

is an inappropriate method for obtaining nominations for filling the vacancies created as a result of this bill.

To assist the school board in considering candidates for these additional positions, I encourage all interested citizens, and especially members of the Legislature residing within the Seattle School District, to communicate their suggestions to the members of the school board for their consideration.

With the exception of the item in section 6 and the alternate identical item in section 10 which I have vetoed for the reasons set forth above, the remainder of the bill is approved."

CHAPTER 132  
[Engrossed House Bill No. 388]  
REGULATION OF CARRIERS  
OF PASSENGER CHARTER PARTIES

AN ACT Relating to transportation; amending section 3, chapter 150, Laws of 1965 and RCW 81.70.020; amending section 5, chapter 150, Laws of 1965 and RCW 81.70.040; amending section 6, chapter 150, Laws of 1965 and RCW 81.70.050; amending section 7, chapter 150, Laws of 1965 and RCW 81.70.060; amending section 8, chapter 150, Laws of 1965 and RCW 81.70.070; amending section 9, chapter 150, Laws of 1965 and RCW 81.70.080; amending section 10, chapter 150, Laws of 1965 and RCW 81.70-.090; adding a new section to chapter 150, Laws of 1965 and to chapter 81.70 RCW; amending section 11, chapter 150, Laws of 1965 and RCW 81.70.100; amending section 12, chapter 150, Laws of 1965 and RCW 81.70.110; amending section 13, chapter 150, Laws of 1965 and RCW 81.70.120; amending section 14, chapter 150, Laws of 1965 and RCW 81.70.130; amending section 16, chapter 150, Laws of 1965 and RCW 81.70.150; amending section 19, chapter 150, Laws of 1965 and RCW 81.70.180; and amending section 21, chapter 150, Laws of 1965 and RCW 81.70.200.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 3, chapter 150, Laws of 1965 and RCW 81.70.020 are each amended to read as follows:

Unless the context otherwise requires, the definitions and general provisions set forth in this section shall govern the con-

struction of this chapter:

(1) "Commission" means the Washington utilities and transportation Commission;

(2) "Person or persons" means an individual, a corporation, association, joint stock association, and partnership, their lessees, trustees or receivers;

(3) "Public highway" includes every public street, road or highway in this state;

(4) "Motor vehicle" means every self-propelled vehicle with seating capacity for seven or more persons, excluding the driver;

(5) Subject to the exclusions of RCW 81.70.030, "charter party carrier of passengers" means every person engaged in the transportation of persons by motor vehicle for compensation whether in common or contract carriage over any public highway in this state.

~~((46)--"Certificate of public convenience and necessity" as used herein means the certificate required by RCW 81.68-040.))~~

Sec. 2. Section 5, chapter 150, Laws of 1965 and RCW 81.70-.040 are each amended to read as follows:

No charter party carrier of passengers shall engage in transportation services made subject to this chapter ~~((unless there is in force a permit issued annually by the commission authorizing such operation))~~ without first having obtained from the commission a certificate that public convenience and necessity require such operation.

Sec. 3. Section 6, chapter 150, Laws of 1965 and RCW 81.70.050 are each amended to read as follows:

Applications for ~~((permits))~~ certificates shall be in writing, verified under oath, and shall be in such form and contain such information as the commission may require.

Sec. 4. Section 7, chapter 150, Laws of 1965 and RCW 81.70.060 are each amended to read as follows:

Each annual application for a ~~((permit))~~ certificate to act

as a charter party carrier of passengers pursuant to the provision of this chapter shall be accompanied by (~~(a-filing)~~) an annual renewal fee of twenty-five dollars. Each initial application for a certificate shall be accompanied by a filing fee of two hundred dollars.

Sec. 5. Section 8, chapter 150, Laws of 1965 and RCW 81.70.070 are each amended to read as follows:

Before an annual (~~(permit)~~) certificate is issued, the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct such proposed transportation service. Notwithstanding any other provision in this 1969 amendatory act:

(1) the commission shall issue an initial annual certificate to any charter party carrier of passengers holding a valid operating permit issued by the commission prior to July 1, 1969, provided the application therefor shall have been filed with the commission not later than ninety days after the effective date of this section, and thereafter annually reissue any certificate initially issued hereunder, if the commission finds that the applicant possesses satisfactory fitness and financial responsibility to initiate or continue to conduct the authorized transportation services, if the commission finds the applicant has filed satisfactory evidence of an annual vehicle inspection conducted pursuant to rules and regulations of the Washington utilities and transportation commission, and has heretofore and will continue to faithfully comply with the rules and regulations adopted by the commission with respect thereto; (2) no charter party carrier of passengers initially issued a certificate shall be restricted as to point of origin or destination in the state of Washington; (3) every application for an initial certificate or annual reissuance thereof, shall be accompanied by the appropriate fee as specified herein; and (4) all holders of certificates issued subsequent to ninety days after the effective date of this section shall operate from a service area to be determined by the commission. In no case shall this area encompass more than a radius of forty air miles from the home terminal. The home terminal shall be designated by the applicant. This certificate shall be classified as a class B certificate.

