax as a condition precedent to the institution of such action.

84.68.030 Judgment — Payment — County tax refund fund. In case it be determined in such action that said tax, or any portion thereof, so paid under protest, was unlawfully collected, judgment for recovery thereof and lawful interest thereon from date of payment, together with costs of suit, shall be entered in favor of plaintiff. In case the action is against a county and the judgment shall become final, the amount of such judgment, including legal interest and costs where allowed, shall be paid out of the treasury of such county by the county treasurer upon warrants drawn by the county auditor against a fund in said treasury hereby created to be known and designated as the county tax refund fund. Such warrants shall be so issued upon the filing with the county auditor and the county treasurer of duly authenticated copies of such judgment, and shall be paid by the county treasurer out of any moneys on hand in said fund. If no funds are available in such county tax refund fund for the payment of such warrants, then such warrants shall bear interest in such cases and shall be callable under such conditions as are provided by law for county warrants, and such interest, if any, shall also be paid out of said fund.

84.68.040 Levy for tax refund fund. Annually, at the time required by law for the levying of taxes for county purposes, the proper county officers required by law to make and enter such tax levies shall make and enter a tax levy or levies for said county tax refund fund, which said levy or levies shall be given precedence over all other tax levies for county and/or taxing district purposes, as follows:

(1) A levy upon all of the taxable property within the county for the amount of all taxes collected by the county for county and/or state purposes held illegal and recoverable by such judgments rendered against the county within the preceding twelve months, including legal interest and a proper share of the costs, where allowed, together with the additional amounts hereinafter provided for;

(2) A levy upon all of the taxable property of each taxing district within the county for the amount of all taxes collected by

the county for the purposes of such taxing district, and which have been held illegal and recoverable by such judgments rendered against the county within the preceding twelve months, including legal interest and a proper share of the costs, where allowed.

The aforesaid levy or levies shall also include a proper share of the interest paid out of the county tax refund fund during said twelve months upon warrants issued against said fund in payment of such judgments, legal interests and costs, plus such an additional amount as such levying officers shall deem necessary to meet the obligations of said fund, taking into consideration the probable portions of such taxes that will not be collected or collectible during the year in which they are due and payable, and also any unobligated cash on hand in said fund.

84.68.050 Venue of action—Intercounty property. The action for the recovery of taxes so paid under protest shall be brought in the superior court of the county wherein the tax was collected or in any federal court of competent jurisdiction: *Provided*, That where the property against which the tax is levied consists of the operating property of a railroad company, telegraph company or other public service company whose operating property is located in more than one county and is assessed as a unit by any state board or state officer or officers, the complaining taxpayer may institute such action in the superior court of any one of the counties in which such tax is payable, or in any federal court of competent jurisdiction, and may join as parties defendant in said action all of the counties to which the tax or taxes levied upon such operating property were paid or are payable, and may recover in one action from each of the county defendants the amount of the tax, or any portion thereof, so paid under protest, and adjudged to have been unlawfully collected, together with legal interest thereon from date of payment, and costs of suit.

84.68.060 Limitation of actions. No action instituted pursuant to this chapter or otherwise to recover any tax levied or assessed shall be commenced after the 30th day of the next succeeding June following the year in which said tax became payable.

84.68.070 Remedy exclusive—Exception. Except as permitted by RCW 84.68.010 through 84.68.070, no action shall ever be brought or defense interposed attacking the validity of any tax, or any portion of any tax: *Provided, however*, That this section shall not be construed as depriving the defendants in any tax foreclosure proceeding of any valid defense allowed by law to the tax sought to be foreclosed therein except defenses based upon alleged excessive valuations, levies or taxes.

84.68.080 Action to recover property sold for taxes—Tender is condition precedent. Hereafter no action or proceeding shall be commenced or instituted in any court of this state for the recovery of any property sold for taxes, unless the person or corporation desiring to commence or institute such action or proceeding shall first pay, or cause to be paid, or shall tender to the officer entitled under the law to receive the same, all taxes, penalties, interest and costs justly due and unpaid from such person or corporation on the property sought to be recovered.

84.68.090 ————Complaint. In all actions for the recovery of lands or other property sold for taxes, the complainant must state and set forth specially in his complaint the tax that is justly due, with penalties, interest and costs, that the taxes for that and previous years have been paid; and when the action is against the person or corporation in possession thereof that all taxes, penalties, interest and costs paid by the purchaser at tax-sale, his assignees or grantees have been fully paid or tendered, and payment refused.

84.68.100 ————Restrictions construed as additional. The provisions of RCW 84.68.080 and 84.68.090 shall be construed as imposing additional conditions upon the complainant in actions for the recovery of property sold for taxes.

84.68.110 Small claims recoveries—Recovery of erroneous taxes without court action. Whenever a taxpayer believes or has reason to believe that, through error in description, double assessments or manifest errors in assessment which do not involve a revaluation of the property, he has been erroneously assessed or that a tax has been incorrectly extended against him upon the tax rolls, and the tax based upon such erroneous assessment or incorrect extension has been paid, such taxpayer may initiate a proceeding for the cancellation or reduction of the assessment of his property and the tax based thereon or for correction of the error in extending the tax on the tax rolls, and for the refund of the claimed erroneous tax or excessive portion thereof, by filing a petition therefor with the county assessor of the county in which the property is or was located or taxed, which petition shall legally describe the property, show the assessed valuation and tax placed against the property for the year or years in question and the taxpayer's reasons for believing that there was an error in the assessment within the meaning of RCW 84.68.110 through 84.68.150, or in extending the tax upon the tax rolls and set forth the sum to which the taxpayer desires to have the assessment reduced or the extended tax corrected.

84.68.120 ————Petition—Procedure of county officers—Transmittal of findings to tax commission. Upon the filing of the petition with the county assessor that officer shall proceed forthwith to

conduct such investigation as may be necessary to ascertain and determine whether or not the assessment in question was erroneous or whether or not the tax was incorrectly extended upon the tax rolls and if he finds there is probable cause to believe that the property was erroneously assessed, and that such erroneous assessment was due to an error in description, double assessment or manifest error in assessment which does not involve a revaluation of the property, or that the tax was incorrectly extended upon the tax rolls, he shall endorse his findings upon the petition, and thereupon within ten days after the filing of the petition by the taxpayer forward the same to the county treasurer. If the assessor's findings be in favor of cancellation or reduction or correction he shall include therein a statement of the amount to which he recommends that the assessment and tax be reduced. It shall be the duty of the county treasurer, upon whom a petition with endorsed findings is served, as in RCW 84.68.110 through 84.68.150 provided, to endorse thereon a statement whether or not the tax against which complaint is made has in fact been paid and, if paid, the amount thereof, whereupon the county treasurer shall immediately transmit the petition to the prosecuting attorney and the prosecuting attorney shall make such investigation as he deems necessary and, within ten days after receipt of the petition and findings by him, transmit the same to the state tax commission with his recommendation in respect to the granting or denial of the petition.

84.68.130 ————**Procedure of tax commission.** Upon receipt of the petition, findings and recommendations the state tax commission shall proceed to consider the same, and it may require evidence to be submitted and make such investigation as it deems necessary and for such purpose the commission shall be empowered to subpoena witnesses in order that all material and relevant facts may be ascertained. Upon the conclusion of its consideration of the petition and within thirty days after receipt thereof, the commission shall enter an order either granting or denying the petition and if the petition be granted the commission may order the assessment canceled or reduced or the extended tax corrected upon the tax rolls in any amount it deems proper but in no event to exceed the amount of reduction or correction recommended by the county assessor.

84.68.140 ————**Payment of refunds—Procedure.** Certified copies of the commission's order shall be forwarded to the county assessor, the county auditor and the taxpayer, and the taxpayer shall immediately be entitled to a refund of the difference, if any, between the tax already paid and the canceled or reduced or corrected tax based upon the order of the tax commission with legal interest on such amount from the date of payment of the original

tax. Upon receipt of the commission's order the county auditor shall draw a warrant against the county tax refund fund in the amount of any tax reduction so ordered, plus legal interest to the date such warrant is issued, and such warrant shall be paid by the county treasurer out of any moneys on hand in said fund. If no funds are available in the county tax refund fund for the payment of such warrant the warrant shall bear interest and shall be callable under such conditions as are provided by law for county warrants and such interest, if any, shall also be paid out of said fund. The commission's order shall for all purposes be considered as a judgment against the county tax refund fund and the obligation thereof shall be discharged in the same manner as provided by law for the discharge of judgments against the county for excessive taxes under the provisions of RCW 84.68.010 through 84.68.070 or any act amendatory thereof.

84.68.150 ————Limitation as to time and amount of refund. No petition for cancellation or reduction of assessment or correction of tax rolls and the refund of taxes based thereon under RCW 84.68.110 through 84.68.150 shall be considered unless filed within three years after the year in which the tax became payable or purported to become payable. The maximum refund under the authority of RCW 84.68.110 through 84.68.150 for each year involved in the taxpayer's petition shall be two hundred dollars. Should the amount of excess tax for any such year be in excess of two hundred dollars, a refund of two hundred dollars shall be allowed under RCW 84.68.110 through 84.68.150, without prejudice to the right of the taxpayer to proceed as may be otherwise provided by law to recover the balance of the excess tax paid by him.

Chapter 84.69

REFUNDS—1957 ACT

84.69.010 Definitions. As used in this chapter, unless the context indicates otherwise:

(1) "Taxing district" means any county, city, town, township, port district, school district, road district, metropolitan park district, water district, or other municipal corporation now or hereafter authorized by law to impose burdens upon property within the district in proportion to the value thereof, for the purpose of obtaining revenue for public purposes, as distinguished from municipal corporations authorized to impose burdens, or for which burdens may be imposed, for such purposes, upon property in proportion to the benefits accruing thereto.

(2) "Tax" includes penalties and interest.

84.69.020 Grounds for refunds. On order of the board of county commissioners ad valorem taxes paid before or after delinquency shall be refunded if they were:

- (1) Paid more than once; or
- (2) Paid as a result of manifest error in description; or
- (3) Paid as a result of a clerical error in extending the tax rolls;

or

- (4) Paid as a result of other clerical errors in listing property; or
- (5) Paid with respect to improvements which did not exist on assessment date; or
- (6) Paid under levies or statutes adjudicated to be illegal or unconstitutional.

No refunds under the provisions of this section shall be made because of any error in determining the valuation of property.

84.69.030 Procedure to obtain order for refund. Except in cases wherein the board of county commissioners acts upon its own motion, no orders for a refund under this chapter shall be made except on a claim:

- (1) Verified by the person who paid the tax, his guardian, executor or administrator; and
- (2) Filed within three years after making of the payment sought to be refunded; and
- (3) Stating the statutory ground upon which the refund is claimed.

84.69.040 Refunds may include amounts paid to state, and county and taxing district taxes. Refunds ordered by the board of county commissioners may include:

- (1) A portion of amounts paid to the state treasurer by the county treasurer as money belonging to the state; and also
- (2) County taxes and taxes collected by county officers for taxing districts.

84.69.050 Refund with respect to amounts paid state. The part of the refund representing amounts paid to the state shall be paid from the county general fund and the state auditor shall, upon the next succeeding settlement with the county, certify this amount refunded to the county.

84.69.060 Refunds with respect to county and state taxes. Refunds ordered under this chapter with respect to county and state taxes shall be paid by checks drawn upon the appropriate fund by the county treasurer.

84.69.070 Refunds with respect to taxing districts. Refunds ordered with respect to taxing districts shall be paid by checks drawn by the county treasurer upon such available funds, if any,

as the taxing districts may have on deposit in the county treasury, or in the event such funds are insufficient, then out of funds subsequently accruing to such taxing district and on deposit in the county treasury.

Note: See also section 2, chapter 270, Laws of 1961.

84.69.080 ——— **Not to be paid from county funds.** Neither any county nor its officers shall refund amounts on behalf of a taxing district from county funds.

84.69.090 To whom refund may be paid. The payment of refunds shall be made payable, at the election of the appropriate treasurer, to the taxpayer, his guardian, executor, or administrator or the owner of record of the property taxed, his guardian, executor, or administrator.

84.69.100 Refunds shall include interest. Refunds of taxes made pursuant to RCW 84.69.010 through 84.69.090 shall include interest at the rate of five percent per annum from the date of collection of the portion refundable or from the date of claim for refund, whichever is later.

84.69.110 Expiration date of refund orders. Every order for refund of ad valorem taxes promulgated by the board of county commissioners under authority of this chapter as hereafter amended shall expire and be void three years from the date of the order and all unpaid checks shall become void.

84.69.120 Action on rejected claim—Time for commencement. If the board of county commissioners rejects a claim or fails to act within six months from the date of filing of a claim for refund in whole or in part, the person who paid the taxes, his guardian, executor, or administrator may within one year after the date of payment of the claimed refund amount commence an action in the superior court against the county to recover the taxes which the board of county commissioners have refused to refund.

84.69.130 Claim prerequisite to action—Recovery limited to ground asserted. No action shall be commenced or maintained under this chapter unless a claim for refund shall have been filed in compliance with the provisions of this chapter, and no recovery of taxes shall be allowed in any such action upon a ground not asserted in the claim for refund.

84.69.140 Interest shall be allowed on amount recovered—Exception. In any action in which recovery of taxes is allowed by the court, the plaintiff is entitled to interest on the taxes for which recovery is allowed at a rate of five percent per annum from the date of collection of the tax to the date of entry of judgment, and such accrued interest shall be included in the judgment. This section shall not apply to taxes paid before June 12, 1957.

84.69.150 Refunds within sixty days. Notwithstanding any other laws to the contrary, any taxes paid before or after delinquency may be refunded, without interest, by the county treasurer within sixty days after the date of payment if:

- (1) Paid more than once; or
- (2) The amount paid exceeds the amount due on the property as shown on the roll.

84.69.160 Chapter does not supersede existing law. This chapter is enacted as a concurrent refund procedure and shall not be construed to displace or supersede any portion of the existing laws relating to refunding procedures.

84.69.170 Payment under protest not required. The remedies herein provided shall be available regardless of whether the taxes in question were paid under protest.

Chapter 84.72

FEDERAL PAYMENTS IN LIEU OF TAXES

84.72.010 State treasurer authorized to receive lieu payments—Tax commission to apportion. The state treasurer is hereby authorized and directed to receive any moneys that may be paid to the state by the United States or any agency thereof in lieu of ad valorem property taxes, and to transfer the same to the respective county treasurers in compliance with apportionments made by the state tax commission; and the state treasurer shall immediately notify the tax commission of the receipt of any such payment.

84.72.020 Basis of apportionment. Any such moneys so paid to the state treasurer shall be apportioned to the state and to the taxing districts thereof that would be entitled to share in the property taxes in lieu of which such payments are made in the same proportion that the state and such taxing units would have shared in such property taxes if the same had been levied. The basis of apportionment shall be the same as that of property taxes first collectible in the year in which such lieu payment is made: *Provided*, That if any such lieu payment cannot be so apportioned the apportionment shall be made on such basis as the tax commission shall deem equitable and proper.

84.72.030 Certification of apportionment to state treasurer—Distribution to county treasurers. The tax commission may indicate either the exact apportionment to taxing units or it may direct in general terms that county treasurers shall apportion any such lieu payment in the manner provided in RCW 84.72.020. In either event the tax commission shall certify to the state treasurer the basis of apportionment and the state treasurer shall thereupon forthwith

transmit any such lieu payment, together with a statement of the basis of apportionment, to the county treasurer in accordance with such certification.

Chapter 84.98

CONSTRUCTION

84.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

84.98.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title, do not constitute any part of the law.

84.98.030 Invalidity of part of title not to affect remainder. If any section, subdivision of a section, paragraph, sentence, clause or word of this title for any reason shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of this title but shall be confined in its operation to the section, subdivision of a section, paragraph, sentence, clause or word directly involved in the controversy in which such judgment shall have been rendered. If any tax imposed under this title shall be adjudged invalid as to any person, corporation, association or class of persons, corporations or associations included within the scope of the general language of this title such invalidity shall not affect the liability of any person, corporation, association or class of persons, corporations or associations as to which such tax has not been adjudged invalid. It is hereby expressly declared that had any section, subdivision of a section, paragraph, sentence, clause, word or any person, corporation, association or class of persons, corporations or associations as to which this title is declared invalid been eliminated from the title at the time the same was considered the title would have nevertheless been enacted with such portions eliminated.

84.98.040 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Sections 1 through 32, pp 330-338, Laws of 1854;
- (2) Sections 1 and 2, p 27, Laws of 1865;
- (3) Sections 1 through 33, p 58, Laws of 1867;
- (4) Sections 1 through 85, p 176, Laws of 1869;
- (5) Sections 1 through 52, p 36, Laws of 1871;
- (6) Sections 1 through 84, p 154, Laws of 1877;
- (7) Sections 1 through 195, p 3, Laws of 1879;
- (8) Sections 2829 through 2969, Code of 1881;

- (9) Sections 1 through 26, p 47, Laws of 1886;
- (10) Sections 1 through 3, p 89, Laws of 1886;
- (11) Sections 1 through 5, pp 89-90, Laws of 1886;
- (12) Sections 1 through 4, pp 90-91, Laws of 1886;
- (13) Sections 1 through 3, pp 92-93, Laws of 1886;
- (14) Sections 1 through 4, pp 93-94, Laws of 1886;
- (15) Sections 1 through 3, pp 94-95, Laws of 1886;
- (16) Chapter 22, (p 43), Laws of 1888;
- (17) Chapter 106, (p 192), Laws of 1888;
- (18) Chapter 107, (p 194), Laws of 1888;
- (19) Chapter 125, (p 220), Laws of 1888;
- (20) Chapter 18, (p 530), Laws of 1890;
- (21) Chapter 140, Laws of 1891;
- (22) Chapter 124, Laws of 1893;
- (23) Chapter 61, Laws of 1895;
- (24) Chapter 176, Laws of 1895;
- (25) Chapter 71, Laws of 1897;
- (26) Chapter 32, Laws of 1899;
- (27) Chapter 141, Laws of 1899;
- (28) Chapter 79, Laws of 1901;
- (29) Chapter 124, Laws of 1901;
- (30) Chapter 133, Laws of 1901;
- (31) Chapter 176, Laws of 1901;
- (32) Chapter 178, Laws of 1901;
- (33) Chapter 2, Laws of 1901, extraordinary session;
- (34) Chapter 59, Laws of 1903;
- (35) Chapter 83, Laws of 1903;
- (36) Chapter 164, Laws of 1903;
- (37) Chapter 165, Laws of 1903;
- (38) Chapter 178, Laws of 1903;
- (39) Chapter 181, Laws of 1903;
- (40) Chapter 183, Laws of 1903;
- (41) Chapter 115, Laws of 1905;
- (42) Chapter 128, Laws of 1905;
- (43) Chapter 136, Laws of 1905;
- (44) Chapter 143, Laws of 1905;
- (45) Chapter 29, Laws of 1907;
- (46) Chapter 36, Laws of 1907;
- (47) Chapter 46, Laws of 1907;
- (48) Chapter 48, Laws of 1907;
- (49) Chapter 54, Laws of 1907;
- (50) Chapter 78, Laws of 1907;
- (51) Chapter 108, Laws of 1907;
- (52) Chapter 129, Laws of 1907;
- (53) Chapter 131, Laws of 1907;

- (54) Chapter 206, Laws of 1907;
- (55) Chapter 215, Laws of 1907;
- (56) Chapter 220, Laws of 1907;
- (57) Chapter 138, Laws of 1909;
- (58) Chapter 163, Laws of 1909;
- (59) Chapter 230, Laws of 1909;
- (60) Chapter 12, Laws of 1911;
- (61) Chapter 21, Laws of 1911;
- (62) Chapter 24, Laws of 1911;
- (63) Chapter 112, Laws of 1913;
- (64) Chapter 117, Laws of 1913;
- (65) Chapter 140, Laws of 1913;
- (66) Chapter 7, Laws of 1915;
- (67) Chapter 122, Laws of 1915;
- (68) Chapter 131, Laws of 1915;
- (69) Chapter 137, Laws of 1915;
- (70) Chapter 146, Laws of 1915;
- (71) Chapter 25, Laws of 1917;
- (72) Chapter 26, Laws of 1917;
- (73) Chapter 55, Laws of 1917;
- (74) Chapter 113, Laws of 1917;
- (75) Chapter 141, Laws of 1917;
- (76) Chapter 142, Laws of 1917;
- (77) Chapter 87, Laws of 1919;
- (78) Chapter 142, Laws of 1919;
- (79) Chapter 2, Laws of 1920, extraordinary session;
- (80) Chapter 3, Laws of 1920, extraordinary session;
- (81) Chapter 60, Laws of 1921;
- (82) Chapter 117, Laws of 1921;
- (83) Chapter 124, Laws of 1921;
- (84) Chapter 171, Laws of 1921;
- (85) Chapter 84, Laws of 1923;
- (86) Chapter 18, Laws of 1925;
- (87) Chapter 31, Laws of 1925;
- (88) Sections 1 through 139, chapter 130, Laws of 1925, extraordinary session;
- (89) Chapter 171, Laws of 1925, extraordinary session;
- (90) Chapter 263, Laws of 1927;
- (91) Sections 1 through 10 and 12 through 15, chapter 280, Laws of 1927;
- (92) Chapter 282, Laws of 1927;
- (93) Chapter 290, Laws of 1927;
- (94) Chapter 303, Laws of 1927;
- (95) Chapter 70, Laws of 1929;
- (96) Chapter 126, Laws of 1929;

- (97) Chapter 197, Laws of 1929;
- (98) Chapter 199, Laws of 1929;
- (99) Chapter 15, Laws of 1931;
- (100) Chapter 34, Laws of 1931;
- (101) Chapter 40, Laws of 1931;
- (102) Chapter 62, Laws of 1931;
- (103) Chapter 81, Laws of 1931;
- (104) Chapter 83, Laws of 1931;
- (105) Chapter 96, Laws of 1931;
- (106) Chapter 106, Laws of 1931;
- (107) Chapter 113, Laws of 1931;
- (108) Chapter 33, Laws of 1933;
- (109) Chapter 35, Laws of 1933;
- (110) Chapter 48, Laws of 1933;
- (111) Chapter 53, Laws of 1933;
- (112) Chapter 82, Laws of 1933;
- (113) Chapter 104, Laws of 1933;
- (114) Chapter 115, Laws of 1933;
- (115) Chapter 146, Laws of 1933;
- (116) Chapter 171, Laws of 1933;
- (117) Chapter 19, Laws of 1933, extraordinary session;
- (118) Chapter 51, Laws of 1933, extraordinary session;
- (119) Chapter 53, Laws of 1933, extraordinary session;
- (120) Chapter 27, Laws of 1935;
- (121) Chapter 30, Laws of 1935;
- (122) Chapter 79, Laws of 1935;
- (123) Chapter 123, Laws of 1935;
- (124) Chapter 127, Laws of 1935;
- (125) Chapter 131, Laws of 1935;
- (126) Chapter 166, Laws of 1935;
- (127) Chapter 4, Laws of 1937;
- (128) Chapter 11, Laws of 1937;
- (129) Chapter 17, Laws of 1937;
- (130) Chapter 20, Laws of 1937;
- (131) Chapter 56, Laws of 1937;
- (132) Chapter 57, Laws of 1937;
- (133) Chapter 58, Laws of 1937;
- (134) Chapter 68, Laws of 1937;
- (135) Chapter 118, Laws of 1937;
- (136) Chapter 121, Laws of 1937;
- (137) Chapter 122, Laws of 1937;
- (138) Chapter 2, Laws of 1939;
- (139) Chapter 16, Laws of 1939;
- (140) Chapter 37, Laws of 1939;
- (141) Chapter 66, Laws of 1939;

- (142) Chapter 67, Laws of 1939;
- (143) Chapter 83, Laws of 1939;
- (144) Chapter 104, Laws of 1939;
- (145) Chapter 116, Laws of 1939;
- (146) Chapter 136, Laws of 1939;
- (147) Chapter 137, Laws of 1939;
- (148) Chapter 155, Laws of 1939;
- (149) Sections 1, 2 and 4 through 52, chapter 206, Laws of 1939;
- (150) Chapter 13, Laws of 1941;
- (151) Chapter 32, Laws of 1941;
- (152) Chapter 79, Laws of 1941;
- (153) Chapter 120, Laws of 1941;
- (154) Chapter 144, Laws of 1941;
- (155) Chapter 152, Laws of 1941;
- (156) Chapter 154, Laws of 1941;
- (157) Chapter 155, Laws of 1941;
- (158) Chapter 176, Laws of 1941;
- (159) Chapter 199, Laws of 1941;
- (160) Chapter 34, Laws of 1943;
- (161) Chapter 168, Laws of 1943;
- (162) Chapter 182, Laws of 1943;
- (163) Chapter 223, Laws of 1943;
- (164) Chapter 56, Laws of 1945;
- (165) Chapter 59, Laws of 1945;
- (166) Chapter 82, Laws of 1945;
- (167) Chapter 109, Laws of 1945;
- (168) Chapter 134, Laws of 1945;
- (169) Chapter 142, Laws of 1945;
- (170) Chapter 170, Laws of 1945;
- (171) Sections 1 and 2, chapter 172, Laws of 1945;
- (172) Chapter 253, Laws of 1945;
- (173) Chapter 60, Laws of 1947;
- (174) Chapter 150, Laws of 1947;
- (175) Chapter 231, Laws of 1947;
- (176) Chapter 238, Laws of 1947;
- (177) Chapter 269, Laws of 1947;
- (178) Chapter 270, Laws of 1947;
- (179) Chapter 21, Laws of 1949;
- (180) Chapter 36, Laws of 1949;
- (181) Chapter 65, Laws of 1949;
- (182) Chapter 66, Laws of 1949;
- (183) Chapter 69, Laws of 1949;
- (184) Chapter 158, Laws of 1949;
- (185) Chapter 224, Laws of 1949;
- (186) Chapter 11, Laws of 1950, extraordinary session;

- (187) Chapter 116, Laws of 1951;
- (188) Chapter 172, Laws of 1951;
- (189) Chapter 220, Laws of 1951;
- (190) Chapter 255, Laws of 1951;
- (191) Chapter 8, Laws of 1951, first extraordinary session;
- (192) Chapter 23, Laws of 1951, second extraordinary session;
- (193) Chapter 103, Laws of 1953;
- (194) Chapter 162, Laws of 1953;
- (195) Chapter 175, Laws of 1953;
- (196) Chapter 189, Laws of 1953;
- (197) Chapter 93, Laws of 1955;
- (198) Chapter 105, Laws of 1955;
- (199) Chapter 112, Laws of 1955;
- (200) Chapter 113, Laws of 1955;
- (201) Chapter 120, Laws of 1955;
- (202) Chapter 196, Laws of 1955;
- (203) Sections 1 through 9, 11 through 16 and 18, chapter 251, Laws of 1955;
- (204) Chapter 253, Laws of 1955;
- (205) Chapter 32, Laws of 1957;
- (206) Section 15, chapter 58, Laws of 1957;
- (207) Chapter 120, Laws of 1957;
- (208) Chapter 262, Laws of 1957;
- (209) Sections 1 through 3, chapter 277, Laws of 1957;
- (210) Chapter 129, Laws of 1959;
- (211) Sections 1, 3 and 5, chapter 290, Laws of 1959;
- (212) Chapter 295, Laws of 1959;
- (213) Sections 8 and 10, chapter 304, Laws of 1959.

Such repeals shall not be construed as invalidating, abating, or otherwise affecting any existing right acquired or any liability or obligation incurred under the provisions of the statutes repealed, nor any process, proceeding, or judgment involving the assessment of any property or the levy or collection of any tax thereunder, nor the validity of any certificate of delinquency, tax deed or other instrument or sale or other proceeding thereunder, nor any criminal or civil proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder, nor shall such repeals operate to revive such former statutes, nor shall such repeals affect the application of any provision repealed herein which provides for the retroactive application of any provision of this title or laws prior hereto. The savings provisions of this section shall apply to all proceedings whether heretofore completed or which may be pending at the time this act takes effect.

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

Explanatory
note.

GENERAL EXPLANATORY NOTE

APPLYING TO TITLES 82, 83, AND 84, RCW

I. Introductory.

As part of its program to restore session law language to the Revised Code of Washington, the Statute Law Committee and the code reviser's office have examined the provisions of these three titles, and have concluded that, in view of the many statutory conflicts contained therein, the public interest could best be served by the preparation and submission to the legislature of a bill to reenact such titles as primary law and which in the reenactment process would correct such statutory problems as might be corrected without altering the substance of the law.

In preparing this bill, the provisions of the Revised Code of Washington were carefully compared with their session law sources by the reviser's office, significant language and organizational variances were documented, and a preliminary draft was prepared. Such draft and the comprehensive study materials which accompanied it were minutely considered by the codifications subcommittee of the Statute Law Committee in concert with representatives of the Tax Commission and pursuant to hearings held by the subcommittee on March 11, 12, 25, and 26, 1960, the instant draft was evolved. It was approved by the Statute Law Committee at its next regular meeting thereafter.

All three of these titles were adopted as a prima facie expression of the laws relating to revenue and taxation by the revised code adoption acts of 1950 and 1951, following their revision by the 1941 Code Committee. Of the three titles, Title 82 relating to excise taxes was the one least revised, probably because it stemmed primarily from the comprehensive tax act of 1935 which was a relatively recent and coherent statute. It likewise is the title which has been most frequently amended since its 1951 adoption, with the consequence that much of the 1941 revision has been expressly ratified by the legislature through the operation of RCW 1.04.020 which provides that:

" . . . Any section of the Revised Code of Washington (as supplemented or modified by the 1950 supplement) expressly amended by the legislature, including the entire context set out, shall, as so amended, constitute the law and ultimate declaration of legislative intent."

For these reasons the approach herein relative to Title 82 has been to adopt the revised language for the most part, making only such corrections therein as were required to preserve the intent of the session law sources thereto, and which could be made without change in substance. Titles 83 and 84, on the other hand, stem from older and more varied session law sources, and have been less frequently amended. The approach herein relative to those titles has been to retain the RCW organization for the most part, but within such framework to restore the language of the latest session law source. Accordingly, the numbering of sections as they now appear in the Revised Code of Washington has been retained although this results in some numerical spacing between sections in some instances due to the rejoining of session law sections into single sections whereas prior hereto they had been divided in RCW, and also due to the repositioning of some sections into a more orderly sequence.

The provisions relating to the creation and organization of the Tax Commission, presently codified as chapter 43.55, RCW are herein

recodified as part of Title 82, and are adopted by reference in Titles 83 and 84. Many powers and duties of the Tax Commission, both specific and general, appear throughout the three titles; some of these were granted expressly to the Tax Commission, while others granted by earlier laws were expressly granted to predecessor agencies and have presently devolved upon the Tax Commission through a chain of statutes relating to governmental reorganization. In the case of such devolutions, "Tax Commission" has been substituted for the name of the predecessor agency without further comment in these notes, except that references contained in Title 83 to "the supervisor of the inheritance division" are explained more fully in the Title 83 notes.

Explanatory
note.

Finally it should be noted that the appearance of the phrase "this Act" and similar phrases, as they appear in the session laws codified herein, have caused considerable difficulty due to the complex statutory background of these titles. Herein, such phrases have been translated to "this title", "this chapter", "this section", or to specific code section numbers, in accordance with what most nearly corresponds to their original application, but at the same time taking into consideration the doctrine of statutes in pari materia, and the necessity for harmonizing the provisions of this reenactment. Each such instance was carefully considered and discussed at the series of meetings mentioned above.

The remainder of these notes consist of source notes and a section by section comment regarding this reenactment. The complete study materials relating to these titles are on permanent file in the office of the code reviser, at Olympia.

TITLE 82

II. Section by Section Comment.

Chapter 82.01 Tax Commission

- 82.01.010 Source—RCW 43.55.010 [1957 c 127 § 1; 1927 c 280 § 1; RRS § 11087.]
Formerly codified as RCW 43.55.010.
- 82.01.020 Source—RCW 43.55.020 [1927 c 280 § 2; RRS § 11088.]
Formerly codified as RCW 43.55.020.
- 82.01.030 Source—RCW 43.55.030 [1927 c 280 § 3; RRS § 11089.]
Formerly codified as RCW 43.55.030.
- 82.01.040 Source—RCW 43.55.040 [1927 c 280 § 4; RRS § 11090.]
Formerly codified as RCW 43.55.040.

Chapter 82.02 General Provisions

- 82.02.010 Source—[1935 c 180 § 3; RRS § 8370-3.]
Presently uncodified.
"the entire act" to "this title" on page 3, line 9.
This section which also applies to Title 83 is codified also as 83.01.010.
- 82.02.020 Source—RCW 82.32.370 [(i) 1935 c 180 § 29; RRS § 8370-29. (ii) 1949 c 228 § 28; 1939 c 225 § 22; 1937 c 227 § 24; Rem. Supp. 1949 § 8370-219.]
Presently codified as RCW 82.32.370.

Chapter 82.04 Business and Occupation Tax

- 82.04.010 Source—RCW 82.04.010 [1955 c 389 § 2. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
The reference to "RCW 82.04.020 through 82.04.210" was made prior to 1959 c 232 § 1 being specifically added to this chapter as 82.04.212. The reference is herein enlarged to include 82.04.212.
- 82.04.020 Source—RCW 82.04.020 [1955 c 389 § 3. Prior: 1949 c 228 § 2,

- Explanatory
note.
- part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.030 Source—RCW 82.04.030 [1955 c 389 § 4. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.040 Source—RCW 82.04.040 [1959 1st ex.s. c 5 § 1; 1959 1st ex.s. c 3 § 1; 1955 c 389 § 5. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.050 Source—RCW 82.04.050 [1959 1st ex.s. c 5 § 2; 1957 c 279 § 1; 1955 c 389 § 6. Prior: 1953 c 91 § 3, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.060 Source—RCW 82.04.060 [1955 1st ex.s. c 10 § 4; 1955 c 389 § 7. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.070 Source—RCW 82.04.070 [1955 c 389 § 8. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.080 Source—RCW 82.04.080 [1955 c 389 § 9. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.090 Source—RCW 82.04.090 [1955 c 389 § 10. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.100 Source—RCW 82.04.100 [1955 c 389 § 11. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.110 Source—RCW 82.04.110 [1955 c 389 § 12. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.120 Source—RCW 82.04.120 [1959 1st ex.s. c 3 § 2; 1955 c 389 § 13. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.130 Source—RCW 82.04.130 [1955 c 389 § 14. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.140 Source—RCW 82.04.140 [1955 c 389 § 15. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.150 Source—RCW 82.04.150 [1955 c 389 § 16. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.160 Source—RCW 82.04.160 [1955 c 389 § 17. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.170 Source—RCW 82.04.170 [1955 c 389 § 18. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.180 Source—RCW 82.04.180 [1955 c 389 § 19. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.190 Source—RCW 82.04.190 [1959 1st ex.s. c 3 § 3; 1957 c 279 § 2; 1955 c 389 § 20. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.200 Source—RCW 82.04.200 [1955 c 389 § 21. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.210 Source—RCW 82.04.210 [1955 c 389 § 22. Prior: 1949 c 228 § 2, part, last am'ds 1935 c 180 § 5, part; Rem. Supp. 1949 § 8370-5, part.]
- 82.04.212 Source—RCW 82.04.212 [1959 c 232 § 1.]
- 82.04.220 Source—RCW 82.04.220 [1955 c 389 § 42. Prior: 1950 ex.s. c 5, § 1, part, last am'ds 1935 c 180 § 4, part; Rem. Supp. 1949 § 8370-4, part.]

- 82.04.230 Source—RCW 82.04.230 [1955 c 389 § 43. Prior: 1950 ex.s. c 5 § 1, part, last am'ds 1935 c 180 § 4, part; Rem. Supp. 1949 § 8370-4, part.] Explanatory note.
- 82.04.240 Source—RCW 82.04.240 [1959 c 211 § 1; 1955 c 389 § 44. Prior: 1950 ex.s. c 5 § 1, part, last am'ds 1935 c 180 § 4, part; Rem. Supp. 1949 § 8370-4, part.]
- 82.04.250 Source—RCW 82.04.250 [1955 c 389 § 45. Prior: 1950 ex.s. c 5 § 1, part, last am'ds 1935 c 180 § 4, part; Rem. Supp. 1949 § 8370-4, part.]
- 82.04.260 Source—RCW 82.04.260 [1959 c 211 § 2; 1955 c 389 § 46. Prior: 1953 c 91 § 4, last am'ds 1935 c 180 § 4, part; Rem. Supp. 1949 § 8370-4, part.]
- 82.04.270 Source—RCW 82.04.270 [1959 1st ex.s. c 5 § 3; 1955 c 389 § 47. Prior: 1950 ex.s. c 5 § 1, part, last am'ds 1935 c 180 § 4, part; Rem. Supp. 1949 § 8370-4, part.]
- 82.04.275 Source—RCW 82.04.275 [1959 c 259 § 1.]
- 82.04.280 Source—RCW 82.04.280 [1959 1st ex.s. c 5 § 4; 1959 1st ex.s. c 3 § 4; 1955 c 389 § 48. Prior: 1950 ex.s. c 5 § 1, part, last am'ds 1935 c 180 § 4, part; Rem. Supp. 1949 § 8370-4, part.]
The matter "(5) the renting or leasing of real property;" following subdivision (4) removed because it was declared unconstitutional in *Apartment operators association of Seattle vs Schumacher* 156 Wash. Dec. 43.
- 82.04.290 Source—RCW 82.04.290 [1959 1st ex.s. c 5 § 5; 1955 c 389 § 49. Prior: 1953 c 195 § 2, last am'ds 1935 c 180 § 4, part; Rem. Supp. 1949 § 8370-4, part.]
"82.04.275" has been added following "82.04.270" on page 14, line 1. RCW 82.04.275 relating to the tax on wholesale sales of cigarettes was specifically added to chapter 82.04 RCW by 1959 c 259 § 1. Due to oversight RCW 82.04.290 was not amended to exclude 82.04.275 in addition to the other sections specifically levying a business and occupation tax.
- 82.04.295 Source—RCW 82.04.295 [1951 2nd ex.s. c 28 § 1.]
- 82.04.296 Source—RCW 82.04.296 [1959 1st ex.s. c 5 § 6; 1957 c 279 § 5; 1955 1st ex.s. c 10 § 1; 1955 c 389 § 23; 1953 c 91 § 1.]
- 82.04.300 Source—RCW 82.04.300 [1959 1st ex.s. c 5 § 7; 1945 c 249 § 2(a), last am'ds 1935 c 180 § 11; Rem. Supp. 1945 § 8370-11(a).]
"82.04.275" has been added following "82.04.270" on page 14, line 33. RCW 82.04.275 relating to the tax on wholesale sales of cigarettes was specifically added to chapter 82.04 RCW by 1959 c 259 § 1. Due to oversight RCW 82.04.300 was not amended to exempt 82.04.275 in addition to the other sections specifically levying a business and occupation tax.
- 82.04.310 Source—RCW 82.04.310 [1959 c 197 § 15. Prior: 1945 c 249 § 2(b), last am'ds 1935 c 180 § 11; Rem. Supp. 1945 § 8370-11(b).]
- 82.04.320 Source—RCW 82.04.320 [1959 c 197 § 16. Prior: 1945 c 249 § 2(c), last am'ds 1935 c 180 § 11; Rem. Supp. 1945 § 8370-11(c).]
- 82.04.330 Source—RCW 82.04.330 [1959 c 197 § 17. Prior: 1945 c 249 § 2(d), last am'ds 1935 c 180 § 11; Rem. Supp. 1945 § 8370-11(d).]
- 82.04.340 Source—RCW 82.04.340 [1959 c 197 § 18. Prior: 1945 c 249 § 2(e), last am'ds 1935 c 180 § 11; Rem. Supp. 1945 § 8370-11(e).]
- 82.04.350 Source—RCW 82.04.350 [1959 c 197 § 19. Prior: 1945 c 249 § 2(f), last am'ds 1935 c 180 § 11; Rem. Supp. 1945 § 8370-11(f).]
- 82.04.360 Source—RCW 82.04.360 [1959 c 197 § 20. Prior: 1945 c 249 § 2(g), last am'ds 1935 c 180 § 11; Rem. Supp. 1945 § 8370-11(g).]
- 82.04.370 Source—RCW 82.04.370 [1959 c 197 § 21. Prior: 1945 c 249 § 2(h), last am'ds 1935 c 180 § 11; Rem. Supp. 1945 § 8370-11(h).]
- 82.04.380 Source—RCW 82.04.380 [1959 c 197 § 22. Prior: 1945 c 249 § 2(i), last am'ds 1935 c 180 § 11; Rem. Supp. 1945 § 8370-11(i).]
- 82.04.390 Source—RCW 82.04.390 [1959 1st ex.s. c 5 § 8; 1959 c 197 § 23; 1945 c 249 § 2(j), last am'ds 1935 c 180 § 11; Rem. Supp. 1945 § 8370-11(j).]

Explanatory
note.

- 82.04.400 Source—RCW 82.04.400 [1959 c 197 § 24. Prior: 1945 c 249 § 2(k), last am'ds 1935 c 180 § 11; Rem. Supp. 1945 § 8370-11(k).]
 82.04.410 Source—RCW 82.04.410 [1959 c 197 § 25. Prior: 1945 c 249 § 2(l), last am'ds 1935 c 180 § 11; Rem. Supp. 1945 § 8370-11(l).]
 82.04.420 Source—RCW 82.04.420 [1959 c 197 § 26. Prior: 1945 c 249 § 2(m), last am'ds 1935 c 180 § 11; Rem. Supp. 1945 § 8370-11(m).]
 82.04.425 Source—RCW 82.04.425 [1955 c 95 § 1.]
 82.04.430 Source—RCW 82.04.430 [1945 c 249 § 3; 1935 c 180 § 12; Rem. Supp. 1945 § 8370-12.]
 82.04.440 Source—RCW 82.04.440 [1959 c 211 § 3; 1951 1st ex.s. c 9 § 1, last am'ds 1935 c 180 § 6; Rem. Supp. 1949 § 8370-6.]
 82.04.450 Source—RCW 82.04.450 [1949 c 228 § 3; 1941 c 178 § 4; 1935 c 180 § 7; Rem. Supp. 1949 § 8370-7.]
 82.04.460 Source—RCW 82.04.460 [1941 c 178 § 5; 1939 c 225 § 4; Rem. Supp. 1941 § 8370-8a.]
 82.04.470 Source—RCW 82.04.470 [1935 c 180 § 9; RRS § 8370-9.]
 82.04.480 Source—RCW 82.04.480 [1935 c 180 § 10; RRS § 8370-10.]
 82.04.490 Source—RCW 82.04.490 [1959 c 197 § 1; 1935 c 180 § 13; RRS § 8370-13.]
 82.04.500 Source—RCW 82.04.500 [1935 c 180 § 14; RRS § 8370-14.]
 82.04.510 Source—RCW 82.04.510 [1959 c 197 § 28; 1935 c 180 § 15; RRS § 8370-15.]
 82.04.900 Source—1951 1st ex.s. c 9 § 15.
 Presently uncodified.

Chapter 82.08 Retail Sales Tax

- 82.08.010 Source—RCW 82.08.010 [(i) 1945 c 249 § 4; 1943 c 156 § 6; 1941 c 78 § 8; 1939 c 225 § 7; 1935 c 180 § 17; Rem. Supp. 1945 § 8370-17. (ii) 1935 c 180 § 20; RRS § 8370-20.]
 In line 1 of subdivision (4) "the preceding chapter" changed to "chapter 82.04".
 82.08.020 Source—RCW 82.08.020 [1959 1st ex.s. c 3 § 5, last am'ds 1935 c 180 § 16; Rem. Supp. 1949 § 8370-16.]
 82.08.030 Source—RCW 82.08.030 [1959 1st ex.s. c 3 § 6, last am'ds 1935 c 180 § 19; Rem. Supp. 1949 § 8370-19.]
 82.08.040 Source—RCW 82.08.040 [1939 c 225 § 8; 1935 c 180 § 18; RRS § 8370-18.]
 82.08.050 Source—RCW 82.08.050 [1951 c 44 § 1, last am'ds 1935 c 180 § 21; Rem. Supp. 1949 § 8370-21.]
 82.08.060 Source—RCW 82.08.060 [1951 c 44 § 2; 1941 c 76 § 4; 1935 c 180 § 22; Rem. Supp. 1941 § 8370-22.]
 82.08.070 Source—RCW 82.08.070 [1959 c 197 § 2, last am'ds 1935 c 180 § 23; Rem. Supp. 1941 § 8370-23.]
 82.08.080 Source—RCW 82.08.080 [1937 c 227 § 8; 1935 c 180 § 24; RRS § 8370-24.]
 82.08.090 Source—RCW 82.08.090 [1959 1st ex.s. c 3 § 8; 1959 c 197 § 4. Prior: 1941 c 178 § 8, last am'ds 1935 c 180 § 25, part; Rem. Supp. 1941 § 8370-25, part.]
 82.08.100 Source—RCW 82.08.100 [1959 1st ex.s. c 3 § 9; 1959 c 197 § 5. Prior: 1941 c 178 § 9, part, last am'ds 1935 c 180 § 25, part; Rem. Supp. 1941 § 8370-25, part.]
 82.08.110 Source—RCW 82.08.110 [1935 c 180 § 26; RRS § 8370-26.]
 82.08.120 Source—RCW 82.08.120 [1939 c 225 § 13; 1935 c 180 § 27; RRS § 8370-27.]
 82.08.140 Source—RCW 82.08.140 [1935 c 180 § 30; RRS § 8370-30.]
 82.08.150 Source—RCW 82.08.150 [1959 1st ex.s. c 5 § 9, last am'ds 1951 2nd ex.s. c 28 § 5.]
 82.08.160 Source—RCW 82.08.160 [1955 c 396 § 2.]
 82.08.170 Source—RCW 82.08.170 [1955 c 396 § 3.]

Chapter 82.12 Use Tax

- 82.12.010 Source—RCW 82.12.010 [1955 c 389 § 24, last am'ds 1935 c 180 § 35; Rem. Supp. 1949 § 8370-35.]

