

**RCW 36.53.070 Duties of licensee—Duties as to ferriage—**

**Liability for nonperformance.** Every person obtaining a ferry license shall give constant and diligent attention to such ferry from daylight in the morning until dark in the evening of each day, and shall, moreover, at any hour in the night, if required, except in cases of imminent danger, give passage to all persons requiring the same on the payment of double rate of ferriage allowed to be taken in the daytime.

If the licensee at any time neglects or refuses to give passage to any person or property, the licensee shall forfeit and pay to the party aggrieved for every such offense the sum of five dollars, to be recovered before any district judge having jurisdiction; the licensee shall, moreover, be liable in an action at law for any special damage which such person may have sustained in consequence of such neglect or refusal.

No forfeiture or damages shall be recovered for a failure or refusal to convey any person or property across the stream when it is manifestly hazardous to do so, by reason of any storm, flood, or ice; nor shall any keeper of a ferry be compelled to give passage to any person or property until the fare or toll chargeable by law has been fully paid or tendered. [1987 c 202 s 207; 1963 c 4 s 36.53.070. Prior: Code 1881 s 3008; 1879 p 62 s 44; 1869 p 281 s 46; 1863 p 523 s 7; 1854 p 355 s 7; RRS s 5468.]

**Intent—1987 c 202:** See note following RCW 2.04.190.