
SENATE BILL 6215

State of Washington

53rd Legislature

1994 Regular Session

By Senators Skratek and Vognild

Read first time 01/17/94. Referred to Committee on Transportation.

1 AN ACT Relating to public service companies; amending RCW
2 81.04.110, 81.04.385, and 81.04.405; creating a new section; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** It is the intent of the legislature to
6 clarify that the utilities and transportation commission has the
7 authority to make more efficient use of its resources, provide quicker
8 resolution of complaints regarding transportation tariff matters,
9 eliminate duplicative hearings on classification and violation matters,
10 and to make certain that criminal proceedings involving alleged
11 violations of transportation tariffs not be dismissed because of
12 confusion regarding whether a defendant has received a classification
13 by the commission.

14 **Sec. 2.** RCW 81.04.110 and 1961 c 14 s 81.04.110 are each amended
15 to read as follows:

16 Complaint may be made by the commission of its own motion or by any
17 person or corporation, chamber of commerce, board of trade, or any
18 commercial, mercantile, agricultural or manufacturing society, or any

1 body politic or municipal corporation, by petition or complaint in
2 writing, setting forth any act or thing done or omitted to be done by
3 any public service ((~~corporation~~)) company or any person, persons, or
4 entity acting as a public service company in violation, or claimed to
5 be in violation, of any provision of law or of any order or rule of the
6 commission.

7 When two or more public service ((~~corporations~~)) companies or a
8 person, persons, or entity acting as a public service company, (meaning
9 to exclude municipal and other public corporations) are engaged in
10 competition in any locality or localities in the state, either may make
11 complaint against the other or others that the rates, charges, rules,
12 regulations or practices of such other or others with or in respect to
13 which the complainant is in competition, are unreasonable,
14 unremunerative, discriminatory, illegal, unfair or intending or tending
15 to oppress the complainant, to stifle competition, or to create or
16 encourage the creation of monopoly, and upon such complaint or upon
17 complaint of the commission upon its own motion, the commission shall
18 have power, after notice and hearing as in other cases, to, by its
19 order, subject to appeal as in other cases, correct the abuse
20 complained of by establishing such uniform rates, charges, rules,
21 regulations or practices in lieu of those complained of, to be observed
22 by all of such competing public service ((~~corporations~~)) companies in
23 the locality or localities specified as shall be found reasonable,
24 remunerative, nondiscriminatory, legal, and fair or tending to prevent
25 oppression or monopoly or to encourage competition, and upon any such
26 hearing it shall be proper for the commission to take into
27 consideration the rates, charges, rules, regulations and practices of
28 the public service ((~~corporation~~)) company or ((~~corporations~~))
29 companies complained of in any other locality or localities in the
30 state.

31 All matters upon which complaint may be founded may be joined in
32 one hearing, and no motion shall be entertained against a complaint for
33 misjoinder of complaints or grievances or misjoinder of parties; and in
34 any review of the courts of orders of the commission the same rule
35 shall apply and pertain with regard to the joinder of complaints and
36 parties as herein provided: PROVIDED, All grievances to be inquired
37 into shall be plainly set forth in the complaint. No complaint shall
38 be dismissed because of the absence of direct damage to the
39 complainant.

1 Upon the filing of a complaint, the commission shall cause a copy
2 thereof to be served upon the person or (~~corporation~~) company
3 complained of, which shall be accompanied by a notice fixing the time
4 when and place where a hearing will be had upon such complaint. The
5 time fixed for such hearing shall not be less than ten days after the
6 date of the service of such notice and complaint, excepting as herein
7 provided. Rules of practice and procedure not otherwise provided for
8 in this title may be prescribed by the commission.

9 **Sec. 3.** RCW 81.04.385 and 1961 c 14 s 81.04.385 are each amended
10 to read as follows:

11 Every officer, agent or employee of any public service company or
12 any person, persons, or entity acting as a public service company, who
13 shall violate or fail to comply with, or who procures, aids or abets
14 any violation by any public service company of any provision of this
15 title, or who shall fail to obey, observe or comply with any order of
16 the commission, or any provision of any order of the commission, or who
17 procures, aids or abets any such public service company in its failure
18 to obey, observe and comply with any such order or provision, shall be
19 guilty of a gross misdemeanor.

20 **Sec. 4.** RCW 81.04.405 and 1973 c 115 s 2 are each amended to read
21 as follows:

22 In addition to all other penalties provided by law every public
23 service company subject to the provisions of this title and every
24 officer, agent or employee of any such public service company who
25 violates or who procures, aids or abets in the violation of any
26 provision of this title or any order, rule, regulation or decision of
27 the commission, (~~and~~) every person or corporation violating the
28 provisions of any cease and desist order issued pursuant to RCW
29 81.04.510, and every person or entity found in violation pursuant to a
30 complaint under RCW 81.04.110, shall incur a penalty of one hundred
31 dollars for every such violation. Each and every such violation shall
32 be a separate and distinct offense and in case of a continuing
33 violation every day's continuance shall be and be deemed to be a
34 separate and distinct violation. Every act of commission or omission
35 which procures, aids or abets in the violation shall be considered a
36 violation under the provisions of this section and subject to the
37 penalty herein provided for.

1 The penalty herein provided for shall become due and payable when
2 the person incurring the same receives a notice in writing from the
3 commission describing such violation with reasonable particularity and
4 advising such person that the penalty is due. The commission may, upon
5 written application therefor, received within fifteen days, remit or
6 mitigate any penalty provided for in this section or discontinue any
7 prosecution to recover the same upon such terms as it in its discretion
8 shall deem proper and shall have authority to ascertain the facts upon
9 all such applications in such manner and under such regulations as it
10 may deem proper. If the amount of such penalty is not paid to the
11 commission within fifteen days after receipt of notice imposing the
12 same or application for remission or mitigation has not been made
13 within fifteen days after violator has received notice of the
14 disposition of such application the attorney general shall bring an
15 action in the name of the state of Washington in the superior court of
16 Thurston county or of some other county in which such violator may do
17 business, to recover such penalty. In all such actions the procedure
18 and rules of evidence shall be the same as an ordinary civil action
19 except as otherwise herein provided. All penalties recovered under
20 this title shall be paid into the state treasury and credited to the
21 public service revolving fund.

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