- 82.12.020 Source—RCW 82.12.020 [1959 1st ex.s. c 3 § 10, last am'ds 1935 c 180 § 31; Rem. Supp. 1949 § 8370-31.] Explanatory note.
- 82.12.030 Source—RCW 82.12.030 [1959 1st ex.s. c 3 § 11, last am'ds 1935 c 180 § 32; Rem. Supp. 1949 § 8370-32.]
In the proviso of subdivision (6) the word "and" appears in the 1955 and 1959 amendments to this section, following "obtained" and preceding "shall". It was added apparently by clerical error as it was not underlined in the 1955 bill, and does not make grammatical sense. It is here deleted.
- 82.12.040 Source—RCW 82.12.040 [1955 c 389 § 27, last am'ds 1935 c 180 § 33; Rem. Supp. 1945 § 8370-33.]
- 82.12.045 Source—RCW 82.12.045 [1951 c 37 § 1.]
The 1941 Code Committee changed "compensating tax" to "use tax" throughout the chapter with a reviser's note following the chapter digest as follows:
"Reviser's note: The word 'compensating tax' in describing the tax imposed by this chapter has been changed to 'use', which more accurately describes it."
Subsequent legislative amendments have enacted the term "use tax" and it is here retained throughout.
- 82.12.050 Source—RCW 82.12.050 [1959 c 197 § 6, last am'ds 1935 c 180 § 34; RRS § 8370-34.]
- 82.12.060 Source—RCW 82.12.060 [1959 1st ex.s. c 3 § 13; 1959 c 197 § 8. Prior: 1941 c 178 § 11, part; Rem. Supp. 1941 § 8370-34a, part.]
- 82.12.070 Source—RCW 82.12.070 [1959 1st ex.s. c 3 § 14; 1959 c 197 § 9. Prior: 1941 c 178 § 11, part; Rem. Supp. 141 § 8370-34a, part.]
- 82.12.080 Source—RCW 82.12.080 [1949 c 228 § 9(e); 1945 c 249 § 8; 1943 c 156 § 10; 1939 c 225 § 18; 1937 c 191 § 4; 1935 c 180 § 35; Rem. Supp. 1949 § 8370-35(e).]

Chapter 82.16 Public Utility Tax

- 82.16.010 Source—RCW 82.16.010 [1959 1st ex.s. c 3 § 15, last am'ds 1935 c 180 § 37; Rem. Supp. 1949 § 8370-37.]
- 82.16.020 Source—RCW 82.16.020 [1959 1st ex.s. c 3 § 16, last am'ds 1935 c 180 § 36; RRS § 8370-36.]
- 82.16.025 Source—RCW 82.16.025 [1951 2nd ex.s. c 28 § 2.]
- 82.16.026 Source—RCW 82.16.026 [1957 c 279 § 3; 1955 c 389 § 29; 1953 c 91 § 2.]
- 82.16.030 Source—RCW 82.16.030 [1935 c 180 § 38; RRS § 8370-38.]
- 82.16.040 Source—RCW 82.16.040 [1959 1st ex.s. c 3 § 17; 1959 c 197 § 28; 1935 c 180 § 39; RRS § 8370-39.]
- 82.16.050 Source—RCW 82.16.050 [1959 1st ex.s. c 3 § 18, last am'ds 1935 c 180 § 40; Rem. Supp. 1949 § 8370-40.]
- 82.16.060 Source—RCW 82.16.060 [1935 c 180 § 41; RRS § 8370-41.]
- 82.16.070 Source—RCW 82.16.070 [1959 c 197 § 10; 1935 c 180 § 42; RRS § 8370-42.]
- 82.16.080 Source—RCW 82.16.080 [1935 c 180 § 43; RRS § 8370-43.]

Chapter 82.20 Tax on Conveyances

- 82.20.005 Source—RCW 82.20.070, part [1935 c 180 § 54; RRS § 8370-54.] Presently codified as part of RCW 82.20.070.
- 82.20.010 Source—RCW 82.20.010 [1949 c 228 § 12; 1945 c 126 § 1; 1935 c 180 § 53; Rem. Supp. 1949 § 8370-53.]
- 82.20.020 Source—RCW 82.20.020 [1935 c 180 § 55; RRS § 8370-55.]
- 82.20.030 Source—RCW 82.20.030 [1935 c 180 § 56; RRS § 8370-56.]
- 82.20.040 Source—RCW 82.20.040 [1935 c 180 § 57; RRS § 8370-57.]
- 82.20.050 Source—RCW 82.20.050 [1935 c 180 § 58; RRS § 8370-58.]
- 82.20.060 Source—RCW 82.20.060 [1935 c 180 § 59; RRS § 8370-59.]
- 82.20.070 Source—RCW 82.20.070 [1935 c 180 § 60; RRS § 8370-60.] Former part of section (1935 c 180 § 54) now codified as RCW 82.20.005.

Explanatory
note.

Chapter 82.24 Tax on Cigarettes

- 82.24.010 Source—RCW 82.24.010 [1959 c 270 § 9; 1949 c 222 § 14; 1935 c 180 § 83; Rem. Supp. 1949 § 8370-83.]
- 82.24.020 Source—RCW 82.24.020 [1959 c 270 § 2. Prior: 1949 c 228 § 13, part, last am'ds 1935 c 180 § 82, part; Rem. Supp. 1949 § 8370-82, part.]
- 82.24.030 Source—RCW 82.24.030 [1959 c 270 § 3. Prior: 1949 c 228 § 13(a), last am'ds 1935 c 180 § 82, part; Rem. Supp. 1949 § 8370-82(a), (h).]
- 82.24.040 Source—RCW 82.24.040 [1959 c 270 § 4. Prior: 1949 c 228 § 13(b), last am'ds 1935 c 180 § 82, part; Rem. Supp. 1949 § 8370-82(b).]
- 82.24.050 Source—RCW 82.24.050 [1959 c 270 § 5. Prior: 1949 c 228 § 13(c), last am'ds 1935 c 180 § 82, part; Rem. Supp. 1949 § 8370-82(c).]
- 82.24.060 Source—RCW 82.24.060 [1959 c 270 § 6. Prior: 1949 c 228 § 13(d), (e), last am'ds 1935 c 180 § 82, part; Rem. Supp. 1949 § 8370-82(d), (e).]
- 82.24.070 Source—RCW 82.24.070 [1959 c 270 § 7. Prior: 1953 c 240 § 2, last am'ds 1935 c 180 § 82, part; Rem. Supp. 1949 § 8370-82(f).]
- 82.24.080 Source—RCW 82.24.080 [1959 c 270 § 8. Prior: 1949 c 228 § 13(g), last am'ds 1935 c 180 § 82, part; Rem. Supp. 1949 § 8370-82(g).]
- 82.24.090 Source—RCW 82.24.090 [1941 c 178 § 14; 1939 c 225 § 24; 1935 c 180 § 84; Rem. Supp. 1941 § 8370-84.]
- 82.24.100 Source—RCW 82.24.100 [1935 c 180 § 85; RRS § 8370-85.]
- 82.24.110 Source—RCW 82.24.110 [1941 c 178 § 15; 1935 c 180 § 86; Rem. Supp. 1941 § 8370-86.]
- 82.24.120 Source—RCW 82.24.120 [1949 c 228 § 15; 1939 c 225 § 25; 1935 c 180 § 87; Rem. Supp. 1949 § 8370-87.]
- 82.24.130 Source—RCW 82.24.130 [1941 c 178 § 16; 1935 c 180 § 88; Rem. Supp. 1941 § 8370-88.]
- 82.24.140 Source—[1939 c 225 § 26; 1935 c 180 § 89; RRS § 8370-89.]
This section constitutes a restoration of the session law section which was divided and rewritten as RCW 82.24.140, 82-24.150, 82.24.160, 82.24.170 and 82.24.200 by the 1941 Code Committee.
“title” changed to “chapter” in first paragraph.
“act” changed to “chapter” in second paragraph of subdivision (6).
- 82.24.180 Source—RCW 82.24.180 [1935 c 180 § 90; RRS § 8370-90.]
- 82.24.190 Source—RCW 82.24.190 [1949 c 228 § 16; 1935 c 180 § 91; Rem. Supp. 1949 § 8370-91.]
- 82.24.210 Source—RCW 82.24.210 [1949 c 228 § 17; 1941 c 178 § 17; 1935 c 180 § 92; Rem. Supp. 1949 § 8370-92.]
- 82.24.220 Source—RCW 82.24.220 [1941 c 178 § 18; 1935 c 180 § 93; Rem. Supp. 1941 § 8370-93.]
- 82.24.230 Source—RCW 82.24.230 [1935 c 180 § 95; RRS § 8370-95.]
Presently codified as RCW 82.24.230.
- 82.24.900 Source—[1935 c 180 § 94; RRS § 8370-94.]
Presently uncodedified.
“title” to “chapter”.

Chapter 82.26 Tax on Tobacco Products

- 82.26.010 Source—RCW 82.26.010 [1959 1st ex.s. c 5 § 11.]
- 82.26.020 Source—RCW 82.26.020 [1959 1st ex.s. c 5 § 12.]
- 82.26.030 Source—RCW 82.26.030 [1959 1st ex.s. c 5 § 13.]
- 82.26.040 Source—RCW 82.26.040 [1959 1st ex.s. c 5 § 14.]
- 82.26.050 Source—RCW 82.26.050 [1959 1st ex.s. c 5 § 15.]
- 82.26.060 Source—RCW 82.26.060 [1959 1st ex.s. c 5 § 16.]
- 82.26.070 Source—RCW 82.26.070 [1959 1st ex.s. c 5 § 17.]
- 82.26.080 Source—RCW 82.26.080 [1959 1st ex.s. c 5 § 18.]
- 82.26.090 Source—RCW 82.26.090 [1959 1st ex.s. c 5 § 19.]
- 82.26.100 Source—RCW 82.26.100 [1959 1st ex.s. c 5 § 20.]
- 82.26.110 Source—RCW 82.26.110 [1959 1st ex.s. c 5 § 21.]

Chapter 82.28 Tax on Certain Mechanical Devices

Explanatory
note.

- 82.28.010 Source—RCW 82.28.010 [1955 c 389 § 31. Prior: 1941 c 118 § 1 (§ 97); Rem. Supp. 1941 § 8370-97.]
- 82.28.020 Source—RCW 82.28.020 [1955 c 389 § 32. Prior: 1949 c 228 § 18; 1947 c 248 § 1; 1941 c 118 § 1 (§ 96); Rem. Supp. 1949 § 8370-96.]
- 82.28.030 Source—RCW 82.28.030 [1955 c 389 § 33. Prior: 1941 c 118 § 1 (§ 98); Rem. Supp. 1941 § 8370-98.]
- 82.28.040 Source—RCW 82.28.040 [1959 c 197 § 11; 1955 c 389 § 34. Prior: 1949 c 228 § 19; 1941 c 118 § 1 (§ 99); Rem. Supp. 1949 § 8370-99.]
- 82.28.050 Source—RCW 82.28.050 [1955 c 389 § 35. Prior: 1941 c 118 § 1 (§ 100); Rem. Supp. 1941 § 8370-100.]
- 82.28.060 Source—RCW 82.28.060 [1955 c 389 § 36. Prior: 1941 c 118 § 1 (§ 101); Rem. Supp. 1941 § 8370-101.]

Chapter 82.32 General Administrative Provisions

- 82.32.010 Source—RCW 82.32.010 [1935 c 180 § 185; RRS § 8370-185.]
“all preceding chapters” changed to “chapters 82.04 through 82.28.”
The source for all except two of the preceding chapters of this title is 1935 c 180. The mechanical devices tax (chapter 82.28) was expressly added to 1935 c 180 in 1941 and the last section of that act incorporated the administrative provisions of chapter 82.32. The tobacco products tax (chapter 82.26) was expressly added to 1935 c 180 by 1959 ex.s. c 5 § 11.
- 82.32.020 Source—RCW 82.32.020 [1935 c 180 § 186; RRS § 8370-186.]
“the preceding chapters” changed to “chapters 82.01 through 82.28”.
“gross income” and “taxpayer” added as these terms are now defined in preceding chapters.
- 82.32.030 Source—RCW 82.32.030 [1941 c 178 § 19, part; 1937 c 227 § 16, part; 1935 c 180 § 187, part; Rem. Supp. 1941 § 8370-187, part.]
- 82.32.040 Source—RCW 82.32.040 [1941 c 178 § 19, part; 1937 c 227 § 16, part; 1935 c 180 § 187, part; Rem. Supp. 1941 § 8370-187, part.]
- 82.32.050 Source—RCW 82.32.050 [1951 1st ex.s. c 9 § 5, last am'ds 1935 c 180 § 188; Rem. Supp. 1949 § 8370-188.]
- 82.32.060 Source—RCW 82.32.060 [1951 1st ex.s. c 9 § 6, last am'ds 1935 c 180 § 189; Rem. Supp. 1949 § 8370-189.]
- 82.32.070 Source—RCW 82.32.070 [1951 1st ex.s. c 9 § 7; 1935 c 180 § 190; RRS § 8370-190.]
“the preceding chapters” changed to “chapters 82.04 through 82.28”, see note for 82.32.010.
- 82.32.080 Source—RCW 82.32.080 [1951 1st ex.s. c 9 § 8, last am'ds 1935 c 180 § 191; Rem. Supp. 1949 § 8370-191.]
- 82.32.090 Source—RCW 82.32.090 [1959 c 197 § 12, last am'ds 1935 c 180 § 192; Rem. Supp. 1949 § 8370-192.]
- 82.32.100 Source—RCW 82.32.100 [1951 1st ex.s. c 9 § 10, last am'ds 1935 c 180 § 193; Rem. Supp. 1949 § 8370-193.]
- 82.32.110 Source—RCW 82.32.110 [1935 c 180 § 194; RRS § 8370-194.]
- 82.32.120 Source—RCW 82.32.120 [1935 c 180 § 195; RRS § 8370-195.]
- 82.32.130 Source—RCW 82.32.130 [1935 c 180 § 196; RRS § 8370-196.]
- 82.32.140 Source—RCW 82.32.140 [1957 c 88 § 1; 1935 c 180 § 197; RRS § 8370-197.]
- 82.32.150 Source—RCW 82.32.150 [1935 c 180 § 198; RRS § 8370-198.]
- 82.32.160 Source—RCW 82.32.160 [1939 c 225 § 29, part; 1935 c 180 § 199, part; RRS § 8370-199, part.]
- 82.32.170 Source—RCW 82.32.170 [1951 1st ex.s. c 9 § 11; 1939 c 225 § 29, part; 1935 c 180 § 199, part; RRS § 8370-199, part.]
- 82.32.180 Source—RCW 82.32.180 [1951 1st ex.s. c 9 § 12; 1939 c 225 § 29, part; 1935 c 180 § 199, part; RRS § 8370-199, part.]
- 82.32.190 Source—RCW 82.32.190 [1937 c 227 § 19; 1935 c 180 § 200; RRS § 8370-200.]
- 82.32.200 Source—RCW 82.32.200 [1935 c 180 § 201; RRS § 8370-201.]

Explanatory
note.

- 82.32.210 Source—RCW 82.32.210 [1955 c 389 § 38. Prior: 1951 1st ex.s. c 9 § 13, last am'ds 1935 c 180 § 202, part; Rem. Supp. 1949 § 8370-202, part.]
- 82.32.220 Source—RCW 82.32.220 [1955 c 389 § 39. Prior: 1951 1st ex.s. c 9 § 14, last am'ds 1935 c 180 § 202, part; Rem. Supp. 1949 § 8370-202, part.]
- 82.32.230 Source—RCW 82.32.230 [1949 c 228 § 25, part; 1937 c 227 § 20, part; 1935 c 180 § 202, part; Rem. Supp. 1949 § 8370-202, part.]
- 82.32.240 Source—RCW 82.32.240 [1949 c 228 § 26; 1935 c 180 § 203; Rem. Supp. 1949 § 8370-203.]
- 82.32.250 Source—RCW 82.32.250 [1949 c 228 § 27; Rem. Supp. 1949 § 8370-204a.]
Repealed by 1955 c 236 § 7.
- 82.32.260 Source—RCW 82.32.260 [1935 c 180 § 204; RRS § 8370-204.]
- 82.32.270 Source—RCW 82.32.270 [1935 c 180 § 205; RRS § 8370-205.]
- 82.32.280 Source—RCW 82.32.280 [1935 c 180 § 206; RRS § 8370-206.]
- 82.32.290 Source—RCW 82.32.290 [1935 c 180 § 207; RRS § 8370-207.]
- 82.32.300 Source—RCW 82.32.300 [1935 c 180 § 208, part; RRS § 8370-208, part.]
“the preceding chapters” changed to “chapters 82.04 through 82.28”.
- 82.32.310 Source—RCW 82.32.310 [1935 c 180 § 208, part; RRS § 8370-208, part.]
- 82.32.320 Source—RCW 82.32.320 [1935 c 180 § 209; RRS § 8370-209.]
- 82.32.330 Source—RCW 82.32.330 [1943 c 156 § 12; 1935 c 180 § 210; Rem. Supp. 1943 § 8370-210.]
- 82.32.340 Source—RCW 82.32.340 [1955 c 389 § 40, last am'ds 1935 c 180 § 210(a); RRS § 8370-210a.]
- 82.32.350 Source—RCW 82.32.350 [1945 c 251 § 1; Rem. Supp. 1945 § 8370-225.]
- 82.32.360 Source—RCW 82.32.360 [1945 c 251 § 2; Rem. Supp. 1945 § 8370-226.]
- 82.32.370 Source—RCW 82.32.370 [(i) 1935 c 180 § 29; RRS § 8370-29. (ii) 1949 c 228 § 28; 1939 c 225 § 32; 1937 c 227 § 24; Rem. Supp. 1949 § 8370-219.]
Herein codified as RCW 82.02.020.
- 82.32.380 Source—RCW 82.32.380 [1945 c 249 § 10, last am'ds 1935 c 180 § 211; Rem. Supp. 1945 § 8370-211.]
“or such other fund as may be provided by law” added at end of last line. This section which also applies to Title 83 is codified also as 83.44.100.
- Chapter 82.36 Motor Vehicle Fuel Tax**
- 82.36.010 Source—RCW 82.36.010 [1939 c 177 § 1; 1933 c 58 § 1; RRS § 8327-1.]
- 82.36.020 Source—RCW 82.36.020 [1957 c 247 § 1, last am'ds 1933 c 58 § 5; Rem. Supp. 1949 § 8327-5.]
- 82.36.030 Source—RCW 82.36.030 [1957 c 247 § 2; 1943 c 84 § 1; 1933 c 58 § 7; 1921 c 173 § 4; Rem. Supp. 1943 § 8327-7.]
- 82.36.040 Source—RCW 82.36.040 [1957 c 247 § 3; 1955 c 207 § 3. Prior: 1953 c 151 § 1; 1943 c 84 § 2, part; 1933 c 58 § 8, part; Rem. Supp. 1943 § 8327-8, part.]
- 82.36.050 Source—RCW 82.36.050 [1957 c 247 § 4; 1947 c 135 § 1; Rem. Supp. 1947 § 8327-8a.]
- 82.36.060 Source—RCW 82.36.060 [1933 c 58 § 2; RRS § 8327-2.]
- 82.36.070 Source—RCW 82.36.070 [1957 c 247 § 5; 1955 c 207 § 4. Prior: 1933 c 58 § 3, part; RRS § 8327-3, part.]
- 82.36.080 Source—RCW 82.36.080 [1955 c 207 § 5. Prior: (i) 1933 c 58 § 3, part; RRS § 8327-3, part. (ii) 1943 c 84 § 2, part; 1933 c 58 § 8, part; Rem. Supp. 1943 § 8327-8, part.]
- 82.36.090 Source—RCW 82.36.090 [1933 c 58 § 4; RRS § 8327-4.]
- 82.36.100 Source—RCW 82.36.100 [1957 c 247 § 6; 1951 c 267 § 1; 1939 c 177 § 5; RRS § 8327-5a.]

- 82.36.110 Source—RCW 82.36.110 [1933 c 58 § 9, part; RRS § 8327-9, part.] Explanatory note.
- 82.36.120 Source—RCW 82.36.120 [1933 c 58 § 9, part; RRS § 8327-9, part.]
- 82.36.130 Source—RCW 82.36.130 [1933 c 58 § 9, part; RRS § 8327-9, part.]
- 82.36.140 Source—RCW 82.36.140 [1933 c 58 § 9, part; RRS § 8327-9, part.]
- 82.36.150 Source—RCW 82.36.150 [1933 c 58 § 10; RRS § 8327-10.]
- 82.36.160 Source—RCW 82.36.160 [1957 c 247 § 7; 1933 c 58 § 11; 1921 c 173 § 6; RRS § 8327-11.]
- 82.36.170 Source—RCW 82.36.170 [1933 c 58 § 12; RRS § 8327-12.]
- 82.36.180 Source—RCW 82.36.180 [1939 c 177 § 3; 1933 c 58 § 13; RRS § 8327-13.]
- 82.36.190 Source—RCW 82.36.190 [1933 c 58 § 14; RRS § 8327-14.]
- 82.36.200 Source—RCW 82.36.200 [1957 c 218 § 1, last am'ds 1933 c 58 § 15; Rem. Supp. 1943 § 8327-15.]
- 82.36.210 Source—RCW 28.36.210 [1933 c 58 § 16; RRS § 8327-16.]
- 82.36.220 Source—RCW 82.36.220 [1957 c 247 § 9. Prior: 1953 c 150 § 1, last am'ds 1933 c 58 § 17, part; Rem. Supp. 1949 § 8327-17, part.]
- 82.36.230 Source—RCW 82.36.230 [1957 c 247 § 10. Prior: 1953 c 150 § 1, last am'ds 1933 c 58 § 17, part; Rem. Supp. 1949 § 8327-17, part.]
- 82.36.235 Source—RCW 82.36.235 [1957 c 218 § 15.]
- 82.36.240 Source—RCW 82.36.240 [1957 c 247 § 11. Prior: 1949 c 220 § 13, part; 1943 c 84 § 4, part; 1939 c 177 § 4, part; 1933 c 58 § 17, part; Rem. Supp. 1949 § 8327-17, part.]
- 82.36.250 Source—RCW 82.36.250 [1957 c 247 § 12. Prior: 1949 c 220 § 13, part; 1943 c 84 § 4, part; 1939 c 177 § 4, part; 1933 c 58 § 17, part; Rem. Supp. 1949 § 8327-17, part.]
- 82.36.260 Source—RCW 82.36.260 [1957 c 247 § 13. Prior: 1949 c 220 § 13, part; 1943 c 84 § 4, part; 1939 c 177 § 4, part; 1933 c 58 § 17, part; Rem. Supp. 1949 § 8327-17, part.]
- 82.36.270 Source—RCW 82.36.270 [1957 c 218 § 3. Prior: 1943 c 84 § 5, part; 1937 c 219 § 2, part; 1935 c 109 § 2, part; 1933 c 58 § 18, part; 1923 c 81 § 4, part; Rem. Supp. 1945 § 8327-18, part.]
- 82.36.275 Source—RCW 82.36.275 [1959 c 298 § 1; 1957 c 292 § 1.]
- 82.36.280 Source—RCW 82.36.280 [1957 c 218 § 4. Prior: 1951 c 263 § 1; 1945 c 38 § 1, part; 1943 c 84 § 5, part; 1937 c 219 § 2, part; 1935 c 109 § 2, part; 1933 c 58 § 18, part; 1923 c 81 § 4, part; Rem. Supp. 1945 § 8327-18, part.]
- 82.36.290 Source—RCW 82.36.290 [1957 c 218 § 5. Prior: 1945 c 38 § 1, part; 1943 c 84 § 5, part; 1937 c 219 § 2, part; 1935 c 109 § 2, part; 1933 c 58 § 18, part; 1923 c 81 § 4, part; Rem. Supp. 1945 § 8327-18, part.]
- 82.36.300 Source—RCW 82.36.300 [1957 c 218 § 6. Prior: 1945 c 38 § 1, part; 1943 c 84 § 5, part; 1937 c 219 § 2, part; 1935 c 109 § 2, part; 1933 c 58 § 18, part; 1923 c 81 § 4, part; Rem. Supp. 1945 § 8327-18, part.]
- 82.36.305 Source—RCW 82.36.305 [1957 c 218 § 16.]
- 82.36.306 Source—RCW 82.36.306 [1957 c 218 § 17.]
- 82.36.310 Source—RCW 82.36.310 [1957 c 218 § 7. Prior: 1945 c 38 § 1, part; 1943 c 84 § 5, part; 1937 c 219 § 2, part; 1935 c 109 § 2, part; 1933 c 58 § 18, part; 1923 c 81 § 4, part; Rem. Supp. 1945 § 8327-18, part.]
- 82.36.320 Source—RCW 82.36.320 [1957 c 218 § 8. Prior: 1945 c 38 § 1, part; 1943 c 84 § 5, part; 1937 c 219 § 2, part; 1935 c 109 § 2, part; 1933 c 58 § 18, part; 1923 c 81 § 4, part; Rem. Supp. 1945 § 8327-18, part.]
- 82.36.330 Source—RCW 82.36.330 [1957 c 218 § 9. Prior: 1955 c 90 § 1; 1945 c 38 § 1, part; 1943 c 84 § 5, part; 1937 c 219 § 2, part; 1935 c 109 § 2, part; 1933 c 58 § 18, part; 1923 c 81 § 4, part; Rem. Supp. 1945 § 8327-18, part.]
- The disbursing procedure set forth in the first sentence was changed under 1959 c 328. The treasurer and not the auditor now draws such warrants. The sentence has been changed accordingly.

Explanatory note.	82.36.335	Source—RCW 82.36.335 [1957 c 218 § 14.]
	82.36.340	Source—RCW 82.36.340 [1957 c 218 § 10. Prior: 1945 c 38 § 1, part; 1943 c 84 § 5, part; 1937 c 219 § 2, part; 1935 c 109 § 2, part; 1933 c 58 § 18, part; 1923 c 81 § 4, part; Rem. Supp. 1945 § 8327-18, part.]
	82.36.350	Source—RCW 82.36.350 [1957 c 218 § 11. Prior: 1945 c 38 § 1, part; 1943 c 84 § 5, part; 1937 c 219 § 2, part; 1935 c 109 § 2, part; 1933 c 58 § 18, part; 1923 c 81 § 4, part; Rem. Supp. 1945 § 8327-18, part.]
	82.36.360	Source—RCW 82.36.360 [1957 c 218 § 12. Prior: 1945 c 38 § 1, part; 1943 c 84 § 5, part; 1937 c 219 § 2, part; 1935 c 109 § 2, part; 1933 c 58 § 18, part; 1923 c 81 § 4, part; Rem. Supp. 1945 § 8327-18, part.]
	82.36.370	Source—RCW 82.36.370 [1957 c 218 § 13. Prior: 1945 c 38 § 1, part; 1943 c 84 § 5, part; 1937 c 219 § 2, part; 1935 c 109 § 2, part; 1933 c 58 § 18, part; 1923 c 81 § 4, part; Rem. Supp. 1945 § 8327-18, part.]
	82.36.380	Source—RCW 82.36.380 [1949 c 234 § 2, part; 1933 c 58 § 19, part; Rem. Supp. 1949 § 8327-19, part.]
	82.36.390	Source—RCW 82.36.390 [1949 c 234 § 2, part; 1933 c 58 § 19, part; Rem. Supp. 1949 § 8327-19, part.]
	82.36.400	Source—RCW 82.36.400 [1949 c 234 § 2, part; 1933 c 58 § 19, part; Rem. Supp. 1949 § 8327-19, part.]
	82.36.410	Source—RCW 82.36.410 [1933 c 58 § 20; RRS § 8327-20.]
	82.36.420	Source—RCW 82.36.420 [1933 c 58 § 21; RRS § 8327-21.]
	82.36.430	Source—RCW 82.36.430 [1933 c 58 § 22; RRS § 8327-22.]
	82.36.440	Source—RCW 82.36.440 [1933 c 58 § 23; RRS § 8327-23.]

Chapter 82.40 Use Fuel Tax

	82.40.010	Source—RCW 82.40.010 [1955 c 287 § 1; 1941 c 127 § 2; Rem. Supp. 1941 § 8327-29.]
	82.40.020	Source—RCW 82.40.020 [1949 c 220 § 12; 1941 c 127 § 3; Rem. Supp. 1949 § 8327-30.]
	82.40.030	Source—RCW 82.40.030 [1955 c 287 § 2, last am'ds 1941 c 127 § 7; Rem. Supp. 1943 § 8327-34.]
	82.40.040	Source—RCW 82.40.040 [1955 c 287 § 4, last am'ds 1941 c 127 § 6; Rem. Supp. 1943 § 8327-33.]
	82.40.045	Source—RCW 82.40.045 [1955 c 287 § 11.]
	82.40.046	Source—RCW 82.40.046 [1955 c 287 § 13.]
	82.40.047	Source—RCW 82.40.047 [1959 c 298 § 2; 1957 c 292 § 2.]
	82.40.050	Source—RCW 82.40.050 [1941 c 127 § 4; Rem. Supp. 1941 § 8327-31.]
	82.40.060	Source—RCW 82.40.060 [1941 c 127 § 5; Rem. Supp. 1941 § 8327-32.]
	82.40.070	Source—RCW 82.40.070 [1941 c 127 § 8; Rem. Supp. 1941 § 8327-35.]
	82.40.080	Source—RCW 82.40.080 [1941 c 127 § 9; Rem. Supp. 1941 § 8327-36.]
	82.40.090	Source—RCW 82.40.090 [1941 c 127 § 10; Rem. Supp. 1941 § 8327-37.]
	82.40.100	Source—RCW 82.40.100 [1941 c 127 § 11; Rem. Supp. 1941 § 8327-38.]
	82.40.110	Source—RCW 82.40.110 [1941 c 127 § 12; Rem. Supp. 1941 § 8327-39.]
	82.40.115	Source—RCW 82.40.115 [1955 c 287 § 12.]
	82.40.120	Source—RCW 82.40.120 [1941 c 127 § 13; Rem. Supp. 1941 § 8327-40.]
	82.40.130	Source—RCW 82.40.130 [1955 c 287 § 5; 1941 c 127 § 13a; Rem. Supp. 1941 § 8327-41.]
	82.40.140	Source—RCW 82.40.140 [1955 c 287 § 6; 1941 c 127 § 14; Rem. Supp. 1941 § 8327-42.]
	82.40.150	Source—RCW 82.40.150 [1941 c 127 § 15; Rem. Supp. 1941 § 8327-43.]

- 82.40.160 Source—RCW 82.40.160 [1941 c 127 § 16; Rem. Supp. 1941 § 8327-44.] Explanatory note.
- 82.40.170 Source—RCW 82.40.170 [1955 c 287 § 7; 1941 c 127 § 17; Rem. Supp. 1941 § 8327-45.]
- 82.40.180 Source—RCW 82.40.180 [1955 c 287 § 8; 1941 c 127 § 18; Rem. Supp. 1941 § 8327-46.]
- 82.40.190 Source—RCW 82.40.190 [1941 c 127 § 18a; Rem. Supp. 1941 § 8327-47.]
- 82.40.200 Source—RCW 82.40.200 [1941 c 127 § 19; Rem. Supp. 1941 § 8327-48.]
- 82.40.210 Source—RCW 82.40.210 [1941 c 127 § 20; Rem. Supp. 1941 § 8327-49.]
- 82.40.220 Source—RCW 82.40.220 [1941 c 127 § 21; Rem. Supp. 1941 § 8327-50.]
- 82.40.230 Source—RCW 82.40.230 [1941 c 127 § 22; Rem. Supp. 1941 § 8327-51.]
- 82.40.240 Source—RCW 82.40.240 [1941 c 127 § 23; Rem. Supp. 1941 § 8327-52.]
- 82.40.250 Source—RCW 82.40.250 [1955 c 287 § 9; 1941 c 127 § 24; Rem. Supp. 1941 § 8327-53.]
- 82.40.260 Source—RCW 82.40.260 [1955 c 287 § 3; 1941 c 127 § 25; Rem. Supp. 1941 § 8327-54.]
- 82.40.270 Source—RCW 82.40.270 [1955 c 287 § 10; 1941 c 127 § 26; Rem. Supp. 1941 § 8327-55.]
- 82.40.280 Source—RCW 82.40.280 [1941 c 127 § 27; Rem. Supp. 1941 § 8327-56.]
- 82.40.290 Source—RCW 82.40.290 [1941 c 127 § 28; Rem. Supp. 1941 § 8327-57.]
- 82.40.900 Source—[1941 c 127 § 1; Rem. Supp. 1941 § 8327-27.]
Presently uncodified.

Chapter 82.44 Motor Vehicle Excise

- 82.44.010 Source—RCW 82.44.010 [1957 c 269 § 18, last am'ds 1943 c 144 § 1; Rem. Supp. 1945 § 6312-115.]
- 82.44.020 Source—RCW 82.44.020 [1959 1st ex.s. c 3 § 19; 1957 c 261 § 10; 1943 c 144 § 2; Rem. Supp. 1943 § 6312-116.]
- 82.44.030 Source—RCW 82.44.030 [1943 c 144 § 3; Rem. Supp. 1943 § 6312-117.]
- 82.44.040 Source—RCW 82.44.040 [1955 c 189 § 1, last am'ds 1943 c 144 § 4; Rem. Supp. 1943 § 6312-118.]
- 82.44.050 Source—RCW 82.44.050 [1943 c 144 § 5; Rem. Supp. 1943 § 6312-119.]
- 82.44.060 Source—RCW 82.44.060 [1957 c 269 § 15, last am'ds 1943 c 144 § 6; Rem. Supp. 1943 § 6312-120.]
- 82.44.070 Source—RCW 82.44.070 [1949 c 196 § 17, last am'ds 1945 c 152 § 2; Rem. Supp. 1949 § 6312-120a.]
- 82.44.080 Source—RCW 82.44.080 [1943 c 144 § 7; Rem. Supp. 1943 § 6312-121.]
- 82.44.090 Source—RCW 82.44.090 [1943 c 144 § 8; Rem. Supp. 1943 § 6312-122.]
- 82.44.100 Source—RCW 82.44.100 [1943 c 144 § 9; Rem. Supp. 1943 § 6312-123.]
- 82.44.110 Source—RCW 82.44.110 [1957 c 128 § 1, last am'ds 1943 c 144 § 10; Rem. Supp. 1943 § 6312-124.]
- 82.44.120 Source—RCW 82.44.120 [1949 c 196 § 18, last am'ds 1943 c 144 § 11; Rem. Supp. 1949 § 6312-125.]
- 82.44.130 Source—RCW 82.44.130 [1945 c 152 § 4; 1943 c 144 § 12; Rem. Supp. 1945 § 6312-126.]
- 82.44.140 Source—RCW 82.44.140 [1943 c 144 § 13; Rem. Supp. 1943 § 6312-127.]
- 82.44.150 Source—RCW 82.44.150 [1957 c 175 § 12, last am'ds 1943 c 144 § 14; Rem. Supp. 1945 § 6312-128.]

Explanatory note.	82.44.160	Source—RCW 82.44.160 [1945 c 54 § 1; Rem. Supp. 1945 § 6312-128a.]
	82.44.900	Source—[1943 c 144 § 17; Rem. Supp. 1943 § 6312-131.] Presently uncodified. “act” to “chapter” in several places.

Chapter 82.48 Aircraft Excise

82.48.010	Source—RCW 82.48.010 [1949 c 49 § 1; Rem. Supp. 1949 § 11219-33.]
82.48.020	Source—RCW 82.48.020 [1949 c 49 § 2; Rem. Supp. 1949 § 11219-34.]
82.48.030	Source—RCW 82.48.030 [1949 c 49 § 3; Rem. Supp. 1949 § 11219-35.]
82.48.040	Source—RCW 82.48.040 [1949 c 49 § 4; Rem. Supp. 1949 § 11219-36.]
82.48.050	Source—RCW 82.48.050 [1949 c 49 § 5; Rem. Supp. 1949 § 11219-37.]
82.48.060	Source—RCW 82.48.060 [1949 c 49 § 6; Rem. Supp. 1949 § 11219-38.]
82.48.070	Source—RCW 82.48.070 [1949 c 49 § 7; Rem. Supp. 1949 § 11219-39.]
82.48.080	Source—RCW 82.48.080 [1949 c 49 § 8; Rem. Supp. 1949 § 11219-40.]
82.48.090	Source—RCW 82.48.090 [1949 c 49 § 9; Rem. Supp. 1949 § 11219-41.]
82.48.100	Source—RCW 82.48.100 [1955 c 150 § 12; 1949 c 49 § 10; Rem. Supp. 1949 § 11219-42.]
82.48.110	Source—RCW 82.48.110 [1949 c 49 § 13; Rem. Supp. 1949 § 11219-43.]

Chapter 82.50 House Trailer Excise

82.50.010	Source—RCW 82.50.010 [1957 c 269 § 1; 1955 c 139 § 1.]
82.50.020	Source—RCW 82.50.020 [1957 c 269 § 2; 1955 c 139 § 2.]
82.50.030	Source—RCW 82.50.030 [1957 c 269 § 3; 1955 c 139 § 3.]
82.50.040	Source—RCW 82.50.040 [1955 c 139 § 4.]
82.50.050	Source—RCW 82.50.050 [1955 c 139 § 5.]
82.50.060	Source—RCW 82.50.060 [1955 c 139 § 6.]
82.50.070	Source—RCW 82.50.070 [1957 c 269 § 4; 1955 c 139 § 7.]
82.50.080	Source—RCW 82.50.080 [1955 c 139 § 8.] Repealed by 1957 c 269 § 19.
82.50.090	Source—82.50.090 [1957 c 269 § 11; 1955 c 139 § 9.]
82.50.100	Source—RCW 82.50.100 [1955 c 139 § 10.] Repealed by 1957 c 269 § 19.
82.50.101	Source—RCW 82.50.101 [1957 c 269 § 12.]
82.50.105	Source—RCW 82.50.105 [1957 c 269 § 13.]
82.50.110	Source—RCW 82.50.110 [1957 c 269 § 6; 1955 c 139 § 11.] “after the effective date of this act” changed to “July 1, 1957”, the effective date of 1957 c 269.
82.50.120	Source—RCW 82.50.120 [1955 c 139 § 12.]
82.50.130	Source—RCW 82.50.130 [1957 c 269 § 7; 1955 c 139 § 13.]
82.50.140	Source—RCW 82.50.140 [1955 c 139 § 14.]
82.50.160	Source—RCW 82.50.160 [1955 c 139 § 16.]
82.50.170	Source—RCW 82.50.170 [1955 c 139 § 17.]
82.50.180	Source—RCW 82.50.180 [1957 c 269 § 8; 1955 c 139 § 18.]
82.50.190	Source—RCW 82.50.190 [1955 c 139 § 19.]
82.50.200	Source—RCW 82.50.200 [1957 c 269 § 5.]

Chapter 82.52 Extension of Excises to Federal Areas

82.52.010	Source—RCW 82.52.010 [1941 c 175 § 1; Rem. Supp. 1941 § 11337-10.]
82.52.020	Source—RCW 82.52.020 [1941 c 175 § 2; Rem. Supp. 1941 § 11337-11.]

Chapter 82.98 Construction

Explanatory
note.

- 82.98.010 This section has been added to preserve continuity with the laws which this bill reenacts.
- 82.98.020 Provides that chapter, etc., headings are not part of the law.
- 82.98.030 Severability. This severability section is section 212, chapter 180, Laws of 1935. Chapter 82.44 is specifically exempted from it because this chapter contains its own particular severability clause.
- 82.98.040 Repeals and saving.
The laws set forth in the schedule of repeals were either repealed previously, or are substantially reenacted by this bill.
Specifically noted below are certain acts, not previously repealed, which are proposed for repeal without enactment. The numbers in parentheses correspond to the like numbered subdivisions of the repealer schedule.
- (9) 1935 c 180 § 1 is an outline to the 1935 tax code. Repealed without reenactment as obsolete. 1935 c 180 § 2 is a preamble to the 1935 tax code. Repealed without reenactment as obsolete, 1935 c 180 §§ 74 through 77 related to tax on radio broadcasting. Repealed without reenactment as declared unconstitutional.
1935 c 180 §§ 159 through 184 related to tax on corporate income. Repealed without reenactment as declared unconstitutional.
1935 c 180 §§ 213 through 215 related to appropriations. Repealed without reenactment as temporary.
1935 c 180 § 217 related to disposition of funds from prior act. Repealed without reenactment as temporary. The remainder of 1935 c 180 is repealed and reenacted in the Title 84 portion of this bill.
- (16) 1941 c 76 § 1, presently codified as a footnote to RCW 82.08.020, is repealed without reenactment as a purpose section, now obsolete.
- 82.98.050 Emergency clause.

TITLE 83

III. Section by Section Comment.

Throughout Title 83 the term "this act" appears in various inheritance tax acts; all are either comprehensive acts as amended or supplemental acts, and the remainder are in *pari materia*; thus to cover the general intent of the legislature and to distinguish from the gift tax provisions in this title the translation has been made in most instances to "the inheritance tax provisions of this title". Those few instances wherein a different translation is made are noted.

Chapter 83.01 General Provisions

- 83.01.010 Source—[1935 c 180 § 3 and 1935 c 180 § 126.]
This definition section represents a combination of the definitions appearing in section 3 of the comprehensive tax act of 1935 to provide one general definitions section for the entire title. Section 3 is also enacted in Title 82 as section 82.02.010. Since the term "supervisor" has been restored throughout Title 83 as it was originally enacted by the legislature, the definition of "supervisor" from section 126 of the tax act of 1935 has been here restored. The powers and duties of the tax commission devolved mainly from the agencies having such powers and duties in the administrative code of 1921 which in turn had devolved all of the powers and duties formerly exercised by the state tax commissioner upon the director of the department of taxation and examination except those relating to inheritance taxes and escheats; in the same

Explanatory
note.

1921 administrative act the attorney general was granted the powers relating to inheritance taxes and escheats that were formerly invested in the tax commissioner; in 1923 c 170 the section of such administrative code giving the inheritance tax and escheats powers to the state attorney general was amended to vest them in the director of taxation and examination. In 1925 c 18 and 1927 c 280 the tax commission was created and granted all of the powers of the director of taxation and examination which had apparently been devolved upon him by the 1921 and 1923 acts. In 1935 c 127 the powers and duties of the tax commission were further enumerated; in the comprehensive tax act of 1935, chapter 180 §§ 104-127, the inheritance tax provisions were set forth using the term "tax commission" and "supervisor" apparently as not interchangeable, because the term "supervisor" was defined in section 126 of that act and is codified in this reenactment bill in 83.01.010.

There is no express legislative declaration of the devolution of the power of the supervisor referred to to the tax commission as such. Nor has there been located any statutory modification of the definition of the "supervisor". The session law language has been retained in its entirety throughout this title and the term "supervisor" is defined in 83.01. It appears as a matter of administrative practice that actually one of the appointed tax commissioners is always selected as the supervisor of the inheritance tax division.

- Chapter 83.04 Property and Persons Subject to Inheritance Tax—Lien**
- 83.04.010 Source—[1949 c 218 § 1; 1945 c 184 § 1; 1937 c 106 § 1; 1935 c 180 § 104; 1917 c 146 § 1; 1907 c 217 § 1; 1901 c 55 § 1.] Presently codified as RCW 83.04.010, 83.04.020, 83.04.060, 83.04.070, and 83.44.090. Session law section rejoined as single RCW section as originally enacted.
"Section 2" changed to "chapter 83.08" since chapter 83.08 comprises all of section 2 in divided form, which division is here presented because of subsequent legislative ratification of parts thereof.
"this act" changed to "the inheritance tax provisions of this title".
"and" changed to "end" in the last paragraph of the section to correct manifest clerical error.
- 83.04.030 Source—[1901 c 55 § 3.]
"section 2" changed to "chapter 83.08". (See notes to 83.04.010.)
- 83.04.040 Source—[1941 c 124 § 1.]
"this act" changed to "the inheritance tax provisions of this title".
"prior to the passage of this act" changed to "prior to March 21, 1941" since the 1941 act contained an emergency clause and the effective date and the date of passage are the same.
- 83.04.050 Source—[1929 c 205 § 5.]
- 83.04.060 } Source—[1949 c 218 § 1, part.]
- 83.04.070 } Herein recombined and codified in 83.04.010.
- 83.04.080 Source—[1931 c 134 § 2.]
"the passage of this act" changed to "March 21, 1931", as the "passage" of an act apparently refers to the time the act receives the final sanction necessary to constitute a law whereas the effective date is the time when it begins to speak as a law.
State ex rel Atkinson v. Northern Pass R Company, 53 Wash. 673; *Cordiner v. Dear*, 55 Wash. 479; *State v. Gibbons*, 118 Wash. 171; *State ex rel Hamilton v. Martin*, 173 Wash. 249; *Spokane Grain & Fuel Co. v. Lytakker*, 59 Wash. 76.

83.04.090—83.04.170 Source—[1951 c 185 §§ 1-9.]
Herein codified as chapter 83.05.

Explanatory
note.

Chapter 83.05 Transfers by Power of Appointment

Presently codified as RCW 83.04.090—83.04.170.

This chapter is derived from 1951 c 185 §§ 1-9 which was part of a 1951 act resulting from the combining of two separate bills introduced in the 1951 legislature. The first portion of such 1951 act (§§ 1-9) related to transfers by power of appointment and the second portion of said act (§§ 10-17) related to gifts of powers of appointment. The first nine sections of the act contained definitions and imposition sections therefor and the act contained a separate definition section and imposition of tax section for section 10 et seq. The remainder of this 1951 act is codified in chapter 83.60 relating to gifts of powers of appointment. Throughout each chapter the term "act" has been changed to "chapter".

- 83.05.010 Source—[1951 c 185 § 1.]
"act" changed to "chapter".
- 83.05.020 Source—[1951 c 185 § 2.]
"affected" changed to "effected" to correct manifest clerical error.
"the effective date of this act" changed to "June 7, 1951".
- 83.05.030 Source—[1951 c 185 § 3.]
"this act" changed to "this chapter".
- 83.05.040 Source—[1951 c 185 § 4.]
- 83.05.050 Source—[1951 c 185 § 5.]
- 83.05.060 Source—[1951 c 185 § 6.]
- 83.05.070 Source—[1951 c 185 § 7.]
"this act" changed to "this chapter".
- 83.05.080 Source—[1951 c 185 § 8.]
"this act" changed to "this chapter".
- 83.05.090 Source—[1951 c 185 § 9.]
"the effective date of this act" changed to "June 7, 1951".
"section 2, chapter 134, Laws of 1931" changed to "RCW 83-.04.080".

Chapter 83.08 Inheritance Tax Rates

This chapter originated as a single session law section which was heretofore divided into the six sections comprising this RCW chapter. Because of the legislative ratification of RCW 83.08.010 and 83.08.020 the division of such session law is retained in the reenactment of this chapter.

