

Attachment 3

To

DECLARATION OF CHAD STOKES

REMINGTON'S
CODES AND STATUTES
OF WASHINGTON

(Cite REM. 1915 CODE)

SHOWING ALL

STATUTES IN FORCE, INCLUDING THE SESSION LAWS OF 1915

BY

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Reporter of the Supreme Court, Author of "Notes on Washington Reports,"
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CODES OF PROCEDURE
AND
GENERAL STATUTES

VOLUME II

"INSANE" to "WEIGHTS AND MEASURES," §§ 5936 to 9533

SAN FRANCISCO
BANCROFT-WHITNEY COMPANY
1916

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ERRATA.

Since these laws were compiled, a search in the office of the secretary of state discloses that the following laws, published in the official session laws of 1915, as being in full force and effect, have been subjected to the "Referendum." (See Constitutional Amendment 7, vol. I, p. 66.) So far as known, the validity of these referendums has not been passed on. For the state of the law prior to the enactment of these laws, so far as they are amendatory, see the historical references at the foot of each section.

Laws to be subjected to the Referendum at the General Election of 1916.

Laws of 1915.	Herein.
Chapter 46	Sections 8165-15 to 8165-23, Port Districts.
Chapter 49	Sections 9208-1 to 9208-24, Budget System.
Chapter 52	Sections 4804, 4807, 4809, 4810, 4811, 4826, 4843, 4843-1, Party Nominations.
Chapter 54	Sections 4971-1, 4971-5, 4971-6, 4971-7, 4971-9, 4971-10, 4971-15, 4971-16, 4971-17, 4971-31, 4971-32, Initiative.
Chapter 55	Sections 4940-4, 4940-6, 4940-7, 4940-8, 4940-9, 4940-10, 4940-15, 4940-16, The Recall.
Chapter 178	Section 8626-74A, Certificates of Public Necessity.
Chapter 181	Section 2667-1, Picketing.

TITLE LXX.

RAILROADS AND PUBLIC UTILITIES.

Liens for freight and storage charges: See supra, §§ 1191-1196.

Liens against for labor: See supra, §§ 1149-1153.

Hours for labor of operators: See supra, § 6572.

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CHAPTER I.

Public Service Commission.

§ 8626-1. **Short Title.**—This act shall be known as the “Public Service Commission Law,” and shall apply to the public services herein described and the commission hereby created. [L. '11, p. 538, § 1.]

Cited in 76 Wash. 639; 78 Wash. 205; 80 Wash. 169, 328, 654; 83 Wash. 135.

§ 8626-2. **Public Service Commission—Appointment—Term—Removal.**—There shall be and there is hereby created, a public service commission consisting of three persons, one of whom shall be elected as chairman, to be appointed by the governor, by and with the advice and consent of the senate. The terms of the commissioners first appointed under the provisions of this act shall be, one for the term of six years, one for the term of four years, and one for the term of two years; and thereafter the term of each commissioner shall be six years from and after the expiration of the term of his predecessor. Each commissioner shall hold office until his successor shall have been appointed and qualified.

The governor may remove any commissioner for inefficiency, neglect of duty or misconduct in office, giving to him a copy of the charges against him, and an opportunity of being publicly heard in person or by counsel in his own defense, upon not less than ten days' notice. If such commissioner shall be removed the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner, and his findings thereon, together with a complete record of the proceedings, and there shall be no right to review of the same in any court whatsoever.

The governor shall fill all vacancies in the office of commissioner by appointment, and the person so appointed shall fill out the unexpired term of his predecessor. [L. '11, p. 538, § 2.]

Duties as to hay and grain inspection: See supra, §§ 5980-1—5980-32.

§ 8626-3. **Qualifications, Oath, Bond, and Compensation.**—No commissioner shall hold any other office under the government of the

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 (\$200) 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 act, apply to appeals taken under the provisions of this act. [L. '11, p. 598, § 88.]

§ 8626-89. Rehearings.

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. [L. '11, p. 599, § 89.]

§ 8626-90. 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. [L. '11, p. 600, § 90.]

§ 8626-91. Overcharge.

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 shall determine that the public service company has charged an excessive or exorbitant amount for such service, the commission may order that the public service company pay to the complainant the amount of the overcharge so found, with interest from the date of collection.

If the public service company does not comply with the order for the payment of the overcharge within the time limited in such order, suit may be instituted in any court of competent jurisdiction to recover the same, and in such suit the findings and order of the commission shall be prima facie evidence of the facts therein stated. If the complainant shall prevail in such action, he shall be allowed a reasonable attorney's fee, to be fixed and collected as part of the costs of the suit. All complaints concerning overcharges shall be filed with the commission within two years from the time the cause of action accrues, and the petition for the enforcement of the order shall be filed in the court within one year from the date of the order of the commission. [L. '11, p. 600, § 91.]

§ 8626-92. Valuation of Property—Procedure.

The commission shall ascertain, as early as practicable, the cost of construction and equipment, the amount expended in permanent improvements, and proportionate amount of such permanent improvements charged in construction and to operating expenses respectively, the present as compared with the original cost of construction, and the cost of reproducing in its present condition the property of every public service company.

It shall also ascertain the amount and present market value of the capital stock and funded indebtedness of every public service company.

It shall also ascertain, in the case of companies engaged in interstate business, the relative value of the use to which such property in this state is actually put in the conduct of interstate business and state business respectively.

It shall also ascertain the total market value of the property of each public service company operating in this state used for the public convenience within the state.

It shall also ascertain the time intervening between the expenditure of money in the cost of construction and time when returns in the shape of dividends were first received by each of these companies.

It shall also ascertain the probable earning capacity of each public service company under the rates now charged by such companies and the sum required to meet fixed charges and operating expenses, and in case of a company doing interstate business it shall also ascertain the probable earning capacity of such company upon intrastate business, and the sum required to meet fixed charges and operating expenses on intrastate business, and the relative proportion of intrastate and interstate business, the relative proportion of the operating expenses connected therewith, the relative proportion of the revenue which should be derived therefrom.

It shall also ascertain the density of traffic and of population tributary to every public service company, and the conditions which will tend to show whether such traffic and population is likely to continue, increase, or diminish.