Sec. 6. Section 9, chapter 150, Laws of 1965 and RCW 81.70.080 are each amended to read as follows:

The commission may, with or without hearing, issue a ~~((permit))~~ certificate, or may refuse to issue a ~~((permit))~~ certificate after a hearing. If the commission finds that public convenience and necessity require the proposed transportation service and the applicant possesses satisfactory fitness and financial responsibility to initiate and conduct the proposed transportation services, and will faithfully comply with the rules and regulations adopted by the commission with respect thereto, it shall issue the ~~((permit))~~ certificate to conduct the requested operations or may issue it for the partial exercise of the privilege sought, and may attach to the ~~((permit))~~ certificate such terms and conditions as in its judgment are required in the public interest, provided also that the commission shall require a certificated carrier to file and publish its tariffs and rates. ~~((provided-that-the-permit-shall-not-limit-the-authorized-operations-to-designated-points,-area-or-routes,))~~ The fact that the applicant for the ~~((permit))~~ certificate is or may later become a holder of a certificate of public convenience and necessity under chapter 81.68 RCW shall not be deemed inconsistent with the provisions of this chapter, and such dual authority may be authorized. Notwithstanding the provisions of this section, if the applicant desires to operate in a territory already served by the holder of a certificate, the commission shall hold a hearing before granting the certificate. The commission shall not grant a certificate to such an applicant unless it can be shown that the existing charter party carrier of passengers serving the territory is not providing services which are satisfactory to the commission and adequate for the public. In  
 V- no event shall the commission issue more certificates than public convenience and public necessity require and the commission shall place any restrictions on such certificates as may reasonably be necessary to protect any existing party carrier of passengers.

Sec. 7. Section 10, chapter 150, Laws of 1965 and RCW 81.70.090 are each amended to read as follows:

A ~~((permit))~~ certificate shall be ~~((and-remain-in-effect-for-one~~

year)) renewable annually unless suspended or terminated by the commission.

NEW SECTION. Sec. 8. There is added to chapter 150, Laws of 1965 and to chapter 81.70 RCW a new section to read as follows:

The commission may with or without a hearing issue temporary certificates to engage in the business of operating a passenger charter carrier company, but only after it finds that the issuance of such temporary certificate is consistent with the public interest. Such temporary certificate may be issued for a period up to one hundred eighty days where the territory covered thereby is not contained in the certificate of any other passenger charter carrier company. In all other cases such temporary certificate may be issued for a period not to exceed one hundred twenty days. The commission 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 1969 amendatory act. The commission shall collect a fee of twenty-five dollars for an application for such temporary certificate.

Sec. 9. Section 11, chapter 150, Laws of 1965 and RCW 81.70-.100 are each amended to read as follows:

No ((~~permit~~)) certificate issued pursuant to this chapter or rights to conduct any of the services therein authorized shall be leased, assigned, or otherwise transferred or encumbered, unless authorized by the commission. A filing fee of fifty dollars shall accompany all such applications.

Sec. 10. Section 12, chapter 150, Laws of 1965 and RCW 81.70.110 are each amended to read as follows:

The commission may cancel, revoke or suspend any operating ((~~permit~~)) certificate issued pursuant to the provisions of this chapter upon any of the following grounds:

(1) The violation of any of the provisions of this chapter or of any operating ((~~permit~~)) certificate issued thereunder;

(2) The violation of any order, decision, rule, regulation,

direction, demand or requirement established by the commission pursuant to this chapter;

(3) The rendition of a judgment against the charter party carrier of passengers for any penalty imposed under this chapter;

(4) Failure of a charter party carrier of passengers to pay any fee imposed on the carrier within the time required by law;

(5) On the request of the holder of the ((~~permit~~)) certificate.

(6) Failure of a certificate holder to operate and perform reasonable service.

Sec. 11. Section 13, chapter 150, Laws of 1965 and RCW 81.70.120 are each amended to read as follows:

After the cancellation or revocation of a ((~~permit~~)) certificate or during the period of its suspension, it shall be unlawful for a charter party carrier of passengers to conduct any operations as such a carrier. The commission may either grant or deny an application for a new ((~~permit~~)) certificate whenever it appears that a prior ((~~permit~~)) certificate of the applicant has been canceled or revoked pursuant to RCW 81.70.110 or whenever it appears after hearing that as a prior ((~~permit~~)) certificate holder the applicant engaged in any unlawful activity set forth in RCW 81.70.110 for which his ((~~permit~~)) certificate might have been canceled or revoked.