- 83.08.010 Source—[1953 c 138 § 1; 1943 c 277 § 1, part; 1939 c 202 § 1, part; 1931 c 134 § 3, part; 1929 c 205 § 1, part; 1923 c 119 § 1, part; 1917 c 43 § 1, part; 1911 c 19 § 2, part; 1907 c 217 § 2, part; 1901 c 55 § 2, part.]
- 83.08.020 Source—[1953 c 138 § 2.]
See also source notes to 83.08.010.
- 83.08.030 Source—See source notes to 83.08.010 except for the 1953 law.
- 83.08.040 Source—See source notes to 83.08.010 except for the 1953 law.
- 83.08.050 Source—See source notes to 83.08.010 except for the 1953 law.
- 83.08.060 Source—See source notes to 83.08.010 except for the 1953 law.

Chapter 83.12 Alien Estates and Reciprocity With Other States

- 83.12.010 Source—[1939 c 202 § 3 (107o); 1935 c 180 § 107(o).]
- 83.12.020 Source—[1939 c 202 § 3 (107m); 1935 c 180 § 107(m).]
"this title" changed to "the inheritance tax provisions of this title".
The RCW version of this section refers to the "tax commission" alone. On restoration of the original session law language the section now refers to the "inheritance tax di-

Explanatory
note.

vision of the tax commission" since the practice throughout Title 83 has been to restore all such language on the basis that the tax commission does in fact maintain an inheritance tax division.

- 83.12.030 Source—[1939 c 202 § 3 (107p); 1935 c 180 § 107(p).]
"bill" changed to "bills" to correct a manifest clerical error.

Chapter 83.14 Settlement of Death Tax Disputes With Other States

- 83.14.010 Source—[1959 c 46 § 1.]
"act" changed to "chapter" since the entire 1959 act is contained herein.
- 83.14.020 Source—[1959 c 46 § 2.]
"act" changed to "chapter".
- 83.14.030 Source—[1959 c 46 § 3.]
"section 2 of this act" changed to "RCW 83.14.020".
- 83.14.040 Source—[1959 c 46 § 4.]
"section 3 of this act" changed to "RCW 83.14.030".
"section 2 of this act" changed to "RCW 83.14.020".
- 83.14.050 Source—[1959 c 46 § 5.]
"section 4 of this act" changed to "RCW 83.14.040".
"section 3 of this act" changed to "RCW 83.14.030".
- 83.14.060 Source—[1959 c 46 § 6.]
The language "and the lien provisions of RCW 83.04.010" has been added following the reference "in accordance with the provisions of chapter 83.44" since upon reenactment the lien provision formerly contained in chapter 83.44 (83.44.090) has now been recombined with the rest of 1949 c 218 § 1 and is here codified in 83.04.010.
- 83.14.070 Source—[1959 c 46 § 7.]
"this act" changed to "this chapter".
"section 4 of this act" changed to "RCW 83.14.040".

Chapter 83.16 Valuations, Credits, and Exemptions

- 83.16.010 Source—[1957 c 285 § 2; 1939 c 202 § 10; 1931 c 134 § 7.]
- 83.16.020 Source—[1953 c 136 § 1; 1939 c 202 § 6, part; 1917 c 146 § 2, part; 1901 c 55 § 8.]
Session law section was expressly repealed by 1947 c 79 § .34.01 (see page 542, 1947 session laws). The original version of the Revised Code of Washington carried the section on the ground that the insurance code of 1947 only intended to repeal the last sentence of the section. Subsequently, the legislature adopted this position and in 1953 c 136 § 1 the section was amended. It is here presented for reenactment as set forth in the latest 1953 session law.
- 83.16.030 Source—[1939 c 202 § 7; 1929 c 205 § 2; 1917 c 146 § 4.]
"this act" changed to "the inheritance tax provisions of this title".
- 83.16.040 Source—[1939 c 202 § 9; 1929 c 205 § 3; 1919 c 24 § 1; 1907 c 217 § 12; 1905 c 114 § 1; 1901 c 55 § 13.]
"this act" changed to "the inheritance tax provisions of this title".
The original version of the Revised Code of Washington, as presently in force, had deleted throughout Title 83 any reference to "the supervisor" and inserted in lieu thereof the term "the tax commission". This problem was touched upon in relation to the definition sections contained in chapter 83.01, supra. The term here and subsequently is restored.
- 83.16.060 Source—[1941 c 124 § 2.]
- 83.16.070 Source—[1953 c 137 § 1; 1939 c 202 § 2; 1931 c 134 § 4.]
- 83.16.080 Source—[1939 c 202 § 5; 1935 c 180 § 115.]
"section 1 of this title" changed to "RCW 83.08.020".
"this act" changed to "the inheritance tax provisions of this title".

This section was amended by 1957 c 280 but Referendum Measure No. 30 nullified such amendment; hence the last prevailing session law of 1939 is here presented for reenactment. The phrase "upon the life of a decedent, employee of or partner in a business enterprise," has been changed to read "upon the life of a decedent employee of or partner in a business enterprise,". The comma following "decedent" and preceding "employee" has been deleted so that the phrase will read "decedent employee". This apparently was a clerical error. Note that the first portion of this second proviso relates to a decedent officer or employee of a corporation and the provision in which the comma has been deleted relates to a decedent employee of or partner in a business enterprise.

Explanatory
note.

"supervisor" has been retained as originally enacted.

83.16.090 Source—[1929 c 135 § 2.]

Chapter 83.20 Legacies and Transfers Exempt from Inheritance Tax

83.20.010 Source—[1949 c 140 § 1; 1943 c 224 § 1; 1941 c 197 § 1; 1939 c 202 § 11; 1931 c 134 § 8; 1931 c 124 § 1; 1921 c 51 § 1; 1917 c 146 § 6; 1905 c 93 § 1.]

Chapter 83.24 Determination of Tax Without Probate

83.24.010 Source—[1929 c 205 § 4; 1917 c 146 § 5.]

Presently codified as RCW 83.24.010, 83.24.020, 83.24.030 and 83.24.040.

It is here rejoined as a single session law section as originally enacted.

The language "the supervisor of the inheritance tax and escheats division" has been changed to "the supervisor of the inheritance tax division". See definitions in chapter 83.01.

Chapter 83.28 Procedure to Fix Tax on Estate

83.28.010 Source—[1939 c 202 § 3 (107a); 1935 c 180 107(a).]

"supervisor" has been retained.

(see notes to chapter 83.01, supra)

"this title" changed to "the inheritance tax provisions of this title".

83.28.020 Source—[1939 c 202 § 3 (107b); 1935 c 180 § 107(b).]

"supervisor" has been retained.

(see notes to chapter 83.01, supra)

83.28.030 Source—[1939 c 202 § 3 (107c); 1935 c 180 § 107(c).]

"supervisor" has been retained.

(see notes to chapter 83.01, supra)

"this act" changed to "the inheritance tax provisions of this title".

83.28.040 Source—[1939 c 202 § 3 (107d); 1935 c 180 § 107(d).]

83.28.050 Source—[1939 c 202 § 3 (107e); 1935 c 180 § 107(e).]

83.28.060 Source—[1939 c 202 § 3 (107f); 1935 c 180 § 107(f).]

"supervisor" has been retained.

(see notes to chapter 83.01, supra)

83.28.070 Source—[1939 c 202 § 3 (107g); 1935 c 180 § 107(g).]

"supervisor" retained.

(see notes to chapter 83.01, supra)

Chapter 83.32 Procedure to Fix Tax on Property Previously Transferred

83.32.010 Source—[1939 c 202 § 3 (107h); 1935 c 180 § 107(h).]

"this title" changed to "the inheritance tax provisions of this title".

"supervisor" retained.

(see notes to chapter 83.01, supra)

- Explanatory note.** 83.32.020 Source—[1939 c 202 § 3 (107i); 1935 c 180 § 107(i).] Presently codified as RCW 83.32.020, 83.32.030 and 83.32.040; here restored as a single section.
 “supervisor” has been retained.
 (see notes to chapter 83.01, supra)
 “subdivision (d) of this section” changed to “RCW 83.28.040”.
 “subdivision (e) herein” changed to “RCW 83.28.050”.
 “subdivision (f) and (g) herein” changed to “RCW 83.28.060 and 83.28.070”.
- 83.32.050 Source—[1945 c 184 § 3; 1939 c 202 § 3 (107j); 1935 c 180 § 107(j).] “this title” changed to “the inheritance tax provisions of this title”.
 “supervisor” has been retained.
 (see notes to chapter 83.01, supra)
 “section 1, chapter LV, Laws of 1901, as amended” changed to “RCW 83.04.010”.

Chapter 83.36 Tax Commission's Powers

- 83.36.005 This section added to adopt by reference the provisions of chapter 82.01 wherein the composition and organization of the tax commission is codified.
- 83.36.010 Source—[(i) 1945 c 184 § 5, part; 1935 c 180 § 111, part; 1907 c 217 § 10, part. (ii) 1939 c 206 § 5, subdivision Third; 1935 c 127 § 1, subdivision Third; 1923 c 170 § 1; 1921 c 7 § 50; 1907 c 220 § 1, subdivision Third; 1905 c 115 § 2, subdivision Third.] This section is the result of a combination of all of 1945 c 184 § 5 excepting that portion which relates to the copies of reports and papers by fiduciaries and which is herein presented as 83.36.050, infra. It is combined with subdivision “Third” of 1939 c 206 § 5 which granted the tax commission the general powers of supervision relating to inheritance taxes. Most of this latter section is connected with property taxes in Title 84 and is therein treated. Also, the last sentence of the second paragraph of the 1945 act had been codified as a portion of 83.44.010 which latter RCW section was subsequently ratified by the legislature in 1959 c 296 § 1. Accordingly, the first portion of this section is a combination of portions of the 1945 law together with subdivision Third of the 1939 law; the remainder of the section is from the 1945 law. The balance of the 1945 law as heretofore indicated is in 83.36.050 and 83.44.010.
 “supervisor” has been retained.
 (see notes to chapter 83.01, supra)
 For analysis of the remainder of the 1939 act see the notes in Title 84, sections 84.08.010 et seq.
- 83.36.020 Source—[1939 c 202 § 3 (107r); 1935 c 180 § 107(r).] “supervisor” has been retained.
 (see notes to chapter 83.01, supra)
 “this act” changed to “the inheritance tax provisions of this act”.
- 83.36.030 Source—[1939 c 202 § 3 (107s); 1935 c 180 § 107(s).] “supervisor” has been retained.
 (see notes to chapter 83.01, supra)
 “this act” changed to “the inheritance tax provisions of this title”.
 “hereinabove provided” changed to “provided in RCW 83.36.020”. The language “hereinabove provided” appeared in a lengthy and comprehensive tax act many of which provisions have no relationship to the subject matter of this reference and it is clearly apparent that the purposes “hereinabove provided” are those in section 83.36.020.

- 83.36.040 Source—[1919 c 29 § 1; 1907 c 217 § 13; 1905 c 114 § 2; 1901 c 55 § 15.] Explanatory note.
 “state tax commissioner” changed to “tax commission”.
- 83.36.050 Source—[1945 c 184 § 5, part; 1935 c 180 § 111, part; 1907 c 217 § 10, part; 1901 c 55 § 18.]
 See notes to 83.36.010, supra.
- 83.36.060 Source—[1935 c 180 § 121.]

Chapter 83.40 Adjustments With Federal Tax

- 83.40.010 Source—[1931 c 134 § 5.]
 Presently codified as RCW 83.40.010, 83.40.020 and 83.40.030; here presented as a single section as originally enacted.
 “supervisor” has been retained.
 (see notes to chapter 83.01, supra)
 “this act” changed to “this section” since the language “this act” in this instance is restricted by its context.
- 83.40.040 Source—[1939 c 202 § 3 (1071); 1935 c 180 § 107 (1).]
 “section 5, chapter 134, Laws of 1931 (section 11202-b, Remington’s Revised Statutes)” changed to “RCW 83.40.010”.
- 83.40.050 Source—[1945 c 184 § 2; 1931 c 134 § 1.]
 This section was the subject of a repeal by 1957 c 280 § 3. Such repeal was nullified by Referendum Measure No. 30. See notes to RCW 83.16.080, supra, wherein the amendment to the latter section was nullified by such referendum also. Thus the latest session law expression of 1945 is here presented for reenactment.

Chapter 83.44 Payment of Inheritance Tax—Enforcement—Compromise

- 83.44.010 Source—[1959 c 296 § 1; 1945 c 184 § 4; 1945 c 184 § 5, part; 1939 c 202 § 4; 1917 c 146 § 3; 1907 c 217 § 7; 1901 c 55 § 12.]
 “this act” had formerly been revised to read “the inheritance tax provisions of this title” which revision was ratified by the 1959 legislature.
 The last paragraph relating to waiver of interest is derived from 1945 c 184 § 5 and was ratified by the 1959 legislature. See also notes to sections 83.36.010 and 83.36.050, supra.
- 83.44.020 Source—[1901 c 55 § 16.]
 In the first part of this section the word “impracticable” had been added in the session law and in prior compilations to compensate for a clerical omission; it is here so presented for reenactment.
- 83.44.030 Source—[1907 c 217 § 8; 1901 c 55 § 14.]
 “state board of tax commissioners” changed to “tax commission”.
 “this act” changed to “the inheritance tax provisions of this title”.
 “state treasurer” has been retained as originally enacted.
- 83.44.040 Source—[1907 c 217 § 5; 1901 c 55 § 9.]
 “state board of tax commissioners” changed to “tax commission”.
- 83.44.050 Source—[1907 c 217 § 6; 1901 c 55 § 10.]
 “state board of tax commissioners” changed to “tax commission”.
 Reference to “state treasurer” retained.
- 83.44.060 Source—[1901 c 55 § 11.]
- 83.44.070 Source—[1907 c 217 § 9; 1901 c 55 § 17.]
 “state board of tax commissioners” changed to “tax commission”.
- 83.44.080 Source—[1931 c 134 § 6.]
 Reference to “state treasurer” retained.
- 83.44.090 Source—[1949 c 218 § 1, part.]
 Herein recombined and codified in 83.04.010.

Explanatory
note.

- 83.44.100 Source—[1945 c 249 § 10; 1943 c 156 § 12a; 1935 c 180 § 211.]
This section is also presented for reenactment in Title 82 as section 82.32.380. Because of separate subject matter and the fact that the section had application to both excise taxes in Title 82 and inheritance taxes in Title 83, it is presented for reenactment in this title and its application is restricted to the inheritance tax provisions of this title.
- 83.44.110 Source—[1947 c 21 § 1; 1939 c 202 § 3 (107m); 1935 c 180 § 107(m).]
Presently codified as RCW 83.52.010.
“supervisor” has been retained.
(see notes to chapter 83.01, supra)
Chapter 83.48 Quieting Title Against Tax Liability
- 83.48.010 Source—[1939 c 202 § 3 (107k); 1935 c 180 § 107(k).]
Presently codified as RCW 83.48.010, 83.48.020, 83.48.030 and 83.48.040; here presented for reenactment as a single section as originally enacted.
“this title” changed to “the inheritance tax provisions of this title”.
“supervisor” has been retained.
(see notes to chapter 83.01, supra)
“subdivision (b) of this section” changed to “RCW 83.28.020”.
“subdivisions (c), (d), (e), (f), and (g) of this section” changed to “RCW 83.28.030, 83.28.040, 83.28.050, 83.28.060 and 83.28.070”.

Chapter 83.52 Violations and Penalties

- 83.52.010 Source—[1947 c 21 § 1.]
Herein codified as 83.44.110.
- 83.52.020 Source—[1929 c 205 § 6.]

Chapter 83.56 Gift Taxes

- 83.56.005 Source—[1941 c 119 § 29.]
Presently uncodified.
It is here restored as originally enacted as a starting point for the 1941 gift tax law and in case any contest arises on the payment of gift taxes from some years back.
“the date of the enactment of this act” changed to “March 21, 1941”.
- 83.56.010 Source—[1941 c 119 § 12.]
“act” changed to “chapter” since all of “this act” as amended or as specifically added thereto by the legislature is contained in this chapter.
- 83.56.020 Source—[1945 c 206 § 2, subdivision (a); 1941 c 119 § 4, subdivision (a).]
This session law section comprised of two subdivisions is presented in divided form with “net gifts” being defined in this section as set forth in subdivision (a) of the session law section and the annual exclusion of three thousand dollars as set forth in subdivision (b) of the session law section is presented for reenactment as 83.56.050.
“(section 11218-15, Remington’s Revised Statutes) section 5” changed to “RCW 83.56.060”.
- 83.56.030 Source—[1941 c 119 § 1.]
“act” changed to “chapter”.
“the effective date of this act” changed to “March 21, 1941”.
- 83.56.031—83.56.030 Source—[1951 c 185 §§ 10-17.]
Herein codified as chapter 83.60.
- 83.56.040 Source—[1953 c 139 § 1; 1945 c 206 § 1; 1943 c 270 § 1; 1941 c 119 § 2.]
- 83.56.050 Source—[1945 c 206 § 2, subdivision (b); 1941 c 119 § 4, subdivision (b).]

- See notes to 83.56.020, supra.
 "this act" changed to "this chapter".
- 83.56.060 Source—[1949 c 140 § 2; 1941 c 119 § 5.]
- 83.56.070 Source—[1941 c 119 § 3.]
 "act" changed to "chapter".
- 83.56.080 Source—[1941 c 119 § 6.]
- 83.56.090 Source—[1957 c 285 § 3; 1941 c 119 § 7.]
- 83.56.100 Source—[1941 c 119 § 8.]
 "this act" changed to "this chapter".
- 83.56.110 Source—[1957 c 285 § 4; 1941 c 119 § 9.]
- 83.56.120 Source—[1941 c 119 § 10.]
 "act" changed to "chapter".
- 83.56.130 Source—[1941 c 119 § 10a.]
 "act" changed to "chapter".
- 83.56.140 Source—[1941 c 119 § 10b.]
 "act" changed to "chapter".
- 83.56.150 Source—[1941 c 119 § 11.]
- 83.56.160 Source—[1941 c 119 § 13.]
 "act" changed to "chapter".
- 83.56.170 Source—[1941 c 119 § 21.]
 "section 13(d) of this act" changed to "RCW 83.56.160(4)".
- 83.56.180 Source—[1941 c 119 § 14.]
 "act" changed to "chapter".
 "collector" changed to "tax commission" since the tax commission is the agency with the powers and duties of collection relating to gift taxes.
- 83.56.190 Source—[1941 c 119 § 22.]
 "section 14(d)" changed to "RCW 83.56.180(4)".
 "section 14(g)" changed to "RCW 83.56.180(7)".
 "section 21" changed to "RCW 83.56.170".
- 83.56.200 Source—[1941 c 119 § 16.]
 "act" changed to "chapter".
- 83.56.210 Source—[1941 c 119 § 17.]
- 83.56.220 Source—[1941 c 119 § 23.]
 "act" changed to "chapter".
 "section 20(a)" changed to "RCW 83.56.230(1)".
 "paragraph (a)" changed to "subsection (1)".
 "section 21" changed to "RCW 83.56.170".
 "section 14 of this act" changed to "RCW 83.56.180".
 "paragraph (a) of this sub-section" changed to "subsection (1) of this section".
 "section 13(i)" changed to "RCW 83.56.160(9)".
 "section 14(g)" changed to "RCW 83.56.180(7)".
- 83.56.230 Source—[1941 c 119 § 20.]
 "act" changed to "chapter".
- 83.56.240 Source—[1941 c 119 § 27.]
 "act" changed to "chapter".
 "section 13(a)" changed to "RCW 83.56.160(1)".
- 83.56.250 Source—[1941 c 119 § 25.]
 Presently codified as RCW 83.56.250 and 83.56.260; here restored as a single section as originally enacted.
 "act" changed to "chapter".
 "section 13(a)" changed to "RCW 83.56.160(1)".
 "section 26(b)" changed to "RCW 83.56.270(2)".
- 83.56.270 Source—[1941 c 119 § 26.]
 "act" changed to "chapter".
- 83.56.280 Source—[1941 c 119 § 18.]
 "act" changed to "chapter".
- 83.56.290 Source—[1941 c 119 § 19.]
- 83.56.300 Source—[1941 c 119 § 24.]
 "act" changed to "chapter".
- 83.56.310 Source—[1941 c 119 § 28.]
 "act" changed to "chapter".

Explanatory
 note.

**Explanatory
note.**

- 83.56.320 Source—[1955 c 119 § 1.]
- 83.56.900 Source—[1941 c 119 § 30.]
Presently uncodified.
“act” changed to “chapter”.

Chapter 83.60 Gifts of Powers of Appointment

(See notes to chapter 83.05, supra.)

- 83.60.010 Source—[1951 c 185 § 10.]
Presently codified as RCW 83.56.031.
“act” changed to “chapter”.
- 83.60.020 Source—[1951 c 185 § 11.]
Presently codified as RCW 83.56.032.
“the effective date of this act” changed to “June 7, 1951”.
See also notes to RCW 83.05.020, supra.
- 83.60.030 Source—[1951 c 185 § 12.]
“act” changed to “chapter”.
Presently codified as RCW 83.56.033.
- 83.60.040 Source—[1951 c 185 § 13.]
Presently codified as RCW 83.56.034.
- 83.60.050 Source—[1951 c 185 § 14.]
Presently codified as RCW 83.56.035.
- 83.60.060 Source—[1951 c 185 § 15.]
Presently codified as RCW 83.56.036.
- 83.60.070 Source—[1951 c 185 § 16.]
Presently codified as RCW 83.56.037.
“act” changed to “chapter”.
- 83.60.080 Source—[1951 c 185 § 17.]
Presently codified as RCW 83.56.038.
“act” changed to “chapter”.

Chapter 83.98 Construction

- 83.98.010 This section has been added to preserve continuity.
- 83.98.020 This section provides that title, chapter, section and subsection headings are not part of the law.
- 83.98.030 Severability.
- 83.98.040 Repeals and saving.
The laws set forth in the schedule of repeals were either repealed previously, or are substantially reenacted by this bill. Specifically noted below are certain acts not previously repealed, which are proposed for repeal without reenactment. The numbers in parentheses correspond to the like numbered subdivisions of the repealer schedule.
 - (1) 1901 c 55 § 4 relates to the valuation of foreign estates; later laws repealed by 1955 c 118 § 1; section 4 here repealed without codification as clerical omission from the 1955 repealer.
 - (4) 1907 c 217 § 3 relates to the valuation of foreign estates.
See notes to (1), supra.
 - (14) 1929 c 205 § 7 is a saving clause which will be replaced by the saving clause in this 1961 repealer schedule.
 - (16) 1931 c 134 § 12. (See notes to (14), supra.)
 - (17) 1935 c 180 § 124. Temporary (see also notes to (14), supra). The balance of this 1935 act is repealed and reenacted or repealed and noted in Title 82, but note the dual codification of section 3 in sections 82.02.010 and 83.01.010, and of section 211 in sections 82.32.380 and 83.44.100.
 - (19) 1939 c 202 § 5 relates to the exemption of certain insurance. The 1939 section was amended by 1957 c 280 § 2; Referendum Measure No. 30 approved in 1958 nullified such amendment; hence, 1939 c 202 § 5 repealed and reenacted as section 83.16.080.
 - (22) 1941 c 197 § 3. (See notes to (14), supra.)
 - (26) (a) 1945 c 184 § 2 was repealed by 1957 c 280 § 3; Referendum Measure No. 30 approved in 1958 nullified such repealer; hence 1945 c 184 § 2 is repealed and reenacted as section 83.40.050.

- | | | |
|-----------|---|----------------------|
| | (b) 1945 c 184 § 6. (See notes to (14), supra.) | Explanatory
note. |
| (29) | 1949 c 140 § 3. (See notes to (14), supra.) | |
| 83.98.050 | Emergency clause. | |

TITLE 84

IV. Section by Section Comment.

Chapter 84.04 Definitions

- 84.04.010 Source—This section has been added since this definition chapter contains definitions appearing in the comprehensive tax act of 1925 which are duplicated or overlapped in other tax acts. It provides a connecting link for tying together all general definitions having application to the entire title.
- 84.04.020 Source—[1919 c 142 § 2.]
“as hereinabove in section 1 of this act defined” changed to “as defined in RCW 84.04.030”. The subject matter in the latter RCW section was the definition in the 1925 comprehensive tax act which in turn superseded section 1 of the 1919 law defining the same term.
- 84.04.030 Source—[1925 ex.s. c 130 § 3; 1919 c 142 § 1, part.]
“as used in this act” deleted as unnecessary in the light of section 84.04.010, supra.
- 84.04.040 Source—[1939 c 206 § 39; 1925 ex.s. c 130 § 81; 1897 c 71 § 66; 1893 c 124 § 67; 1890 p 560 § 82.]
- 84.04.045 Source—[1925 ex.s. c 130 § 6, part.]
- 84.04.050 Source—[1925 ex.s. c 130 § 6, part; 1897 c 71 § 4, part; 1893 c 124 § 4, part; 1890 p 531 § 4, part; 1886 p 48 § 2, part; Code 1881 § 2830, part.]
- 84.04.060 Source—[1925 ex.s. c 130 § 6, part; 1897 c 71 § 4, part; 1893 c 124 § 4, part; 1890 p 531 § 4, part; 1886 p 48 § 2, part; Code 1881 § 2830, part.]
“wherever used in this act” deleted as unnecessary in light of section 84.04.010, supra.
- 84.04.065 Source—[1925 ex.s. c 130 § 6, part; 1897 c 71 § 4, part; 1893 c 124 § 4, part; 1890 p 531 § 4, part.]
- 84.04.070 Source—[1925 ex.s. c 130 § 6, part; 1897 c 71 § 4, part; 1893 c 124 § 4, part; 1890 p 531 § 4, part.]
The language “whenever the word”, “is used in this act it” and “in this act” deleted as unnecessary in the light of section 84.04.010, supra.
- 84.04.075 Source—[1925 ex.s. c 130 § 6, part; 1897 c 71 § 4, part; 1893 c 124 § 4, part; 1890 p 531 § 4, part; 1886 p 48 § 2, part.]
“the term” and “wherever used in this act” deleted on the basis of the addition of 84.04.010, supra.
- 84.04.080 Source—[1925 ex.s. c 130 § 5, part; 1907 c 108 §§ 1, 2; 1907 c 48 § 1, part; 1901 ex.s. c 2 § 1, part; 1897 c 71 § 3, part; 1895 c 176 § 1, part; 1893 c 124 § 3, part; 1891 c 140 § 3, part; 1890 p 530 § 3, part; 1886 p 48 § 2, part; Code 1881 § 2830, part; 1871 p 37 § 1, part; 1869 p 176 § 3, part; 1854 p 332 § 4, part.]
“act” changed to “title”, see introductory comments, supra.
- 84.04.090 Source—[1925 ex.s. c 130 § 4; 1897 c 71 § 2; 1893 c 124 § 2; 1891 c 140 § 2; 1890 p 530 § 2; 1886 p 48 § 2; Code 1881 § 2830; 1871 p 37 § 2; 1869 p 176 § 2.]
- 84.04.100 Source—[1925 ex.s. c 130 § 1; 1897 c 71 § 1; 1893 c 124 § 1.]
“as used in this act” deleted as unnecessary in the light of section 84.04.010, supra.
- 84.04.110 Source—[1925 ex.s. c 130 § 6, part; 1897 c 71 § 4, part; 1893 c 124 § 4, part; 1890 p 531 § 4, part; 1886 p 48 § 2, part; Code 1881 § 2830, part.]
“wherever used in this act” deleted as unnecessary in the light of section 84.04.010, supra.

- Explanatory note.**
- 84.04.120 Source—[1925 ex.s. c 130 § 2; 1919 c 142 § 1, part.]
“as used in this act” deleted as unnecessary in the light of section 84.04.010, supra.
- 84.04.130 Source—[1925 ex.s. c 130 § 6, part; 1897 c 71 § 4, part; 1893 c 124 § 4, part; 1890 p 531 § 4, part; 1886 p 48 § 2, part; Code 1881 § 2830, part.]
“wherever used in this act” deleted as unnecessary in the light of section 84.04.010, supra.

Chapter 84.08 Tax Commission

- 84.08.005 Source—This section added to adopt by reference the provisions of chapter 82.01 wherein the composition and organization of the tax commission is codified.
- 84.08.010 Source—[1939 c 206 §§ 4, part and 5, part; 1935 c 127 § 1, part; 1931 c 15 § 1, part; 1927 c 280 § 5, part; 1925 c 18 § 5, part; 1921 c 7 §§ 50, 53; 1907 c 220 § 1, part; 1905 c 115 § 2, part.]
This and the next succeeding five sections have been revised in a manner similar to the language of the present Revised Code of Washington text because of the chaotic history of the sections relating to the powers of the tax commission which chaos culminated in the sections being amended twice at the same session in 1939 c 206 §§ 4 and 5.
Everything in each of the 1939 amendments and prior laws is contained in these six sections and sections 84.08.090 and 84.40.330 revised because of the duplication devolution of powers, and obsolete phrases.
- 84.08.020 Source—[1939 c 206 § 5; 1935 c 127 § 1; 1921 c 7 §§ 50, 53; 1907 c 220 § 1; 1905 c 115 § 2.]
See notes to section 84.08.010, supra.
- 84.08.030 Source—[1939 c 206 § 4, part; 1931 c 13 § 1, part; 1927 c 280 § 5, part; 1925 c 18 § 5, part; 1921 c 7 §§ 50, 53.]
See notes to section 84.08.010, supra.
- 84.08.040 Source—[1939 c 206 § 4, part; 1931 c 15 § 1, part; 1927 c 280 § 5, part; 1925 c 18 § 5, part; 1921 c 7 §§ 50, 53.]
See notes to section 84.08.010, supra.
- 84.08.050 Source—[1939 c 206 § 5, part; 1935 c 127 § 1, part; 1921 c 7 §§ 50, 53; 1907 c 220 § 1, part; 1905 c 115 § 2, part.]
See notes to section 84.08.010, supra.
- 84.08.060 Source—[1939 c 206 § 4, part; 1931 c 15 § 1, part; 1927 c 280 § 5, part; 1925 c 18 § 5, part; 1921 c 7 §§ 50, 53.]
See notes to section 84.08.010, supra.
- 84.08.070 Source—[1939 c 206 § 4, part; 1931 c 15 § 1, part; 1927 c 280 § 5, part; 1925 c 18 § 5, part; 1921 c 7 §§ 50, 53.]
See notes to section 84.08.010, supra.
- 84.08.080 Source—[1925 ex.s. c 130 § 11; 1897 c 71 § 92; 1895 c 176 § 20; 1893 c 124 § 95.]
The language imposing the duty on the tax commission to prescribe the forms of all blanks and books has been deleted from this section inasmuch as such duty is adequately prescribed in section 84.08.020, subdivision (2), supra.
“this act” changed to “this title”.
- 84.08.090 Source—[1905 c 115 § 4.]
“State Board of Tax Commissioners” changed to “tax commission”.
This 1905 section relating to biennial reports and drafts of legislative bills is codified in lieu of subdivision (6) of 1939 c 206 § 4 as in prior compilations and the Revised Code of Washington since it covers the same subject matter as subdivision (6) of the 1939 law but in greater detail and is more comprehensive in scope.
- 84.08.100 Source—[1905 c 115 § 5.]
Corollary to sections 84.08.090, see notes to that section, supra.

- 84.08.110 Source—[1907 c 220 § 3.] Explanatory
 “State Board of Tax Commissioners” changed to “tax com- note.
 mission”.
 “county attorneys” changed to “prosecuting attorneys”.
 Personal pronouns changed to conform to the “tax commis-
 sion” translation.
 The language which required “such printing to be borne by
 the public printing fund” has been deleted since there is no
 public printing fund and such matter is controlled by exist-
 ing budgetary practices and the laws relating to the public
 printer.
- 84.08.120 Source—[1939 c 206 § 7; 1927 c 280 § 12; 1925 c 18 § 12.]
 “act” changed to “title”.
- 84.08.130 Source—[1939 c 206 § 6; 1927 c 280 § 6; 1925 c 18 § 6.]
 Language relating to the township board of equalization has
 been deleted as it was in sections 84.08.010—84.08.060 since such
 township boards have since been abolished. See chapter
 45.54 RCW.
- 84.08.140 Source—[1927 c 280 § 8; 1925 c 18 § 8.]
- 84.08.150 Source—[1939 c 136 § 2.]
 Herein codified as 84.09.010.
- 84.08.160 Source—[1951 c 116 § 1.]
 Herein codified as 84.09.030.
- 84.08.170 Source—[1925 ex.s. c 130 § 112, part.]
 Herein codified as 84.09.020.
- 84.08.180 Source—[1945 c 142 § 1.]
 Herein codified as 84.40.315.
- 84.08.190 Source—[1939 c 206 § 16, part; 1925 ex.s. c 130 § 57, part; 1911
 c 12 § 1.]
 This session law section is divided in the existing Revised
 Code of Washington; it is here presented for reenactment
 upon the same divided basis inasmuch as the portion herein
 presented relates to the county assessors meeting with the
 tax commission for purposes of instruction and the remainder
 of the section relates solely to the time and manner of listing
 of property which is presented in section 84.40.040, infra.

Chapter 84.09 General Provisions

- 84.09.010 Source—[1939 c 136 § 2.]
 Presently codified as RCW 84.08.150.
 The language “except, that any such taxes and assessments
 that have become due and payable, or of which any install-
 ment has become due and payable, at the time this act be-
 comes effective, shall continue to be known and designated
 the same as heretofore.” is deleted as it no longer has ap-
 plication.
- 84.09.020 Source—[1925 ex.s. c 130 § 112, part; 1897 c 71 § 93, part; 1893
 c 124 § 97, part.]
 Presently codified as RCW 84.08.170.
 This session law section is divided into two sections in the
 original publication of RCW. The portion herein presented
 is codified as RCW 84.08.170 and the balance as RCW 84.60.040.
 The provisions herein presented in 84.09.020 relate to abbrevia-
 tions authorized to be used in any proceedings relating to
 tax matters, and the remainder of the section presented as
 section 84.60.040 relates to the charging of personalty tax
 against real property.
- 84.09.030 Source—[1951 c 116 § 1; 1949 c 65 § 1; 1943 c 182 § 1; 1939 c
 136 § 1.]
 Presently codified as RCW 84.08.160.
- 84.09.040 Source—[1925 ex.s. c 130 § 109; 1897 c 71 § 89; 1893 c 124 § 92.]
 Presently codified as RCW 84.56.410.

Explanatory
note.

"this act" changed to "this title".
"county attorney" changed to "prosecuting attorney".

- 84.09.050 Source—[1925 ex.s. c 130 § 110; 1897 c 71 § 90; 1893 c 124 § 93.]
Presently codified as RCW 84.56.420.

Chapter 84.12 Assessment and Taxation of Public Utilities

The session law language and organization has been restored throughout this chapter, thus 84.12.010 through 84.12.180 are codified herein as 84.12.200 et seq.

- 84.12.200 Source—[1935 c 123 § 1; 1925 ex.s. c 130 § 36; 1907 c 131 § 2; 1907 c 78 § 2.]

Presently codified as 84.12.010 and 84.12.020.

"this act" changed to "this chapter" since all of 1935 c 123 is in this chapter.

The original version of the Revised Code of Washington changed the term "airplane company" to "air transportation company" and "steamboat company" to "water transportation company" in an attempt to modernize the definitions to include certain aircraft and certain watercraft which might have come into being subsequent to the enactment of these definitions; however, since this is a question for judicial construction the terms are here restored as originally enacted. Also restored is the definition of "logging railroad company" for what it is worth.

Subdivision (19) has been severed herefrom and codified in more orderly fashion as 84.12.210.

- 84.12.210 Source—[1935 c 123 § 1, subdivision (19).]

Presently codified in 84.12.020.

- 84.12.220 Source—[1935 c 123 § 2.]

Presently codified in 84.12.020.

- 84.12.230 Source—[1935 c 123 § 3; 1925 ex.s. c 130 § 39; 1907 c 131 § 5; 1907 c 78 § 5; 1897 c 71 § 40; 1893 c 124 § 40; 1891 c 140 § 27; 1890 p 541 § 27.]

Presently codified as 84.12.030.

"Each company doing business in this state shall, beginning with the year 1936, and annually thereafter", changed to "Each company doing business in this state shall annually".

"department of public works" changed to "public service commission".

- 84.12.240 Source—[1935 c 123 § 4; 1925 ex.s. c 130 § 37; 1907 c 131 § 3; 1907 c 78 § 3.]

Presently codified as 84.12.080.

- 84.12.250 Source—[1935 c 123 § 5; 1925 ex.s. c 130 § 38; 1907 c 131 § 4; 1907 c 78 § 4.]

Presently codified as RCW 84.12.090.

- 84.12.260 Source—[1935 c 123 § 6; 1925 ex.s. c 130 § 41; 1907 c 131 § 7; 1907 c 78 § 6; 1891 c 140 § 37; 1890 p 544 § 36.]

Presently codified as RCW 84.12.100.

"this act" changed to "this chapter".

- 84.12.270 Source—[1939 c 206 § 19; 1935 c 123 § 7; 1925 ex.s. c 130 § 43; 1907 c 131 § 8; 1907 c 78 § 7; 1891 c 140 §§ 28-31; 1890 p 541 §§ 26-33.]

Presently codified as RCW 84.12.040.

"this act" changed to "this chapter".

"beginning with the year 1936, and annually thereafter" changed to "annually".

- 84.12.280 Source—[1935 c 123 § 8; 1925 ex.s. c 130 § 44; 1907 c 78 § 8; 1891 c 146 §§ 28-31; 1890 p 541 §§ 26-33.]

Presently codified as RCW 84.12.050.

Language relating to the rolling stock of motor vehicle transportation companies restored; see notes to 84.12.290, infra.

- 84.12.290 Source—Added by reviser.

This section continues in effect the exemption provided by

chapter 152, Laws of 1945 codified in chapter 82.44 RCW; it is necessary to so continue it since the legislature in the 1955 session amended the section providing the basis of apportionment (see section 84.12.360). This latter apportionment section had been revised and the language relating to rolling stock omitted by the 1941 Code Committee on the basis of this 1945 law; however, the 1955 amendment of the apportionment section was accomplished during a period in which this added exemption section relating to rolling stock of motor vehicle transportation companies was codified as RCW 84.12.170. To preserve the 1955 legislative intent and for ease of reference this section is continued in force in this chapter. It is based on the exemption provided in 1945 c 152 and takes into account the definitions of motor vehicle in this public utility law as well as in the 1945 law in chapter 82.44.

Explanatory
note.

- 84.12.300 Source—[1935 c 123 § 9; 1925 ex.s. c 130 § 44; 1907 c 78 § 8.]
Presently codified as RCW 84.12.060.
- 84.12.310 Source—[1935 c 123 § 10.]
Presently codified as RCW 84.12.070.
- 84.12.320 Source—[1935 c 123 § 11.]
Presently codified as RCW 84.12.120.
“this act” changed to “this chapter”.
- 84.12.330 Source—[1935 c 123 § 12; 1925 ex.s. c 130 § 44; 1907 c 78 § 8; 1891 c 140 § 35; 1890 p 543 § 35.]
Presently codified as RCW 84.12.110.
“section 1” changed to “RCW 84.12.200”.
- 84.12.340 Source—[1953 c 162 § 1; 1939 c 206 § 20; 1935 c 123 § 13.]
Presently codified as RCW 84.12.130.
- 84.12.350 Source—[1939 c 206 § 21; 1935 c 123 § 14.]
Presently codified as RCW 84.12.140.
“this act” changed to “this chapter”.
- 84.12.360 Source—[1955 c 120 § 1; 1935 c 123 § 15; 1925 ex.s. c 130 § 47; 1917 c 25 § 1; 1907 c 78 § 11; 1891 c 140 § 33; 1890 p 541 § 30.]
Presently codified as RCW 84.12.150.
“air transportation companies” changed to “airplane companies” and “water transportation companies” changed to “steamboat companies” to conform to the definitions as originally enacted by the legislature. See notes to section 84.12.200, supra; see also notes to section 84.12.290, supra.
- 84.12.370 Source—[1935 c 123 § 16.]
Presently codified as RCW 84.12.160.
- 84.12.380 Source—[1935 c 123 § 17; 1891 c 140 § 34; 1890 p 542 § 33.]
Presently codified as RCW 84.12.180.
“this act” changed to “this chapter”.
- 84.12.390 Source—[1935 c 123 § 18.]
Presently combined with part of 1939 c 206 § 4 and codified in RCW 84.08.070.
“this act” changed to “this chapter”.

Chapter 84.16 Assessment and Taxation of Private Car Companies

- 84.16.010 Source—[1933 c 146 § 1; 1907 c 36 § 1.]
“this act” changed to “this chapter” since all of 1933 c 146 is in this chapter.
- 84.16.020 Source—[1933 c 146 § 2; 1907 c 36 § 2.]
The language “beginning with the year 1933 and annually thereafter” changed to “annually”.
- 84.16.030 Source—[1933 c 146 § 3.]
- 84.16.032 Source—[1933 c 146 § 4; 1907 c 36 § 6.]
Presently codified as RCW 84.16.060.
This and next two sections restored to session law sequence.
- 84.16.034 Source—[1933 c 146 § 5.]
Presently codified as RCW 84.16.070; see notes to section 84.16.032, supra.

- Explanatory
note.
- 84.16.036 Source—[1933 c 146 § 6; 1907 c 36 §§ 5, 6.]
Presently codified as RCW 84.16.080; see notes to section 84.16.032, supra.
“this act” changed to “this chapter”.
- 84.16.040 Source—[1939 c 206 § 22; 1933 c 146 § 7; 1907 c 36 § 7.]
“beginning with the year 1933, and annually thereafter”
changed to “annually”.
“this act” changed to “this chapter”.
- 84.16.050 Source—[1933 c 146 § 8; 1907 c 36 § 7.]
- 84.16.060—84.16.080 Source—[1933 c 146 §§ 4, 5, 6.]
Herein codified as 84.16.032, 84.16.034, and 84.16.036.
- 84.16.090 Source—[1933 c 146 § 9; 1907 c 36 § 4.]
“section 1” changed to “RCW 84.16.010”.
- 84.16.100 Source—[1939 c 206 § 23; 1933 c 146 § 10.]
“this act” changed to “this chapter”.
- 84.16.110 Source—[1939 c 206 § 24; 1933 c 146 § 11.]
“this act” changed to “this chapter”.
In the first sentence of the first proviso, “appear” changed to “appears” and “be” changed to “is”.
- 84.16.120 Source—[1933 c 146 § 12; 1907 c 36 § 7.]
- 84.16.130 Source—[1939 c 206 § 25; 1933 c 146 § 13.]
“section 12 hereof” changed to “RCW 84.16.120”.
- 84.16.140 Source—[1933 c 146 § 14.]
“this act” changed to “this chapter”.

Chapter 84.20 Easements of Public Utilities

- 84.20.010 Source—[1929 c 199 § 1.]
- 84.20.020 Source—[1929 c 199 § 2.]
- 84.20.030 Source—[1929 c 199 § 3.]
- 84.20.040 Source—[1929 c 199 § 4.]
- 84.20.050 Source—[1929 c 199 § 5.]
“this act” changed to “this chapter” since all of 1929 c 199 is
in this chapter.

Chapter 84.24 Reassessment of Property

- 84.24.010 Source—[1931 c 106 § 1.]
“this act” changed to “this chapter” since all of 1931 c 106 is
in this chapter.
- 84.24.020 Source—[1941 c 152 § 1; 1931 c 106 § 2.]
“this act” changed to “this chapter”.
- 84.24.030 Source—[1931 c 106 § 3.]
- 84.24.040 Source—[1931 c 106 § 4.]
“section 3 hereof” changed to “RCW 84.24.030”.
- 84.24.050 Source—[1931 c 106 § 5.]
- 84.24.060 Source—[1931 c 106 § 6.]
- 84.24.070 Source—[1931 c 106 § 7.]
- 84.24.080 Source—[1927 c 290 § 1.]
Herein codified as 84.56.430.

Chapter 84.28 Reforestation Lands

- 84.28.005 Source—[1931 c 40 § 1.]
Presently uncodified.
- 84.28.010 Source—[1931 c 40 § 2.]
“this act” changed to “this chapter” since all of the 1931 c 40
is in this chapter.
“state forest board” changed to “department of natural re-
sources” and “board” changed to “department” as such
board was abolished and its powers and duties transferred,
see chapter 43.30 RCW.
- 84.28.020 Source—[1951 c 172 § 1; 1931 c 40 § 3.]
Presently codified as RCW 84.28.020, 84.28.030 and 84.28.040.
This session law section after being divided in the Revised

Code of Washington into three RCW sections had but one of such RCW sections amended in 1951. It is here restored as a single section on the basis of *Anderson v. Grays Harbor County*, 49 Wn (2d) 89. Explanatory note.

"board" changed to "department".

The language "as soon as practicable after the taking effect of this act" has been deleted since it no longer has application. The language "members" has been changed to read "officers or employees" since the "members" referred to are members of the former state forest board which was abolished and replaced by the department of natural resources.

84.28.050 Source—[1951 c 172 § 2; 1931 c 40 § 4.]

Presently codified as RCW 84.28.050 and 84.28.070.

"board" changed to "department".

"this act" changed to "this chapter".

RCW 84.28.050 was amended in 1951; however, on the basis of the *Anderson* case (see notes to section 84.28.020, *supra*) it is here restored as a single section.

84.28.060 Source—[1951 c 172 § 3; 1931 c 40 § 5.]

"board" changed to "department".

84.28.080 Source—[1931 c 40 § 6.]

"this act" changed to "this chapter".

"board" changed to "department".

"section 5 of this act" changed to "RCW 84.28.060".

"board" changed to "commission" in the last sentence of the section since use of "board" was manifest clerical error.

The Revised Code of Washington presently omits the language providing that the appeal herein provided for shall be perfected in the same manner as is provided by law for appeals from decisions of the state tax commission; apparently on the grounds that the general appeal statutes had been repealed. It is here restored as originally enacted since it is a judicial question as to which appeal provision should be utilized in perfecting such appeal and whether the repealed statute may be utilized for the purposes of putting into execution this section.

84.28.090 Source—[1931 c 40 § 7.]

"this act" changed to "this chapter".

84.28.095 Source—[1931 c 40 § 8.]

Presently uncodified.

"this act" changed to "this chapter".

84.28.100 Source—[1931 c 40 § 9.]

"this act" changed to "this chapter".

"board" changed to "department".

"section 10 of this act" changed to "RCW 84.28.110".

84.28.110 Source—[1939 c 206 § 33; 1931 c 40 § 10.]

Presently codified as RCW 84.28.110 and 84.28.120; presented as a single section on the basis of the *Anderson* case (see notes to section 84.28.020, *supra*).

"this act" changed to "this chapter".

"State Forest Board" changed to "department".

84.28.130 Source—[1939 c 206 § 34; 1931 c 40 § 11.]

"this act" changed to "this chapter".

