

BY RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 425

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act to regulate motor freight carriers
7 in Alaska; providing for control by the
8 Public Service Commission over motor
9 freight carriers; providing for penalties;
10 and providing for an effective date."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 Section 1. SHORT TITLE: This Act shall be known and may be
13 cited as the "Alaska Motor Freight Carrier Act".

14 Sec. 2. DEFINITIONS. When used in this Act:

15 (1) The term "person" means and includes an individual,
16 firm, copartnership, corporation, company, association or their
17 lessees, trustees or receivers.

18 (2) The term "commission" means the Public Service
19 Commission of the State of Alaska.

20 (3) The term "motor vehicle" means any truck, trailer,
21 semi-trailer, tractor or any self-propelled or motor-driven
22 vehicle used upon any public highway of this state for the
23 purpose of transporting property.

24 (4) The term "public highway" means every street,
25 road or highway in this state.

26 (5) The term "common carrier" means:

27 a. Any person who transports property for hire
28 or who holds himself out to the public as willing to transport
29 property for hire, compensation or consideration by motor

1 vehicle; or

2 b. Any person who leases, rents or otherwise
3 provides a motor vehicle for the use of others in transporting
4 property, and who, in connection therewith, provides, procures
5 or arranges for, directly, indirectly or by course of dealing,
6 a driver or operator therefor or the necessary authority for the
7 use thereof on the public highways.

8 (6) The term "contract carrier" shall include all
9 motor vehicle operators not included under the terms "common
10 carrier" and "private carrier" as herein defined in paragraph
11 (5) and paragraph (7), and further shall include any person who
12 under special and individual contracts or agreements transports
13 property by motor vehicle for compensation.

14 (7) A "private carrier" is a person who, in his own
15 vehicle, transports only property owned or being bought or sold
16 by him in good faith and only when such transportation is purely
17 an incidental adjunct to some other established private business
18 owned or operated by him in good faith.

19 (8) The term "motor carrier" means and includes
20 "common carrier," "contract carrier," "private carrier" and
21 "exempt carrier" as herein defined.

22 (9) The term "exempt carrier" means any person
23 operating a vehicle exempted from certain provisions of this Act
24 under section 4 hereof.

25 (10) The term "vehicle" means every device capable of
26 being moved upon a public highway and in, upon or by which any
27 person or property is or may be transported or drawn upon a
28 public highway, excepting devices moved by human or animal power
29 or used exclusively upon stationary rail or tracks.

1 The terms "common carrier" and "contract carrier" shall
2 include persons engaged in the business of providing, contracting
3 for, or undertaking to provide transportation of property for
4 compensation over the public highways of the State of Alaska as
5 brokers or forwarders.

6 Sec. 3. DECLARATION OF POLICY. The business of operating
7 as a motor carrier of freight for compensation or gain upon the
8 highways of the State of Alaska is declared to be a business
9 affected with a public interest. The sparsely settled area, the
10 tremendous distances between small and large centers of population
11 the difficult terrain and the hazards of weather make imperative
12 that an adequate and dependable and available transportation
13 service for the movement of necessary and vital supplies and
14 material be maintained. That the shippers and receivers of
15 freight in the State of Alaska may be provided with a stabilized
16 service and rate structure; that sound economic conditions among
17 such carriers and which will guarantee such transportation may
18 be fostered in the public interest; that adequate, economical
19 and efficient service by motor carriers, and reasonable charges
20 therefor may be promoted without unjust discrimination, undue
21 preferences or advantages, or unfair or destructive competitive
22 practices; that the common carrier of commodities by motor
23 carrier may be preserved in the public interest ; that the
24 relations between, and transportation by and regulation of,
25 motor carriers and other carriers may be improved and co-ordin-
26 ated so that the highways of the State of Alaska may be properly
27 developed and preserved, and the public may be assured adequate,
28 complete, dependable and stable transportation service in all its
29 phases.

1 Sec. 4. HIDDEN TRANSPORTATION CHARGES. Operators of motor
2 vehicles excluded from the term "private carrier," other than
3 "common carriers" shall not be compelled to dedicate their
4 property to the business of public transportation and subject
5 themselves to all the duties and burdens imposed by the Act upon
6 "common carriers," but where they recover the cost of transpor-
7 tation through price differentials or in any other direct or
8 indirect manner and such transportation cost recovery unreasonably
9 endangers the stability of rates and the essential transporta-
10 tion services involving the movement of commodities over the
11 same route or routes by other types of carriage, then such
12 transportation costs, attempted to be recovered, shall not be less
13 than the rate, fare or charge regularly established by the
14 commission for such transportation service if given by other
15 types of carriers, it being the intention of the legislature to
16 foster a stable rate structure free of discrimination for the
17 shippers of the State of Alaska.

