

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6215**

53rd Legislature  
1994 Regular Session

Passed by the Senate February 15, 1994  
YEAS 45 NAYS 3

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**President of the Senate**

Passed by the House March 2, 1994  
YEAS 96 NAYS 0

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**Speaker of the  
House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6215** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SENATE BILL 6215**

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Passed Legislature - 1994 Regular Session

**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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