"State Forest Board" changed to "department".

84.28.140 Source—[1931 c 40 § 12.]

"this act" changed to "this chapter".

84.28.150 Source—[1931 c 40 § 13.]

"this act" changed to "this chapter".

84.28.160 Source—[1931 c 40 § 14.]

"State Forest Board" changed to "department".

"this act" changed to "this chapter".

84.28.170 Source—[1931 c 40 § 15.]

"this act" changed to "this chapter".

Explanatory
note.

Chapter 84.32 Forests and Forest Lands

- 84.32.010 Source—[1943 c 168 § 1; 1941 c 120 § 1.]
“this act” changed to “this chapter” since all of 1941 c 120 as amended is in this chapter.
“chapter 40, Laws of 1931, as amended by sections 33 and 34, chapter 206, Laws of 1939 (sections 11219-1 to 11219-15, inclusive, Remington's Revised Statutes)” changed to “chapter 84.28”.
- 84.32.020 Source—[1943 c 168 § 2; 1941 c 120 § 2.]
“this act” changed to “this chapter”.
The Revised Code of Washington omitted the sentence reading “All such forest crops shall be assessed and taxed as personal property, but there shall be no distraint for any such taxes until five (5) years after delinquency thereof.” on the grounds that it was unnecessary after the 1943 amendments to the law were adopted. It is here restored since the sentence was not overlooked in the 1943 amendatory act but was actually amended to insert the word “such”.
- 84.32.030 Source—[1943 c 168 § 3; 1941 c 120 § 3.]
Presently codified as RCW 84.32.030 and 84.32.040; here restored as a single section.
“this act” changed to “this chapter”.
- 84.32.050 Source—[1941 c 120 § 4.]
Presently codified as RCW 84.32.050 and 84.32.060.
The Revised Code of Washington revised this section to eliminate certain obsolete language. The omitted language tied the provisions into the assessment year of 1941 and annually thereafter, the assessment year of 1942 and thereafter and the assessment year of 1951 and thereafter. Such obsolete language has been deleted and now merely provides for its current and continuing application. Any contract rights acquired or obligations incurred for such former years would be protected by the continuation sections in the construction chapter (see ch. 84.98) and by the rules as to the impairment of obligations of a contract.
- 84.32.070 Source—[1941 c 120 § 5.]
“this act” changed to “this chapter”.
- 84.32.080 Source—[1941 c 120 § 6.]
“this act” changed to “this chapter”.
- 84.32.090 Source—[1941 c 120 § 7.]
- 84.32.100 Source—[1941 c 120 § 8.]
“this act” changed to “this chapter”.
“section 71, chapter 130, Laws Extraordinary Session 1925” changed to “RCW 84.48.110”.
- 84.32.110 Source—[1941 c 120 § 9.]
“act” changed to “chapter”.
- 84.32.120 Source—[1941 c 120 § 10.]
“act” changed to “chapter”.
“section 6 or section 7 of this act” changed to “RCW 84.32.080 or 84.32.090”.

Chapter 84.36 Exemptions

- 84.36.005 Source—[1955 c 196 § 2; 1939 c 206 § 8, part; 1933 ex.s. c 19 § 1, part; 1933 c 115 § 1, part; 1929 c 126 § 1, part; 1925 ex.s. c 130 § 7, part; 1915 c 131 § 1, part; 1903 c 178 § 1, part; 1901 c 176 § 1, part; 1899 c 141 § 2, part; 1897 c 71 §§ 1, 5, part; 1895 c 176 § 2, part; 1893 c 124 §§ 1, 5, part; 1891 c 140 §§ 1, 5, part; 1890 p 532 §§ 1, 5, part; 1886 p 47 § 1, part; Code 1881 § 2829, part; 1871 p 37 § 4, part; 1869 p 176 § 4, part; 1867 p 61 § 2, part; 1854 p 331 § 2, part.]
Presently codified as RCW 84.40.010.

This and the next succeeding six sections were derived from a single session law section. The 1941 Code Committee, in addition to breaking the various exemptions into separate sections, codified this section in the chapter on listing where it has a very close relationship; it is here restored to its historical position in juxtaposition with the exemption provisions which followed it in the session laws.

Explanatory
note.

- 84.36.010 Source—[1955 c 196 § 3.]
For remainder of history see source notes to 84.36.005.
- 84.36.020 Source—[1955 c 196 § 4.]
For remainder of history see source notes to 84.36.005.
- 84.36.030 Source—[1955 c 196 § 5; 1945 c 109 § 1.]
For remainder of history see source notes to 84.36.005.
- 84.36.040 Source—[1955 c 196 § 6.]
For remainder of history see source notes to 84.36.005.
- 84.36.050 Source—[1955 c 196 § 7.]
For remainder of history see source notes to 84.36.005.
- 84.36.060 Source—[1955 c 196 § 8.]
For remainder of history see source notes to 84.36.005.
- 84.36.070 Source—[1931 c 96 § 1.]
Presently RCW 84.36.070 contains a proviso herein restored to session law placement in section 84.04.080, supra.
- 84.36.079 Source—[1959 c 295 § 1.]
- 84.36.080 Source—[1945 c 82 § 1; 1931 c 81 § 1.]
- 84.36.090 Source—[1959 c 295 § 2; 1945 c 82 § 2; 1931 c 81 § 2.]
“section 1 of this amendatory act” changed to “RCW 84.36-.079”.
- 84.36.100 Source—[1945 c 82 § 3; 1931 c 81 § 3.]
“this act” changed to “RCW 84.36.080 and 84.36.090”.
The language “in the year 1946, and subsequent years” deleted as obsolete.
- 84.36.110 Source—[1935 c 27 § 1.]
“subdivision (b) of section 1 of this Act” changed to “subdivision (2) of this section”. The Revised Code of Washington presently omits the first proviso of this section prohibiting the exemptions in this section from applying to any private motor vehicle. The grounds given was that it was no longer necessary in the light of the motor vehicle excise tax exemption which states that no motor vehicle shall be listed and assessed for ad valorem taxation so long as 1945 c 152 remains in effect. In this connection see notes supra to section 84.12.290. This proviso does not depend on the status of the 1945 exemption; therefore it is here restored since it merely exempts such motor vehicles from this section and if they are exempt from taxation by virtue of another law it does not disturb the proviso.
- 84.36.120 Source—[1935 c 27 § 2.]
“this act” changed to “RCW 84.36.110”.
As to the last paragraph of this definition section relating to private motor vehicles, see notes to section 84.36.110, supra.
- 84.36.130 Source—[1941 c 13 § 1.]
- 84.36.140 Source—[1939 c 67 § 2.]
“section 3 of this act” changed to “RCW 84.36.150”.
- 84.36.150 Source—[1939 c 67 § 3.]
“this act” changed to “this section” since the proviso wherein used provides that any such assessment shall be subject to cancellation as provided in this act and the only cancellation provisions in the act are contained in this section.
- 84.36.160 Source—[1939 c 67 § 1.]
“this act” changed to “RCW 84.36.140, 84.36.150, 84.36.161 and 84.36.162”.

- Explanatory note.
- 84.36.161 Source—[1939 c 67 § 4.]
Presently uncodified.
“This act” changed to “RCW 84.36.140, 84.36.150, 84.36.160 and 84.36.162”.
- 84.36.162 Source—[1939 c 67 § 6.]
Presently uncodified.
“this act” changed to “RCW 84.36.140, 84.36.150, 84.36.160 and 84.36.161”.
- 84.36.170 } Source—[1939 c 66 § 1.]
84.36.180 } Herein codified in 84.40.210.
84.36.190 } Source—[1949 c 36 § 1.]
84.36.191 } Source—[1949 c 36 § 2.]
Presently uncodified.
“this act” changed to “RCW 84.36.190”.
- 84.36.200 Source—[1939 c 206 § 14.]
Herein codified in 84.44.060.
- 84.36.210 Source—[1947 c 150 § 1.]
- 84.36.220 Source—[1925 ex.s. c 130 § 9.]
Herein codified as 84.40.175.
- 84.36.230 Source—[1949 c 224 § 1.]
- Chapter 84.40 Listing of Property
- 84.40.010 Source—[1955 c 196 § 2.]
Herein codified as 84.36.005.
- 84.40.020 Source—[(i) 1939 c 137 § 1; 1925 ex.s. c 130 § 8; 1897 c 71 § 6; 1895 c 176 § 3; 1893 c 124 § 6; 1891 c 140 § 8 1, 6; 1890 p 532 § 6; Code 1881 § 2832; 1871 p 40 § 15; 1869 p 180 § 15; 1867 p 62 § 6; 1854 p 332 § 4. (ii) 1937 c 122 § 1; 1890 p 532 § 6.]
Two session law sections combined herein since they cover the same subject matter. This retains approach in the Revised Code of Washington.
- 84.40.030 Source—[1939 c 206 § 15; 1925 ex.s. c 130 § 52; 1919 c 142 § 4; 1913 c 140 § 1; 1897 c 71 § 42; 1893 c 124 § 44; 1891 c 140 § 44; 1890 p 547 § 48.]
The Revised Code of Washington combines a nursery stock provision from 1939 c 116 § 1 herein; such provision restored to the section where originally enacted in section 84.40.220, *infra*.
- 84.40.040 Source—[1939 c 206 § 16, part; 1925 ex.s. c 130 § 57, part; 1897 c 71 § 46; 1895 c 176 § 5; 1893 c 124 § 48; 1891 c 140 § 48.]
The Revised Code of Washington codifies this session law section in two RCW sections, namely RCW 84.08.190 and 84.40.040. Since there is a divergence of subject matter such division appears to be logical and is here retained.
“reside” changed to “resides”.
- 84.40.050 Source—[1925 ex.s. c 130 § 23; 1897 c 71 § 16; 1893 c 124 § 16; 1891 c 140 § 16.]
- 84.40.060 Source—[1939 c 206 § 17; 1925 ex.s. c 130 § 58; 1897 c 71 § 47; 1893 c 124 § 49; 1891 c 140 § 49; 1890 p 548 § 49.]
“this act” changed to “this title”.
- 84.40.070 Source—[1925 ex.s. c 130 § 27; 1897 c 71 § 20; 1893 c 124 § 20; 1891 c 140 § 20; 1890 p 538 § 21; Code 1881 § 2839.]
“this act” changed to “this title”.
- 84.40.080 Source—[1951 1st ex.s. c 8 § 1; 1925 ex.s. c 130 § 59; 1897 c 71 § 48.]
- 84.40.090 Source—[1925 ex.s. c 130 § 62; 1897 c 71 § 51; 1893 c 124 § 52; 1891 c 140 § 52; 1890 p 551 § 57.]
- 84.40.100 Source—[1925 ex.s. c 130 § 62; 1897 c 71 § 52; 1893 c 124 § 53; 1891 c 140 § 53; 1890 p 551 § 58.]
- 84.40.110 Source—[1925 ex.s. c 130 § 24; 1897 c 71 § 17; 1893 c 124 § 17; 1891 c 140 § 17; 1890 p 535 § 15; Code 1881 § 2831; 1867 p 62 § 8.]

- 84.40.120 Source—[1925 ex.s. c 130 § 67; 1897 c 71 § 57; 1893 c 124 § 58; 1891 c 140 § 58; 1890 p 553 § 63.]
 “this act” changed to “this title”. Explanatory note.
- 84.40.130 Source—[1925 ex.s. c 130 § 51; 1897 c 71 § 41; 1893 c 124 § 41; 1891 c 140 § 41; 1890 p 546 § 45; Code 1881 § 2835.]
 “this act” changed to “this chapter”.
- 84.40.140 Source—[1925 ex.s. c 130 § 60; 1897 c 71 § 49; 1893 c 124 § 50; 1891 c 140 § 50; 1890 p 550 § 55.]
 “this act” changed to “this title”.
- 84.40.150 Source—[1925 ex.s. c 130 § 66; 1897 c 71 § 55; 1893 c 124 § 56; 1891 c 141 § 56; 1890 p 553 § 62.]
 “this act” changed to “this title”.
- 84.40.160 Source—[1925 ex.s. c 130 § 54; 1901 c 79 § 1; 1899 c 141 § 3; 1897 c 71 § 43; 1895 c 176 § 4; 1893 c 124 § 45; 1891 c 140 § 45; 1890 p 548 § 49.]
- 84.40.170 Source—[1925 ex.s. c 130 § 53; 1901 c 124 §§ 1, 2, 3; 1891 c 140 § 45.]
- 84.40.175 Source—[1925 ex.s. c 130 § 9; 1891 c 140 § 5; 1890 p 532 § 5.]
 Presently codified as RCW 84.36.220.
 “Section 7 of this act” changed to “RCW 84.36.005 through 84.36.060”.
 “entitled” changed to “entitle”.
- 84.40.180 Source—[1925 ex.s. c 130 § 15; 1897 c 71 § 8; 1893 c 124 § 8; 1890 p 533 § 7; 1867 p 62 § 8; 1854 p 333 § 8.]
- 84.40.190 Source—[1945 c 56 § 1; 1925 ex.s. c 130 § 22; 1897 c 71 § 15; 1893 c 124 § 15; 1891 c 140 § 15; 1890 p 535 § 15; Code 1881 § 2834.]
 “this act” changed to “this title”.
 The Revised Code of Washington presently omits that portion of this section which provides that no person shall be required to list any portion of the capital stock or property of any company where such company has listed such stock or property with the commission. This was omitted on the basis that the later law in section 84.36.070, supra, rendered it obsolete. Inasmuch as this question has never been judicially construed, the language is here restored.
- 84.40.200 Source—[1939 c 206 § 18; 1925 ex.s. c 130 § 64; 1897 c 71 § 53; 1893 c 124 § 54; 1891 c 140 § 54; 1890 p 551 § 59.]
- 84.40.210 Source—[1939 c 66 § 1; 1927 c 282 § 1; 1925 ex.s. c 130 § 26; 1921 c 60 § 1; 1897 c 71 § 19; 1893 c 124 § 19; 1891 c 140 § 19; 1890 p 538 § 20.]
 Presently codified as 84.36.170, 84.36.180 and 84.40.210.
 The Revised Code of Washington divided this session law section into these three RCW sections codifying the basic listing provisions in RCW 84.40.210, the first proviso as 84.36.180 and the second proviso as 84.36.170. While the provisos relate to exemptions they, nevertheless, are in the form of provisos and are dependent upon the basic listing portion of this section codified in 84.40.210; therefore, the language is restored and placed here in section 84.40.210.
- 84.40.220 Source—[1939 c 116 § 1; 1925 ex.s. c 130 § 25; 1897 c 71 § 18; 1893 c 124 § 18; 1891 c 140 § 18; 1890 p 537 § 19; Code 1881 § 2839.]
 “this act” changed to “this title”.
 See also notes to section 84.40.030, supra.
- 84.40.230 Source—[1947 c 231 § 1; 1941 c 79 § 1; 1925 ex.s. c 130 § 33; 1897 c 71 § 26; 1893 c 124 § 26; 1891 c 140 § 26; 1890 p 540 § 25.]
 “tax rate” changed to “tax roll” in the first sentence to correct manifest clerical error made in a floor amendment.
- 84.40.240 Source—[1939 c 206 § 10; 1925 ex.s. c 130 § 10; 1897 c 71 § 91; 1893 c 124 § 94; 1891 c 140 § 26; 1890 p 540 § 25.]
 “Commissioner of Public Lands” changed to “department of natural resources” because of the devolution of powers and duties accomplished by 1957 c 38 § 13 (RCW 43.30.130).

- Explanatory note.
- 84.40.250 Source—[1925 ex.s. c 130 § 34; 1897 c 71 § 27; 1893 c 124 § 27; 1890 p 540 § 24.]
- 84.40.260 Source—[1925 ex.s. c 130 § 61; 1897 c 71 § 50; 1893 c 124 § 51; 1891 c 140 § 51; 1890 p 550 § 56; 1890 p 537 § 18.]
“this act” changed to “this title”.
- 84.40.270 Source—[1925 ex.s. c 130 § 28; 1907 c 46 § 1; 1903 c 83 § 1; 1897 c 71 § 21; 1893 c 124 § 21; 1891 c 140 § 21; 1890 p 539 § 22; Code 1881 § 2849.]
The date of assessment has been changed from March to January. March was the date used throughout the 1925 act. Subsequently, amendments made by the legislature changed the date from March to January; this section has not been before the legislature for such technical correction. See for example the dates in sections 84.04.040, 84.28.110, 84.36.005, 84.40.020. This also conforms to administrative practice in the last fifteen or twenty years.
- 84.40.280 Source—[1925 ex.s. c 130 § 29; 1897 c 71 § 22; 1893 c 124 § 22; 1891 c 140 § 22; 1890 p 540 § 22.]
- 84.40.290 Source—[1925 ex.s. c 130 § 30; 1897 c 71 § 23; 1893 c 124 § 23; 1891 c 140 § 23.]
- 84.40.300 Source—[1925 ex.s. c 130 § 31; 1897 c 71 § 24, part; 1893 c 124 § 24; 1890 p 539 § 22.]
“March” changed to “January”. See notes to section 84.40.270, supra.
- 84.40.310 Source—[1925 ex.s. c 130 § 32; 1897 c 71 § 25; 1893 c 124 § 25; 1891 c 140 § 22; 1890 p 539 § 22.]
- 84.40.315 Source—[1945 c 142 § 1.]
Presently codified as RCW 84.08.180.
The language “notwithstanding anything to the contrary in the laws of the State of Washington” has been changed to “notwithstanding RCW 84.36.010 or anything to the contrary in the laws of the state of Washington” to prevent any conflict or simultaneous reenactment of 84.36.010 and this section.
- 84.40.320 Source—[1937 c 121 § 1; 1925 ex.s. c 130 § 65; 1897 c 71 § 54; 1893 c 124 § 55; 1891 c 140 § 55; 1890 p 552 § 60.]
- 84.40.330 Source—[1939 c 206 § 5, subd. (12); 1935 c 127 § 1, subd. (12); 1907 c 220 § 1, subd. (12); 1905 c 115 § 2, subd. (12).]
Presently uncodified. See notes to sections 84.08.010, et seq., supra.

Chapter 84.41 Revaluation of Property

- 84.41.010 Source—[1955 c 251 § 1.]
- 84.41.020 Source—[1955 c 251 § 2.]
“this act” changed to “this chapter”.
- 84.41.030 Source—[1955 c 251 § 3.]
- 84.41.040 Source—[1955 c 251 § 4.]
“this act” changed to “this chapter”.
- 84.41.050 Source—[1955 c 251 § 5.]
“this act” changed to “this chapter”.
- 84.41.060 Source—[1955 c 251 § 6.]
“this act” changed to “this chapter”.
- 84.41.070 Source—[1955 c 251 § 7.]
- 84.41.080 Source—[1955 c 251 § 8.]
- 84.41.090 Source—[1955 c 251 § 9.]
“section 15, chapter 206, Laws of 1939 (RCW 84.40.030)” changed to “RCW 84.40.030”.
- 84.41.110 Source—[1955 c 251 § 11.]
“this act” changed to “this chapter”.
- 84.41.120 Source—[1955 c 251 § 12.]
“this act” changed to “this chapter”.
- 84.41.130 Source—[1955 c 251 § 13.]
- 84.41.140 Source—[1955 c 251 § 14.]

Chapter 84.44 Taxable Situs

Explanatory
note.

- 84.44.010 Source—[1925 ex.s. c 130 § 16; 1897 c 71 § 9; 1893 c 124 § 9; 1891 c 140 § 9; 1890 p 533 § 8; 1871 p 39 § 9; 1869 p 179 § 9.]
“this act” changed to “this title”.
- 84.44.020 Source—[1925 ex.s. c 130 § 18; 1897 c 71 § 11; 1893 c 124 § 11; 1891 c 140 § 11; 1890 p 534 § 10.]
- 84.44.030 Source—[1941 c 155 § 1; 1939 c 206 § 12; 1925 ex.s. c 130 § 13; 1907 c 108 § 3.]
- 84.44.040 Source—[1925 ex.s. c 130 § 19; 1897 c 71 § 12; 1893 c 124 § 12; 1891 c 140 § 12; 1890 p 534 § 11; Code 1881 § 2843.]
- 84.44.050 Source—[1925 ex.s. c 130 § 17; 1897 c 71 § 10; 1893 c 124 § 10; 1891 c 140 § 10; 1890 p 533 § 9.]
The Revised Code of Washington presently omits that part of this section pertaining to auto transportation companies as being obsolete in view of 1945 c 152. This problem has been touched upon above in relation to section 84.12.290. The 1945 excise tax being the later law and this being a reenactment bill the proviso that such vehicle shall not be listed or assessed for ad valorem taxation so long as chapter 82.44 remains in effect has been added for clarification.
- 84.44.060 Source—[1939 c 206 § 14; 1933 c 48 § 1; 1925 ex.s. c 130 § 20; 1897 c 71 § 13; 1893 c 124 § 13; 1891 c 140 § 13; 1890 p 534 § 12.]
Presently codified as RCW 84.36.200 and 84.44.060.
The Revised Code of Washington divided this session law section on the basis that the second sentence was an exemption; however, since the legislative history connects it directly with the situs for taxing personal property connected with a farm, it is here restored as a single section.
- 84.44.070 Source—[1939 c 206 § 11; 1925 ex.s. c 130 § 12; 1895 c 61 § 1; 1886 p 94 § 1.]
“from” changed to “for” to correct manifest clerical error.
- 84.44.080 Source—[1939 c 206 § 13; 1925 ex.s. c 130 § 14; 1891 c 140 § 7; 1890 p 534 § 13.]
- 84.44.090 Source—[1925 ex.s. c 130 § 21; 1897 c 71 § 14; 1893 c 124 § 14; 1891 c 140 § 14; 1890 p 535 § 14.]
“this act” changed to “this title”.

Chapter 84.48 Equalization of Assessments

- 84.48.010 Source—[1939 c 206 § 35; 1925 ex.s. c 130 § 68; 1915 c 122 § 1; 1907 c 129 § 1; 1897 c 71 § 58; 1893 c 124 § 59; 1890 p 555 § 73; Code 1881 §§ 2873-2879.]
Presently codified as RCW 84.48.010, 84.48.020, 84.48.030, 84.48.040 and 84.48.060; here restored as a single section.
- 84.48.050 Source—[1925 ex.s. c 130 § 69; 1890 p 557 § 74.]
Presently codified as RCW 84.48.050 and 84.48.070; here restored as a single section.
“the preceding section” changed to “RCW 84.48.010”.
- 84.48.080 Source—[1949 c 66 § 1; 1939 c 206 § 36; 1925 ex.s. c 130 § 70; 1917 c 55 § 1; 1915 c 7 § 1; 1907 c 215 § 1; 1899 c 141 § 4; 1897 c 71 § 60; 1893 c 124 § 61; 1890 p 557 § 75.]
Presently codified as RCW 84.48.080, 84.48.090 and 84.48.100; here restored as a single section.
This section contains language allowing the state board of equalization to levy state taxes in an amount not to exceed 5 mills on the dollar in any one year for general state purposes; subsequent legislative enactments provide for a 2 mill levy to be used exclusively for the public assistance program of the state (see section 84.52.050); therefore, the reference to 5 mills has been deleted and revised language now permits an amount for general state purposes not to exceed the lawful millage which brings it into conformity with existing and/or future law.

- Explanatory
note.
- 84.48.110 Source—[1925 ex.s. c 130 § 71; 1899 c 141 § 5; 1897 c 71 § 61; 1893 c 124 § 62; 1890 p 558 § 76.]
- 84.48.120 Source—[1939 c 206 § 37; 1925 ex.s. c 130 § 72; 1890 p 544 § 38.]
- 84.48.130 Source—[1939 c 206 § 38; 1925 ex.s. c 130 § 73.]

Chapter 84.52 Levy of Taxes

- 84.52.010 Source—[1947 c 270 § 1; 1925 ex.s. c 130 § 74; 1920 ex.s. c 3 § 1; 1897 c 71 § 62; 1893 c 124 § 63.]
- 84.52.020 Source—[1939 c 37 § 1; 1925 ex.s. c 130 § 75; 1909 c 138 § 1; 1893 c 71 §§ 2, 3.]
The Revised Code of Washington rewrote this section on the grounds that there was unnecessary and redundant language therein. It is here restored as originally enacted including the detailed language relating to cities, school districts, etc.
- 84.52.030 Source—[1927 c 303 § 1; 1925 ex.s. c 130 § 77; 1903 c 165 § 1; 1897 c 71 § 63; 1893 c 124 § 64; 1890 p 559 § 78; Code 1881 § 2880.]
This section provides the time of levy for raising revenue for state, county and other taxing district purposes and imposes the duty upon appropriate officials and boards to levy taxes sufficient for such purposes. The section then provides specific millage limitations. Subsequent to the enactment of this law the forty-mill statute came into being and thereafter the 17th amendment to the state Constitution with its implementing statutes. All of the districts and municipal corporations enumerated are now subject to the existing forty-mill limitation; therefore the specific millages have been deleted herefrom and revised language imposing a duty upon such officials or boards to impose a tax sufficient for such purposes "within the limitations permitted by law" has been inserted while retaining the time of levy provisions. Detailed notes as to the tracing of these specific millages into existing law are on file in the office of the code reviser.
- 84.52.040 Source—[1919 c 142 § 3.]
- 84.52.050 Source—[1957 c 262 § 1; 1953 c 175 § 1; 1951 2nd ex.s. c 23 § 2; 1951 c 255 § 1, part; 1950 ex.s. c 11 § 1, part; 1945 c 253 § 1, part; 1941 c 176 § 1, part; 1939 c 83 § 1, part; 1939 c 2 (Init. Meas. No. 129); 1937 c 1 (Init. Meas. No. 114); 1935 c 2 (Init. Meas. No. 94); 1933 c 4 (Init. Meas. No. 64).]
- 84.52.052 Source—[1959 c 304 § 8; 1959 c 290 § 1; 1957 c 58 § 15; 1957 c 32 § 1; 1955 c 93 § 1; 1953 c 189 § 1; 1951 2nd ex.s. c 23 § 3; 1951 c 255 § 1, part; 1950 ex.s. c 11 § 1, part; 1945 c 253 § 1, part; 1941 c 176 § 1, part; 1939 c 83 § 1, part; 1939 c 2 (Init. Meas. No. 129); 1937 c 1 (Init. Meas. No. 114); 1935 c 2 (Init. Meas. No. 94); 1933 c 4 (Init. Meas. No. 64).]
This section was twice amended by the legislature in chapters 290 and 304, Laws of 1959. The two 1959 amendments are blended and each given effect thereby giving force to the legislative intent. Thus the provisions from chapter 304, Laws of 1959 relating to parks and recreation districts, and the provisions relating to cities and towns from chapter 290, Laws of 1959 are blended together in this section.
- 84.52.054 Source—[1955 c 105 § 1.]
- 84.52.056 Source—[1959 c 290 § 2; 1951 2nd ex.s. c 23 § 4; 1951 c 255 § 1, part; 1950 ex.s. c 11 § 1, part; 1945 c 253 § 1, part; 1941 c 176 § 1, part; 1939 c 83 § 1, part; 1939 c 2 (Init. Meas. No. 129); 1937 c 1 (Init. Meas. No. 114); 1935 c 2 (Init. Meas. No. 94); 1933 c 4 (Init. Meas. No. 64).]
- 84.52.060 Source—[1935 c 131 § 1.]
Herein repealed without reenactment, see 84.98.040(125) and note thereto.
- 84.52.070 Source—[1925 ex.s. c 130 § 78; 1890 p 558 §§ 77, 78; Code 1881 § 2881.]

The revised Code of Washington revised the language herein apparently for the same reasons prescribed for section 84.52-.020, supra; session law language restored. Explanatory note.

84.52.080 Source—[1925 ex.s. c 130 § 79; 1909 c 230 § 4; 1905 c 128 § 1; 1897 c 71 §§ 64, 65; 1893 c 124 §§ 65, 66; 1890 p 566 §§ 79, 81; Code 1881 §§ 2883, 2884.]

84.52.090 Source—[1925 ex.s. c 130 § 80.]

Chapter 84.56 Collection of Taxes

84.56.010 Source—[1935 c 30 § 1; 1925 ex.s. c 130 § 82; 1890 p 561 § 83.]

84.56.020 Source—[1949 c 21 § 1; 1935 c 30 § 2; 1931 c 113 § 1; 1925 ex.s. c 130 § 83; 1917 c 141 § 1; 1899 c 141 § 6; 1897 c 71 § 68; 1895 c 176 § 14; 1893 c 124 § 69; 1890 p 561 § 84; Code 1881 § 2892.]
Presently codified as RCW 84.56.020 and 84.56.030; here restored as a single section.

“this act” changed to “this title”.

84.56.050 Source—[1941 c 32 § 1; 1939 c 206 § 41; 1937 c 121 § 2; 1925 ex.s. c 130 § 84; 1897 c 71 § 69; 1893 c 124 § 70; 1890 p 561 § 85; Code 1881 §§ 2894, 2895.]

The language “from and after the taking effect of this act” deleted as obsolete.

84.56.060 Source—[1925 ex.s. c 130 § 85; 1897 c 71 § 70; 1893 c 124 § 71; 1890 p 561 § 86; Code 1881 § 2899.]

84.56.070 Source—[1949 c 21 § 2; 1935 c 30 § 4; 1933 c 33 § 1; 1925 ex.s. c 130 § 86; 1915 c 137 § 1; 1911 c 24 § 2; 1899 c 141 § 7; 1897 c 71 § 71; 1895 c 176 § 15; 1893 c 124 § 72; 1890 p 561 § 87; Code 1881 § 2903.]
Presently codified as RCW 84.56.070, 84.56.080 and 84.56.100; here restored as a single section.

84.56.090 Source—[1949 c 21 § 3; 1939 c 206 § 43; 1937 c 20 § 1; 1925 ex.s. c 130 § 89; 1907 c 29 § 1.]

Presently codified as RCW 84.56.090, 84.56.110, 84.56.130 and 84.56.140; here restored as a single section.

“section 86 of this act” changed to “RCW 84.56.070”.

“section 88 of this act” changed to “RCW 84.56.120”.

84.56.120 Source—[1925 ex.s. c 130 § 88; 1907 c 29 § 2.]

“this act” changed to “this section” since the penalty provision in the last portion of this section is restricted by the context.

84.56.150 Source—[1925 ex.s. c 130 § 90; 1899 c 32 § 1.]

84.56.160 Source—[1925 ex.s. c 130 § 91; 1899 c 32 § 2.]

84.56.170 Source—[1925 ex.s. c 130 § 92; 1899 c 32 § 3.]

“Sections 90 and 91 of this act” changed to “RCW 84.56.150 and 84.56.160”.

84.56.180 Source—[1939 c 206 § 46; 1925 ex.s. c 130 § 105; 1899 c 141 § 12; 1897 c 71 § 84.]

84.56.190 Source—[1925 ex.s. c 130 § 106; 1897 c 71 § 85.]

“the foregoing section” changed to “RCW 84.56.180”.

This section provides forfeiture of a certain sum for failure to notify assessor or pay tax in goods and merchandise which may be recovered in the same manner as delinquent personal property tax. The Revised Code of Washington revised this to provide that such forfeiture may be recovered by civil action on the grounds that personal property taxes were not collectible by court action. The session law language is here restored.

84.56.200 Source—[1925 ex.s. c 130 § 11.]

84.56.210 Source—[1939 c 206 § 42; 1929 c 70 § 1.]

The Revised Code of Washington revised this section to add the requirement that the assessor must notify the treasurer of the election to treat severed timber as personalty on the grounds that notification to the treasurer was required or otherwise the section is incomplete. The session law language is here restored as originally enacted.

- Explanatory note. 84.56.220 Source—[1935 c 30 § 5; 1925 ex.s. c 130 § 87; 1921 c 117 § 1; 1911 c 24 § 3.]
- 84.56.230 Source—[1925 ex.s. c 130 § 93; 1890 p 564 § 95.]
- 84.56.240 Source—[1925 ex.s. c 130 § 94; 1899 c 141 § 8; 1897 c 71 § 72; 1895 c 176 § 16; 1893 c 124 § 73; 1890 p 562 § 88.]
- 84.56.250 Source—[1925 ex.s. c 130 § 95; 1897 c 71 § 73; 1893 c 124 § 74; 1890 p 563 § 91.]
- 84.56.260 Source—[1925 ex.s. c 130 § 96; 1897 c 71 § 74; 1893 c 124 § 75.]
The language providing that the section shall apply to all assessment rolls and warrants “which have been heretofore issued, upon which taxes may be due and unpaid, as well as those hereafter issued” is omitted as obsolete.
- 84.56.270 Source—[1945 c 59 § 1.]
- 84.56.280 Source—[1955 c 113 § 2; 1949 c 69 § 1, part; 1933 c 35 § 1, part; 1925 ex.s. c 130 § 97, part; 1899 c 141 § 9, part; 1897 c 71 § 76, part; 1895 c 176 § 17, part; 1893 c 124 § 77, part; 1890 p 565 § 96, part; Code 1881 § 2942, part.]
- 84.56.290 Source—[1955 c 113 § 3.]
For remainder of history see source notes to section 84.56.280, supra.
- 84.56.300 Source—[1925 ex.s. c 130 § 98; 1899 c 141 § 10; 1897 c 71 § 77; 1895 c 176 § 18; 1893 c 124 § 78; 1890 p 565 § 99.]
The next to the last sentence of this 1925 session law section reads: “He shall then satisfy himself that the collections of the interest required to be added after taxes have become delinquent have become collected and properly accounted for, and if so to charge the treasurer with the same.” The Revised Code of Washington revised this sentence to remove a somewhat awkward construction. On reenactment it is presented as revised and reads as follows: “He shall then satisfy himself that the interest required to be added after taxes have become delinquent has been collected and properly accounted for, and if so charge the treasurer therewith.”
- 84.56.310 Source—[1925 ex.s. c 130 § 100; 1897 c 71 § 79; 1893 c 124 § 84.]
- 84.56.320 Source—[1925 ex.s. c 130 § 102; 1897 c 71 § 81; 1893 c 124 § 86; 1890 p 583 § 133.]
- 84.56.330 Source—[1933 c 171 § 1.]
- 84.56.340 Source—[1939 c 206 § 44; 1933 c 171 § 2; 1925 ex.s. c 130 § 103; 1899 c 141 § 11; 1897 c 71 § 82; 1893 c 124 § 87; 1890 p 583 § 134.]
Presently codified as RCW 84.56.340 and 84.56.350; here restored as a single section.
- 84.56.360 Source—[1939 c 155 § 1.]
“this act” changed to “RCW 84.56.360, 84.56.370 and 84.56.380”.
- 84.56.370 Source—[1939 c 155 § 2.]
- 84.56.380 Source—[1939 c 155 § 3.]
“this act” changed to “RCW 84.56.360 and 84.56.370”.
- 84.56.390 Source—[1955 c 112 § 2; 1925 ex.s. c 130 § 107, part; 1915 c 122 § 2, part; 1897 c 71 § 86, part; 1895 c 176 § 22, part; 1893 c 124 § 89, part.]
- 84.56.400 Source—[1955 c 112 § 3.]
For remainder of history see source notes to section 84.56.390, supra.
- 84.56.410 Source—[1925 ex.s. c 130 § 109.]
Herein codified as 84.09.040.
- 84.56.420 Source—[1925 ex.s. c 130 § 110.]
Herein codified as 84.09.050.
- 84.56.430 Source—[1927 c 290 § 1; 1925 ex.s. c 130 § 108; 1897 c 71 § 87; 1893 c 124 § 90.]
Presently codified as RCW 84.24.080.

Chapter 84.60 Lien of Taxes

Explanatory
note.

- 84.60.010 Source—[1925 ex.s. c 130 § 99; 1897 c 71 § 78; 1895 c 176 § 19; 1893 c 124 § 79; 1890 p 584 § 135.]
“this act” changed to “this title”.
- 84.60.020 Source—[1943 c 34 § 1; 1939 c 206 § 45; 1935 c 30 § 7; 1925 ex.s. c 130 § 104; 1903 c 59 § 3; 1897 c 71 § 83; 1895 c 176 § 21; 1893 c 124 § 88.]
Presently codified as RCW 84.60.020 and 84.60.030; here restored as a single section.
“section 86 of this act” changed to “RCW 84.56.070”.
“section 112 of this act” changed to “RCW 84.60.040”.
- 84.60.040 Source—[1925 ex.s. c 130 § 112, part; 1897 c 71 § 93, part; 1893 c 124 § 97.]
This section is divided in the Revised Code of Washington and codified as RCW 84.08.170 and 84.60.040. Because of the divergence of subject matter the division is here retained with the paragraph having general application and authorizing abbreviations in tax proceedings being in 84.08.170, and the provision permitting the charging of personalty tax against realty being codified here in 84.60.040. See notes to 84.08.170, supra.
- 84.60.050 Source—[1957 c 277 § 1.]
“section 3 of this act” changed to “RCW 84.60.070”.
- 84.60.060 Source—[1957 c 277 § 2.]
“this act” changed to “RCW 84.60.050 through 84.60.070”.
“section 3 of this act” changed to “RCW 84.60.070”.
- 84.60.070 Source—[1957 c 277 § 3.]
“this act” changed to “RCW 84.60.050 through 84.60.070”.

Chapter 84.64 Certificates of Delinquency

- 84.64.010 Source—[1925 ex.s. c 130 § 113; 1917 c 142 § 2; 1907 c 206 § 1; 1903 c 181 § 1; 1897 c 71 § 94.]
- 84.64.020 Source—[1925 ex.s. c 130 § 114; 1917 c 142 § 3; 1897 c 71 § 95.]
- 84.64.030 Source—[1925 ex.s. c 130 § 115; 1901 c 178 § 1; 1899 c 141 § 13; 1897 c 71 §§ 96, 97.]
“section 119 of this act” changed to “RCW 84.64.070”.
- 84.64.040 Source—[1925 ex.s. c 130 § 116; 1903 c 165 § 1; 1899 c 141 § 14.]
“this act” changed to “this chapter”.
“section 130” changed to “RCW 84.64.120”.
- 84.64.050 Source—[1937 c 17 § 1; 1925 ex.s. c 130 § 117; 1917 c 113 § 1; 1901 c 178 § 3; 1899 c 141 § 15; 1897 c 71 § 98.]
- 84.64.060 Source—[1925 ex.s. c 130 § 118; 1897 c 71 § 99.]
“this act” changed to “this chapter”.
- 84.64.070 Source—[1925 ex.s. c 130 § 119; 1917 c 142 § 4; 1899 c 141 § 17; 1897 c 71 § 102; 1895 c 176 § 25; 1893 c 124 § 121.]
“this act” changed to “this chapter”.
This section contains a sentence reading as follows: “No fee shall be charged for any redemption after the passage of this act.” The phrase “after the passage of this act” has been deleted as obsolete.
- 84.64.080 Source—[1939 c 206 § 47; 1937 c 118 § 1; 1925 ex.s. c 130 § 120; 1909 c 163 § 1; 1903 c 59 § 5; 1899 c 141 § 18; 1897 c 71 § 103; 1893 c 124 § 105; 1890 p 573 § 112; Code 1881 § 2917.]
Presently codified as RCW 84.64.080, 84.64.090, 84.64.100 and 84.64.110; here restored as a single section.
“this act” changed to “this chapter”.
- 84.64.120 Source—[1925 ex.s. c 130 § 121; 1903 c 59 § 4; 1897 c 71 § 104; 1893 c 124 § 106.]
This section relating to appeals to the supreme court has a requirement that when a new bond is directed to be executed, the sureties thereon shall be justified “before the court as in bail upon arrest”. This quoted language has been revised so that the sureties are “to be justified as provided by law”. Under

Explanatory
note.

- present practice the qualification and justification of sureties appears to be governed generally by chapter 19.72 as to personal sureties and by chapter 48.28 as to corporate sureties. The statutes relating to bail upon arrest in civil actions were repealed by 1927 c 162 § 4 which was introduced by the joint committee on the revision of laws in 1927 Senate Bill 61. Appended to that printed bill was an analysis stating that such law would simply be repealed without additional provisions were it not for the fact that other statutes referred to the bail upon arrest provisions in defining the qualifications and justification of sureties. Since sureties in these cases should qualify and justify as in other cases, and in order to avoid unnecessary amendment in the future, the amendatory language adopts the law as to sureties generally in preference to a reference to specific code sections. Thus we have here revised the language accordingly.
- 84.64.130 Source—[1925 ex.s. c 130 § 123; 1897 c 71 § 108; 1893 c 124 § 123.]
- 84.64.140 Source—[1925 ex.s. c 130 § 124.]
- 84.64.150 Source—[1925 ex.s. c 130 § 122; 1917 c 142 § 5; 1899 c 141 § 20; 1897 c 71 § 107; 1893 c 124 § 122.]
- 84.64.160 Source—[1925 ex.s. c 130 § 125; 1899 c 141 § 22; 1897 c 71 § 111; 1893 c 124 § 126.]
- 84.64.170 Source—[1925 ex.s. c 130 § 126; 1897 c 71 § 112; 1893 c 124 § 129.]
“this act” changed to “this chapter”.
- 84.64.180 Source—[1925 ex.s. c 130 § 127; 1897 c 71 § 114; 1893 c 124 § 132; 1890 p 574 § 114.]
“rendered after the passage of this act” changed to “rendered after January 9, 1926”.
The translation of this phrase is here made instead of deleting it since it might have application in tracing a chain of title.
- 84.64.190 Source—[1925 ex.s. c 130 § 128; 1890 p 575 § 115.]
- 84.64.200 Source—[1925 ex.s. c 130 § 129; 1901 c 178 § 4; 1899 c 141 § 24; 1897 c 71 § 116; 1893 c 124 § 136.]
The Revised Code of Washington presently omits the first two sentences of this section on the grounds that the matter is obsolete. The first sentence may be inoperative after such a lapse of time, and the second sentence is probably in amplification of the first. Nevertheless we have here restored such sentences making translations to the appropriate date of the act.
“prior to the taking effect of this act” changed to “prior to January 9, 1926.”
“this act” changed to “this title” the first time said term appears since delinquency may be provided elsewhere than in this chapter.
The language “this act” changed to “this chapter” in the last three instances used since the foreclosure of liens and the purchases therein provided are all in this chapter.
- 84.64.210 Source—[1925 ex.s. c 130 § 130; 1899 c 141 § 26; 1897 c 71 § 119.]
Presently the Revised Code of Washington also codifies 1947 c 60 § 1 in RCW 84.64.210; this latter separate session law section is herein codified as section 84.64.215.
- 84.64.215 Source—[1947 c 60 § 1.]
Presently codified as part of RCW 84.64.210.
- 84.64.220 Source—[1925 ex.s. c 130 § 131; 1899 c 141 § 27.]
“this act” changed to “this chapter”.
- 84.64.230 Source—[1925 ex.s. c 130 § 132; 1899 c 141 § 28.]
“this act” changed to “this chapter”.
- 84.64.240 Source—[1925 ex.s. c 130 § 135; 1897 c 71 § 120.]
“this act” changed to “this chapter”.
- 84.64.250 Source—[1925 ex.s. c 130 § 136; 1899 c 141 § 30.]
- 84.64.260 Source—[1925 ex.s. c 130 § 137; 1899 c 141 § 31.]

- 84.64.270 Source—[1945 c 172 § 1; 1937 c 68 § 1; 1927 c 263 § 1; 1925 ex.s. c 130 § 133; 1903 c 59 § 1; 1899 c 141 § 29; 1890 p 579 § 124; Code 1881 § 2934.] Explanatory note.
Presently codified as RCW 84.64.270, 84.64.280 and 84.64.290; here restored as a single section.
“this act” changed to “this chapter”.
- 84.64.300 Source—[1945 c 172 § 2; 1927 c 263 § 2; 1925 ex.s. c 130 § 134; 1903 c 59 § 5; 1890 p 577 § 119; Code 1881 § 2938.]
“the preceding section” changed to “RCW 84.64.270”.
“section 133, chapter 130, Laws of Extraordinary Session, 1925, as amended by section 1 of this act” changed to “RCW 84.64.270”.
- 84.64.310 Source—[1945 c 170 § 1.]
- 84.64.320 Source—[1947 c 238 § 1.]
- 84.64.330 Source—[1931 c 83 § 1; 1925 ex.s. c 171 § 1.]
“this act” changed to “RCW 84.64.330 through 84.64.440”. The session law sections codified as sections 84.64.430 and 84.64.440 are supplemental to the basic act; hence are included within the reference “this act”.
- 84.64.340 Source—[1931 c 83 § 2; 1925 ex.s. c 171 § 2.]
“this act” changed to “RCW 84.64.330 through 84.64.440”.
- 84.64.350 Source—[1931 c 83 § 3; 1925 ex.s. c 171 § 3.]
“this act” changed to “RCW 84.64.330 through 84.64.440”.
“state” has been changed to “statement” in the last sentence of the third paragraph to correct a manifest clerical error.
- 84.64.360 Source—[1925 ex.s. c 171 § 4.]
- 84.64.370 Source—[1931 c 83 § 4; 1925 ex.s. c 171 § 5.]
“section 11298 of Remington’s Compiled Statutes” changed to “RCW 84.64.080”.
- 84.64.380 Source—[1931 c 83 § 5; 1925 ex.s. c 171 § 6.]
“this act” changed to “RCW 84.64.330 through 84.64.440”.
- 84.64.390 Source—[1925 ex.s. c 171 § 7.]
- 84.64.400 Source—[1925 ex.s. c 171 § 8; 1925 ex.s. c 130 § 121; 1903 c 59 § 4; 1897 c 71 § 104; 1893 c 124 § 106.]
“section 11299 of Remington’s Compiled Statutes” changed to “RCW 84.64.120”.
- 84.64.410 Source—[1925 ex.s. c 171 § 9.]
- 84.64.420 Source—[1925 ex.s. c 171 § 10.]
“this act” changed to “RCW 84.64.330 through 84.64.440”.
- 84.64.430 Source—[1929 c 197 § 1.]
“chapter 171 of the Laws of the Extraordinary Session of 1925” changed to “RCW 84.64.330 through 84.64.420”.
- 84.64.440 Source—[1929 c 197 § 2.]
“the preceding section” changed to “RCW 84.64.430”.
- 84.64.450 Source—[1947 c 269 § 1.]
- 84.64.460 Source—[1959 c 129 § 1.]