Sec. 12. Section 14, chapter 150, Laws of 1965 and RCW 81.70.130 are each amended to read as follows:

To the extent that such is not inconsistent with the provisions of this chapter, the commission may supervise and regulate every charter party carrier of passengers in the state and may do all things specifically designated in this chapter which are necessary and convenient in the exercise of such power and jurisdiction. The commission shall create the following classifications or types of certificates for charter party carriers of passengers:

Class A: From any point or points within the state to other points in or out of this state.

Class B: From any point within the territory of origin specified in the certificate to any points in the state, or territory of origin.

Sec. 13. Section 16, chapter 150, Laws of 1965 and RCW 81.70.150 are each amended to read as follows:

The commission shall in granting (~~(permits)~~) certificates pursuant to this chapter require charter party carriers of passengers to procure and continue in effect during the life of the (~~(permit)~~) certificate adequate protection against liability imposed by law upon the charter party carrier of passengers for the payment of damages for personal bodily injuries including death resulting therefrom, protection against a total liability of the charter party carrier of passengers on account of bodily injuries to or death of one or more persons as a result of any one accident and protection against damage or destruction of property. The minimum requirements for such assurance of protection against liability shall not be less than the requirements which are applicable to operations conducted under certificates of public convenience and necessity issued pursuant to (~~(the-appropriate-statutes-of-this-title)~~) auto transportation companies and the rules and regulations prescribed pursuant thereto shall apply to charter party carriers of passengers.

Sec. 14. Section 19, chapter 150, Laws of 1965 and RCW 81.70.180 are each amended to read as follows:

Every charter party carrier of passengers 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: PROVIDED FURTHER, That an "auto transportation company," which is also a charter party carrier

of passengers, shall not be required to pay a fee to the commission on gross operating revenue upon which a fee has been paid in accordance with RCW 81.24.020. 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.

Sec. 15. Section 21, chapter 150, Laws of 1965 and RCW 81.70.200 are each amended to read as follows:

In construing and enforcing the provisions of this chapter relating to the prescribed privileges and obligations of a holder of a ((~~permit~~)) certificate issued hereunder, the act, omission or failure of any officer, agent or employee or persons offering to afford the permitted service with the approval or consent of the ((~~permit~~)) certificate holder is the act, omission or failure ((~~to~~)) of the ((~~permit~~)) certificate holder.

Passed the House March 8, 1969.

Passed the Senate March 10, 1969.

Approved by the Governor March 25, 1969, with exception of certain items in section 5 and section 6 and all of section 12, which are vetoed.

Filed in office of Secretary of State March 25, 1969.

NOTE: Governor's explanation of partial veto is as follows:  
"...In 1965 the Legislature adopted an act that required charter party carriers to obtain an annual permit from the Utilities and Transportation Commission. House Bill No. 388 amends this 1965 act and requires that these passenger carriers obtain certificates of public convenience and necessity from the Commission.

I am in agreement with the purpose of the bill to change the permit system to a system that requires the carriers to obtain certificates of convenience and necessity for their operations. This is in keeping with the concepts of transportation regulation. However, the bill contains unnecessarily restrictive provisions that are contrary to the public interest and serve only the private interests of existing carriers.

Section 5 requires an applicant for a certificate to establish reasonable fitness and financial responsibility to offer charter transportation services. However, all persons holding permits under the present act must be issued a certificate of public convenience and necessity without regard to



these standards.

Further, no charter party carrier of passengers initially issued a certificate may be restricted as to point of origin or destination in the state. On the other hand, all holders of certificates issued more than three months after the effective date of the act are limited to a service area no larger than a radius of forty air miles from the home terminal. All holders of existing permits will be given a Class A certificate. All new applicants will receive Class B certificates.

This section unnecessarily discriminates between existing permit holders and persons desiring to establish new passenger charter services. The discrimination extends not only to the issuance of the permit, but to the area that these possible competitors are permitted to serve.

Section 6 authorizes the commission to issue certificates upon finding that the public convenience and necessity require the proposed transportation service. I have vetoed language in this section that is unnecessarily restrictive and adds little to the statute that the requirement of public convenience and necessity does not convey. I have also vetoed the provision authorizing the commission to place such restrictions on new certificates as may reasonably be necessary to protect any existing charter party carrier of passengers. I do not consider this a reasonable criterion for limitations upon certificates.

I have vetoed section 12 in order to make the act consistent with the other items vetoed.

The bill still contains the required measures in order for the Utilities and Transportation Commission constructively to regulate the industry, but with greater flexibility than that allowed by the original bill. I consider this to be more in the public interest.

With the exception of those items which have been vetoed for the reasons stated above, the remainder of House Bill No. 388 is approved."

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CHAPTER 133

[Engrossed House Bill No. 346]

WASHINGTON STATE BEEF

COMMISSION ACT

AN ACT Relating to beef and beef products and the sale and promotion thereof; creating a state beef commission; levying assess-