Chapter 84.68 Recovery of Taxes Paid or Property Sold for Taxes

- 84.68.010 Source—[1931 c 62 § 1.]
- 84.68.020 Source—[1937 c 11 § 1; 1931 c 62 § 2; 1925 c 18 § 7; 1927 c 280 § 7.]
“this act” changed to “RCW 84.68.010 through 84.68.070”.
- 84.68.030 Source—[1931 c 62 § 3.]
- 84.68.040 Source—[1937 c 11 § 2; 1931 c 62 § 4.]
- 84.68.050 Source—[1937 c 11 § 3; 1931 c 62 § 5.]
“levies” changed to “levied” to correct manifest clerical error.
- 84.68.060 Source—[1939 c 206 § 48; 1931 c 62 § 6.]
This session law originally read as follows: “No action instituted pursuant to this act or otherwise to recover any tax assessed or levied prior to the passage of this act shall be brought subsequent to January 30th, 1932. No action instituted pursuant to this act or otherwise to recover any tax

Explanatory
note.

- levied or assessed subsequent to the passage of this act shall be commenced after the 30th day of the next succeeding June following the year in which said tax became payable." Since much of this section is obsolete it has been revised to read as follows:
- "No action instituted pursuant to this chapter or otherwise to recover any tax levied or assessed shall be commenced after the 30th day of the next succeeding June following the year in which said tax became payable."
- 84.68.070 Source—[1939 c 206 § 49; 1931 c 62 § 7.]
"this act" changed to "RCW 84.68.010 through 84.68.070".
- 84.68.080 Source—[1888 c 22 (p 43) § 1.]
The language in this section relating to the enjoining of the sale of any property for taxes or the enjoining of the collection of any taxes has been deleted. These injunctive provisions originated in the 1888 law. The later comprehensive 1931 act set forth in sections 84.68.010 et seq., supra, have superseded the injunctive provisions of this and succeeding sections and such succeeding sections have also been revised accordingly. Thus this and succeeding sections, as revised, relate only to the *recovery* of property taxes.
- 84.68.090 Source—[1888 c 22 (p 44) § 2.]
Language relating to injunctions is deleted so that the section applies only to recovery of taxes or property. See notes to section 84.68.080, supra.
- 84.68.100 Source—[1888 c 22 (p 44) § 3.]
"this act" changed to "RCW 84.68.080 and 84.68.090".
Language relating to injunctions is deleted so that the section applies only to recovery of taxes or property. See notes to section 84.68.080, supra.
"complaint" changed to "complainant" to correct manifest clerical error.
- 84.68.110 Source—[1939 c 16 § 1.]
"this act" changed to "RCW 84.68.110 through 84.68.150".
- 84.68.120 Source—[1939 c 16 § 2.]
"this act" changed to "RCW 84.68.110 through 84.68.150".
- 84.68.130 Source—[1939 c 16 § 3.]
- 84.68.140 Source—[1939 c 16 § 4.]
"chapter 62, Laws of 1931 (Sec. 11315-1 to 11315-8, inclusive, Rem. Rev. Stat.);" changed to "RCW 84.68.010 through 84.68.070".
- 84.68.150 Source—[1949 c 158 § 1; 1941 c 154 § 1; 1939 c 16 § 5.]
"this act" changed to "RCW 84.16.110 through 84.68.150".

Chapter 84.69 Refunds—1957 Act

- 84.69.010 Source—[1957 c 120 § 1.]
"act" changed to "chapter" since all of 1957 c 120 is in this chapter.
- 84.69.020 Source—[1957 c 120 § 2.]
- 84.69.030 Source—[1957 c 120 § 3.]
"act" changed to "chapter".
- 84.96.040 Source—[1957 c 120 § 4.]
- 84.69.050 Source—[1957 c 120 § 5.]
- 84.69.060 Source—[1957 c 120 § 6.]
"act" changed to "chapter".
- 84.69.070 Source—[1957 c 120 § 7.]
- 84.69.080 Source—[1957 c 120 § 8.]
- 84.69.090 Source—[1957 c 120 § 9.]
- 84.96.100 Source—[1957 c 120 § 10.]
"sections 1 through 9 of this act" changed to "RCW 84.69.010 through 84.69.090".
- 84.69.110 Source—[1957 c 120 § 11.]
"act" changed to "chapter".

- 84.69.120 Source—[1957 c 120 § 12.]
- 84.69.130 Source—[1957 c 120 § 13.]
“act” changed to “chapter”.
- 84.69.140 Source—[1957 c 120 § 14.]
“the effective date of this chapter” changed to “June 12, 1957”.
- 84.69.150 Source—[1957 c 120 § 15.]
- 84.69.160 Source—[1957 c 120 § 16.]
“act” changed to “chapter”.
- 84.96.170 Source—[1957 c 120 § 17.]

Explanatory
note.

Chapter 84.72 Federal Payments in Lieu of Taxes

- 84.72.010 Source—[1941 c 199 § 1.]
- 84.72.020 Source—[1941 c 199 § 2.]
- 84.72.030 Source—[1941 c 199 § 3.]
“section 2 of this act” changed to “RCW 84.72.020”.

Chapter 84.98 Construction

- 84.98.010 This section has been added to preserve continuity.
- 84.98.020 This section provides that title, chapter, section and sub-section headings are not part of the law.
- 84.98.030 Severability.
- 84.98.040 Repeals and saving.
The laws set forth in the schedule of repeals were either repealed previously, or are substantially reenacted by this bill. Specifically noted below are certain acts not previously repealed, which are proposed for repeal without reenactment. The numbers in parentheses correspond to the like numbered subdivisions of the repealer schedule.
- (84) 1921 c 171 providing that the governor of the state should investigate the subject of taxation and make a report thereon to the next legislature is a temporary law.
- (88) 1925 ex.s. c 130 § 76 relating to the budgets of certain school districts has been superseded by later law codified as RCW 28.63.100-28.63.160.
1925 ex.s. c 130 § 101 related to taxes due and unpaid prior to January 9, 1926; hence it is now obsolete.
- (91) 1927 c 280 § 7. This section was a reenactment of 1925 c 18 § 7 which was repealed by 1931 c 62 § 8. This 1927 section was held to be impliedly repealed by *Yakima Amusement Company*, 192 Wash. 175. Notice that sections 1 through 4 creating the tax commission are reenacted as the first sections in this tax code as sections 82.01.010 through 82.01.040; a section adopting such provisions by reference is in this title as section 84.08.005; the sections relating solely to property are reenacted in this title, as amended, in sections 84.08.010, 84.08.030, 84.08.040, 84.08.060, 84.08.070, 84.08.120, 84.08.130, 84.08.140; section 11 was codified in RCW 43.09.190 but is not repealed since Title 43 is not prepared for reenactment; the balance of the 1927 act has either been heretofore repealed and rerepealed herein or is covered by later law enacted herein.
1927 c 280 § 9. This was a saving clause for the 1927 act and will be covered by the new continuation in saving clause in this chapter.
1927 c 280 § 10 relates to the transfer of certain books, records and other equipment upon the devolution of powers to the the tax commission. No longer required as it is an accomplished fact.
1927 c 280 § 13 was a construction section which will be covered by the construction chapter in this reenactment bill.
- (111) 1933 c 53 related to rebates, remission of interest, etc., and the effect of which was negated by 1945 c 134.
- (112) 1933 c 82 related to the extension of time for the payment of

Explanatory
note.

- taxes, a rebate on taxes; these sections now appear to be obsolete and appear to have served the purpose for the years of 1932 and 1933.
- (118) 1933 ex.s. c 51 provides for rebates and installment payment of delinquent taxes; its provisions are negated by 1945 c 134.
 - (119) 1933 ex.s. c 53 relates to installment payments, remission of interest, etc., on personal property taxes. It has served its purpose and is now obsolete.
 - (122) 1935 c 79 relates to installment contracts and rebates for delinquent taxes; it is now obsolete.
 - (123) 1935 c 123 § 20 is a repealer and saving clause which will be covered in the reenactment bill.
 - (124) 1935 c 127 § 2 was a section preserving certain laws from repeal. All of such laws are herein repealed and reenacted and therefore this section is no longer required.
 - (125) 1935 c 131 authorizes specific millages for the institutions of higher learning. Subsequently amendment 17 of the state Constitution and the forty-mill implementing statutes rendered it obsolete; hence repealed without reenactment. See also notes to section 84.52.030, supra.
 - (126) 1935 c 166 relates to installment contracts and rebates and remission of interest and was negated by 1945 c 134.
 - (127) 1937 c 4 §§ 1, 2 was a temporary law withholding deeds on sales of property delinquent in taxes until July 1, 1937. It has served its purpose.
 - (132) 1937 c 57 relates to the remission of interest, installment agreements and procedure, the segregation of personal taxes, etc. This was negated by 1945 c 134.
 - (142) 1939 c 67 § 5 was a repealer and saving clause covered by the reenactment construction chapter.
1939 c 67 § 8 was a temporary section making the 1939 act apply to the assessment of property for the year 1939.
 - (144) 1939 c 104 relating to real taxes before 1939, installment agreements, lien and foreclosure, rebates and remission. The provisions thereof were negated by 1945 c 134.
 - (149) 1939 c 206 § 50 was a saving clause to be covered by the new saving clause in the reenactment chapter.
 - (153) 1941 c 120 § 11 was a saving and construction provision which will be covered in the reenactment bill.
 - (154) 1941 c 144 amends 1939 c 104, discussed above.
 - (163) 1943 c 223 amends 1939 c 104 and 1941 c 144, discussed above.
 - (167) 1945 c 109 § 2. Temporary application section making act apply to taxes levied in 1945 for collection in 1946.
 - (168) 1945 c 134 validated certain payments under prior laws which provided for installment payment of delinquent taxes and is now obsolete.
- 84.98.050 Emergency clause.

CHAPTER 16.

[H. B. 7.]

DIKING, DRAINAGE, SEWER IMPROVEMENT DISTRICTS—
HEARINGS, APPRAISEMENTS, LEVY.

AN ACT relating to diking, drainage and sewerage improvement districts; reenacting section 4, chapter 26, Laws of 1949, section 1, chapter 63, Laws of 1951 and RCW 85.16.060 and 85.16.080; reenacting section 7, chapter 26, Laws of 1949 and RCW 85.16.110; reenacting section 8, chapter 26, Laws of 1949 and RCW 85.16.120; and declaring an emergency.

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

SECTION 1. Section 4, chapter 26, Laws of 1949 and section 1, chapter 63, Laws of 1951 (heretofore divided and codified as RCW 85.16.060 and 85.16.080) are reenacted to read as set forth in sections 2 and 3 of this act.

SEC. 2 (RCW 85.16.060) At any time and from time to time, after completion of the original construction of any such district's system of improvements or after the completion of any alteration, reduction, enlargement, addition to, or other improvement of the system not constituting maintenance, as herein defined, the board may upon their own initiative, or upon petition filed by at least ten percent of the total number of owners of property within the district subject to assessments for maintenance, as shown by the latest assessment roll of the district shall, fix a date for and hold a hearing at the county seat for the purpose of determining or redetermining the special benefits accruing from the maintenance of the district's system of improvements to all property benefited thereby.

RCW 85.16.060
reenacted.
Determination,
redetermination
of special
benefits—
Hearing.

SEC. 3. (RCW 85.16.080) At or within two weeks of the time of fixing the date for such hearing the board shall appoint three qualified appraisers, at least one of whom shall be a resident of the county

RCW 85.16.080
reenacted.
Appraisal
of special
benefits.

in which said district is situated, who shall qualify as provided in RCW 85.08.360. Thereupon said appraisers shall proceed immediately to carefully examine the district's system of improvements and the public and private property within the district, and fairly, justly and equitably determine and apportion the special benefits which will accrue from the maintenance of the district's system of improvements to each piece or parcel of privately and publicly owned land, together with the buildings and other permanent improvements thereon, and to the state, county, cities, towns and other municipal corporations for their roads and streets and other property within the district. The fact that any such property shall be exempt from general taxes shall not exempt the same from the provisions hereof.

RCW 85.16.110
reenacted.

Separate appraisals, schedules, as to diking, drainage benefits.

SEC. 4. Section 7, chapter 26, Laws of 1949 and RCW 85.16.110 are each reenacted to read as follows:

In a district which functions both as a diking and a drainage improvement district, the appraisers, if so directed in the order of the board appointing them, shall determine separately, in accordance with RCW 85.16.060 and 85.16.080, the special benefits accruing to the various properties within the district from the maintenance of the diking system and from the maintenance of the drainage system, and in such case their report shall contain separate schedules of the respective benefits accruing from the maintenance of the diking and drainage systems of improvement considered separately and, so far as may be, independently of each other.

RCW 85.16.120
reenacted.

Apportionment of levy to meet extraordinary expenditures —Appraisal and hearing.

SEC. 5. Section 8, chapter 26, Laws of 1949 and RCW 85.16.120 are each reenacted to read as follows:

Whenever the board shall provide that a levy to meet extraordinary maintenance expenditures shall be spread over a term of years and warrants or bonds issued as provided in RCW 85.16.030, said board shall fix a date for and hold a hearing and appoint

appraisers as provided in RCW 85.16.060 and 85.16-.080. Said appraisers, in addition to discharging the duties imposed upon the appraisers by RCW 85.16-.060, 85.16.080 and 85.16.090, shall: (1) apportion the estimated costs of such extraordinary maintenance work to the properties within the district in proportion to the benefits accruing to said properties from the maintenance of the district's system of improvements as determined by them; and (2) file a complete schedule of said apportionment of costs with the board.

SEC. 6. 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.

EXPLANATORY NOTE

The Statute Law Committee in reviewing Title 85 of the Revised Code of Washington has noted certain deficiencies therein. This bill is presented by authority of chapter 1.08 RCW for the purpose of curing these deficiencies. **Explanatory note.**

Sections 1 through 3. Section 4, chapter 26, Laws of 1949 was divided and codified by the 1941 Code Committee as RCW 85.16.060 and 85.16.080. Subsequently 1951 c 63 § 1 amended RCW 85.16.060 "as derived from" 1949 c 26 § 4 but made no mention of the other portion of section 4 codified as RCW 85.16.080. The instant reenactment ratifies the 1951 amendment and reenacts the 1951 language in RCW 85.16.060 and the 1949 language in that portion codified as RCW 85.16.080 thus curing any possible defect arising from the amendment in 1951 of less than the whole of the session law section (1949 c 26 § 4).

Sections 5 and 6. Sections 7 and 8, chapter 26, Laws of 1949 codified as RCW 85.16.110 and 85.16.120 make internal reference to "section 4" discussed under the preceding note. In order to cure any possible defect arising from such ratification, the instant sections translate "section 4" to the appropriate RCW section references and reenact the 1949 provisions.

Passed the House January 24, 1961.

Passed the Senate February 3, 1961.

Approved by the Governor February 8, 1961.

CHAPTER 17.

[H. B. 8.]

SOIL CONSERVATION DISTRICTS—PETITION FOR FORMATION.

AN ACT relating to soil conservation; adding to chapter 304, Laws of 1955 a section to be known as section 8A (RCW 89.08.080); and declaring an emergency.

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

New section, RCW 89.08.080.

SECTION 1. There is added to chapter 304, Laws of 1935 a section to be known as section 8A (RCW 89.08.080) to read as follows:

Initiating district by petition—Contents.

To form a soil conservation district, twenty-five or more persons owning land within the area to be affected may file a petition with the committee asking that the area be organized into a district.

The petition shall give the name of the proposed district, state that it is needed in the interest of the public health, safety, and welfare, give a general description of the area proposed to be organized and request that the committee determine that it be created, and that it define the boundaries thereof and call an election on the question of creating the district.

If more than one petition is filed covering parts of the same area, the committee may consolidate all or any of them.

Emergency.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Explanatory note.

EXPLANATORY NOTE

Senate Bill 343 (chapter 304, Laws of 1955) was a bill relating to soil conservation.

Sections 8 through 18 of the bill attempted to follow the established legislative practice of setting forth all of the RCW components of a divided session law section, section 5, chapter 187, Laws of 1939, by setting them forth in full. Another session law component, RCW 89.08.080, which is the subject of the instant bill was omitted, apparently through inadvertence. In order to assure a session law back-

ground for this code section, it is herewith presented for enactment. The language is that of the pertinent portion of the original session law (1939 c 187 § 5).

Passed the House January 24, 1961.

Passed the Senate February 3, 1961.

Approved by the Governor February 8, 1961.

CHAPTER 18.

[H. B. 9.]

IRRIGATION DISTRICTS—BOUNDARIES.

AN ACT relating to irrigation districts; reenacting sections 55, 56 and 67, pages 697 and 702, Laws of 1889-90, sections 34 and 42, chapter 129, Laws of 1921, and section 2, chapter 241, Laws of 1947 (heretofore codified as RCW 87.44.080 and 87.44.220) and codifying said sections as RCW 87.03.595, 87.03.600 and 87.03.680; and declaring an emergency.

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

SECTION 1. Sections 55, 56 and 67, pages 697 and 702, Laws of 1889-90, sections 34 and 42, chapter 129, Laws of 1921, and section 2, chapter 241, Laws of 1947 (heretofore codified as RCW 87.44.080 and 87.44.220) are reenacted and codified as RCW 87.03.595, 87.03.600 and 87.03.680 as set forth in sections 2, 3 and 4 of this act.

RCW 87.44.080
and 87.44.220
reenacted,
recodified.

SEC. 2. (RCW 87.03.595) If at such election a majority of all the votes cast at said election shall be against such change of the boundaries of the district, the board shall order that said petition be denied, and shall proceed no further in the matter. But if a majority of the votes be in favor of such change of the boundaries of the district, the board shall thereupon order that the boundaries of the district be changed in accordance with said resolution adopted by the board. The said order shall describe the entire boundaries of said district, and for that purpose the board may cause a survey of such por-

RCW 87.03.595.
Post-election
action—Survey
authorized.

tions thereof to be made as the board may deem necessary.

RCW 87.03.600.
Order filed,
district
complete.

SEC. 3. (RCW 87.03.600) Upon a change of the boundaries of a district being made, a copy of the order of the board of directors ordering such change, certified by the president and secretary of the board, shall be filed for record in the offices of county auditor and county assessor of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain an irrigation district, as fully and to every intent and purpose as if the lands which are included in the district by the change of the boundaries as aforesaid had been included therein at the original organization of the district.

87.03.680.
Post-election
action—Order
of exclusion—
Survey au-
thorized.

SEC. 4. (RCW 87.03.680) If at any such election a majority of all the votes cast shall be against exclusion the board shall deny and dismiss said petition and proceed no further in said matter; but if in the case of a petition for the exclusion of lands from a district a majority of such votes be in favor of the exclusion of said lands from the district, the board shall thereupon order that the said lands mentioned in said resolution be excluded from the district; if in the case of a petition for the exclusion of a former district from a consolidated district, a majority of the votes cast in such former district shall be against exclusion, or a majority of the votes cast in the remaining portion of the consolidated district shall be against exclusion, the board shall deny and dismiss the petition and proceed no further in the matter; but if in the case of a petition for such exclusion of a former district a majority of the votes cast in such former district and a majority of the votes cast in the remaining portion of the consolidated district shall be in favor of the exclusion of such former district, the board shall thereupon order that the lands comprising such former district be

excluded from the consolidated district and that such former district shall be and is reestablished as an irrigation district created and established under the provision of this chapter and that the title to all property formerly belonging to, and all property within the boundaries of said former district, shall be and is vested in such reestablished district, and shall call an election to be held in such reestablished district for the election of a board of directors thereof, and direct the publication of notices of such election in the manner provided in this chapter for the publication of notice of special elections. The board entering such order shall continue to administer the affairs of such reestablished district until the directors elected at such election shall have qualified.

The said order excluding land from a district shall describe the boundaries of the lands excluded, should the exclusion change the boundaries of the district and in case of the exclusion of a former district from a consolidated district, shall describe the boundaries of the reestablished district and the boundaries of the district remaining; and for that purpose the board may cause a survey to be made of such portions of the boundaries as the board may deem necessary.

SEC. 5. 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.

EXPLANATORY NOTE

The basic irrigation act of 1889-90 enacted two provisions relating to an order of the board changing the boundaries of a district. Section 55 of said act applied to Division II of the session law where a change was by the **INCLUSION OF LANDS** whereas section 67 of said act applied to Division III of the session law where such a change was by the **EXCLUSION OF LANDS**. Subsequently 1921 c 129 § 42 amended Rem. & Bal. Code § 6482 which was the section containing section 67 relating to the **EXCLUSION OF LANDS**. Section 55 was not there involved. Thereafter 1947 c 241 § 2 was enacted and the amending instructions referred to section 55 of the 1889-90 act as amended in 1921. As heretofore noted section 67 and not section 55 was amended in 1921 and a careful reading of the 1947 act indicates that it was actually section 67, as amended in 1921, that was before the legislature in 1947.

Explanatory note.

Thus it would appear that the reference to section 55 was inadvertent. The 1941 Code Committee combined the aforesaid sections with section 34, chapter 129, Laws of 1921, and codified them as RCW 87.44.080 and 87.44.220. If section 55 was intended to be amended in 1947 as indicated in the legislative direction, it would now relate to the EXCLUSION OF LANDS as would section 67 either amended or unamended and no provision would exist which would govern the INCLUSION OF LANDS. Thus to preserve the apparent legislative intent this bill presents section 55 as unamended in section 2 hereof, section 34, chapter 129, Laws of 1921 as originally enacted in section 3 hereof, and section 67 as last amended in 1947 as section 4 hereof. No change from the latest legislative language has been made. The direction to codify these sections in 87.03 is based on Statute Law Committee Order No. SLC-RO-87 dated December 17, 1960, which restores Title 87 to session law language and codifies the basic 1889-90 irrigation district act as chapter 87.03 RCW. Such restoration will be published as part of the 1961 supplement to RCW.

Passed the House January 24, 1961.

Passed the Senate February 3, 1961.

Approved by the Governor February 8, 1961.

CHAPTER 19.

[H. B. 10.]

DIVISION OF WATER RESOURCES—POWERS AND DUTIES.

AN ACT relating to water and water rights; amending section 8, chapter 117, Laws of 1917, section 72, chapter 7, Laws of 1921, section 3, chapter 57, Laws of 1951 and RCW 43.21-.130; repealing sections 5, 6 and 7, chapter 117, Laws of 1917; and declaring an emergency.

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

SECTION 1. Section 8, chapter 117, Laws of 1917, section 72, chapter 7, Laws of 1921, and section 3, chapter 57, Laws of 1951 (heretofore combined and codified as RCW 43.21.130) are each amended to read as follows:

(RCW 43.21.130) The director of conservation through the division of water resources, shall have the following powers and duties:

(1) The supervision of public waters within the state and their appropriation, diversion, and use, and of the various officers connected therewith;

RCW 43.21.130
amended.
Powers and
duties of
director of
conservation
through
division of
water
resources.

(2) Insofar as may be necessary to assure safety to life or property, he shall inspect the construction of all dams, canals, ditches, irrigation systems, hydraulic power plants, and all other works, systems, and plants pertaining to the use of water, and he may require such necessary changes in the construction or maintenance of said works, to be made from time to time, as will reasonably secure safety to life and property;

(3) He shall regulate and control the diversion of water in accordance with the rights thereto;

(4) He shall determine the discharge of streams and springs and other sources of water supply, and the capacities of lakes and of reservoirs whose waters are being or may be utilized for beneficial purposes;

(5) He shall keep such records as may be necessary in the administration of the division and for the recording of the financial transactions and statistical data thereof, and shall procure all necessary documents, forms, and blanks. He shall keep a seal of the office, and all certificates by him covering any of his acts or the acts of his office, or the records and files of his office, under such seal, shall be taken as evidence thereof in all courts;

(6) He shall render to the governor, on or before the last day of November immediately preceding the regular session of the legislature, and at other times when required by the governor, a full written report of the work of his office, including a detailed statement of the expenditure thereof, with such recommendations for legislation as he may deem advisable for the better control and development of the water resources of the state;

(7) He, the supervisor, and duly authorized deputies may administer oaths;

(8) He shall establish and promulgate rules governing the administration of chapter 90.03 RCW;

(9) He shall perform such other duties as may be prescribed by law.

Repeal.

SEC. 2. Sections 5, 6 and 7, chapter 117, Laws of 1917 are each repealed.

Emergency.

SEC. 3. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Explanatory
note.

EXPLANATORY NOTE

The Statute Law Committee in reviewing Title 90 of the Revised Code of Washington has noted certain obsolete and conflicting provisions therein. This bill is presented by authority of chapter 1.08 RCW, for the purpose of repealing and correcting such provisions.

Sections 5, 6, 7, and 8, chapter 117, Laws of 1917 provided for a state hydraulic engineer, stipulated his qualifications and mode of appointment, provided for assistants and deputies, and imposed certain powers and duties thereon. Subsequently the powers and duties of such officer devolved upon new agencies and officers by means of 1921 c 7 §§ 61, 66, 72 and 135, 1951 c 57 §§ 1, 2 and 3, and 1957 c 215 §§ 19, 20 and 21. Sections 5, 6 and 7 are in direct conflict with later laws providing for a division and supervisor of water resources within the department of conservation; thus such sections are obsolete and superseded by the laws hereinabove cited and are proposed for repeal. Section 8, which specified the powers and duties, has devolved by means of the 1921, 1951 and 1957 acts. The 1941 Code Committee codified such section as RCW 43.21.130 in combination with 1921 c 7 § 72. Subsequently 1951 c 57 § 3 amended such RCW section and the session laws to change the name of the "division of hydraulics" to the "division of water resources" leaving all other language the same. In adopting the RCW language to make this technical change required by the substantive amendments the 1951 legislature also omitted language which had been omitted by the 1941 Code Committee empowering the supervisor to make rules and imposing upon him the duty to perform such other duties as prescribed by law. The amendment hereto merely restores, as subdivisions (8) and (9) of section 1, these omitted powers and duties. The reference in subdivision (8) to chapter 90.03 RCW is a translation of the phrase "this act" as used in 1917 c 117, said act being ordered codified as chapter 90.03 pursuant to Statute Law Committee order No. SLC-RO-90 dated December 17, 1960, which restores Title 90 to session law language. Such restoration will be published as part of the 1961 supplement to RCW. The change in the first paragraph of section 1 conforms the name of the department to that prescribed by existing law.

Passed the House January 24, 1961.

Passed the Senate February 3, 1961.

Approved by the Governor February 8, 1961.

CHAPTER 20.

[H. B. 11.]

BANKS AND TRUST COMPANIES—FOREIGN CORPORATIONS, USE OF NAME.

AN ACT relating to banks and trust companies; and amending section 30.04.290, chapter 33, Laws of 1955 and RCW 30.04-.290; and declaring an emergency.

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

SECTION 1. Section 30.04.290, chapter 33, Laws of 1955 and RCW 30.04.290 are each amended to read as follows:

RCW 30.04.290 amended.

A foreign corporation, whose name contains the words "bank," "banker," "banking," or "trust," or whose articles of incorporation empower it to do a banking or trust business and which desires to engage in the business of loaning money on mortgage securities or in buying and selling exchange, coin, bullion or securities in this state may do so, but only upon filing with the supervisor and with the secretary of state a certified copy of a resolution of its governing board to the effect that it will not engage in banking or trust business in this state, which copy shall be duly attested by its president and secretary. Such corporation shall also comply with the general corporation laws of this state relating to foreign corporations doing business herein.

Foreign corporation doing business, requisites for.

SEC. 2. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

EXPLANATORY NOTE

This bill corrects RCW 30.04.290 to read as originally enacted in 1917 c 80 § 40 and as amended by 1919 c 209 § 14. The original RCW printing also conformed thereto. The substitution of "on" to "or" was the result of a typographical error which occurred in the process of re-printing page 2137 of the Revised Code of Washington as a part of the 1953 supplement thereto. Apparently this 1953 page containing the erroneous "or" was inadvertently copied in the preparation of the bill

Explanatory note.

for the reenactment of Title 30 RCW, (1955 Senate Bill No. 4) and it was thus reenacted in that form.

Passed the House January 24, 1961.

Passed the Senate February 3, 1961.

Approved by the Governor February 8, 1961.

CHAPTER 21.

[S. B. 374.]

APPROPRIATION—TEMPORARY SESSION LAWS—
STYLE, SIZE, TYPE.

AN ACT relating to the session laws of the state of Washington; amending section 3, chapter 136, Laws of 1907, as last amended by section 1, chapter 31, Laws of 1933 extraordinary session, and RCW 44.20.030; appropriating the sum of thirty thousand dollars, or so much thereof as may be necessary, for the temporary publication of session laws of the thirty-seventh session of the Washington state legislature; and declaring an emergency.

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

RCW 44.20.030 amended.

SECTION 1. Section 3, chapter 136, Laws of 1907, as last amended by section 1, chapter 31, Laws of 1933 extraordinary session, and RCW 44.20.030 are each amended to read as follows:

Session laws, temporary publication.

The secretary of state, after each and every legislative session, whether regular or extraordinary, shall cause to be reproduced or printed for temporary use twenty-five hundred copies of each act filed in his office within ten days after the filing thereof, and in the order of its chapter number.

Appropriation.

SEC. 2. There is hereby appropriated out of the general fund the sum of thirty thousand dollars, or so much thereof as may be necessary, for the reproduction, printing and mailing of the temporary publication of the session laws of the thirty-seventh session of the Washington state legislature.

SEC. 3. This act is necessary for the immediate Emergency.
 preservation of the public peace, health and safety,
 the support of state government and its existing
 public institutions and shall take effect immediately.

Passed the Senate February 8, 1961.

Passed the House February 9, 1961.

Approved by the Governor February 14, 1961.

CHAPTER 22.

[H. B. 18.]

RELOCATION OF HARBOR LINES IN LIBERTY BAY.

AN ACT authorizing the relocation of harbor lines in Liberty Bay in Kitsap county.

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

SECTION 1. The board of natural resources, acting as the harbor line commission provided for in Article XV, section 1 of the Constitution of the state of Washington, is hereby authorized to change, relocate or re-establish harbor lines in Liberty Bay in front of the town of Poulsbo in Kitsap county, as shown on the official map of Poulsbo Tidelands filed in the office of the commissioner of public lands on May 15, 1916. Harbor lines to be re-established.

Passed the House January 26, 1961.

Passed the Senate February 8, 1961.

Approved by the Governor February 14, 1961.

CHAPTER 23.

[H. B. 4.]

INDUSTRIAL INSURANCE—TITLE 51 REENACTMENT.

AN ACT Relating to industrial insurance; enacting an industrial insurance code to be known as Title 51 of the Revised Code of Washington; providing penalties; repealing certain acts and parts of acts; and declaring an emergency.

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

TITLE 51

INDUSTRIAL INSURANCE

Chapter 51.04

GENERAL PROVISIONS

51.04.010 Declaration of police power—Jurisdiction of courts abolished. The common law system governing the remedy of workmen against employers for injuries received in hazardous work is inconsistent with modern industrial conditions. In practice it proves to be economically unwise and unfair. Its administration has produced the result that little of the cost of the employer has reached the workman and that little only at large expense to the public. The remedy of the workman has been uncertain, slow and inadequate. Injuries in such works, formerly occasional, have become frequent and inevitable. The welfare of the state depends upon its industries, and even more upon the welfare of its wage worker. The state of Washington, therefore, exercising herein its police and sovereign power, declares that all phases of the premises are withdrawn from private controversy, and sure and certain relief for workmen, injured in extrahazardous work, and their families and dependents is hereby provided regardless of questions of fault and to the exclusion of every other remedy, proceeding or compensation, except as otherwise provided in this title; and to that end all civil actions and civil causes of action for such personal injuries and all jurisdiction of the courts of the state over such causes are hereby abolished, except as in this title provided.

51.04.020 Departmental functions, generally. The director shall:

- (1) Establish and promulgate rules governing the administration of this title;
- (2) Ascertain and establish the amounts to be paid into and out of the accident fund;
- (3) Regulate the proof of accident and extent thereof, the

proof of death and the proof of relationship and the extent of dependency;

(4) Supervise the medical, surgical, and hospital treatment to the intent that it may be in all cases efficient and up to the recognized standard of modern surgery;

(5) Issue proper receipts for moneys received and certificates for benefits accrued or accruing;

(6) Investigate the cause of all serious injuries and report to the governor from time to time any violations or laxity in performance of protective statutes or regulations coming under the observation of the department;

(7) Create a division of statistics within which shall be compiled such statistics as will afford reliable information upon which to base operations of all divisions under the department;

(8) Make annual report to the governor (one of them not more than sixty nor less than thirty days prior to each regular session of the legislature) of the workings of the department, and showing the financial status and the outstanding obligations of the accident fund and the statistics aforesaid;

(9) Report to each regular session of the legislature the balance remaining in the catastrophe injury account and make recommendations.

51.04.030 Departmental medical aid functions. The director shall, through the division of industrial insurance, provide prompt and efficient care and treatment to workmen injured in extra-hazardous work at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and promulgate and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment.

The director shall make and, from time to time, change as may be, and promulgate a fee bill of the maximum charges to be made by any physician, surgeon, hospital, druggist, or other agency or person rendering services to injured workmen. No service covered by such fee bill shall be charged or paid for out of the medical aid fund at a rate or rates exceeding those specified in such fee bill, and no contract providing for greater fees shall be valid as to the excess.

The director shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workmen, he shall approve and certify those which conform to the promulgated rules, regulations, and practices of the director and the director may reject

any bill or item thereof incurred in violation of the principles laid down in this section or the rules and regulations promulgated under it.

51.04.040 Attendance of witnesses by compulsion. The superior court shall have power to enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers and records before the department.

51.04.050 Testimony of physicians not privileged. In all hearings, actions or proceedings before the department or the board of industrial insurance appeals, or before any court on appeal from the board, any physician having theretofore examined or treated the claimant may be required to testify fully regarding such examination or treatment, and shall not be exempt from so testifying by reason of the relation of physician to patient.

51.04.060 No evasion of benefits or burdens. No employer or workman shall exempt himself from the burden or waive the benefits of this title by any contract, agreement, rule or regulation, and any such contract, agreement, rule or regulation shall be pro tanto void.

51.04.070 Minor workman is sui juris—Guardianship expense. A minor working at an age legally permitted under the laws of this state shall be deemed sui juris for the purpose of this title, and no other person shall have any cause of action or right to compensation for an injury to such minor workman, except as expressly provided in this title, but in the event of a lump sum payment becoming due under this title to such minor workman, the management of the sum shall be within the probate jurisdiction of the courts the same as other property of minors and, in the event it is necessary to procure the appointment of a guardian to receive the money to which any minor workman is entitled under the provisions of this title, the director may allow from the accident fund toward the expenses of such guardianship, not to exceed the sum of fifty dollars in any one case: *Provided*, That in case any such minor is awarded a lump sum payment of not more than seven hundred fifty dollars, the director may make payment direct to such minor without the necessity of the appointment of a guardian.

51.04.080 Sending notices, orders, warrants to claimant. On all claims under this title, the division of industrial insurance shall not forward claimants' written notices, orders, and warrants to, or in care of, any representative of the claimant, but shall forward such notices, orders and warrants directly to the claimant until such time as the supervisor of industrial insurance shall have

entered an order on the claim appealable to the board of industrial insurance appeals.

51.04.090 Effect of adjudication of applicability. If any employer shall be adjudicated to be outside the lawful scope of this title, the title shall not apply to him or his workman, or if any workman shall be adjudicated to be outside the lawful scope of this title because of remoteness of his work from the hazard of his employer's work, any such adjudication shall not impair the validity of this title in other respects, and in every such case an accounting in accordance with the justice of the case shall be had of moneys received. If the provisions for the creation of the accident fund, or the provisions of this title making the compensation to the workman provided in it exclusive of any other remedy on the part of the workman shall be held invalid the entire title shall be thereby invalidated. In other respects an adjudication of invalidity of any part of this title shall not affect the validity of the title as a whole or any other part thereof.

51.04.100 Statutes of limitation saved. If the provisions of this title relative to compensation for injuries to or death of workmen become invalid because of any adjudication, or be repealed, the period intervening between the occurrence of an injury or death, not previously compensated for under this title by lump payment or completed monthly payments, and such repeal or the rendition of the final adjudication of invalidity shall not be computed as a part of the time limited by law for the commencement of any action relating to such injury or death: *Provided*, That such action be commenced within one year after such repeal or adjudication; but in any such action any sum paid out of the accident fund to the workman on account of injury, to whom the action is prosecuted, shall be taken into account or disposed of as follows: If the defendant employer shall have paid without delinquency into the accident fund the payment provided by this title, such sums shall be credited upon the recovery as payment thereon, otherwise the sum shall not be so credited but shall be deducted from the sum collected and be paid into the said fund from which they had been previously disbursed.

Chapter 51.08

DEFINITIONS

51.08.010 Meaning of words. Unless the context indicates otherwise, words used in this title shall have the meaning given in this chapter.

51.08.015 "Amount," "Payment," "Premium," "Contribution." Wherever and whenever in any of the provisions of this title re-

lating to any payments by an employer the words "amount" and/or "amounts," "payment" and/or "payments," "premium" and/or "premiums," and "contribution" and/or "contributions" appear said words shall be construed to mean taxes, which are the money payments by an employer which are required by this title to be made to the state treasury for the accident fund and for the medical aid fund.

51.08.020 "Beneficiary." "Beneficiary" means a husband, wife, child, or dependent of a workman in whom shall vest a right to receive payment under this title: *Provided*, That a husband or wife of an injured workman, living in a state of abandonment for more than one year at the time of the injury or subsequently, shall not be a beneficiary. A wife who has lived separate and apart from her husband for the period of two years and who has not, during that time, received, or attempted by process of law to collect, funds for her maintenance, shall be deemed living in a state of abandonment.

51.08.030 "Child." "Child" means every natural born child, posthumous child, stepchild, child legally adopted prior to the injury, and illegitimate child legitimated prior to the injury, all while under the age of eighteen years and over the age of eighteen years if the child is a dependent invalid child.

51.08.040 "Department." "Department" means department of labor and industries.

51.08.050 "Dependent." "Dependent" means any of the following named relatives of a workman whose death results from any injury and who leaves surviving no widow, widower, or child, viz: father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, brother, sister, half-sister, half-brother, niece, nephew, who at the time of the accident are actually and necessarily dependent in whole or in part for their support upon the earnings of the workman: *Provided*, That unless otherwise provided by treaty, aliens other than father or mother, not residing within the United States at the time of the accident, are not included.

51.08.060 "Director." "Director" means the director of labor and industries.

51.08.070 "Employer." "Employer" means any person, body of persons, corporate or otherwise, and the legal representatives of a deceased employer, all while engaged in this state in any extrahazardous work, by way of trade or business, or who contracts with one or more workmen, the essence of which is the personal labor of such workman or workmen, in extrahazardous work.

51.08.080 "Engineering work." "Engineering work" means any kind of construction, improvement or alteration or repair of buildings, structures, streets, highways, sewers, street railways, railroads, logging roads, interurban railroads, harbors, docks, canals, electric steam or water power plants, telegraph and telephone plants and lines, electric light or power lines, and includes any other works for the construction, alteration, or repair in which machinery driven by mechanical power is used.

51.08.090 "Factories." "Factories" means undertakings in which the business of working at commodities is carried on with power driven machinery, either in manufacture, repair, or change, and includes the premises, yard, and plant of the concern.

51.08.100 "Injury." "Injury" means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical conditions as result therefrom.

51.08.110 "Invalid." "Invalid" means one who is physically or mentally incapacitated from earning.

51.08.120 "Mill." "Mill" means any plant, premises, room or place wherein machinery is used, together with the yards and premises which are a part of the plant, including elevators, warehouses, and bunkers.

51.08.130 "Mine." "Mine" means any mine where coal, clay, ore, mineral, gypsum, or rock is dug or mined underground.

51.08.140 "Occupational disease." "Occupational disease" means such disease or infection as arises naturally and proximately out of employment under the mandatory or elective adoption provisions of this title.

51.08.150 "Permanent partial disability." "Permanent partial disability" means the loss of either one foot, one leg, one hand, one arm, one eye, one or more fingers, one or more toes, any dislocation where ligaments were severed where repair is not complete, or any other injury known in surgery to be permanent partial disability.

51.08.160 "Permanent total disability." "Permanent total disability" means loss of both legs, or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the workman from performing any work at any gainful occupation.

51.08.170 "Quarry." "Quarry" means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, gravel, or rock

is cut or taken for manufacturing, building or construction purposes.

51.08.180 "Workman." "Workman" means every person in this state who is engaged in the employment of an employer under this title, whether by way of manual labor or otherwise in the course of his employment; also every person in this state who is engaged in the employment of or who is working under an independent contract, the essence of which is his personal labor for an employer under this title, whether by way of manual labor or otherwise, in the course of his employment.

51.08.190 "Workshop." "Workshop" means any plant, yard, premises, room, or place wherein power driven machinery is employed and manual labor is exercised by way of trade for gain or otherwise, over which the employer of the person working therein has the right of access or control.

Chapter 51.12

EMPLOYMENTS AND OCCUPATIONS COVERED

51.12.010 Employments included. There is a hazard in all employment, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This title is intended to apply to all such inherently hazardous works and occupations, and it is the purpose to embrace all of them which are within the legislative jurisdiction of the state, in the following enumeration, and they are intended to be embraced within the term "extrahazardous" wherever used in this title, to-wit:

Factories, mills and workshops where machinery is used; printing, electrotyping, photoengraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, waterworks, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power, quarries, engineering works; logging, lumbering and ship-building operations; logging, street and interurban railroads; buildings being constructed, repaired, moved, or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries, and railroads; installing and servicing radios and electrical refrigerators; general warehouse and storage; teaming, truck driving, and motor delivery, including drivers and helpers, in connection with any occupation except agriculture; stage, taxicab and for hire driving; restaurants, taverns, clubs, and establishments; employees supplying service to the public in hotels, clubs furnishing sleeping accommodations, apartment hotels; janitors, chambermaids, porters, bellmen, pinsetters, ele-

vator operators and maintenance men employed in apartment houses, office buildings, stores, mercantile establishments, theaters and bowling alleys employing one or more employees; bunkhouses, kitchens, and eating houses in connection with extrahazardous occupations or conducted primarily for employees in extrahazardous occupations; transfer, drayage, and hauling; warehousing and transfer; fruit warehouse and packing houses; and work performed by salaried peace officers of the state, the counties, and the municipal corporations.

51.12.020 Employments excluded. The following shall not be deemed extrahazardous within the meaning, or be included in the enumeration of RCW 51.12.010, to-wit: Using power-driven coffee grinders in wholesale or retail grocery stores; using power-driven washing machines in establishments selling washing machines at retail; using computing machines in offices; using power-driven taffy pullers in retail candy stores; using power-driven milk shakers in establishments operating soda fountains; using power-driven hair cutters in barber shops; using power-driven machinery in beauty parlors; using power-driven machinery in optical stores; private boarding houses, serving food or drink to the public or to members for consumption on the premises.

51.12.030 Inclusion of unenumerated occupations. If there be or arise any extrahazardous occupation or work other than those enumerated, it shall come under this title, and its rate of contribution to the accident fund shall be, until fixed by legislation, determined by the department upon the basis of the relation which the risk involved bears to the risks classified in chapter 51.20.

51.12.040 Inclusion by director after hearing. The director, through the division of industrial insurance, may, after hearing had upon his own motion, or upon the application of any party interested, declare any occupation or work to be extrahazardous and to be under this title. The director shall fix the time and place of such hearing and shall cause notice thereof to be published once at least ten days before the hearing in at least one daily newspaper of general circulation, published and circulated in each city of the first class of this state. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any order issued by the director after hearing had. Any person affected shall have the right to appear and be heard at any such hearing.

51.12.050 State, county and municipal work—Liability for premiums. Whenever the state, county, any municipal corporation, or other taxing district shall engage in any extrahazardous work, or let a contract therefor, in which workmen are employed for wages, this title shall be applicable thereto. The employer's pay-

ments into the accident fund shall be made from the treasury of the state, county, municipality, or other taxing district. If the work is being done by contract, the payroll of the contractor and the subcontractor shall be the basis of computation and, in the case of contract work consuming less than one year in performance, the required payment into the accident fund shall be based upon the total payroll. The contractor and any subcontractor shall be subject to the provisions of this title, and the state for its general fund, the county, municipal corporation, or other taxing district shall be entitled to collect from the contractor the full amount payable to the accident fund and the contractor, in turn, shall be entitled to collect from the subcontractor his proportionate amount of the payment.

Whenever and so long as, by state law, city charter, or municipal ordinance, provision is made for employees or peace officers injured in the course of employment, such employees shall not be entitled to the benefits of this title and shall not be included in the payroll of the municipality under this title: *Provided*, That whenever any state law, city charter, or municipal ordinance only provides for payment to the employee of the difference between his actual wages and that received from the department under this title such employee shall be entitled to the benefits of this title and may be included in the payroll of the municipality.

51.12.060 Federal projects. The application of this title and related safety laws is hereby extended to all lands and premises owned or held by the United States of America, by deed or act of cession, by purchase or otherwise, which are within the exterior boundaries of the state of Washington, and to all projects, buildings, constructions, improvements, and property belonging to the United States of America, which are within the exterior boundaries of the state, in the same way and to the same extent as if said premises were under the exclusive jurisdiction of the state, and as fully as is permitted under the provisions of that act of the congress of the United States approved June 25, 1936, granting to the several states jurisdiction and authority to apply their state workmen's compensation laws on all property and premises belonging to the United States of America, being 49 United States Statutes at large 1938, title 40, section 290 United States code, 1958 edition: *Provided*, That this title shall not apply to employees of the United States of America.

51.12.070 Work done by contract—Liability for premiums. The provisions of this title shall apply to all extrahazardous work done by contract; the person, firm, or corporation who lets a contract for such extrahazardous work shall be responsible primarily and directly for all payments due to the accident fund and medical

aid fund upon the work. The contractor and any subcontractor shall be subject to the provisions of this title and the person, firm, or corporation letting the contract shall be entitled to collect from the contractor the full amount payable to the accident fund and medical aid fund, and the contractor in turn shall be entitled to collect from the subcontractor his proportionate amount of the payment.

It shall be unlawful for any city or town to issue a construction building permit to any person who has not submitted to the department an estimate of payroll and paid premium thereon as provided by chapter 51.16 of this title.

51.12.080 Interstate, foreign and intrastate railway employees. Inasmuch as it has proved impossible in the case of employees of common carriers by railroad, engaged in maintenance and operation of railways doing interstate, foreign and intrastate commerce, and in maintenance and construction of their equipment, to separate and distinguish the connection of such employees with interstate or foreign commerce from their connection with intrastate commerce, and such employees have, in fact, received no compensation under this title, the provisions of this title shall not apply to work performed by such employees in the maintenance and operation of such railroads or performed in the maintenance or construction of their equipment, or to the employees of such common carriers by railroad engaged therein, but nothing herein shall be construed as excluding from the operation of this title railroad construction work, or the employees engaged thereon: *Provided*, That common carriers by railroad engaged in such interstate or foreign commerce and in intrastate commerce shall, in all cases where liability does not exist under the laws of the United States, be liable in damages to any person suffering injury while employed by such carrier, or in case of the death of such employee, to his surviving wife and child, or children, and if no surviving wife or child or children, then to the parents, sisters, or minor brothers, residents of the United States at the time of such death, and who were dependent upon such deceased for support, to the same extent and subject to the same limitations as the liability now existing, or hereafter created, by the laws of the United States governing recoveries by railroad employees injured while engaged in interstate commerce: *Provided further*, That if any interstate common carrier by railroad shall also be engaged in one or more intrastate enterprises or industries (including street railways and power plants) other than its railroad, the foregoing provisions of this section shall not exclude from the operation of the other sections of this title or bring under the foregoing proviso of this section any extrahazardous work of such other enterprise or in-

dustry, the payroll of which may be clearly separable and distinguishable from the payroll of the maintenance or operation of such railroad, or of the maintenance or construction of its equipment: *Provided further*, That nothing in this section shall be construed as relieving an independent contractor engaged through or by his employees in performing extrahazardous work for a common carrier by railroad, from the duty of complying with the terms of this title, nor as depriving any employee of such independent contractor of the benefits of this title.

51.12.090 Intrastate and interstate commerce. The provisions of this title shall apply to employers and workmen (other than railroads and their workmen) engaged in intrastate and also in interstate or foreign commerce, for whom a rule of liability or method of compensation now exists under or may hereafter be established by the congress of the United States, only to the extent that the payroll of such workmen may and shall be clearly separable and distinguishable from the payroll of workmen engaged in interstate or foreign commerce: *Provided*, That as to workmen whose payroll is not so clearly separable and distinguishable the employer shall in all cases be liable in damages for injuries to the same extent and under the same circumstances as is specified in the case of railroads in the first proviso of RCW 51.12.080: *Provided further*, That nothing in this title shall be construed to exclude goods or materials and/or workmen brought into this state for the purpose of engaging in extrahazardous work.

51.12.100 Maritime occupations—Segregation of payrolls—Common enterprise. The provisions of this title shall apply to all employers and workmen, except a master or member of a crew of any vessel, engaged in maritime occupations for whom no right or obligation exists under the maritime laws for personal injuries or death of such workmen.

If an accurate segregation of payrolls covering any class or classes of workmen engaged in maritime occupations and working part time on shore and part time off shore cannot be made by the employer, the director is hereby authorized and directed to fix from time to time a basis for the approximate segregation of the payrolls of such class or classes of employees to cover the shore part of their work, and the employer shall pay to the accident fund on that basis for the time such workmen are engaged in their work.

Where two or more employers are simultaneously engaged in a common enterprise at one and the same site or place in maritime occupations under circumstances in which no right or obligation exists under the maritime laws for personal injuries or death of such workmen, such site or place shall be deemed for the purposes of this title to be the common plant of such employers.

51.12.110 Elective adoption. Any employer engaged in any occupation other than those enumerated or declared to be under this title, may make written application to the director to fix rates of contribution for such occupation for industrial insurance and for medical aid, and thereupon the director, through the division of industrial insurance, shall fix such rates, which shall be based on the hazard of such occupation in relation to the hazards of the occupations for which rates are prescribed. When such rate is fixed the applicant may file notice in writing with the supervisor of industrial insurance of his or its election to contribute under this title, and shall forthwith display in a conspicuous manner about his or its works and in a sufficient number of places to reasonably inform his or its workmen of the fact, printed notices furnished by the department stating that he or it has elected to contribute to the accident fund and the medical aid fund and stating when said election will become effective. Any workman in the employ of such applicant shall be entitled at any time within five days after the posting of said notice by his employer, or within five days after he has been employed by an employer who has elected to become subject to this title as herein provided, to give a written notice to such employer and to the department of his election not to become subject to this title. At the expiration of the time fixed by the notice of the employer, the employer and such of his or its workmen as shall not have given such written notice of their election to the contrary shall be subject to all the provisions of this title and entitled to all of the benefits thereof: *Provided*, That those who have heretofore complied with the foregoing conditions and are carried and considered by the department as within the purview of this title shall be deemed and considered as having fully complied with its terms and shall be continued by the department as entitled to all of the benefits and subject to all of the liabilities without other or further action.

Chapter 51.16

ASSESSMENT AND COLLECTION OF PREMIUMS— PAYROLLS AND RECORDS

51.16.010 Enabling provision for establishing premium rates—Quarterly payments. Inasmuch as industry should bear the greater portion of the cost of its accidents and occupational diseases and furnish medical, surgical and hospital care and treatment to its injured workmen in the proportion in which it produces injury and creates expense, each employer shall, prior to the last day of January, April, July and October of each year, pay into the state treasury (1) for the accident fund and (2) for the medical aid fund,

a certain number of cents for each man hour worked by the workmen in his employ, engaged in extrahazardous employment; if, however, there should be a deficit in any class or subclass, the director, through the supervisor of industrial insurance, shall assess the same against all the contributors to such class or subclass during the calendar year or fraction thereof in which said deficit was incurred or created. The director may promulgate, change, and revise such rates according to the condition of the accident and medical aid funds, and establish rates for industries to be hereafter declared extrahazardous and which voluntarily seek coverage under the elective adoption provisions.

51.16.020 Basis for determining accident fund premiums—
Cost experience. The amounts to be paid into the accident fund shall be determined as follows: The department shall, prior to the first day of January of each year, determine for each class and subclass, a basic premium rate for the ensuing calendar year and, in so doing, shall take into consideration: First, that no class shall be liable for the depletion of the accident fund for accidents happening in any other class; second, that each class shall meet and be liable for its own accidents; third, the cost experience of each class and subclass over the two year period immediately preceding July 1st of the year in which the basic rate is being fixed; fourth, the then condition of each class and subclass account.

The department shall also, prior to the first day of January of each year, determine the premium rate to be paid into said accident fund during the ensuing year by each employer to be credited to each class and subclass account, applicable to the employer's operations or business and, in so doing, shall take into consideration the average cost experience of each employer for each workman hour reported by him during each fiscal year in each such class or subclass over the five year period immediately preceding July 1st of the year in which the rate is being determined and, in so computing the cost experience of any employer, seventy-five percent of the average cost of pension claims shall be charged against his experience for each injury resulting in death or total permanent disability of a workman instead of the actual cost to the accident fund of such injury. The actual premium rate which any employer shall be required to pay for the accident fund shall be forty percent of the basic rate, plus sixty percent of the employer's cost rate for each workman hour reported by him during each fiscal year over the five year period next preceding the then last July 1st, but in no case shall the total rate exceed one hundred sixty percent of the basic rate.

Note: See also section 6, chapter 274, Laws of 1961.

51.16.030 Medical aid fund not kept by classes—Payments from one fund—Basis of determining premiums. The medical aid fund shall not be kept by classes and all payments shall be made from the one fund, but accounts shall be kept with each class and subclass of industry in accordance with the classification provided for the purpose of computing the medical aid cost experience of such classes and subclasses and determining the correctness of the medical aid rates charged such classes and subclasses.

51.16.040 Occupational diseases — Basis for determining premiums — Compensation and benefits. The compensation and benefits provided for occupational diseases shall be paid from the same funds and in the same manner as compensation and benefits for injuries under the industrial insurance and medical aid acts and the contributions of employers to pay for occupational diseases shall be determined, assessed, and collected in the same manner and as a part of the premiums for employment under the mandatory or elective adoption provisions of this title.

51.16.050 Building industry—Rate base computation. The premiums of employers of the building industry, which shall include all field activities in connection with the erection, alteration, repairing, or demolishing of any building or buildings or parts thereof or appurtenance thereto, adapted to residential, business, governmental, educational, or manufacturing uses, shall be computed on a base rate only and no merit rating credits or penalties shall be given or imposed on such employers.

51.16.060 Quarterly report of payrolls. Every employer shall, on or before the last day of January, April, July and October of each year hereafter, furnish the department with a true and accurate payroll and the aggregate number of workmen hours, during which workmen were employed by him during the preceding calendar quarter, the total amount paid to such workmen during such preceding calendar quarter, and a segregation of employment in the different classes provided in this title, and shall pay his premium thereon to the accident fund and medical aid fund. The sufficiency of such statement shall be subject to the approval of the director: *Provided*, That the director may in his discretion and for the effective administration of this title require an employer in individual instances to furnish a supplementary report containing the name of each individual workman, his hours worked, his rate of pay and the class or classes in which such work was performed.

51.16.070 Employer's office record of employment—Confidentiality. Every employer shall keep at his place of business a record of his employment from which the information needed by the department may be obtained and such record shall at all times

be open to the inspection of the director, supervisor of industrial insurance, or the traveling auditors, agents, or assistants of the department, as provided in RCW 51.48.040.

Information obtained from employing unit records under the provisions of this title shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but any interested party shall be supplied with information from such records to the extent necessary for the proper presentation of the case in question: *Provided*, That any employing unit may authorize inspection of its records by written consent.

51.16.080 Single establishment with different risk classes—Basis for determining premiums. If a single establishment or work comprises several occupations listed in chapter 51.20 in different risk classes, the premium shall be computed according to the workmen hours of each occupation or, in the discretion of the director, a single rate of premium may be charged for the entire establishment based upon the rate of premium of the occupation reporting the largest number of workmen hours.

51.16.090 Employer may not evade unfavorable cost experience—Continuation of experience rating when legal structure of employer changes. To the end that no employer shall evade the burdens imposed by an unfavorable or high cost experience, the director may determine whether or not an increase, decrease, or change (1) of operating property; (2) of interest in operating property; (3) of employer; (4) of personnel or interest in employer is sufficient to show a bona fide change which would make inoperative any high cost experience: *Provided*, That where an employer is now or has prior to January 1, 1958, been covered under the provisions of this title for a period of at least two years and subsequent thereto the legal structure of the employer changes by way of incorporation, disincorporation, merger, consolidation, transfer of stock ownership, or by any other means, such person or entity as legally reconstituted shall be entitled to a continuation of the experience rating which existed prior to such change in the employer's legal structure unless there has been such a substantial change as provided in subdivisions (1), (2), (3) or (4) of this section as would warrant making inoperative any high cost experience.

51.16.100 Changes in classification. It is the intent that the accident fund shall ultimately become neither more nor less than self-supporting, except as provided in RCW 51.16.105 and, if in the adjustment of premium rates by the director the moneys paid into the fund by any class or classes shall be insufficient to properly and safely distribute the burden of accidents occurring therein, the

department may divide, rearrange, or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper. The director shall make corrections of classifications or subclassifications or changes in rates, classes and subclasses when the best interest of such classes or subclasses will be served thereby.

51.16.105 Administrative expenses of the safety division, how financed. All administrative expenses of the safety division of the department, except those incurred by the administration of chapter 19.28, shall be financed from the combined receipts of the accident and medical aid funds. The administrative expense paid from the accident fund shall not exceed four percent, and from the medical aid fund it shall not exceed one and one-half percent. But in no case shall the total expense paid from the combined receipts of both funds exceed five percent. The percentage shall be computed on the combined average annual receipts for the five previous fiscal years.

51.16.110 New businesses or resumed operations. Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the director of such fact, accompanying such notification with a cash deposit in a sum equal to the premiums on the estimate of his payroll and workmen hours for the first three calendar months of his proposed operations which shall remain on deposit subject to the other provisions of this section.

The director may, in his discretion and in lieu of such deposit, accept a bond, in an amount which he deems sufficient, to secure payment of premiums due or to become due to the accident fund and medical aid fund. The deposit or posting of a bond shall not relieve the employer from paying premiums to the accident fund and medical aid fund based on his actual workmen hours as provided by RCW 51.16.010 and 51.16.060.

Should the employer acquire sufficient assets to assure the payment of premiums due to the accident fund and the medical aid fund the director may, in his discretion, refund the deposit or cancel the bond.

If the employer ceases to be an employer under RCW 51.08.070, the director shall, upon receipt of all payments due the accident fund and medical aid fund based on the actual workmen hours, refund to the employer all deposits remaining to the employer's credit and shall cancel any bond given under this section.

Every such employer shall pay the full basic rate until such time as an experience rating in excess of a one, two, three, or four year

period may be computed as of a first succeeding July 1st date, which said cost experience shall be computed in accordance with the provisions of RCW 51.16.020, and shall be liable for a premium of at least two dollars per month irrespective of the amount of his workmen hours reported during said month to the department: *Provided*, That where an employer is now or has prior to January 1, 1958, been covered under the provisions of this title for a period of at least two years and subsequent thereto the legal structure of such employer changes by way of incorporation, disincorporation, merger, consolidation, transfer of stock ownership, or by any other means, the director may continue, increase, or decrease such experience rating which existed prior to such change in the employer's legal structure.

51.16.120 Distribution of further accident cost. Whenever a workman has sustained a previous bodily infirmity or disability from any previous injury or disease and shall suffer a further injury or disease in employment covered by this title and become totally and permanently disabled from the combined effects thereof, then the accident cost rate of the employer at the time of said further injury or disease shall be charged only with the accident cost which would have resulted solely from said further injury or disease, had there been no preexisting disability, and which accident cost shall be based upon an evaluation of the disability by medical experts. The difference between the charge thus assessed to the employer at the time of said further injury or disease and the total cost of the pension reserve shall be assessed against the second injury account.

51.16.130 Distribution of catastrophe cost. Whenever there shall occur an accident in which three or more employees are fatally injured or receive injuries consisting of loss of both eyes or sight thereof, or loss of both hands or use thereof, or loss of both feet or use thereof, or loss of one hand and one foot or use thereof, the amount of total cost other than medical aid costs arising out of this accident that shall be charged to the proper class of the accident fund and to the account of the employer, shall be twice the average cost of pension claims chargeable under RCW 51.16.020, and the balance of costs arising out of the accident shall be charged against and defrayed by the catastrophe injury account.

51.16.140 Premium liability of workman. The employer shall deduct from the pay of each of his workmen engaged in extrahazardous work one-half of the amount the employer is required to pay into the medical aid fund for or on account of the employment of such workman, but it shall be unlawful for the employer to deduct or obtain any part of the premium required to be by him paid into the accident fund from the wages or earnings of any of his workmen, and the making of or attempt to make any such deduction shall be a gross misdemeanor.

51.16.150 Delinquent employers—Penalty after demand—Injunctive relief. If any employer shall default in any payment to the accident fund or the medical aid fund, the sum due shall be collected by action at law in the name of the state as plaintiff, and such right of action shall be in addition to any other right of action or remedy. If such default occurs after demand, there shall also be collected a penalty equal to twenty-five percent of the amount of the defaulted payment or payments, and the director may require from the defaulting employer a bond to the state for the benefit of the accident and medical aid funds, with surety to the director's satisfaction, in the penalty of double the amount of the estimated payments which will be required from such employer into the said funds for and during the ensuing one year, together with any penalty or penalties incurred. In case of refusal or failure after written demand personally served to furnish such bond, the state shall be entitled to an injunction restraining the delinquent from prosecuting an extra-hazardous occupation or work until such bond is furnished, and until all delinquent premiums, penalties, interest and costs are paid, conditioned for the prompt and punctual making of all payments into said funds during such periods, and any sale, transfer, or lease attempted to be made by such delinquent during the period of any of the defaults herein mentioned, of his works, plant, or lease thereto, shall be invalid until all past delinquencies are made good, and such bond furnished.

51.16.160 Priority of lien for premiums and penalties. All actions for the recovery of delinquent premiums and penalties shall be brought in the superior court and in all cases of probate, insolvency, assignment for the benefit of creditors, or bankruptcy, the claim of the state for the payments due shall be a lien prior to all other liens or claims and on a parity with prior tax liens and the mere existence of such cases or conditions shall be sufficient to create such lien without any prior or subsequent action by the state, and all administrators, receivers, or assignees for the benefit of creditors shall notify the department of such administration, receivership, or assignment within thirty days from date of their appointment and qualification. In any action or proceeding brought for the recovery of payments due upon the payroll of an employer, the certificate of the department that an audit has been made of the payroll of such employer pursuant to the direction of the department and the amount of such payroll for the period stated in the certificate shall be prima facie evidence of such fact.

51.16.170 Priority of lien for payments and penalties against third party interests. Separate and apart from and in addition to the foregoing provisions in this chapter, the claims of the state for payments and penalties due under this title shall be a lien prior to all

other liens or claims and on a parity with prior tax liens not only against the interest of any employer, but against the interests of all others, in real estate, plant, works, equipment, and buildings improved, operated, or constructed by any employer, and also upon any products or articles manufactured by such employer.

The lien created by this section shall attach from the date of the commencement of the labor upon such property for which such premiums are due. In order to avail itself of the lien hereby created, the department shall, within four months after the employer has made report of his payroll and has defaulted in the payment of his premiums thereupon, file with the county auditor of the county within which such property is then situated, a statement in writing describing in general terms the property upon which a lien is claimed and stating the amount of the lien claimed by the department. If any employer fails or refuses to make report of his payroll, the lien hereby created shall continue in full force and effect, although the amount thereof is undetermined and the four months' time within which the department shall file its claim of lien shall not begin to run until the actual receipt by the department of such payroll report. From and after the filing of such claim of lien, the department shall be entitled to commence suit to cause such lien to be foreclosed in the manner provided by law for the foreclosure of other liens on real or personal property, and in such suit the certificate of the department stating the date of the actual receipt by the department of such payroll report shall be prima facie evidence of such fact.

51.16.180 Property acquired by state on execution. The director shall have the custody of all property acquired by the state at execution sale upon judgments obtained for delinquent industrial insurance premiums or medical aid contributions, and penalties and costs, and may sell and dispose of the same at private sales for the sale purchase price, and shall pay the proceeds into the state treasury to the credit of the accident fund, or medical aid fund, as the case may be. In case of the sale of real estate the director shall execute the deed in the name of the state.

Chapter 51.20

CLASSIFICATION OF OCCUPATIONS

51.20.005 Classifications established. The basic premium rates shall be in accordance with the following classifications, subclassifications, and schedules and the rates shall be as established by the director.

As used in this chapter:

"N.O.S." means "not otherwise specified."

51.20.010 Class 1.**Class 1-1**

Airports, landing strips, runways and taxi ways, construction and repair

Asphalt mixing

Asphalt paving

Back filling (incidental to pipe laying, sewers, trenches, and conduit construction)

Bituminous paving, all types

Block paving

Cesspools, construction

Coaxial cable, underground construction

Concrete construction, N.O.S. (includes erection and tearing down of forms)

Concrete construction, reinforced, N.O.S.

Concrete culverts or other types with span of 12 feet or less (excludes bridge and trestle approaches)

Concrete sidewalks and driveways, N.O.S.

Concrete street pavements

Conduit, construction

Crushed stone surfacing

Diamond drilling (if work performed directly in connection with construction work, then the construction classification shall apply)

Diking

Ditches and canals, N.O.S.

Dredging (includes all marine dredging local in character)

Excavations, N.O.S.

Fence, all types, erection and repair

Fish rearing ponds, construction

Grading, N.O.S.

Grading streets, highways, and roads (includes grubbing and clearing in connection with street and highway grading)

Highway, street and road construction (includes grubbing and clearing in connection with street and highway grading; excludes tunneling in connection with road construction; excludes bridge construction)

Land clearing

Paving, all types

Pipelaying

Pit, crusher and bunker operations in connection with road, street and highway construction

Plank roads and streets, construction

Railroads, construction work other than bridge work

Railroad, grading

Railroad maintenance and repair

Retaining walls, all types, in connection with road, street and highway construction
 Road surfacing, all types
 Sewage disposal plants, construction
 Sewers
 Shaft sinking, N.O.S.
 Sidewalks, plank
 Soil conservation districts, all operations
 Tree topping, commercial
 Trenches
 Tunnels and approaches, all types, N.O.S.
 Tunnels, railroad (including lining)
 All excavations, back filling, construction, repairing, dismantling and the installing of road beds in connection with any of the above types of work is subject to this class.
 Water mains, construction and repair
 (See class 15-1 for city and county maintenance)
 Well drilling or digging
 Transportation of equipment by job contractor subject to this class.
 Maintenance and repair of equipment and machinery in connection with above types of work at job site or at site of emergency repair subject to this class 1-1.
 All back filling in connection with above types of work subject to this class 1-1.

51.20.020 Class 2.

Class 2-1

Breakwater, construction
 Bridge building, steel, wood or concrete, all types
 Bridge foundations and approaches
 Bulkhead construction, water hazard
 Concrete culverts or other types with span more than 12 feet
 Concrete piles in docks and trestles
 Jetties
 Marine railways, construction
 Overhead crossings
 Pile driving (includes marine pile driving local in character)
 Railroads, bridge and trestle work
 Rip-rapping, water hazard
 Spans, monoliths, structures, causeways and roadways elevated, all types
 Subaqueous work (includes diving operations)
 Trestles and approaches, all types
 Undercrossings

Viaducts, all types

Wharf and pier construction

All excavating, back filling, constructing, repairing, dismantling, and the installing of road beds in connection with any of the above types of work is subject to class 2-1.

51.20.050 Class 5.

For the purpose of this act, a janitor or handyman shall be considered a man of all work, i.e., one whose work is so varied and indefinite that it is impractical to segregate his time between nonhazardous and extrahazardous operations.

A maintenance man shall be considered as one who has been hired to perform specific extrahazardous work although a part of the employment may be nonhazardous; such work consisting primarily of the maintaining in repair or in condition fixed or established property. See class 5 subclasses for maintenance work. (Home owners—elective adoption—see class 48-7)

Class 5-2

Brick work, construction, N.O.S. (See class 5-5 for brick buildings)

Carpet laying

Chimneys, all types, N.O.S.

Commercial landscaping, involving use of power driven machinery

Commercial care and upkeep of lawns and flower beds involving power driven machinery

Flooring, laying of all types

Linoleum or composition covering of walls, floors, drainboards, etc.

Mantel setting

Marble, tile and terra cotta, all types, application

Rock walls and rockeries, erection and repairing

Slate work

Class 5-3

Air conditioning and refrigeration systems, installation and repair

Automatic sprinklers, installation

Boiler, installation and covering

Chimney and smoke hood cleaning

Furnaces, installation

Heating systems, installation

Installation of padding on steam pressing equipment

Metal weather stripping, installation

Plumbing work (See class 1-1 for pipe laying)

Safes and vaults, installations and removals

Sewer pipe cleaning
Steam pipe covering, installation
Venetian blinds and shades, installation
Ventilating systems, installation
Repairing and servicing of above types of equipment away from the premises of employer's shop subject to this class 5-3. (See class 34-2 for shop work)

Class 5-4

Billboard and advertising signs, construction, installation and maintenance, all types
Chemical spraying and fumigation, commercial operations only
Frescoing
Kalsomining
Painting, building or structures (includes washing of building or structures as an incidental part of the painting operation)
Painting, inside or outside work (includes washing of surfaces to be painted, as an incidental part of the painting operation)
Paper hanging
Sign painting, inside and outside (excludes inside shop work)
Street and building decorating
Washing buildings, inside or outside
Whitewashing
Window washing (excludes domestics, janitors and handymen regularly employed for other purposes; includes the actual time of all workmen specifically employed to wash buildings or windows). (See classes 34-2, 34-4, and 41-1 for shop work)

Class 5-5

All building industry operations, which include all field activities in connection with the erection, alteration, repairing or demolishing of any building or buildings or part thereof or appurtenance thereto (excludes a person employing help by day labor to perform work on his own home—see class 48-7)
Bowling alley installation (excludes automatic pinsetting machinery—see class 6-3)
Carpenter work (includes all carpenter and helpers work in connection with alterations, repairs and installation in building industry)
Chimneys, all types, if part of a building industry operation
Concrete and brick buildings (includes all operations in connection with the construction of a concrete or brick building)

Fireproof doors and shutters, erection and repair
 Galvanized iron or tin work, roof or cornice, installation or repair
 Glass, installation
 Grain elevators and warehouses, construction and repair
 Hothouse construction and repair
 House and building moving and wrecking
 Installation and repair of all fixtures and equipment in houses or buildings, N.O.S.
 Lathing
 Metal ceiling work
 Ornamental metalwork in and on buildings
 Plastering
 Quonset hut erection and dismantling, all types
 Roof work, all types, construction and repair
 Stair building, all types
 Stuccoing
 Excavations and back filling in connection with building construction, if work done directly by building contractor, subject to this class 5-5
Class 5-8
 Cable railways, construction
 Chimneys, metal erection and repair
 Coaxial cable, overhead construction
 Electric railways, construction
 Oil refinery, construction
 Steel and iron frame structures, other than bridges, erection
 Steeples, erection
 Street railway grading and construction (excludes all bridge and trestle work)
 Structural steel, N.O.S.
 Tanks, concrete, metal or wooden, erection
 Telephone and telegraph systems, construction
 Towers, wood, metal or concrete, all types, erection (includes electrical transmission towers)
 Transmission and distribution lines, construction (includes erection of wood and metal poles)
 Windmills, wood or metal, erection
 This class to include all excavations and foundation work, including dismantling and repairing of above types of structures.

51.20.060 Class 6.**Class 6-1**

Conduits, placing wires in
 Electrical apparatus, installing systems in buildings

Electrical installations, servicing and repairs, N.O.S. (excludes shop work)

Fire alarms, installation

Highway lighting, installation

Servicing of electrical amusement devices (excludes shop work)

Television antenna installation and repair

Television cable maintenance

Vending machines installation and servicing

Wiring of buildings and structures

This class includes household installation and servicing of manufactured household electrical appliances. (See class 34-2 for shop work)

Class 6-3

Automatic pin-setting machine, installation

Belts, erection of shafting

Dynamos, installation

Elevator, freight or passenger, installation and repair

Engines, installation

Gas machine, installation

Machinery, installation, dismantling and servicing away from shop premises

Railroad dismantling (excludes bridges, trestles and snowshed wrecking)

Class 6-4

Junk dealers

51.20.070 Class 7.

Class 7-1

Dam construction, all operations (includes office employees within damsite area)

51.20.080 Class 8.

Class 8-3

Highway department of counties and cities, all operations in connection with highway maintenance (excludes all new highway construction, grading or bridge building, which operation must be reported in respective classifications)

Class 8-4

Commercial production of sand, gravel and processing clay and stone products

Class 8-6

Irrigation ditches, operation, repair and maintenance

51.20.090 Class 9.

Class 9-1

Boat building and dismantling, steel hulls

Shipbuilding and dismantling, steel hulls (includes all operations within shipyards)

Class 9-2

Boat building, wooden hulls

Shipbuilding, wooden hulls (includes all operations within shipyards)

51.20.100 Class 10.

Class 10-2

Creosote works (includes yard operations)

Lath mills, planing mills, sawmills and tie mills, operation and maintenance (includes yard operations)

Loading and unloading of ties and lumber (excludes operations subject to classes 42-1 and 50-1)

Lumber hauling (see class 11-3 for retail lumber yards)

Lumber inspectors

Manufacture of shakes, hand or machinery operation (does not include cutting of shingle bolts, see class 50-1)

Masts, with or without machinery

Pile and pole treating works (includes yard operations)

Pole yard, independent of logging operations, N.O.S.

Shingle mills, operation and maintenance

Spars, with or without machinery (excludes work in woods, see class 50-1)

51.20.110 Class 11.

The time of truck drivers and helpers shall be reported as follows:

- (1) If the employer's main business is under the act, the classification of the main business will apply.
- (2) If trucking is incidental to and wholly a part of an extrahazardous department of a main nonhazardous business, then the classification applicable to the extrahazardous department will apply.
- (3) If trucking is the only extrahazardous operation being conducted, then classification 11-1 will apply. (Excludes log trucking—see class 50-1)
- (4) If trucking is separate and distinct from other extrahazardous operations, or separate and distinct from other extrahazardous operations of a main nonhazardous business, then classification 11-1 will apply. (Excludes log trucking—see class 50-1)

Class 11-1

Agricultural ammonia fertilizer (delivery and application)

Auto freight transportation

Drayage, transfer and storage (includes teamsters, drivers and helpers)

General hauling, N.O.S. and trucking (excludes log trucking)
Septic tank cleaning (excludes installation or repair)
Teaming, truck driving and motor delivery, N.O.S.

Class 11-3

Retail solid fuel yard operation (excludes liquid fuel. See class 34-7)

Wholesale and retail lumber yard operation (excludes yard operations subject to class 10-2)

51.20.130 Class 13.

Class 13-1

Bridge tenders, electrically operated bridges

Electric light and power plants, operation and maintenance (includes meter readers)

Electric systems, N.O.S., operation and maintenance

Steam heat and power plants, operation and maintenance

Class 13-3

Maintenance of telegraph lines

Telegraph systems, operation

Telephone systems, operation and maintenance (excludes telephone operators) (if interstate operations involved, payroll segregation to be permitted—for interstate companies only)

51.20.140 Class 14.

Class 14-1

Ambulance drivers and helpers

City or town passenger bus operation (includes those operated by municipalities in connection with street railway system or as a replacement of street railway system and also those operated by others operating under a municipal franchise)

Ferries, steamboats, tugs; operations

School bus drivers, vehicles used must be under direct control of school district and driver must be expressly employed by school district, or under contract with school district (excludes persons using their own passenger cars to transport children to and from school)

Stage, taxicab and for hire car driving

51.20.150 Class 15.

Class 15-1

City and county operation and maintenance (includes all extrahazardous operations in connection with regular functions of city and county government; includes peace officers on salary and probation officers having police powers; excludes all operations in connection with the maintenance of highways by counties and cities. See class 8-3) New con-

struction of bridges, grading and paving of roads shall be reported in respective classifications

Housing authorities, local public, all employees
Water works, operation (includes meter readers)

Class 15-2

Tuberculosis sanatoriums (all employees)

51.20.160 Class 16.

Class 16-1

Coal mines (includes shaft sinking and all tunneling in connection with all coal mines)

Coke ovens, operations (excludes office force only)

Class 16-2

Coal mines (includes shaft sinking and all tunneling in connection with all coal mines)

Coke ovens, operation (excludes office force only)

51.20.170 Class 17.

Class 17-2

Clay pits, N.O.S.

Mines, all types other than coal (includes all shaft sinking and tunneling in connection with mines other than coal)

Open cut mining, all types (excludes prospecting and assessment work)

Ore reduction, by wet or dry process without application of heat at mine

Placer or hydraulic mining

Shaft sinking, metal mines

Tunneling, metal mines

Class 17-3

Quarries

Stone cutting, quarry hazard

51.20.180 Class 18.

Class 18-1

Aluminum reduction plants and rolling mills

Blast furnaces, operation

Copper, lead, zinc, etc., smelting

Open hearth furnaces, operation

Rolling mills, operation

Smelters, operation

Steel and iron making

51.20.210 Class 21.

Class 21-1

Chop, feed and flour mills, operation

Grain and feed stores—wholesale and retail (includes drivers and helpers)

Seed cleaning

Class 21-2

Commercial storage warehouses, operation (includes drivers and helpers; excludes line drivers, see class 11-1)

Commercial grain warehouse and elevators, operation

Warehouse operations of merchandise wholesalers, N.O.S. (excludes drivers and helpers. See class 11-1 for drivers and helpers)

Class 21-4

Commission fruit and vegetable warehouses (see class 11-1 for drivers and helpers)

Commercial fruit warehouses (includes all operations in connection with grading, sorting and packing of fresh fruit)

Commercial vegetable warehouses, same as fruit warehouses

This class includes cold storage operations if a part of warehousing operations; if a separate distinct operation or business see class 44-1.

51.20.220 Class 22.

Class 22-1

Carpet and rug cleaning

Dye works and cleaners (includes drivers and helpers)

Laundries, operation (includes drivers and helpers)

51.20.240 Class 24.

Class 24-1

Paper, working in

Paper mills, operation and maintenance

Paper products, manufacturing

Pulpmills, operation and maintenance

51.20.290 Class 29.

Class 29-3

Barrels, kegs, pails, manufacturing (excludes metal)

Basket manufacturing

Boxes and packing cases, manufacturing

Cabinet works

Cooperage, manufacturing

Excelsior, manufacturing

Furniture, manufacturing, repair and refinishing

Glazing, beveling and setting glass in shops and factories

Kindling wood

Manual training instructors, shop work only, public schools only

Pattern shops, independent

Plant fabrication of ready-made houses (see class 5-5 for erection)

Sash and door factories, all factory operations
 Sash, door, etc., manufacturing
 Staves, barrel, tub, manufacturing (excludes metal)
 Venetian blinds, manufacturing
 Wood pipe, manufacturing
 Wood working, N.O.S., shop work only
 Wooden and fibre ware, manufacturing
Class 29-4
 Commercial production of plywood
 Commercial production of wood veneer

51.20.310 Class 31.**Class 31-1**

Asbestos products manufacturing
 Building material, N.O.S.
 Cement, manufacturing
 Concrete blocks, tiles, and pipe manufacturing
 Gypsum, manufacturing
 Insulation material, manufacturing
 Lime, manufacturing
 Paving blocks, cutting
 Pre-mixing concrete
 Staves, cement, manufacturing
 Stone cutting, away from quarry
 All employers engaged in the business of manufacturing
 building materials, N.O.S. and the wholesale warehousing
 of such building materials subject to this class.

51.20.330 Class 33.**Class 33-1**

Fish canneries and fish trap, operation
 Fish oil, manufacturing
 Fish products
 Fish receiving and wholesaling
 Fish reduction plants, operation
 Oyster beds, operation
 Oyster, crab and clam canning or cold packing

51.20.340 Class 34.**Class 34-1**

Auto sales agencies, used car dealers and garages, (includes
 only those operations in connection with storage, service,
 parts and repair departments; gas and oil service stations
 performing auto repairing subject to this class)
 Automobile body construction, repair and painting
 Automobile repair
 Automobile wrecking
 Tire vulcanizing, rebuilding and recapping

Class 34-2

Battery manufacturing

Blacksmith shops, with machinery

Boiler works

Bowling alleys (includes janitors, mechanics, pin chasers and pin setters)

Foundries

Furnace assembly

Machine shops, N.O.S.

Marina, shop work (excludes boat building and repair)

Motorcycle or bicycle repair shop

Plastic products, manufacturing

Trailer manufacturing and repair

Welding, shop work only (welding at site of construction, installation or repair work to be reported under construction, installation or repair classification)

Wood working, in connection with car building

This class to apply to all employers who operate a shop using power driven machinery for the purpose of manufacturing N.O.S., repairing or servicing articles.

Class 34-3

Airplane, manufacturing

Class 34-4

Cans, manufacturing

Galvanized iron works, manufacturing

Hardware, manufacturing

Metal, stamping, plating and polishing

Neon and illuminating signs, manufacturing (see class 5-4 for installations)

Sheet metal works

Stamping tin or metal

Tin works

This class for shop operations only.

Class 34-6

Automobile service stations without auto repair facilities

Automobile tire sales and service, including delivery (excludes vulcanizing, rebuilding and recapping. See class 34-1)

Class 34-7

Asphalt storage

Bitumen storage

Gas works, operation and repair (excludes meter readers, complaint men, solicitors and store room employees)

Oil refineries, operation and maintenance

Oil well, operations

Wholesale and retail merchandising and distribution of butane and propane gas (includes drivers and helpers)

Wholesale and retail merchandising and distribution of gasoline and oil, including fuel oils (includes drivers and helpers)

51.20.350 Class 35.

Class 35-1

Brick, manufacturing

Briquettes, manufacturing

Charcoal burning

Earthenware, manufacturing

Fire clay products, manufacturing

Glass, manufacturing

Paints and varnishes and allied oils, manufacturing

Peat fuel, manufacturing

Plastic material, compounding or manufacturing

Porcelain ware, manufacturing

Pottery, manufacturing

Terra cotta, manufacturing

Tile, manufacturing

This class does not apply to the production of raw materials for use in the manufacturing of the above articles.

51.20.370 Class 37.

Class 37-1

Alcohol, manufacturing

Ammonia, manufacturing

Chemical and assaying laboratories

Chemical, manufacturing

Cosmetics, manufacturing

Distilleries, N.O.S.

Nitrogen, manufacturing

Oxygen, manufacturing

Class 37-2

Bottling work (includes drivers and helpers)

Breweries (includes drivers and helpers)

Wineries (includes drivers and helpers)

51.20.380 Class 38.

Class 38-1

Brooms, manufacturing

Brushes, manufacturing

Cordage, manufacturing

Leather, working in (includes shoe repair shops using power driven machinery)

Match manufacturing

Rubber, working in, N.O.S.

Class 38-2

Automobile upholstery

Cloth, working in
 Clothing, manufacturing
 Tailoring and alteration establishments or departments having
 power driven machinery
 Tents, awnings, shades, manufacturing
 Textiles, manufacturing

51.20.390 Class 39.**Class 39-1**

Bakeries (includes drivers and helpers)
 Candy or cracker, manufacturing
 Confectionery, manufacturing
 Macaroni making

Class 39-2

Canneries, fruit and vegetables
 Commercial potato sorting (if broker or commission agent
 have sorting operations conducted, they shall be considered
 as the employers; if work performed by farmer see
 class 48-3)

Custom hay baling

Dehydrators, all operations

Foodstuffs, working in, N.O.S.

Frozen fruits and vegetables, commercial wholesaling opera-
 tions only

Fruits, canning

Handling, processing and adapting for sale, butter, eggs, poul-
 try and egg meat products, N.O.S.

Pea vining (after cutting) commercial

Sugar refineries, all operations (includes drivers and helpers)

Class 39-5

Bunkhouses, kitchens and eating houses in connection with
 extrahazardous occupations or conducted primarily for em-
 ployees in extrahazardous occupations

Restaurants, taverns, clubs, and establishments, except pri-
 vate boarding houses, preparing and serving food or drink
 to the public or to members for consumption on the
 premises

51.20.400 Class 40.**Class 40-2**

Cheese making (includes drivers and helpers)

Condensed milk, all operations (includes drivers and helpers)

Creameries and dairies, operation (includes drivers and help-
 ers)

Ice cream, manufacturing (includes drivers and helpers)

If a separate distinct commercial dairy or creamery operation

is operated in connection with a dairy farm, this class 40-2 will apply to all workmen employed within that separate distinct operation. The operations in connection with the actual dairy farming may be covered under Elective Adoption, class 48-3.

51.20.410 Class 41.

Class 41-1

Business machines, maintenance and repair, away from shop premises

Business machines, repair with power driven machinery

Dental laboratories with power driven machinery

Electrotyping

Engraving, photo-engraving

Jewelry, engraving

Jewelry, manufacturing

Linotype operators (includes all employees in room with machinery)

Lithographing

Photo-engraving

Printing

Sign and card printing and painting, inside shop operations only

51.20.420 Class 42.

Class 42-1

Longshoring and stevedoring

Wharf and pier, operation

51.20.430 Class 43.

Class 43-1

Fertilizer, manufacturing (includes drivers and helpers)

Garbage works (includes drivers and helpers)

Glue manufacturing

Incinerators (includes drivers and helpers)

Lard making (includes drivers and helpers)

Meat, fish, and poultry markets with power driven machinery (includes drivers and helpers)

Meat products, canneries (includes drivers and helpers)

Packing houses (includes all operations in connection with the meat packing industry; includes drivers and helpers)

Peat moss, extraction and baling

Slaughter houses (includes drivers and helpers)

Soap making (includes drivers and helpers)

Stockyards, operations (includes drivers and helpers)

Tallow making (includes drivers and helpers)

Tanneries (includes drivers and helpers)

51.20.440 Class 44.

Class 44-1

Cold storage plants, refrigeration (includes drivers and helpers)

Ice, artificial, manufacturing and delivery (includes drivers and helpers)

Ice, natural, harvesting and handling (includes drivers and helpers)

Refrigeration or cold storage plants, operation (includes drivers and helpers)

51.20.450 Class 45.

Class 45-1

Theatre moving picture operators, stage employees and janitors

Radio and television station technicians only

51.20.460 Class 46.

Class 46-1

Fireworks, including all operations in connection with manufacturing (excludes the sale, exhibition and display of fireworks)

Powder works, manufacturing (includes all operations)

51.20.470 Class 47.

Class 47-1

Combined chemicals and explosives, manufacturing

51.20.480 Class 48.

Elective adoption—Sub-classes as follows:

Class 48-1

Care takers, N.O.S.

Clerks, N.O.S.

Inside occupations, N.O.S.

Inside salesmen and demonstrators, N.O.S.

Office employees, N.O.S.

Office employees of employers whose business is not subject to the Act

Outside occupations, N.O.S.

Outside salesmen, demonstrators and collectors using automobiles

Class 48-3

Agricultural workers

Christmas tree planting, pruning and harvesting (excludes drivers and helpers)

Class 48-7

Temporary building construction by employers who are not engaged in a business or an industry. (i.e., a person employ-

ing help by day labor to perform work on his own home: farmers, churches, charitable and social organizations)

51.20.490 Class 49.

Class 49-1

Foresters, forest rangers, timber cruisers, surveyors and engineers

Log scaling bureaus

Class 49-2

State employees of code departments, boards and commissions whose occupational duties are not enumerated as extra-hazardous and regularly assigned inside occupations.

Class 49-4

Office employees of employers whose business is subject to the compulsory provisions of the act and whose place of employment is situated in the yard, plant, or on the premises where the employer is conducting extrahazardous operations.

Class 49-5

Employees supplying service to the public in hotels, clubs furnishing sleeping accommodations, apartment hotels, N.O.S.

Bellmen, chambermaids, elevator operators, janitors, maintenance men N.O.S. and porters employed by apartment houses, mercantile establishments, office buildings and stores.

Class 49-6

Academic and non-academic employees of state operated institutions of higher learning

51.20.500 Class 50.

Class 50-1

Cutting of fuel wood in the woods, commercial

Log trucking (includes contract log hauling)

Logging, operation and maintenance

Logging rail and truck road construction and maintenance

Pulpwood cutting

Railroads, logging operation

Shingle bolt cutting

Tie cutting

Logging shall be considered the complete operations of falling, bucking, skidding, yarding, loading and other necessary incidental operations.

Class 50-2

Booming and rafting logs

51.20.600 Class 60.**Class 60-1**

State employees of code departments, boards and commissions, whose duties have been enumerated as extrahazardous or regularly assigned outside occupations.

Chapter 51.24**ACTIONS AT LAW FOR INJURY OR DEATH**

51.24.010 Right of action against third party. If the injury to a workman is due to negligence or wrong of another not in the same employ, the injured workman or, if death results from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this title or seek a remedy against such other, such election to be in advance of any suit under this section and, if he takes under this title, the cause of action against such other shall be assigned to the state for the benefit of the accident fund and the medical aid fund; if the other choice is made, the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected and the compensation provided or estimated by this title for such case: *Provided*, That the injured workman or if death results from his injury, his widow, children or dependents as the case may be, electing to seek a remedy against such other person, shall receive benefits payable under this title as if such election had not been made, and the department for the benefit of the accident fund and the medical aid fund to the extent of such payments having been made by the department to the injured workman or if death results from his injury, his widow, children or dependents as the case may be shall be subrogated to the rights of such person or persons against the recovery had from such third party and shall have a lien thereupon. Any such cause of action assigned to the state may be prosecuted or compromised by the department in its discretion in the name of the workman, beneficiaries, or legal representative. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund may be made only with the written approval of the department.

Note: See also section 7, chapter 274, Laws of 1961.

51.24.020 Action against employer for intentional injury. If injury or death results to a workman from the deliberate intention of his employer to produce such injury or death, the workman, the widow, widower, child, or dependent of the workman shall have the privilege to take under this title and also have cause of action against the employer as if this title had not been enacted, for any excess of damages over the amount received or receivable under this title.

Chapter 51.28**NOTICE AND REPORT OF ACCIDENT—APPLICATION
FOR COMPENSATION**

51.28.010 Notice of accident. Whenever any accident occurs to any workman it shall be the duty of such workman or someone in his behalf to forthwith report such accident to his employer, superintendent or foreman in charge of the work, and of the employer to at once report such accident and the injury resulting therefrom to the department and also to any local representative of the department.

51.28.020 Workman's application for compensation—Physician to aid in. Where a workman is entitled to compensation under this title he shall file with the department, his application for such, together with the certificate of the physician who attended him, and it shall be the duty of the physician to inform the injured workman of his rights under this title and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the workman.

51.28.030 Beneficiaries' application for compensation. Where death results from injury the parties entitled to compensation under this title, or someone in their behalf, shall make application for the same to the department, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this title, certificates of attending physician, if any, and such proof as required by the rules of the department.

51.28.040 Application for change in compensation—Effective date. If change of circumstances warrants an increase or rearrangement of compensation, like application shall be made therefor. No increase or rearrangement shall be operative for any period prior to application therefor.

51.28.050 Time limitation for filing application or enforcing claim for injury. No application shall be valid or claim thereunder enforceable unless filed within one year after the day upon which the injury occurred or the rights of dependents or beneficiaries accrued.

51.28.055 Time limitation for filing claim for occupational disease. Claims for occupational disease or infection to be valid and compensable must be filed within one year following the date the workman had notice from a physician of the existence of his occupational disease, without reference to its date of origin.

51.28.060 Proof of dependency. A dependent shall at all times furnish the department with proof satisfactory to the director of the nature, amount and extent of the contribution made by the deceased workman.

Proof of dependency by any beneficiary residing without the United States shall be made before the nearest United States consul or consular agency, under the seal of such consul or consular agent, and the department may cause any warrant or warrants to which such beneficiary is entitled to be transmitted to the beneficiary through the nearest United States consul or consular agent.

51.28.070 Claim files and records confidential. Information contained in the claim files and records of injured workmen, under the provisions of this title, shall be deemed confidential and shall not be open to public inspection (other than to public employees in the performance of their official duties), but representatives of a claimant, be it an individual or an organization, may review a claim file or receive specific information therefrom upon the presentation of the signed authorization of the claimant. Employers or their duly authorized representatives may review the files of their own injured workmen.

Chapter 51.32

COMPENSATION—RIGHT TO AND AMOUNT

51.32.005 "Child" defined. The term "child" whenever used in this chapter means every natural born child, posthumous child, stepchild, child legally adopted prior to the injury, and illegitimate child legitimated prior to the injury, all while under the age of eighteen years and over the age of eighteen years if the child is a dependent invalid child.

51.32.010 Who entitled to compensation. Each workman injured in the course of his employment, or his family or dependents in case of death of the workman, shall receive out of the accident fund compensation in accordance with this chapter, and, except as in this title otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever: *Provided*, That if an injured workman, or the surviving spouse of an injured workman shall not have the custody of a child for, or on account of whom payments are required to be made under this chapter, such payment or payments shall be made to the person having the lawful custody of such child.

51.32.020 Who not entitled to compensation. If injury or death results to a workman from the deliberate intention of the workman himself to produce such injury or death, or while the workman is

engaged in the attempt to commit, or the commission of, a crime, neither the workman nor the widow, widower, child, or dependent of the workman shall receive any payment whatsoever out of the accident fund.

An invalid child, while being supported and cared for in a state institution, shall not receive compensation under this chapter.

No payment shall be made to or for a natural child of a deceased workman and, at the same time, as the stepchild of a deceased workman.

51.32.030 When compensation payable to employer or member of corporate employer. Any individual employer or any member or officer of any corporate employer who is carried upon the payroll at a salary or wage not less than the average salary or wage named in such payroll and who shall be injured, shall be entitled to the benefit of this title, as and under the same circumstances and subject to the same obligations as a workman: *Provided*, That no such employer or the beneficiaries of such employer shall be entitled to benefits under this title unless the director, prior to the date of the injury, has received notice in writing of the fact that such employer is being carried upon the payroll prior to the date of the injury as the result of which claims for a compensation are made.

51.32.040 Exemption of awards—Payment of awards after death. No money paid or payable under this title out of the accident fund or out of the medical aid fund shall, prior to the issuance and delivery of the warrant therefor, be capable of being assigned, charged, or ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: *Provided*, That if any workman suffers a permanent partial injury, and dies from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman suffers any other injury and dies from some other cause than the accident which produced such injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to his widow, if he leaves a widow, or to his child or children if he leaves a child or children and does not leave a widow: *Provided further*, That, if any workman suffers an injury and dies therefrom before he shall have received payment of any monthly installment covering time loss for any period of time prior to his death, the amount of such monthly payment shall be paid to his widow, if he leaves a widow, or to his child or children, if he leaves a child or children and does not leave a widow: *Provided*

further, That if the injured workman resided in the United States as long as three years prior to the date of the injury, such payment shall not be made to any widow or child who was at the time of the injury a nonresident of the United States.

51.32.050 Death benefits. (1) Where death results from the injury the expenses of burial not to exceed five hundred dollars shall be paid to the undertaker conducting the funeral.

(2) If the workman leaves a widow or invalid widower, a monthly payment of one hundred twenty-five dollars shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage occurs, and the surviving spouse shall also receive per month for each child of the deceased at the time any monthly payment is due the following payments: For the youngest or only child, thirty dollars, for the next or second youngest child, twenty-five dollars, and for each additional child, twelve dollars, but the total monthly payments shall not exceed two hundred sixteen dollars and any deficit shall be deducted proportionately among the beneficiaries. In addition to the monthly payments above provided for, a surviving widow, or parent or parents, if there is no surviving widow of any such deceased workman shall be forthwith paid the sum of three hundred fifty dollars.

Upon remarriage of a widow she shall receive, once and for all, a lump sum of one thousand five hundred dollars, and the monthly payments to such widow shall cease at the end of the month in which remarriage occurs, but the monthly payments for the child or children shall continue as before.

(3) If the workman leaves no wife or husband, but an orphan child or children a monthly payment of fifty dollars shall be paid to each such child, but the total monthly payments shall not exceed two hundred dollars and any deficit shall be deducted proportionately among the beneficiaries.

(4) In the event a surviving spouse receiving monthly payments dies, leaving a child or children, each shall receive the sum of fifty dollars per month, but the total monthly payment shall not exceed two hundred dollars and any deficit shall be deducted proportionately among the beneficiaries.

(5) If the workman is under the age of twenty-one years and unmarried at the time of his death, the parents or parent of the workman shall receive forty dollars for each month after his death until the time at which he would have arrived at the age of twenty-one years.

(6) If the workman leaves no widow, widower or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the

workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed seventy-five dollars per month. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(7) If the injured workman dies during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower, or child, or children, the surviving widow or invalid widower shall receive one hundred twenty-five dollars per month until death or remarriage, to be increased per month for each child of the deceased, as follows: For the youngest or only child, thirty dollars, for the next or second youngest child, twenty-five dollars, and for each additional child, twelve dollars: *Provided*, That the total monthly payments shall not exceed two hundred sixteen dollars and any deficit shall be deducted proportionately among the beneficiaries; but if such child is or shall be without father or mother, such child shall receive fifty dollars per month, but the total monthly payment to such children shall not exceed two hundred dollars, and any deficit shall be deducted proportionately among the children. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

Note: See also section 1, chapter 274, Laws of 1961.

51.32.060 Permanent total disability compensation — Personal attendant. When the supervisor of industrial insurance shall determine that permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) If unmarried at the time of the injury, the sum of one hundred twenty-five dollars.

(2) If the workman has a wife or husband, but no child, the sum of one hundred fifty-five dollars.

(3) If the workman has a wife or husband and a child or children, or, being a widow or widower having any such child or children, the monthly payment in subdivision (2) shall be increased by thirty dollars for the youngest or only child, twenty-five dollars for the next or second youngest child, and twelve dollars for each additional child, but the total monthly payments shall not exceed two hundred forty-six dollars and any deficit shall be deducted proportionately among the beneficiaries.

(4) In case of permanent total disability, if the character of the injury is such as to render the workman so physically helpless

as to require the services of an attendant, the monthly payment to such workman shall be increased seventy-five dollars per month as long as such requirement continues, but such increases shall not obtain or be operative while the workman is receiving care under or pursuant to the provisions of chapters 51.36 and 51.40.

(5) Should any further accident result in the permanent total disability of an injured workman, he shall receive the pension to which he would be entitled, notwithstanding the payment of a lump sum for his prior injury.

Note: See also section 2, chapter 274, Laws of 1961.

51.32.070 Additional payments for prior pensioners. Notwithstanding any other provision of law, every widow or invalid widower receiving a pension under this title shall, after April 1, 1957, be paid one hundred dollars per month, and every permanently totally disabled workman receiving a pension under this title shall, after such date, be paid one hundred dollars per month, in addition to any amount now or hereafter allowed in cases requiring the services of an attendant, if unmarried at the time his injury occurred; one hundred twenty-five dollars per month, in addition to any amount now or hereafter allowed in cases requiring the services of an attendant, if he or she has a wife or invalid husband; and seventy-five dollars per month, in addition to any amount now or hereafter allowed in cases requiring the services of an attendant, if the husband is not an invalid and the husband and wife are living together as such.

No part of such additional payments shall be payable from the accident fund or be charged against any class under the industrial insurance law.

The director shall pay monthly to every such widow, invalid widower, and totally disabled workman from the funds appropriated by the legislature such an amount as will, when added to the pensions they are presently receiving, exclusive of amounts received for children or dependents or attendants, equal the amounts hereinabove specified.

In cases where money has been or shall be advanced to any such person from the pension reserve, the additional amount to be paid to him or her under this section shall be reduced by the amount of monthly pension which was or is predicated upon such advanced portion of the pension reserve.

The legislature shall make biennial appropriations to carry out the purposes of this section.

Note: See also section 1, chapter 108, Laws of 1961.

51.32.071 ————Payment from reserve fund—Reimbursement. In order to facilitate accounting, the director, with the consent of the state auditor, may make such additional payments provided by

RCW 51.32.070 from the reserve fund, and the state auditor shall monthly reimburse the reserve fund in an amount equal to the sum of such additional payments made in the preceding month, either by cash transfer or from an appropriation made available for that purpose.

Note: See also section 2, chapter 108, Laws of 1961.

51.32.080 Permanent partial disability—Specified—Unspecified—Injury after permanent partial disability. (1) For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

LOSS BY AMPUTATION

Of one leg so near the hip that an artificial limb cannot be worn	\$7,500.00
Of one leg at or above the knee so that an artificial limb can be worn	6,375.00
Of one leg below the knee.....	4,000.00
Of great toe with metatarsal bone thereof.....	1,125.00
Of great toe at the proximal joint.....	750.00
Of great toe at the second joint.....	225.00
Of one other toe other than the great toe with the metatarsal bone thereof.....	750.00
Of second toe at proximal joint.....	225.00
Of third toe at proximal joint.....	225.00
Of fourth toe at proximal joint.....	225.00
Of fifth toe at proximal joint.....	150.00
Of one metatarsal bone on toe other than great toe.....	375.00
Of one arm so near the shoulder that an artificial arm cannot be worn.....	7,500.00
Of the major arm at or above the elbow.....	6,375.00
Of forearm at upper third.....	5,250.00
Of the major hand at wrist.....	4,875.00
Of thumb with metacarpal bone thereof.....	1,875.00
Of thumb with proximal joint.....	1,500.00
Of thumb at second joint.....	375.00
Of index or first finger at proximal joint.....	1,125.00
Of index or first finger at second joint.....	750.00
Of index or first finger at distal joint.....	375.00
Of middle or second finger at proximal joint.....	675.00
Of middle or second finger at second joint.....	600.00
Of middle or second finger at distal joint.....	300.00
Of ring or third finger at proximal joint.....	600.00
Of ring or third finger at second joint.....	450.00
Of ring or third finger at distal joint.....	300.00
Of little or fourth finger at proximal joint.....	375.00

Of little or fourth finger at second joint.....	225.00
Of little or fourth finger at distal joint.....	150.00
Of metacarpal bone in finger except thumb.....	225.00

MISCELLANEOUS

Loss of one eye by enucleation.....	\$3,750.00
Loss of sight of one eye.....	3,000.00
Complete loss of hearing in both ears.....	5,250.00
Complete loss of hearing in one ear.....	1,500.00
Complete broken arch in foot.....	1,500.00

(2) Compensation for any other permanent partial disability shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to that above specified, which most closely resembles and approximates in degree of disability such other disability, but not in any case to exceed the sum of seven thousand five hundred dollars: *Provided*, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of seven thousand five hundred dollars. For disability to a member not involving amputation, not more than nine-tenths of the foregoing respective specified sums shall be paid: *Provided further*, That payment for any injury to minor hand or arm or any part thereof, shall not exceed ninety-five percent of the amounts hereinbefore enumerated: *Provided further*, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured workman if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve of such injured workman and his monthly compensation payments shall be reduced accordingly.

(3) If the injured workman is under the age of twenty-one years and unmarried, the parents or parent shall also receive a lump sum payment equal to the ten percent of the amount awarded to the minor workman.

(4) Should a workman receive an injury to a member or part of his body already, from whatever cause, permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

Note: See also section 3, chapter 274, Laws of 1961.

51.32.090 Temporary total disability — Partial restoration of earning power—When employer continues wages. (1) When the total disability is only temporary, the schedule of payments contained in subdivisions (1), (2), and (3) of RCW 51.32.060 shall apply, so long as the total disability continues.

(2) But if the injured workman has a wife or husband and has no child or has a wife or husband or, being a widow or widower, with one or more children, the compensation for the case during such period of time as the total temporary disability continues, shall be per month as follows, to wit: (a) Injured workman with wife or husband and no child, one hundred fifty-five dollars; injured workman with wife or husband and one child, or being a widow or widower and having one child, one hundred eighty-five dollars; (b) injured workman with wife or invalid husband and two children, or being a widow or widower and having two children, two hundred ten dollars and twelve dollars for each additional child, but the total monthly payments shall not exceed two hundred forty-six dollars and any deficit shall be deducted proportionately among the beneficiaries.

Any compensation payable under this section for children not in the custody of the injured workman as of the date of injury shall be payable only to such person as actually is providing the support for such child or children pursuant to the order of a court of record providing for support of such child or children.

(3) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five percent.

(4) No workman shall receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same, unless his disability shall continue for a period of thirty consecutive calendar days from date of injury.

(5) Should a workman suffer a temporary total disability and should his employer at the time of the injury continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in subsection (1) of this section from the accident fund during the period his employer shall so pay such wages.

Note: See also section 4, chapter 274, Laws of 1961.

51.32.100 When preexisting disease delays or prevents recovery. If it is determined by the department that an injured workman had, at the time of his injury, a preexisting disease and that such disease

delays or prevents complete recovery from such injury, the said department shall ascertain, as nearly as possible, the period over which the injury would have caused disability were it not for the diseased condition and the extent of permanent partial disability which the injury would have caused were it not for the disease, and award compensation only therefor.

51.32.110 Medical examination—Refusal to submit—Traveling expenses. Any workman entitled to receive compensation under this title shall, if requested by the department, submit himself for medical examination, at a time and from time to time, at a place reasonably convenient for the workman and as may be provided by the rules of the department. If the workman refuses to submit to any such examination, or obstructs the same, his rights to monthly payments shall be suspended until such examination has taken place and no compensation shall be payable during or for such period or, if any injured workman shall persist in unsanitary or injurious practices which tend to imperil or retard his recovery, or shall refuse to submit to such medical or surgical treatment as is reasonably essential to his recovery, the department may reduce or suspend the compensation of such workman. If the workman necessarily incurs traveling expenses in attending for examination pursuant to the request of the department, such traveling expenses shall be repaid to him out of the accident fund upon proper voucher and audit.

51.32.120 Further accident after lump sum payment. Should a further accident occur to a workman who has been previously the recipient of a lump sum payment under this title, his future compensation shall be adjusted according to the other provisions of this chapter and with regard to the combined effect of his injuries and his past receipt of money under this title.

51.32.130 Lump sum for death or permanent total disability. In case of death or permanent total disability, the monthly payment provided may be converted, in whole or in part, into a lump sum payment, not in any case to exceed eight thousand five hundred dollars, equal or proportionate, as the case may be, to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payments shall cease in whole or in part accordingly or proportionately. Such conversion may be made only upon written application (in case of minor children the application may be by either parent) to the department and shall rest in the discretion of the department. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the department and applicant. In the event any payment shall be due to an alien residing in a foreign country, the department may settle the same by making a lump sum pay-

ment in such amount as may be agreed to by such alien, not to exceed fifty percent of the value of the annuity then remaining.

Nothing herein shall preclude the department from making, and authority is hereby given it to make, on its own motion, lump sum payments equal or proportionate, as the case may be, to the value of the annuity then remaining, in full satisfaction of claims due to dependents.

51.32.135 Closing of claim conclusive in pension cases—Wife's consent may be required. In pension cases when a workman or beneficiary closes his claim by full conversion to a lump sum or in any other manner as provided in RCW 51.32.130 and 51.32.150, such action shall be conclusive and effective to bar any subsequent application or claim relative thereto by the workman or any beneficiary which would otherwise exist had such person not elected to close the claim: *Provided*, The director may require the wife of such workman to consent in writing as a prerequisite to conversion and/or the closing of such claim.

51.32.140 Nonresident alien beneficiary. Except as otherwise provided by treaty, whenever compensation is payable to a beneficiary who is an alien not residing in the United States, the department shall pay fifty percent of the compensation herein otherwise provided to such beneficiary. But if a nonresident alien beneficiary is a citizen of a government having a compensation law which excludes citizens of the United States, either resident or nonresident, from partaking of the benefit of such law in as favorable a degree as herein extended to nonresident aliens, he shall receive no compensation. No payment shall be made to any beneficiary residing in any country with which the United States does not maintain diplomatic relations when such payment is due.

51.32.150 Lump sum to beneficiary outside state. If a beneficiary shall reside or remove out of the state, the department may, with the written consent of the beneficiary, convert any monthly payments provided for such cases into a lump sum payment (not in any case to exceed the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, but in no case to exceed the sum of eighty-five hundred dollars).

51.32.160 Aggravation, diminution, or termination. If aggravation, diminution, or termination of disability takes place, or be discovered after the rate of compensation shall have been established or compensation terminated, in any case the director, through and by means of the division of industrial insurance, may, upon the application of the beneficiary, made within five years after the establishment or termination of such compensation, or upon his own motion, readjust for further application the rate of compensation

in accordance with the rules in this section provided for the same, or in a proper case terminate the payment.

No act done or ordered to be done by the director, or the department prior to the signing and filing in the matter of a written order for such readjustment shall be ground for such readjustment.

51.32.180 Occupational diseases—Limitation. Every workman who suffers disability from an occupational disease in the course of employment under the mandatory or elective adoption provisions of this title, or his family and dependents in case of death of the workman from such disease or infection, shall receive the same compensation benefits and medical, surgical and hospital care and treatment as would be paid and provided for a workman injured or killed in employment under the industrial insurance and medical aid acts of the state: *Provided, however,* That this section and RCW 51.16.040 shall not apply where the last exposure to the hazards of the disease or infection occurred prior to January 1, 1937.

Chapter 51.36

MEDICAL AID

51.36.010 Extent and duration. Upon the occurrence of any injury to a workman entitled to compensation under the provisions of this title, he shall receive, in addition to such compensation and out of the medical aid fund, proper and necessary medical and surgical services at the hands of a physician of his own choice, if conveniently located, and proper and necessary hospital care and services during the period of his disability from such injury, but the same shall be limited in point of duration as follows:

In the case of permanent partial disability, not to extend beyond the date when compensation shall be awarded him, except when the workman returned to work before permanent partial disability award is made, in such case not to extend beyond the time when monthly allowances to him out of the accident fund shall cease; in case of temporary disability not to extend beyond the time when monthly allowances to him out of the accident fund shall cease; in case of a permanent total disability not to extend beyond the date on which a lump sum settlement is made with him or he is placed upon the permanent pension roll. But after any injured workman has returned to his work his medical and surgical treatment may be continued at the expense of the medical aid fund if, and as long as, such continuation is deemed by the supervisor of industrial insurance to be necessary to his more complete recovery. In order to authorize such continued treatment the written order of the supervisor of industrial insurance issued in advance of the continuation shall be necessary.

51.36.020 Speedy and adequate care—Artificial substitutes and mechanical aids. When the injury to any workman is so serious as to require his being taken from the place of injury to a place of treatment, his employer shall, at his own expense and without charge against the medical aid fund, furnish transportation to the nearest place of proper treatment. To assure prompt and adequate hospital care in cases of serious injury the department shall furnish to employers suitable index cards which the employer shall be required to have filled in and shall keep at all times convenient and accessible on which shall be set forth the name and address of each workman, together with such information as, in the judgment of the department, is necessary in cases of serious injury where the workman may be rendered unconscious and at the point of death, said card to be filled in at time of employment of workman and to have space for the following information: Hospital preferred, doctor preferred, religious, fraternal or union affiliations, and name of nearest relative: *Provided*, That the employee may as his option decline to give any or all of the information hereinbefore provided for.

Every workman whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes to be purchased by the department at the expense of the accident fund. Every workman, who suffers a penetrating wound of the cornea producing an error of refraction, shall be once provided, at the expense of the accident fund, proper and properly equipped lenses to correct such error of refraction and his disability rating shall be based upon the loss of sight before correction. Every workman, whose accident results in damage to or destruction of an artificial limb, eye or tooth, shall have same repaired or replaced at the expense of the accident fund. Every workman whose eyeglasses or lenses are damaged, destroyed, or lost as a result of an industrial accident shall have the same restored or replaced at the expense of the accident fund. The accident fund shall be liable only for the cost of restoring damaged eyeglasses to their condition at the time of the accident. All mechanical appliances necessary in the treatment of an injured workman, such as braces, belts, casts and crutches, may be provided at the expense of the medical aid fund and all mechanical appliances required as permanent equipment after treatment has been completed shall be provided at the expense of the accident fund. A workman, whose injury is of such short duration as to bring him within the provisions of subsection (4) of RCW 51.32.090 shall nevertheless receive during the omitted period medical, surgical and hospital care and service and transportation under the provisions of this chapter.

51.36.030 First aid. Every employer, who employs less than fifty workmen, shall keep at his plant a first aid kit equipped as required by the department with materials for first aid to his injured workmen. Every employer who employs within a radius of one-half mile of any plant or establishment fifty or more workmen, shall keep one first aid station equipped as required by the department with materials for first aid to his injured workmen, and shall cooperate with the department in training one or more employees in first aid to the injured. The maintenance of such first aid kits and stations shall be deemed to be a part of any educational standards established under Title 49.

Chapter 51.40

MEDICAL AID CONTRACTS

51.40.010 Medical aid contracts authorized. Any contract made in violation of this title shall be invalid, except that any employer engaged in extrahazardous work may, with the consent of a majority of his workmen, enter into written contracts with physicians, surgeons and owners of hospitals operating the same, or with hospital associations, for medical, surgical and hospital care to workmen injured in such employment, by, and under the control and administration of, and at the direct expense of the employer and his workmen. Such a contract shall be known as a "medical aid contract" and shall not be assignable or transferable by operation of law or otherwise except with the consent of the supervisor of industrial insurance endorsed thereon.

51.40.020 Contract approval. Before any medical aid contract shall go into effect it shall be submitted to the supervisor of industrial insurance and may be disapproved by him when found not to provide for such care of injured workmen as is contemplated by the provisions of RCW 51.04.030 and, if a contract so submitted is with the owners of a hospital operating the same, or with a hospital association, the supervisor of industrial insurance shall have power to disapprove the same if in his judgment the ownership or management of such hospital or hospital association is not such as to produce satisfactory service. Any such contract with physician, surgeon, or owner and operator of a hospital, or with a hospital association, so disapproved shall not be valid. If approved the contract shall be in effect for any period of time specified therein, not exceeding three years from the date of approval: *Provided*, That the director, through the division of industrial insurance, may, before approving any such contract, require the giving by any physician, surgeon, hospital or hospital association, of a bond in such sum and in such form, as the director may determine, conditioned that the obligor will faithfully perform such contract.

Every such contract to be valid must provide that the expenses incident to it shall be borne one-half by the employer and one-half by the employees, and that it shall be administered by the two interests jointly and equally.

51.40.030 Provisions made inapplicable where contract exists.

So long as a medical aid contract is in effect the subject matter of the contract shall, except as in this chapter otherwise specified, be outside of, and not affected by the provisions relating to the assessment and payment of medical aid premiums, but the provisions relating to artificial substitutes and lenses and the basis of compensation when lenses are supplied, and to transportation of injured workmen and to educational standards of safety shall apply.

51.40.040 Provision for medical aid when contract service ended.

The employer shall pay monthly into the medical aid fund ten percent of the amount he would have been required to pay in that month if such contract had not been made, and of that ten percent he shall collect one-half from his said workmen by proper deduction from the daily wage of each and, in addition thereto, every classification and subclassification of industries whose employer and employees are under medical aid contract, shall pay into the surplus fund hereby created a further sum to be determined by the director, through the division of industrial insurance, not exceeding ten percent of the amount that would have been required to be paid into the medical aid fund if such contract had not been made and the employer shall collect such sum from the party agreeing to furnish such medical aid and hospital service. The surplus fund shall be used by the director only for the purpose of furnishing medical aid to workmen included in the contract provided for in this section, where the necessity therefor arises after the expiration or cancellation of such medical aid contract, in those instances where the medical aid contractor has become deceased, insolvent, dissolved or, in the opinion of the director, otherwise incapable of rendering the required medical aid to the injured workmen. The amount at which such surplus fund shall be maintained in each classification and subclassification shall be determined by the director, through the division of industrial insurance, based upon the estimated costs of such future medical treatment required to be furnished after the expiration or cancellation of the medical aid contract, except as in this chapter provided. When adequate reserves for such purpose have been accumulated to the credit of any classification and subclassification the levy therefor may be suspended in the discretion of the director. Disbursements from said surplus fund shall be made by warrants drawn against the same by the state auditor upon certificate thereof,

or requisition therefor, by the director, through the division of industrial insurance. Payment into the surplus fund shall not relieve the party agreeing to furnish such medical aid and hospital service from his obligation so to do at any time during or after the expiration of his medical aid contract except as in this section provided: *Provided*, That if, upon the expiration of any medical aid contract, the medical aid contractor does not renew it and forthwith and thereafter ceases the performance of all medical aid contracts as in this chapter provided, he shall be relieved from all liability to furnish future medical aid to the injured workman arising after the expiration of such contract or contracts, if he has paid all levies theretofore made during the existence of such contract or contracts into the surplus fund.

51.40.050 Complaint of the contract service. During the operation of any contract the supervisor of industrial insurance, on his own motion, or any interested person, may file a complaint alleging that the service and care actually rendered thereunder are not up to the standard provided in RCW 51.04.030 and, upon a hearing had upon notice to the employer and workmen interested thereunder, the supervisor of industrial insurance may make an order that the contract shall terminate unless the defect or deficiency complained of is remedied to his satisfaction within a period to be fixed in such order, or he may at such hearing sustain the complaint and make an order that the contract shall terminate forthwith.

Notice to the workmen may be effected by service upon one of them designated by a majority of the workmen, in writing in duplicate, one copy to be posted for local convenience and the other filed with the supervisor of industrial insurance. In default of any such designation, service upon any one workman other than the one instituting a complaint shall be service upon all. During an appeal the contract shall remain in force and operation, but the costs of the appeal shall be paid out of the medical aid fund only in case the decision of the supervisor of industrial insurance is reversed.

51.40.060 Adequate treatment when contract treatment deficient. If, during the operation of any medical aid contract, any injured workman shall not receive medical or surgical treatment with reasonable promptness upon the occurrence of his injury, or at any time during his treatment, the supervisor of industrial insurance may provide such treatment during the emergency at the expense of his employer, who may charge such expense against such contract, and such emergency treatment shall continue until supplanted by like treatment under such contract, notwithstanding the pendency of an appeal from such action. The cost of such emer-

gency treatment shall not exceed the rate specified in the department's fee bill. The acceptance of employment by any workman shall be and be held to be an acceptance of any existing contract made under this chapter to which his employer is a party.

51.40.070 Transfer from contract doctor. The director shall have power to enact rules prescribing whether and under what conditions an injured workman, who has been receiving treatment under medical aid contract at a place other than his place of permanent abode and who shall be or have become ambulatory or who, being discharged, shall require further treatment, may be transferred to the care of a surgeon at his place of residence, and providing for the compensation of such surgeon at the expense of the doctor, hospital or hospital association holding such contract.

Chapter 51.44

FUNDS

51.44.010 Accident fund. There shall be, in the office of the state treasurer, a fund to be known and designated as the "accident fund."

51.44.020 Medical aid fund. There shall be, in the office of the state treasurer, a fund to be known and designated as the "medical aid fund."

51.44.030 Reserve fund. There shall be, in the office of the state treasurer, a fund to be known and designated as the "reserve fund."

51.44.040 Second injury account—Basis for determining charges. There shall be a special account within the accident fund to be known and designated as the "second injury account," which shall be used only for the purpose of defraying charges against it as provided in RCW 51.16.120.

The charge to each class of the accident fund to defray charges against the second injury account shall be made on June 30th and December 31st of each year, and the total industrial insurance premium contributions of each class for the preceding calendar year shall be used in determining the proportionate charge to each class for the second injury account.

51.44.050 Catastrophe injury account. There shall be a special account within the accident fund to be known as the "catastrophe injury account" which shall be used only for the purpose of defraying charges against it as provided in RCW 51.16.130.

51.44.060 Charge to each class of accident fund for the catastrophe injury account. The charge to each class of the accident fund to defray charges against the catastrophe injury account shall

be made on June 30th and December 31st of each year, and the total industrial insurance premium contributions of each class for the preceding calendar year shall be used in determining the proportionate charge to each class for the catastrophe injury account.

51.44.070 Transfer from accident fund, accounts to reserve fund—Annuity table. For every case resulting in death or permanent total disability the department shall transfer on its books from the accident fund of the proper class and/or appropriate account to the "reserve fund" a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. Such annuities shall be based upon tables to be prepared for that purpose by the state insurance commissioner and by him furnished to the state treasurer, calculated upon standard mortality tables with an interest assumption of two percent per annum.

Note: See also section 5, chapter 274, Laws of 1961.

51.44.080 Reserve fund record—Interest. The department shall notify the state treasurer from time to time, of such transfers as a whole from the accident fund to the reserve fund and the interest or other earnings of the reserve fund shall become a part of the reserve fund itself. The department shall, on October 1st of each year, apportion the interest or other earnings of the reserve fund, as certified to it by the state treasurer, to the various class reserve funds according to the average class balance for the preceding year. As soon as possible after October 1st of each year the state insurance commissioner shall expert the reserve fund of each class to ascertain its standing as of October 1st of that year and the relation of its outstanding annuities at their then value to the cash on hand or at interest belonging to that fund. He shall promptly report the result of his examination to the department and to the state treasurer in writing not later than December 31st following. If the report shows that there was on said October 1st, in the reserve fund of any class in cash or at interest, a greater sum than the then annuity value of the outstanding pension obligations of that class, the surplus shall be forthwith turned over to the accident fund of that class but, if the report shows the contrary condition of any class reserve, the deficiency shall be forthwith made good out of the accident fund of that class.

51.44.090 Reserve fund record and maintenance by state treasurer. The state treasurer shall keep accurate accounts of the reserve fund and the investment and earnings thereof, to the end that the total reserve fund shall at all times, as nearly as may be, be properly and fully invested and, to meet current demands for pension or lump sum payments, may, if necessary, make temporary

loans to the reserve fund out of the accident fund for that class, repaying the same from the earnings of that reserve fund or from collections of its investments or, if necessary, sales of the same.

51.44.100 Investment of accident, medical aid, reserve funds. Whenever, in the judgment of the state finance committee there shall be in the accident fund, medical aid fund, or in the reserve fund, funds in excess of that amount deemed by such committee to be sufficient to meet the current expenditures properly payable therefrom, the committee may invest such excess funds in national, state, county, municipal, or school district bonds, and shall exercise the same discretion and have the same authority with respect to the investment of such excess funds as is provided by law with respect to the investment of the permanent school fund.

Note: See also section 10, chapter 281, Laws of 1961.

51.44.110 Disbursements of funds. Disbursement out of the several funds shall be made only upon warrants drawn by the state auditor upon vouchers therefor transmitted to him by the department and audited by him. The state treasurer shall pay every warrant out of the fund upon which it is drawn. If, at any time, there shall not be sufficient money in the fund on which any such warrant is drawn wherewith to pay the same, the employer on account of whose workman it was that the warrant was drawn shall pay the same, and he shall be credited upon his next following contribution to such fund the amount so paid with interest thereon at the legal rate from the date of such payment to the date such next following contribution became payable and, if the amount of the credit shall exceed the amount of the contribution, he shall have a warrant upon the same fund for the excess and, if any such warrant shall not be so paid, it shall remain, nevertheless, payable out of the fund.

51.44.120 Liability of state treasurer. The state treasurer shall be liable on his official bond for the safe custody of the moneys and securities of the several funds, but all of the provisions of law relating to state depositories and to the deposit of state moneys therein shall apply to the several funds and securities.

Chapter 51.48

PENALTIES

51.48.010 Omission of estimate of payroll and payment. Every employer who fails to furnish an estimate of payroll and workmen hours and make payments as provided in RCW 51.16.110 shall be liable to a penalty of not to exceed five hundred dollars and shall also be liable if an accident has been sustained by an employee prior

to the time such estimate is received by the department, to a penalty in a sum equal to fifty percent of the cost to the accident fund and medical aid fund for such accident, for the benefit of the accident fund and medical aid fund.

51.48.020 Employer's misrepresentation. Any employer, who misrepresents to the department the amount of his payroll or the number of workman hours upon which the premium under this title is based, shall be liable to the state in ten times the amount of the difference in premiums paid and the amount the employer should have paid, and shall also be guilty of a misdemeanor if such misrepresentations are made knowingly.

51.48.030 Failure to keep records and make reports. Every person, firm, or corporation who fails to keep the records required by this title or fails to make the reports in the manner and at the time provided in chapter 51.16 shall be subject to a penalty of not to exceed one hundred dollars for each such offense.

51.48.040 Inspection of employer's records. The books, records and payrolls of the employer pertinent to the administration of this title shall always be open to inspection by the department or its traveling auditor, agent or assistant, for the purpose of ascertaining the correctness of the payroll, the men employed, and such other information as may be necessary for the department and its management under this title. Refusal on the part of the employer to submit his books, records and payrolls for such inspection to the department, or any assistant presenting written authority from the director, shall subject the offending employer to a penalty of one hundred dollars for each offense and the individual who personally gives such refusal shall be guilty of a misdemeanor.

51.48.050 Liability for illegal collections for medical aid. It shall be unlawful for any employer to directly or indirectly demand or collect from any of his workmen any sum of money whatsoever for or on account of medical, surgical, hospital, or other treatment or transportation of injured workmen, other than as specified in RCW 51.16.140 and 51.40.040, and any employer who directly or indirectly violates the foregoing provisions of this section shall be liable to the state for the benefit of the medical aid fund in ten times the amount so demanded or collected, and such employer and every officer, agent, or servant of such employer knowingly participating therein shall also be guilty of a misdemeanor.

51.48.060 Physician, failure to report or comply with title. Any physician who fails, neglects or refuses to file a report with the director, as required by this title, within ten days of the date of treatment, showing the condition of the injured workman at the time of treatment, a description of the treatment given, and an

estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured workman, as required by this title, shall be guilty of a misdemeanor.

51.48.070 Employer's responsibility for safeguard. If any workman is injured because of the absence of any safeguard or protection required to be provided or maintained by, or pursuant to, any statute or ordinance, or any departmental regulation under any statute, or is, at the time of the injury, of less than the maximum age prescribed by law for the employment of a minor in the occupation in which he is engaged when injured the employer shall, within ten days after the demand therefor by the department, pay into the accident fund in addition to all other payments required by law:

(1) In case the consequent payment to the workman out of the accident fund is a lump sum, a sum equal to fifty percent of that amount.

(2) In case the consequent payment to the workman is payable in monthly payments, a sum equal to fifty percent of the lump value of such monthly payment, estimated in accordance with the rule stated in RCW 51.32.130.

The foregoing provisions shall not apply to the employer if the absence of such guard or protection is due to the removal thereof by the injured workman himself or with his knowledge by any of his fellow workmen, unless such removal is by order or direction of the employer or superintendent or foreman of the employer, or anyone placed by the employer in control or direction of such workman. If the removal of such guard or protection is by the workman himself or with his consent by any of his fellow workmen, unless by order or direction of the employer or the superintendent or foreman of the employer, or anyone placed by the employer in control or direction of such workman, the schedule of compensation provided in chapter 51.32 shall be reduced ten percent for the individual case of such workman.

51.48.080 Violation of rules. Every person, firm or corporation who violates or fails to obey, observe or comply with any rule of the department promulgated under authority of this title, shall be subject to a penalty of not to exceed two hundred and fifty dollars.

51.48.090 Collection of penalties. Civil penalties to the state under this title shall be collected by civil action in the name of the state and paid into the accident fund unless a different fund is designated.

51.48.100 Waiver of penalties. The director may waive the whole or any part of any penalty charged under this title.

Chapter 51.52**APPEALS**

51.52.010 Board of industrial insurance appeals. There shall be a "board of industrial insurance appeals," hereinafter called the "board," consisting of three members appointed by the governor as hereinafter provided. One shall be a representative of the public and a lawyer, appointed from a mutually agreed to list of not less than three active members of the Washington state bar association, submitted to the governor by the two organizations defined below, and such member shall be the chairman of said board. The second member shall be a representative of the majority of workmen engaged in extrahazardous employment and selected from a list of not less than three names submitted to the governor by an organization, state-wide in scope, which through its affiliates embraces a cross section and a majority of the organized labor of the state. The third member shall be a representative of employers engaged in extrahazardous industry, and appointed from a list of at least three names submitted to the governor by a recognized state-wide organization of employers, representing a majority of employers who are substantial contributors to the industrial insurance and accident fund. The initial terms of office of the members of the board shall be for six, four, and two years respectively. Thereafter all terms shall be for a period of six years. Each member of the board shall be eligible for reappointment and shall hold office until his successor is appointed and qualified. In the event of a vacancy the governor is authorized to appoint a successor to fill the unexpired term of his predecessor. All appointments to the board shall be made in conformity with the foregoing plan. Members shall devote their entire time to the duties of the board and shall receive for their services a salary which shall be in addition to reasonable travel allowance as follows: The chairman shall receive the same salary as that provided for superior court judges in class A counties; the two remaining members shall each receive the same salary less the sum of five hundred dollars per annum. Headquarters for the board shall be located in Olympia. The board shall adopt a seal which shall be judicially recognized.

Note: See also section 8, chapter 307, Laws of 1961.

51.52.020 Board—Rule making power. The board may make rules and regulations concerning its functions and procedure, which shall have the force and effect of law until altered, repealed, or set aside by the board: *Provided*, That the board may not delegate to any other person its duties of interpreting the testimony and making the final decision and order on appeal cases. All rules

and regulations adopted by the board shall be printed and copies thereof shall be readily available to the public.

51.52.030 Board—Expenses. The board may incur such expenses as are reasonably necessary to carry out its duties hereunder, which expenses shall be paid, one-half from the accident fund and one-half from the medical aid fund upon vouchers approved by the board.

51.52.040 Board—Removal of member. Any member of the board may be removed for inefficiency, malfeasance or misfeasance in office, upon specific written charges filed by the governor, who shall transmit the original of such written charges to the chief justice of the supreme court and a copy thereof to the member accused. The chief justice shall thereupon designate a special tribunal composed of three judges of the superior court to hear and adjudicate the charges. Such tribunal shall fix the time, place and procedure for the hearing, and the hearing shall be public. The decision of such tribunal shall be final and not subject to review.

51.52.050 Copy of department action to be served—Appeal. Whenever the department has made any order, decision, or award, it shall promptly serve the workman, beneficiary, employer, or other person affected thereby, with a copy thereof by mail, which shall be addressed to such person at his last known address as shown by the records of the department. The copy, in case the same is a final order, decision, or award, shall bear on the same side of the same page on which is found the amount of the award, a statement, set in black faced type of at least ten point body or size, that such final order, decision, or award must be appealed to the board, Olympia, within sixty days, or the same shall become final.

Whenever the department has taken any action or made any decision relating to any phase of the administration of this title the workman, beneficiary, employer, or other person aggrieved thereby may appeal to the board and any such person aggrieved by the decision and order of the board may thereafter appeal to the superior court, as prescribed in this chapter.

51.52.060 Notice of appeal—Time—Withdrawal. Any workman, beneficiary, employer, or other person aggrieved by an order, decision, or award of the department must, before he appeals to the courts, file with the board and the director, by mail or personally, within sixty days from the day on which such copy of such order, decision, or award was communicated to such person, a notice of appeal to the board: *Provided*, That failure to file notice of appeal with both the board and the department shall not be ground for

denying the appeal if the notice of appeal is filed with either the board or the department: *And provided*, That, if within the time limited for filing a notice of appeal to the board from an order, decision, or award of the department, the department shall direct the submission of further evidence or the investigation of any further fact, the time for filing such notice of appeal shall not commence to run until such person shall have been advised in writing of the final decision of the department in the matter: *Provided, further*, That the department, either before receiving a notice of appeal, or within thirty days thereafter, may modify, reverse or change any order, decision, or award, and the board shall thereupon deny the appeal.

Note: See also section 8, chapter 274, Laws of 1961.

51.52.070 Contents of notice—Transmittal of record. The notice of appeal to the board shall set forth in full detail the grounds upon which the person appealing considers such order, decision, or award is unjust or unlawful, and shall include every issue to be considered by the board, and it must contain a detailed statement of facts upon which such workman, beneficiary, employer, or other person relies in support thereof. The workman, beneficiary, employer, or other person shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in such notice of appeal or appearing in the records of the department. The department shall promptly transmit its original record in such matter to the board.

51.52.080 Appeal to board denied, when. If the board finds that the department properly and lawfully decided all matters raised by such appeal it may, without further hearing, deny the same and confirm the department's decision or award, or if the department's record sustains the contention of the person appealing to the board, it may, without further hearing, allow the relief asked in such appeal; otherwise, it shall grant the appeal and order a hearing to decide the issues raised.

51.52.090 Appeal to board deemed denied, when. If the appeal is not granted within thirty days after the notice is filed with the board, the appeal shall be deemed to have been denied: *Provided*, That the board may extend the time within which it may act upon such appeal, not exceeding thirty days.

51.52.095 Conference for disposal of matters involved in appeal. The board, upon request of the workman, beneficiary, or employer, or upon its own motion, may direct all parties interested in an appeal, together with their attorneys, if any, to appear before it, a member of the board, or an authorized representative thereof, for a conference for the purpose of determining the feasibility of

settlement, the simplification of issues of law and fact, the necessity of amendments to the notice of appeal or other pleadings, the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, the limitation of the number of expert witnesses, and such other matters as may aid in the disposition of the appeal. Such conference may be held prior to the hearing, or it may be held during the hearing, at the discretion of the member or representative of the board conducting the same, in which case the hearing will be recessed for such conference. Following the conference, if held before hearing, the board shall make an order which recites the actions taken at the conference, and the agreements made by the parties as to any of the matters considered, and which limits the issues at hearings to those not disposed of by said admissions or agreements of the parties. If the conference is held during the hearing, the board, or the member or representative thereof conducting the same, shall state on the record the results of such conference. The order or the statement on the record, as the case may be, shall control the subsequent course of the proceedings, unless modified at a subsequent hearing to prevent manifest injustice. If agreement concerning final disposition of the appeal is reached by the parties present at the conference, or by the employer or workman or beneficiary, the board may enter a final decision and order in accordance therewith, providing the board finds such agreement is in conformity with the law and the facts.

51.52.100 Proceedings before board—Contempt. Hearings shall be held in the county of the residence of the workman or beneficiary, or in the county where the injury occurred, at a place designated by the board. Such hearing shall be de novo and summary, but no witness' testimony shall be received unless he shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless his testimony shall have been taken by deposition according to the statutes and rules relating to superior courts of this state. The department shall be entitled to appear in all proceedings before the board and introduce testimony in support of its order. The board shall cause all oral testimony to be stenographically reported and thereafter transcribed, and when transcribed, the same, with all depositions, shall be filed in, and remain a part of, the record on the appeal. Such hearings on appeal to the board may be conducted by one or more of its members, or a duly authorized representative, and depositions may be taken by a person duly commissioned for the purpose by the board.

Members of the board, its duly authorized representatives, and all persons duly commissioned by it for the purpose of taking

depositions, shall have power to administer oaths; to preserve and enforce order during such hearings; to issue subpoenas for, and to compel the attendance and testimony of, witnesses, or the production of books, papers, documents, and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of his office.

If any person in proceedings before the board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper, or document, or refuses to appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having the oath refuses to be examined according to law, the board or any member or duly authorized representative thereof shall certify the facts to the superior court having jurisdiction in the place in which said board or member or duly authorized representative thereof is sitting; the court shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the proceedings, or in the presence, of the court.

51.52.102 Hearing the appeal—Evidence—Continuances. At the time and place fixed for hearing each party shall present all his evidence with respect to the issues raised in the notice of appeal, and if any party fails so to do, the board may determine the issues upon such evidence as may be presented to it at said hearing: *Provided*, That for good cause shown in the record to prevent hardship, the board may grant continuances upon application of any party, but such continuances, when granted, shall be to a time and place certain within the county where the initial hearing was held unless it shall appear that a continuance elsewhere is required in justice to interested parties: *And provided further*, That the board may continue hearings on its own motion to secure in an impartial manner such evidence, in addition to that presented by the parties, as the board, in its opinion, deems necessary to decide the appeal fairly and equitably, but such additional evidence shall be received subject to any objection as to its admissibility, and, if admitted in evidence all parties shall be given full opportunity for cross-examination and to present rebuttal evidence.

51.52.106 Decision and order on appeal. On appeal to the board the record before it shall be considered by all of the members of the board, and the decision and order of the majority of the members shall be the decision and order of the board. Every final decision and order rendered by the board shall be in writing and shall contain findings and conclusions as to each contested issue of fact and law, as well as the board's order based thereon. In cases involving injured workmen the findings and conclusions shall contain a concise statement of the board's jurisdiction, the nature of the workman's injury, the pathological condition, if any, resulting therefrom, the physiological disability, if any, resulting from such pathological condition, and any other material facts pertinent to the case, as well as the relief, including the statutory percentage of disability, if any, to which the workman or beneficiary is entitled. A copy of the decision and order, including the findings and conclusions, shall be mailed to each party to the appeal and to his attorney of record.

51.52.110 Court appeal—Taking the appeal. Within thirty days after the final decision and order of the board upon such appeal has been communicated to such workman, beneficiary, employer or other person, or within thirty days after the appeal is deemed denied as herein provided, such workman, beneficiary, employer or other person aggrieved by the decision and order of the board may appeal to the superior court.

In cases involving injured workmen such appeal shall be to the superior court of the county of residence of the workman or beneficiary, as shown by the department's records, the superior court for Thurston county, or to the superior court of the county wherein the injury occurred. In all other cases the appeal shall be to the superior court of Thurston county. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director and on the board. The department shall, within twenty days after the receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. The board shall serve upon the appealing party, the director and any other party appearing at the board's proceeding, and file with the clerk of the court before trial, a certified copy of the board's official record which shall include the notice of appeal and other pleadings, testimony and exhibits, and the board's decision and order, which shall become the record in such case. No bond shall be required on appeals to the superior court or on appeals to the supreme court, except that an appeal by the employer from a decision and order of the board under RCW 51.48.070, shall be ineffectual unless, within five days following the service of notice thereof, a bond,

with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay: *Provided, however,* That whenever the board has made any decision and order reversing an order of the supervisor of industrial insurance on questions of law or mandatory administrative actions of the director, the department shall have the right of appeal to the superior court.

51.52.115 Court appeal—Procedure at trial—Burden of proof. Upon appeals to the superior court only such issues of law or fact may be raised as were properly included in the notice of appeal to the board, or in the complete record of the proceedings before the board. The hearing in the superior court shall be *de novo*, but the court shall not receive evidence or testimony other than, or in addition to, that offered before the board or included in the record filed by the board in the superior court as provided in RCW 51.52.110: *Provided,* That in cases of alleged irregularities in procedure before the board, not shown in said record, testimony thereon may be taken in the superior court. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. In all court proceedings under or pursuant to this title the findings and decision of the board shall be *prima facie* correct and the burden of proof shall be upon the party attacking the same. If the court shall determine that the board has acted within its power and has correctly construed the law and found the facts, the decision of the board shall be confirmed; otherwise, it shall be reversed or modified. In case of a modification or reversal the superior court shall refer the same to the department with an order directing it to proceed in accordance with the findings of the court: *Provided,* That any award shall be in accordance with the schedule of compensation set forth in this title. In appeals to the superior court hereunder, either party shall be entitled to a trial by jury upon demand, and the jury's verdict shall have the same force and effect as in actions at law. Where the court submits a case to the jury, the court shall by instruction advise the jury of the exact findings of the board on each material issue before the court.

51.52.120 Attorney's fee before department or board. It shall be unlawful for an attorney engaged in the representation of any workman or beneficiary to charge for services in the department any fee in excess of a reasonable fee, of not less than ten percent nor more than thirty-five percent of the increase in the award secured by the attorney's services. Such reasonable fee shall be fixed by the director for services performed by an attorney for such workman or beneficiary, prior to the notice of appeal to the board. If, on appeal to the board, the order, decision or award of

the department is reversed or modified and additional relief is granted to a workman or beneficiary, or in cases where a party other than the workman or beneficiary is the appealing party and the workman's or beneficiary's right to relief is sustained by the board, the board shall fix a reasonable fee for the services of his attorney in proceedings before the board if written application therefor is made by the attorney. In fixing the amount of such attorney's fee, the board shall take into consideration the fee allowed, if any, by the director, for services before the department, and the board may review the fee fixed by said director. Any attorney's fee set by the department or the board may be reviewed by the superior court upon application of such attorney.

51.52.130 Attorney and witness fees in court appeal. If, on appeal to the court from the decision and order of the board, said decision and order is reversed or modified and additional relief is granted to a workman or beneficiary, or in cases where a party other than the workman or beneficiary is the appealing party and the workman's or beneficiary's right to relief is sustained by the court, a reasonable fee for the services of the workman's or beneficiary's attorney shall be fixed by the court. In fixing the fee the court shall take into consideration the fee or fees, if any, fixed by the director and the board for such attorney's services before the department and the board. If the court finds that the fee fixed by the director or by the board is inadequate for services performed before the department or board, or if the director or the board has fixed no fee for such services, then the court shall fix a fee for the attorney's services before the department, or the board, as the case may be, in addition to the fee fixed for the services in the court. If the decision and order of the board is reversed or modified and if the accident fund is affected by the litigation then the attorney's fee fixed by the court for services before the court only, and the fees of medical and other witnesses and the costs shall be payable out of the administrative fund of the department.

51.52.132 Unlawful attorney's fees. It shall be unlawful for any attorney representing a workman before the department or the board or the court to charge or receive either directly or indirectly any fee, unless the same has been previously fixed as provided in RCW 51.52.120 or 51.52.130, or to charge or receive either directly or indirectly any fee or fees greater in amount than the fee or fees so fixed.

51.52.140 Rules of practice—Duties of attorney general—Supreme court appeal. Except as otherwise provided in this chapter, the practice in civil cases shall apply to appeals prescribed in this chapter. Appeal shall lie from the judgment of the superior court as

in other civil cases. The attorney general shall be the legal advisor of the department and the board.

51.52.150 Costs on appeals. All expenses and costs incurred by the department for board and court appeals, including fees for medical and other witnesses, court reporter costs and attorney's fees, and all costs taxed against the department, shall be paid one-half out of the medical aid fund and one-half out of the accident fund.

Chapter 51.98

CONSTRUCTION

51.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments.

51.98.020 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law.

51.98.030 Invalidity of part of title not to affect remainder. If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected: *Provided*, That nothing in this section shall affect or invalidate any of the provisions of RCW 51.04.090.

51.98.040 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Sections 1 through 29, 31 and 32, chapter 74, Laws of 1911;
- (2) Chapter 148, Laws of 1913;
- (3) Chapter 188, Laws of 1915;
- (4) Sections 1 through 20, and 22, chapter 28, Laws of 1917;
- (5) Chapter 120, Laws of 1917;
- (6) Chapter 67, Laws of 1919;
- (7) Chapter 129, Laws of 1919;
- (8) Sections 1 through 8 and 10, chapter 131, Laws of 1919;
- (9) Sections 1 through 12, and 14 through 17, chapter 182, Laws of 1921;
- (10) Chapter 128, Laws of 1923;
- (11) Sections 1 through 11, and 15 through 19, chapter 136, Laws of 1923;
- (12) Chapter 84, Laws of 1925 extraordinary session;
- (13) Chapter 111, Laws of 1925 extraordinary session;
- (14) Chapter 310, Laws of 1927;

- (15) Chapter 132, Laws of 1929;
- (16) Chapter 79, Laws of 1931;
- (17) Chapter 90, Laws of 1931;
- (18) Chapter 104, Laws of 1931;
- (19) Chapter 116, Laws of 1931;
- (20) Chapter 193, Laws of 1933;
- (21) Chapter 90, Laws of 1935;
- (22) Chapter 89, Laws of 1937;
- (23) Chapter 147, Laws of 1937;
- (24) Chapter 211, Laws of 1937;
- (25) Chapter 212, Laws of 1937;
- (26) Chapter 41, Laws of 1939;
- (27) Chapter 50, Laws of 1939;
- (28) Chapter 135, Laws of 1939;
- (29) Chapter 138, Laws of 1939;
- (30) Chapter 184, Laws of 1939;
- (31) Chapter 169, Laws of 1941;
- (32) Chapter 209, Laws of 1941;
- (33) Chapter 235, Laws of 1941;
- (34) Chapter 16, Laws of 1943;
- (35) Section 2, chapter 186, Laws of 1943;
- (36) Chapter 210, Laws of 1943;
- (37) Chapter 280, Laws of 1943;
- (38) Chapter 89, Laws of 1945;
- (39) Chapter 219, Laws of 1945;
- (40) Chapter 56, Laws of 1947;
- (41) Chapter 183, Laws of 1947;
- (42) Chapter 233, Laws of 1947;
- (43) Sections 1 and 3, chapter 246, Laws of 1947;
- (44) Chapter 247, Laws of 1947;
- (45) Chapter 281, Laws of 1947;
- (46) Chapter 219, Laws of 1949;
- (47) Chapter 115, Laws of 1951;
- (48) Chapter 198, Laws of 1951;
- (49) Chapter 214, Laws of 1951;
- (50) Chapter 225, Laws of 1951;
- (51) Chapter 236, Laws of 1951;
- (52) Chapter 246, Laws of 1951;
- (53) Chapter 143, Laws of 1953;
- (54) Chapter 218, Laws of 1953;
- (55) Chapter 74, Laws of 1955;
- (56) Chapter 360, Laws of 1955;
- (57) Sections 3 through 64, chapter 70, Laws of 1957;
- (58) Chapter 196, Laws of 1957;
- (59) Chapter 55, Laws of 1959;
- (60) Chapter 179, Laws of 1959;

- (61) Chapter 244, Laws of 1959;
- (62) Chapter 256, Laws of 1959; and
- (63) Chapter 308, Laws of 1959.

Such repeals shall not be construed as invalidating, abating, or otherwise affecting any existing right acquired or any liability or obligation incurred under the provisions of the statutes repealed, nor any process, proceeding or judgment thereunder, nor any criminal or civil proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder, nor shall such repeals affect the application of any provision repealed herein which provides for the retroactive or nonretroactive application of any provision of this title or laws prior hereto, nor shall such repeals affect any law providing for the installation or maintenance of any device, means or method for the prevention of accidents in extrahazardous work or for a penalty or punishment to install or maintain any such protective device, means or method. The saving provision of this section shall apply to any and all claims or actions or proceedings of whatsoever nature whether heretofore completed or which may be pending at the time this act takes effect and all prior or existing laws having application thereto shall continue in force as they were prior to and shall be unaffected by this act.

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

Explanatory
note.

TITLE 51

INDUSTRIAL INSURANCE

EXPLANATORY NOTE

I. Introductory.

As part of its program to restore session law language to the Revised Code of Washington, the Statute Law Committee and the code reviser's office have examined the provisions of Title 51, Industrial Insurance, and have concluded that, in view of the profuse ratification and amendment by the 1955, 1957 and 1959 legislatures, the public interest could best be served by the preparation and submission to the legislature of a bill to reenact this title as primary law and which in the reenactment process would correct such statutory problems as might be corrected without altering the substance of the law.

In preparing this bill, the provisions of the Revised Code of Washington were carefully compared with their session law sources by the reviser's office, significant language and organizational variances were documented, and a preliminary draft was prepared. Such draft and the comprehensive study materials which accompanied it were minutely considered by the codifications subcommittee of the Statute Law Committee in concert with representatives of the department of labor and

industries, the industrial insurance board of appeals, the attorney general's office, and interested persons representing other groups. Pursuant to hearings held by the subcommittee on June 17, 1960, the instant draft was evolved. It was approved by the Statute Law Committee at its regular meeting on December 17, 1960.

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note.

Title 51 was adopted as a prima facie expression of the law relating to industrial insurance by the Revised Code adoption act of 1950 and 1951, following its revision by the 1941 Code Committee. This title has been frequently amended since the 1951 adoption, with the consequence that much of the 1941 revision has been expressly ratified by the legislature through the operation of RCW 1.04.020 which provides that:

“ . . . Any section of the Revised Code of Washington (as supplemented or modified by the 1950 supplement) expressly amended by the legislature, including the entire context set out, shall, as so amended, constitute the law and ultimate declaration of legislative intent.”

In addition the 1957 and 1959 comprehensive bills took into account certain technical revisions incorrectly made and the legislature made such corrections along with the substantive amendments desired. For these reasons the approach to Title 51 has been to adopt the revised language for the most part, making only such corrections therein as were required to preserve the intent of the session law sources thereto, and which could be made without change in substance.

It should be noted that the appearance of the phrase “this act” and similar phrases, as they appear in the session laws codified herein, have caused some difficulty due to the complex background of these titles. In this bill such phrases have been translated to “this title”, “this chapter”, “this section”, or to specific code section numbers, in accordance with what most nearly corresponds to their original application, but at the same time taking into consideration the doctrine of statutes in pari materia and the necessity for harmonizing the provisions of the ratified and amended sections accomplished during the past three sessions. Each such instance was carefully considered and discussed at the meetings mentioned above.

Throughout this title in some unamended sections certain references have been made to the obsolete “joint board”; these have been changed to indicate the new appeal board. Likewise references to the obsolete “state medical aid board”, “local aid boards” and “commission” have been modernized to reflect the “directors” and “departments” existing powers.

The remainder of these notes consist of source notes and a section by section comment regarding this reenactment. The complete study materials relating to this title is on permanent file in the office of the code reviser at Olympia.

II. Section by section comment.

Chapter 51.04 General Provisions

- 51.04.010 Source—[1911 c 74 § 1.]
“act” to “title”.
- 51.04.020 Source—[1957 c 70 § 3. Prior: 1947 c 247 § 1, part; 1921 c 182 § 9; 1911 c 74 §§ 4, part, 24.]
- 51.04.030 Source—[(i) 1917 c 28 § 6. (ii) 1919 c 129 § 3; 1917 c 29 § 7. (iii) 1923 c 136 § 10.]
This section follows the Revised Code of Washington language and combines three session law sections, omitting therefrom the duplicated and obsolete portions.
- 51.04.040 Source—[1915 c 188 § 7.]
- 51.04.050 Source—[1915 c 188 § 4.]
- 51.04.060 Source—[1911 c 74 § 11.]
- 51.04.070 Source—[1959 c 308 § 1; 1957 c 70 § 4. Prior: 1927 c 310 § 5, part; 1919 c 131 § 5, part; 1911 c 74 § 6, part.]

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note.

- 51.04.080 Source—[1959 c 308 § 2; 1957 c 70 § 5. Prior: 1947 c 56 § 1, part; 1927 c 310 § 7, part; 1923 c 136 § 4, part; 1921 c 182 § 6, part; 1919 c 131 § 6, part; 1911 c 74 § 10, part.]
- 51.04.090 Source—[1911 c 74 § 27.]
The language "section 4 of this act" has been omitted from the phrase "if the provisions of section 4 of this act for the creation of the accident fund"; "section 4" as originally referred to was a lengthy section of some six pages subsequently divided by the legislature in 1947 into a number of sections and the translation is therefore impossible.
The language "except the provisions of section 31, and an accounting according to the justice of the case shall be had of moneys received" has been omitted from the sentence reading "If the provisions for the creation of the accident fund, or the provisions of this title making the compensation to the workman provided in and exclusive of any other remedy on the part of the workman shall be held invalid the entire title shall be thereby invalidated." The omitted language appeared at the end of such sentence. The language is omitted since section 31 is being repealed and the disposition and accounting of the funds referred to in the omitted phrase is controlled by the trust fund doctrine. See *State ex rel. Trenholm v. Yelle*, 174 Wash. 547 at page 549 et seq; see also *Mason-Walsh-Atkinson-Kier Co. v. Dept. L. & I.*, 5 Wn. (2d) 508 at page 515 et seq.
- 51.04.100 Source—[1911 c 74 § 28.]
The language "section 4" has been changed to "this title" in the clause reading "if the defendant employer shall have paid without delinquency into the accident fund the payment provided by section 4". Section 4 was discussed in connection with 51.04.090, supra.

Chapter 51.08 Definitions

- 51.08.010—Source—[1939 c 41 § 2, part; 1929 c 132 § 1, part; 1927 c 310 § 2, part; 1921 c 182 § 2, part; 1919 c 131 § 2, part; 1917 c 120 § 1, part; 1911 c 74 § 3, part.]
- 51.08.015 Source—[1959 c 308 § 25.]
- 51.08.020 Source—[1957 c 70 § 6. Prior: (i) 1939 c 41 § 2, part; 1929 c 132 § 1, part; 1927 c 310 § 2, part; 1921 c 182 § 2, part; 1919 c 131 § 2, part; 1917 c 120 § 1, part; 1911 c 74 § 3, part. (ii) 1949 c 219 § 1(i); 1947 c 246 § 1, part; 1929 c 132 § 2, part; 1927 c 310 § 4, part; 1923 c 136 § 2, part; 1919 c 131 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 § 5, part.]
- 51.08.030 Source—[1957 c 70 § 7. Prior: (i) See (i) of source note to 51.08.020. (ii) 1941 c 209 § 3, part.]
- 51.08.040 Source—Added.
- 51.08.050 Source—[1957 c 70 § 8. Prior: See (i) of 51.08.020.]
- 51.08.060 Source—Added.
- 51.08.070 Source—[1957 c 70 § 9. Prior: See (i) of 51.08.020.]
- 51.08.080 Source—[1957 c 70 § 10. Prior: See (i) of 51.08.020.]
- 51.08.090 Source—[1957 c 70 § 11. Prior: See (i) of 51.08.020.]
- 51.08.100 Source—[1959 c 308 § 3; 1957 c 70 § 12. Prior: See (i) of 51.08.020.]
- 51.08.110 Source—[1957 c 70 § 13. Prior: See (i) of 51.08.020.]
- 51.08.120 Source—[1957 c 70 § 14. Prior: See (i) of 51.08.020.]
- 51.08.130 Source—[1957 c 70 § 15. Prior: See (i) of 51.08.020.]
- 51.08.140 Source—[1959 c 308 § 4; 1957 c 70 § 16. Prior: 1951 c 236 § 1; 1941 c 235 § 1, part; 1939 c 135 § 1, part; 1937 c 212 § 1, part.]
- 51.08.150 Source—[1957 c 70 § 17. Prior: 1949 c 219 § 1, part; 1947 c 246 § 1, part; 1929 c 132 § 2, part; 1927 c 310 § 4, part; 1923 c 136 § 2, part; 1919 c 131 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 § 5, part.]

- 51.08.160 Source—[1957 c 70 § 18. Prior: See prior history to 51.08.150.] Explanatory
 51.08.170 Source—[1957 c 70 § 19. Prior: See (i) of 51.08.020.] note.
 51.08.180 Source—[1957 c 70 § 20. Prior: (i) See (i) of 51.08.020. (ii) 1937
 c 211 § 2.]
 51.08.190 Source—[1957 c 70 § 21. Prior: See (i) of 51.08.020.]

Chapter 51.12 Employments and Occupations Covered

- 51.12.010 Source—[1959 c 55 § 1; 1955 c 74 § 2. Prior: (i) 1947 c 281 § 1,
 part; 1943 c 210 § 1, part; 1939 c 41 § 1, part; 1937 c 211 § 1,
 part; 1927 c 310 § 1, part; 1921 c 182 § 1, part; 1919 c 131 § 1,
 part; 1911 c 74 § 2, part. (ii) 1923 c 128 § 1, part.]
 51.12.020 Source—[1955 c 74 § 3. Prior: See (i) of 51.12.010.]
 51.12.030 Source—[1955 c 74 § 4. Prior: See (i) of 51.12.010.]
 51.12.040 Source—[1955 c 74 § 5. Prior: See (i) of 51.12.010.]
 51.12.050 Source—[1955 c 74 § 6. Prior: (i) 1923 c 136 § 5, part; 1921
 c 182 § 8, part; 1915 c 188 § 6, part; 1911 c 74 § 17, part. (ii)
 1923 c 128 § 1, part.]
 51.12.060 Source—[1937 c 147 § 1.]

The first portion of the session law from which this section was derived read:

“That the application of the industrial insurance and related medical aid and safety laws of the State of Washington, section 7673 through 7796, inclusive, of Remington's Revised Statutes of Washington is hereby extended to all lands and premises owned or held by the United States of America, etc.”

This has been changed in the bill to read:

“The application of this title and related safety laws is hereby extended . . . etc.”

All of the Remington sections referred to in the original session law are contained in this title except those that have been repealed, those superseded or obsolete, and those which are codified in Title 49. The language “related safety laws” will pick up those sections in Title 49 and the language “this title” retains all of the internal references. The reference at the end of this section to “section 290 United States Code, 1958 edition” originally read “section 290, United States Code Annotated 1936 edition supplement”. This brings the internal reference up to date. No amendments have been made thereto.

- 51.12.070 Source—[1955 c 74 § 7. Prior: 1923 c 136 § 5, part; 1921 c 182 § 8, part; 1915 c 188 § 6, part; 1911 c 74 § 17, part.]
 51.12.080 Source—[1925 ex.s. c 84 § 1; 1919 c 67 § 1; 1917 c 29 § 19; 1911 c 74 § 18.]
 51.12.090 Source—[1959 c 308 § 10; 1919 c 67 § 3.]
 51.12.100 Source—[1931 c 79 § 1; 1925 ex.s. c 111 § 1.]
 51.12.110 Source—[1959 c 308 § 11; 1929 c 132 § 5; 1923 c 136 § 6; 1911 c 74 § 19.]

Chapter 51.16 Assessment and Collection of Premiums—

Payrolls and Records

- 51.16.010 Source—[1959 c 308 § 13; 1957 c 70 § 53. Prior: (i) 1947 c 247 § 1, part; 1931 c 104 § 1, part; 1927 c 310 § 3, part; 1923 c 136 § 1, part; 1919 c 131 § 3, part; 1917 c 120 § 2, part; 1915 c 188 § 1, part; 1911 c 74 § 4, part. (ii) 1923 c 136 § 7, part; 1921 c 182 § 10, part; 1917 c 29 § 3, part.]
 51.16.020 Source—[1957 c 70 § 54. Prior: 1951 c 236 § 2; See also (i) of 51.16.010.]
 51.16.030 Source—[1947 c 247 § 1, part.]
 The language “the medical aid fund created in section 7713 of Remington's Revised Statutes of Washington” has been

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changed to read "the medical aid fund" since the Remington section is divided and such reference is now obsolete. The language "the classification herein provided" has been changed to "the classification provided" since the language "herein" referred to a lengthy section first appearing in 1923 c 136 § 1; the last amendment, in 1947, divided such lengthy section into several sections; the actual classification language referred to is now in chapter 51.20.

- 51.16.040 Source—[1959 c 308 § 12; 1941 c 235 § 2.]
- 51.16.050 Source—[1951 c 198 § 1; 1947 c 247 § 1, part.]
- 51.16.060 Source—[1959 c 308 § 14; 1957 c 70 § 47. Prior: 1947 c 247 § 1, part.]
- 51.16.070 Source—[1957 c 70 § 48. Prior: 1947 c 247 § 1(4c), part.]
- 51.16.080 Source—[1951 c 236 § 3; 1947 c 247 § 1, part.]

Prior to the 1951 amendment to this section a sentence appeared reading as follows:

"From the original classification or premium rating or any change made therein, any employer claiming to be aggrieved may appeal to the joint board and to the courts in the manner provided in section 7697 of Remington's Revised Statutes."

This had been omitted by the 1941 Code Committee and was ratified by the 1951 legislature apparently on the grounds that it is covered by the later appeal procedure in chapter 51.52 RCW. See in particular RCW 51.52.050.

Also omitted from this section, on the grounds that it is now obsolete in the light of later law, is that portion empowering the director to authorize any employee who is an attorney to appear for the department in any action instituted for the purpose of collecting industrial insurance premiums. These powers are now vested in the attorney general (Chapter 43.10 RCW).

- 51.16.090 Source—[1959 c 179 § 1; 1957 c 70 § 49. Prior: 1947 c 247 § 1, part.]
- 51.16.100 Source—[1953 c 218 § 1. Prior: (i) 1947 c 247 § 1(4d), part. (ii) 1947 c 247 § 1(4e), part.]
- 51.16.105 Source—[1953 c 218 § 2.]
- 51.16.110 Source—[1959 c 179 § 2 and 1959 c 308 § 15. Prior: 1957 c 70 § 50; 1951 c 236 § 4; 1947 c 247 § 1(4c), part.]

This section was twice amended in 1959: by section 15 of chapter 308, and also by section 2 of chapter 179. Chapter 179 of the Laws of 1959 raised the one dollar premium to two dollars immediately preceding the proviso in the last paragraph; and also added such proviso. Section 15 of chapter 308, amended this section in different respects; changes wrought by chapter 308 related to cash deposits for new employers or resumed operations and provided for a bond in lieu thereof; chapter 308 also provided for a method of computing the cost experience. Since these amendments were in different respects, both may be given effect by blending the language of the two sections as is done in this bill. (See rule of construction contained in RCW 1.12.025.)

- 51.16.120 Source—[1959 c 308 § 16; 1945 c 219 § 1; 1943 c 16 § 1.]
- 51.16.130 Source—[1957 c 70 § 22. Prior: 1947 c 247 § 1(4f), part; 1911 c 74 § 4, part.]
- 51.16.140 Source—[(i) 1923 c 136 § 8, part; 1919 c 129 § 1, part; 1917 c 29 § 4, part. (ii) 1947 c 247 § 1(4e), part.]

This section adopts the existing Revised Code of Washington language. A portion of the 1923 law relating to the payments of premiums by an employer is covered by 51.16.010 and the portion as to the establishment of the medical aid fund is adequately covered in 51.44.020. Thus the second paragraph

of the 1923 law is codified herein in combination with a portion of the 1947 law. The remaining portions of the 1947 section are codified and combined with other session laws in 51.16.050, 51.16.080, 51.16.100 and 51.52.050. Two sections, 51.16.100 and 51.52.050 have been subsequently ratified by the legislature. The revised language preserves the substance of these session laws.

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note.

- 51.16.150 Source—[1959 c 308 § 22. Prior: 1929 c 132 § 4, part; 1923 c 136 § 3, part; 1917 c 120 § 5, part; 1917 c 28 § 2, part; 1915 c 188 § 3, part; 1911 c 74 § 8, part.]
- 51.16.160 Source—[1959 c 308 § 23. Prior: See prior history for 51.16.150.]
- 51.16.170 Source—[1959 c 308 § 24. Prior: 1951 c 214 § 1; see also prior history for 51.16.150.]
- 51.16.180 Source—[1921 c 7 § 78, subdivision (4).]
Section 78 of the 1921 law referred to in the source note is codified in its entirety in RCW 43.22.030. Since the powers and duties of the department of labor and industries are directly connected with several other titles, the basic session law section is not repealed and reenacted but will be considered when Title 43 is fully reviewed; this RCW section is presented for enactment on the grounds that many amendments in recent years were made with such RCW section in existence.

Chapter 51.20 Classification of Occupations

Chapter 51.20 as it currently appears in RCW was derived from 1947 c 247 § 1(4b). The director is authorized by statute to change classifications and to include unenumerated occupations; see for example 51.12.030, 51.12.040, and 51.16.100. Herein chapter 51.20 consists of 1947 c 247 § 1(4b) as revised from time to time by the director, and as certified by the director to the Statute Law Committee as being the classifications in effect at the time of the presentation of this bill to the legislature.

Chapter 51.24 Actions at Law for Injury or Death

- 51.24.010 Source—[1957 c 70 § 23. Prior: See (i) of 51.08.020.]
- 51.24.020 Source—[1957 c 70 § 24. Prior: 1927 c 310 § 5, part; 1919 c 131 § 5, part; 1911 c 74 § 6, part.]

Chapter 51.28 Notice and Report of Accident—

Application for Compensation

- 51.28.010 Source—[1915 c 188 § 9; 1911 c 74 § 14.]
- 51.28.020 Source—[1927 c 310 § 6, part; 1921 c 182 § 7, part; 1911 c 74 § 12, part.]
This session law section was divided by the 1941 Code Committee into RCW 51.28.020, 51.28.030, 51.28.040, 51.28.050 and 51.48.060. The session law language has been restored where necessary but the organization has been retained in the light of the profuse amendments throughout Title 51. This preserves the division and numbering without any change in substance.
- 51.28.030 Source—See notes to 51.28.020.
- 51.28.040 Source—See notes to 51.28.020.
- 51.28.050 Source—See notes to 51.28.020.
- 51.28.055 Source—[1959 c 308 § 18; 1957 c 70 § 16, part; 1951 c 236 § 1, part.]
- 51.28.060 Source—[1957 c 70 § 25. Prior: (i) See (i) of 51.08.020. (ii) See notes to 51.04.080.]
- 51.28.070 Source—[1957 c 70 § 51.]

Chapter 51.32 Compensation—Right to and Amount

- 51.32.005 Source—[1951 c 115 § 6.]
The language "this act" has been changed to "this chapter". The term "this act" appears in this independent section en-

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note.

acted in 1951. The first five sections of such act amended other sections in 51.32.

The definition of "child" contained in chapter 51.08 is identical and is applicable to the entire title; the term has the same meaning throughout the chapter by virtue of the general definition in chapter 51.08; hence the translation from "act" to "chapter".

- 51.32.010 Source—[1957 c 70 § 26. Prior: 1949 c 219 § 1, part; 1947 c 246 § 1, part; 1929 c 132 § 2, part; 1927 c 310 § 4, part; 1923 c 136 § 2, part; 1919 c 131 § 4, part; 1917 c 28 § 1, part; 1913 c 148 § 1, part; 1911 c 74 § 5, part.]
- 51.32.020 Source—[1957 c 70 § 27. Prior: (i) 1927 c 310 § 5, part; 1919 c 131 § 5, part; 1911 c 74 § 6, part. (ii) See prior history to 51.32.010.]
- 51.32.030 Source—[1957 c 70 § 28. Prior: See (i) of 51.08.020.]
- 51.32.040 Source—[1957 c 70 § 29. Prior: See prior history to 51.04.080.]
- 51.32.050 Source—[1957 c 70 § 30. Prior: See prior history to 51.32.010.]
- 51.32.060 Source—[1957 c 70 § 31. Prior: See prior history to 51.32.010.]
- 51.32.070 Source—[1957 c 196 § 1; 1947 c 233 § 1.]
- 51.32.071 Source—[1957 c 196 § 2.]
- 51.32.080 Source—[1957 c 70 § 32. Prior: 1951 c 115 § 4.]
See also prior history notes to 51.32.010.
- 51.32.090 Source—[1957 c 70 § 33; 1955 c 74 § 8. Prior: 1951 c 115 § 3.]
See also prior history to 51.32.010.
- 51.32.100 Source—[1957 c 70 § 34. Prior: See prior history to 51.32.010.]
- 51.32.110 Source—[1917 c 28 § 18; 1915 c 188 § 5; 1911 c 74 § 13.]
This section has been revised somewhat to conform to the existing RCW language since practically every other section in this chapter has been amended and ratified by the legislature.
- 51.32.120 Source—[1957 c 70 § 35. Prior: See prior history to 51.32.010.]
- 51.32.130 Source—[1957 c 70 § 45. Prior: 1941 c 209 § 2; 1929 c 132 § 3; 1927 c 310 § 6(i); 1917 c 29 § 22; 1911 c 74 § 7.]
- 51.32.135 Source—[1953 c 143 § 1.]
- 51.32.140 Source—[1957 c 70 § 36. Prior: See prior history to 51.04.080.]
- 51.32.150 Source—[1959 c 308 § 5; 1957 c 70 § 37. Prior: See history to 51.32.010.]
- 51.32.160 Source—[1957 c 70 § 38. Prior: 1951 c 115 § 5; see also prior history to 51.32.010.]
- 51.32.180 Source—[1959 c 308 § 19. Prior: 1941 c 235 § 1, part; 1939 c 135 § 1, part; 1937 c 212 § 1, part.]

Chapter 51.36 Medical Aid

- 51.36.010 Source—[1959 c 256 § 2. Prior: 1943 c 186 § 2, part; 1923 c 136 § 9, part; 1921 c 182 § 11, part; 1919 c 129 § 2, part; 1917 c 28 § 5, part.]
- 51.36.020 Source—[1959 c 256 § 3. Prior: 1951 c 236 § 6; see also prior history note to 51.36.010.]
- 51.36.030 Source—[1959 c 256 § 4. Prior: See prior history to 51.36.010.]

Chapter 51.40 Medical Aid Contracts

This chapter (except for 51.40.070 which is derived from the 1939 law codified and subsequently amended and ratified in 51.36) is derived from 1939 c 50 § 1. It is here presented in divided form to conform to the general approach of retaining RCW organization wherever possible because of the profuse amendments and ratifications throughout the remainder of Title 51.

- 51.40.010 Source—[1939 c 50 § 1, part; 1927 c 310 § 9, part; 1921 c 182 § 12, part; 1919 c 129 § 5, part; 1917 c 28 § 15, part.]
The language "such a contract shall be known as a 'medical aid contract'" was added by the 1941 Code Committee. Since such language has been in RCW for ten years and since

- such contracts are referred to as such in subsequent sections herein it is retained in the reenactment bill. Explanatory note.
- 51.40.020 Source—See source note to 51.40.010.
The language in this section is edited to conform to the existing RCW language.
- 51.40.030 Source—See source note to 51.40.010.
This section is edited to conform to the Revised Code of Washington language since the original session law referred to RRS §§ 7712 to 7723 and 7725. Some of the sections referred to have been repealed, some are obsolete and some were originally codified by RCW in combination with other laws which have been ratified.
- 51.40.040 Source—See source note to 51.40.010.
This section has been edited to conform to the existing RCW language.
- 51.40.050 Source—See source note to 51.40.010.
This section has been edited to conform to the existing RCW language. The original session law provided in the last paragraph for notice to the workmen to be effected as “in the manner provided in section 7712”. Part of section 7712 was codified in 51.16.010 and part in 51.52.050, both of which RCW sections have since been amended and ratified. The last paragraph of 7712 is the part necessary for the execution of this section. The 1941 Code Committee set forth the pertinent provisions of 7712 rather than leaving the obsolete reference. This section adopts the RCW version but also includes certain language of 7712 which the 1941 Code Committee had heretofore omitted (see 51.40.050, next to last sentence).
The provision in this session law providing for appeal by employer or a workman in the manner provided in “section 7697” has been eliminated as being covered by chapter 51.52, the present appeal procedure. The 1941 Code Committee did not codify such obsolete appeal provision in RCW.
- 51.40.060 Source—See source note to 51.40.010.
This section has been edited to conform to RCW language. The original session law contains a sentence stating that the cost of such emergency treatment shall not exceed the rate “specified in the fee bill provided by section 7715”. 7715 is an obsolete reference and such former section is now combined in 51.04.030, the department’s medical aid functions in general (see notes to that section). Thus, in this bill it has been changed to “specified in the department’s fee bill”. The temporary paragraph relating to the effect of this 1939 law on prior medical aid contracts has been deleted as obsolete. It was not codified in the RCW version.
- 51.40.070 Source—[1959 c 256 § 5. Prior: See source notes to 51.36.010.]

Chapter 51.44 Funds

- 51.44.010 Source—[1947 c 247 § 1(4d), part.]
- 51.44.020 Source—[1923 c 136 § 8, part; 1919 c 129 § 1, part; 1917 c 29 § 4, part.]
- 51.44.030 Source—[1957 c 70 § 39. Prior: See prior history to 51.32.010.]
- 51.44.040 Source—[1959 c 308 § 17; 1947 c 183 § 1; 1945 c 219 § 2.]
- 51.44.050 Source—[1959 c 308 § 6; 1957 c 70 § 40. Prior: 1947 c 247 § 1(4f), part; 1911 c 74 § 4, part.]
- 51.44.060 Source—[1959 c 308 § 7; 1957 c 70 § 41. Prior: 1947 c 247 § 1(4f), part; 1911 c 74 § 4, part.]
- 51.44.070 Source—[1959 c 308 § 8; 1957 c 70 § 42. Prior: 1951 c 236 § 7; see also 1941 c 169 § 1 and prior source note to 51.32.010.]
- 51.44.080 Source—[1957 c 70 § 43. Prior: See prior source note to 51.32.010.]

Explanatory note. 51.44.090 Source—[1957 c 70 § 44. Prior: See prior source note to 51-.32.010.]

51.44.100 Source—[1959 c 244 § 1; 1935 c 90 § 1.]

51.44.110 Source—[1911 c 74 § 26, part.]

This section is edited to conform to the RCW version. The 1941 Code Committee herein codified part of this 1911 section and the balance was combined with a 1917 law in 51.44.120. The next to the last sentence of the 1911 section reads "The state treasurer shall to such extent as shall appear to him to be advisable keep the moneys of the unsegregated portion of the accident fund invested at interest in the class of securities provided by law for the investment of the permanent school fund." The 1941 Code Committee considered such sentence as being superseded and did not codify it. This sentence is adequately covered by 51.44.100 relating to the investment of funds by the state finance committee and is therefore omitted.

51.44.120 Source—[(i) 1911 c 74 § 26, part. (ii) 1917 c 28 § 14.]

This section is a combination of two session law sections (heretofore noted in section 51.44.110); the last sentence of the 1911 section, relating to the liabilities for moneys and securities in the accident fund, is codified herein and rewritten to apply to the "several" funds because the 1917 act, with which it is combined, applies to other than the accident fund.

Chapter 51.48 Penalties

51.48.010 Source—[1947 c 247 § 1(4d), part.]

The session law section contains language to the effect that every employer "shall also be liable to a penalty . . . to be collected in a civil action in the name of the state, and paid into the accident fund and/or medical aid fund". This provision as to the action for collection is covered by 51.48.090, infra. Thus, the language relating to collection is eliminated and the provision is revised to read in part "shall also be liable to a penalty . . . for the benefit of the accident fund and the medical aid fund". This follows the existing RCW approach and the problem recurs in subsequent sections.

51.48.020 Source—[1947 c 247 § 1(4d), part.]

Edited to conform to RCW language.

The language relating to the collection by civil action is deleted, see notes to 51.48.010.

51.48.030 Source—[1947 c 247 § 1(4d), part.]

The language relating to collection by civil action deleted, see notes to 51.48.010.

51.48.040 Source—[1911 c 74 § 15, part.]

The language relating to collection by civil action deleted, see notes to 51.48.010.

51.48.050 Source—[1917 c 28 § 17.]

Language relating to liability and civil action is deleted as being covered by 51.48.090, see also notes to 51.48.010.

51.48.060 Source—[1927 c 310 § 6(e), part; 1921 c 182 § 7, part; 1911 c 74 § 12, part.]

51.48.070 Source—[1911 c 74 § 9.]

This section contained language in the original session law at the end of the first paragraph which read "in addition to the same required by section 4 to be paid". Section 4 referred to was a cumbersome section appearing in the original act which was subsequently divided by the legislature into several sections (1947 c 247) which, as amended and ratified, is codified in some 64 sections throughout this title. To preserve the legislative intent and meaning the bill states "in addition to all other payments required by law".

- 51.48.080 Source—[1915 c 188 § 8.] Explanatory note.
 The language providing for the recovery of a penalty in a civil action has been deleted as being covered by 51.48.090, see notes to 51.48.010.
- 51.48.090 Source—[(i) 1947 c 247 § 1, part. (ii) 1911 c 74 § 15, part. (iii) 1917 c 28 § 17, part.]
 This section covers all civil actions; the original session law provided for payment into the accident fund; the bill adds to the end of the section the phrase “unless a different fund is designated” since some of the prior sections in this chapter include different funds; these prior sections were revised (as heretofore noted) with respect to payment of penalties, fees, etc., collected in a civil action. This revision preserves such other laws without changing the meaning thereof and continues the RCW approach.
- 51.48.100 Source—[1947 c 247 § 1, part.]

Chapter 51.52 Appeals

- 51.52.010 Source—[1951 c 225 § 1; 1949 c 219 § 2.]
- 51.52.020 Source—[1951 c 225 § 2; 1949 c 219 § 3, part.]
- 51.52.030 Source—[1951 c 225 § 3; 1949 c 219 § 3, part.]
- 51.52.040 Source—[1951 c 225 § 4; 1949 c 219 § 4.]
- 51.52.050 Source—[1957 c 70 § 55; 1951 c 225 § 5. Prior: (i) 1947 c 281 § 1, part; 1943 c 210 § 1, part; 1939 c 41 § 1, part; 1937 c 211 § 1, part; 1927 c 310 § 1, part; 1921 c 182 § 1, part; 1919 c 131 § 1, part; 1911 c 74 § 2, part. (ii) 1949 c 76 § 97; 1947 c 247 § 1, part; 1911 c 74 § 20, part. (iii) 1949 c 219 § 6, part; 1943 c 280 § 1, part; 1931 c 90 § 1, part; 1929 c 132 § 6, part; 1927 c 310 § 8, part; 1911 c 74 § 20, part. (iv) 1923 c 136 § 7, part; 1921 c 182 § 10, part; 1917 c 29 § 3, part. (v) 1917 c 29 § 11. (vi) 1939 c 50 § 1, part; 1927 c 310 § 9, part; 1921 c 182 § 12, part; 1919 c 129 § 5, part; 1917 c 28 § 15, part.]
- 51.52.060 Source—[1957 c 70 § 56; 1951 c 225 § 6. Prior: (i) See (iii) of 51.52.050. (ii) See prior source note to 51.32.010.]
- 51.52.070 Source—[1957 c 70 § 57; 1951 c 225 § 7. Prior: See (iii) of 51.52.050.]
- 51.52.080 Source—[1957 c 70 § 58; 1951 c 225 § 8. Prior: See (iii) of 51.52.050.]
- 51.52.090 Source—[1957 c 70 § 59; 1951 c 225 § 9. Prior: See (iii) of 51.52.050.]
- 51.52.095 Source—[1951 c 225 § 10.]
- 51.52.100 Source—[1957 c 70 § 60; 1951 c 225 § 11. Prior: See (iii) of 51.52.050.]
 The second sentence of the session law provides that in a proceeding before the board, a hearing shall be de novo and testimony of a witness may be taken by deposition “according to the statutes relating to superior courts of this state”. The language has been changed to provide that the deposition may be taken according to the “statutes and rules” since the new procedural court rules control the taking of depositions.
- 51.52.102 Source—[1951 c 225 § 12.]
- 51.52.106 Source—[1951 c 225 § 13.]
- 51.52.110 Source—[1957 c 70 § 61; 1951 c 225 § 14. Prior: See prior history note (iii) of 51.52.050.]
- 51.52.115 Source—[1957 c 70 § 62; 1951 c 225 § 15. Prior: (i) See prior history note (iii) of 51.52.050. (ii) 1949 c 219 § 6; 1939 c 184 § 1.]
- 51.52.120 Source—[1951 c 225 § 16; 1947 c 246 § 3.]
- 51.52.130 Source—[1957 c 70 § 63; 1951 c 225 § 17. Prior: See (iii) of 51.52.050.]
- 51.52.132 Source—[1951 c 225 § 18.]

- Explanatory note. 51.52.140 Source—[1957 c 70 § 64; 1951 c 225 § 19. Prior: See prior source note to (iii) of 51.52.050.]
- 51.52.150 Source—[1951 c 225 § 20; 1931 c 116 § 1.]

Chapter 51.98 Construction

- 51.98.010 This section has been added to preserve continuity.
- 51.98.020 This section has been added to provide that title, chapter, section and subsection headings are not a part of the law.
- 51.98.030 Severability. Proviso added to make sure that the basic and comprehensive severability clause appearing in the basic workmen's compensation act of 1911 codified as 51.04.090 shall not be affected.

51.98.040 Repeals and saving.

The laws set forth in the schedule of repeals were either repealed previously, or are substantially reenacted by this bill. Specifically noted below are certain acts not previously repealed, which are proposed for repeal without reenactment. The numbers in parentheses correspond to the like-numbered subdivisions of the repealer schedule.

- (1) Section 21 provided for the creation of a department since abolished and powers and duties transferred to the department of labor and industries by 1921 c 7 §§ 74-82, 135—see chapter 43.22 RCW. Hence, this section repealed without reenactment.

Sections 22 and 23 of the 1911 act are repealed without reenactment; they relate to the salary, deputies and assistance of the commissioners of labor; the commissioners' powers and duties have been transferred to the department.

Section 30 of chapter 74, Laws of 1911 is preserved from repeal. It is presently codified as RCW 49.16.160. Similar language preserving safeguard regulations has been written into the saving provision in 51.98.040.

Section 31 of chapter 74, Laws of 1911 is repealed without reenactment; this section reads:

"If this act shall be hereafter repealed, all moneys which are in the accident fund at the time of the repeal shall be subject to such disposition as may be provided by the legislature, and in default of such legislative provision distribution thereof shall be in accordance with the justice of the matter, due regard being had to obligations of compensation incurred and existing."

This was mentioned in connection with 51.04.090, supra. This section was necessary in 1911 when the basic law was enacted since at that time it was not known whether the courts would uphold the constitutionality of the act or not. Since the act does not provide any formula for a disposition of funds in the case of repeal, a legislature may dispose of such funds without being bound by a prior legislature; such legislative distribution shall necessarily be in accordance with the judicial rules laid down with regard to the accident fund, and the courts have declared such fund a "trust fund" imposing certain rules and conditions relating thereto. See *State ex rel Trenholm v. Yelle*, 174 Wash. 547; *Mason-Walsh-Atkinson-Kier Co. v. Dept. L & I.*, 5 Wn. (2d) 508.

Section 32, chapter 74, Laws of 1911 is repealed without reenactment; this saving clause related to actions pending in 1911 and is now covered by the new saving clause.

- (4) Section 8, chapter 28, Laws of 1917 is repealed without reenactment. This section relates to the obsolete state medical board, its organization, assistants, etc. Such board was abolished by the 1921 administrative code and its powers and duties are vested in the department of labor and industries.

Section 9 of the 1917 act is repealed without reenactment for the same reasons given above for section 8.

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Section 16 of the 1917 act is repealed without reenactment. This section relates to the collection and disbursements of medical aid funds in accordance with certain provisions specifically enumerated. All of the current provisions, powers and duties relating to the collection and disbursement of medical aid funds are in later laws reenacted herein; most of the sections referred to in the 1917 law have since been completely amended, or have been repealed, superseded or supplemented.

- (11) Sections 12, 13 and 14, chapter 136, Laws of 1923 preserved from repeal are codified in 49.16.090, 49.16.120 and 49.16.151 and therefore are retained.

Section 20, chapter 136, Laws of 1923 is a section providing for nonretroactive application of the 1923 act. The retroactive and non-retroactive features of all acts have been preserved in the saving clause to the repealer schedule in 51.98.040. This section and other similar construction sections have not been repealed, thereby preserving their effect; however, they are not reenacted since the retroactivity of the reenactment bill will be covered in the general saving clause. All such retroactive construction sections will be footnoted on publication of Title 51 following passage of this reenactment bill. This reasoning also applies to subdivision (9) with respect to 1919 c 131 § 9 and to subdivision (4) with respect to section 21, chapter 28, Laws of 1917.

Also preserved from repeal of chapter 136, Laws of 1923 are sections 21, 22 and 23, a severability clause, a repealer clause coupled with a saving provision, and an effective date with an exception therein. Other sections of this session law are codified in Title 49 (which is not being reenacted) and therefore are not repealed or reenacted in this bill.

- (18) Section 2, chapter 104, Laws of 1931, which is repealed without reenactment, was a construction section excepting a 1931 amendment to RRS § 7676 from having application to coal mines and stating that such industry should be governed by the laws in effect prior to the taking effect of the 1931 amendment. Subsequently, RRS § 7676 was again amended in 1939 and the last paragraph of the 1939 act rendered section 2 of the 1931 act ineffective. Former compilations also omitted this section. See also notes to 1939 c 138 § 2, *infra*, subdivision (29).
- (29) Section 2, chapter 138, Laws of 1939 is repealed without reenactment. This section provided an effective date for the new rates and classifications set up by the 1939 act and was formerly compiled as RRS § 7676-1 in lieu of 1931 c 104 § 2, discussed above in (18). This was a temporary section and is now obsolete.
- (38) Section 1, chapter 89, Laws of 1945 is repealed without reenactment since it was held unconstitutional in its entirety in *Swedish Hospital etc. v. Dept. of L. & I.*, 26 Wn. (2d) 819.
- (46) Section 5, chapter 219, Laws of 1949 is repealed without reenactment since it was temporary transferring all of the powers and proceedings before the old joint board of the department of labor and industries to the board of industrial insurance appeals.
- (57) Sections 1 and 2, chapter 70, Laws of 1957 are not repealed nor reenacted. Section 2, chapter 70, Laws of 1957 reenacted RCW 49.16.010. A portion of 49.16.010 in the 1950 publication of RCW contained a definition of "educational standard"; the remaining portion of the session law from which it was derived was combined, divided and codified throughout Title

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51; all of such RCW sections, by means of chapter 70, were amended and ratified by the legislature in 1957. Each law prior to 1957 is repealed and reenacted in this bill with the exception of the definition of "educational standard" in 49.16.010. Thus, in order to preserve that portion of the prior law not enacted in 49.16.010, section 2 is withdrawn from the repealer leaving such latter RCW section with its 1957 session law source. The prior laws containing such definition which are repealed herein are found in 1921 c 182 § 2; 1927 c 310 § 2; 1939 c 41 § 2. Since such section 2 (in 49.16.010) is dependent upon the legislative direction section contained in section 1 of the 1957 act both section 1 and section 2 are preserved from repeal.

- (52) Section 1, chapter 246, Laws of 1951 is repealed without re-enactment since it was declared unconstitutional in *Rourke v. Dept. of L. & I.*, 41 Wn. (2d) 310.
- (56) Section 1, chapter 360, Laws of 1955 is repealed without re-enactment. This section relates to the quarterly report of payrolls controlled by 51.16.060, and although the 1955 section was actually repealed by 1959 c 308 § 20, it is here re-repealed to prevent any question of revival.
- (63) Section 26, chapter 308, Laws of 1959 is repealed without re-enactment. This is a construction section providing that section 25 of the 1959 act is a restatement and continuation of existing law and not a new enactment. The section construed section 25 codified as 51.08.015. The new continuation section in 51.98.010 covers this situation.

51.98.050 Emergency.