18 Sec. 5. EXEMPT VEHICLES. The provisions of this Act,
19 except where specifically otherwise provided, shall not apply to:

20 (1) Motor vehicles operated exclusively in the trans-
21 portation of United States mail or in the transportation of news-
22 papers or periodicals;

23 (2) Motor vehicles owned and operated by the United
24 States, except when such vehicles are used to transport property
25 of the general public for compensation in competition to other
26 common carriers subject to this Act and further provided that
27 regulation of such vehicles operated by the United States is
28 permitted by the laws of the United States.

29 (3) Motor vehicles owned and operated by the State of

1 Alaska or any borough, city, town or municipality therein, or by
2 any department of them or any of them.

3 Sec. 6. COMPLIANCE ENJOINED. It shall be unlawful for any
4 person to operate as a "motor carrier" on any public highway of
5 this state except in accordance with the provisions of this Act.

6 Sec. 7. COMBINATION OF SERVICES. Every person who engages
7 for compensation to perform a combination of services which
8 includes transportation of property of others upon the public
9 highways shall be subject to the jurisdiction of the commission as
10 to such transportation, and shall not engage upon the same with-
11 out first having obtained a common carrier or contract carrier
12 permit to do so. Every person engaging in such a combination of
13 services shall advise the commission what portion of the consider-
14 ation is intended to cover the transportation service, and the
15 agreement covering the combination of services shall be in
16 writing, the rate and charge for such transportation shall be
17 set forth therein. The rates or charges for transportation
18 services included in such combination of services shall be subject
19 to control and regulation by the commission.

20 Sec. 8. GRANT OR DENIAL OF PERMIT. No "common carrier,"
21 "contract carrier," or "temporary carrier" shall hereafter
22 operate for the transportation of property for compensation in
23 this state without first obtaining from the commission a permit
24 to do so under the provisions of this Act. Applications for
25 common or contract carrier permits or extensions thereof shall
26 be on file for a period of at least thirty days prior to the
27 granting thereof unless the commission finds that special
28 conditions require the earlier granting thereof. Provided how-
29 ever, that if any common carrier or predecessor in interest was

1 in bona fide operation as a common or contract carrier by motor
2 vehicle on October 1, 1959, over the route or routes within the
3 territory for which application is made and has so operated since
4 that time, except in instances over which the applicant or
5 predecessor in interest had no control, the commission shall
6 issue a permit without requiring further proof that the service
7 is essential to the public needs, and without further proceed-
8 ings, if application for such certificate is made to the commi-
9 ssion within 90 days from the effective date of this Act and in
10 accordance with the applicable provisions of this Act. Otherwise
11 no permit or extension thereof shall be granted if the commission
12 finds that the applicant is not financially able, properly and
13 adequately equipped and capable of conducting the transportation
14 service applied for in compliance with the law and rules and
15 regulations of the commission, and the commission may deny an
16 application if the applicant or any of its principal officers or
17 stockholders fails, or has failed, to comply with the laws of the
18 State of Alaska.

19 Nothing contained in this Act shall be construed to confer
20 upon any person or persons the exclusive right or privilege of
21 transporting property for compensation over the public highways
22 of the State of Alaska, but the commission shall deny an applica-
23 tion when it appears, after public hearing, that the additional
24 service would endanger the stability and dependability of the
25 service essential to the public needs as set forth in section 1.

26 The commission shall also consider the amount and type of
27 service rendered in any area by any class of service and shall
28 deny an application for permit or extension if it appears that
29 the grant of such permit or extension would not be in the interest

1 of the public or would impair the stability or dependability of
2 existing service essential to the public needs or requirements.

3 Sec. 9. APPLICATION FOR PERMIT. Application for permit
4 shall be made to the commission in writing and shall state the
5 ownership, control, affiliation with any other carrier, financial
6 condition, equipment to be used and physical property of the
7 applicant, the territory or route or routes in or over which the
8 applicant proposes to operate, the nature of the transportation
9 to be engaged in and such other information as the commission
10 may require, and in case an application is that of a "contract
11 carrier" shall have attached thereto the original or duly
12 verified copies of all contracts to furnish transportation covered
13 thereby.

14 Sec. 10. FORM OF APPLICATION: FEES. The commission shall
15 prescribe forms of application for permits and for extensions
16 thereof for the use of prospective applicants, and shall make
17 regulations for the filing thereof. Applications for permits
18 and for extensions thereof shall be accompanied by the following
19 fees:

20 Applications for permits \$ 50.00
21 Applications for temporary permits 25.00
22 Applications for extension of permits. 25.00

23 Sec. 11. FORM AND CONTENTS OF PERMIT. Permits granted by
24 the commission shall be in such form as the commission shall
25 prescribe and set forth the name and address of the person to
26 whom the permit is granted, the nature of the transportation
27 service to be engaged in and the principal place of operation,
28 termini, or route to be used and territory to be served by the
29 operation. No permit holder shall operate except in accordance

1 with the permit issued to him.

2 Sec. 12. LIMITATION ON RENEWAL OF APPLICATION. No person
3 whose application for a permit has been denied after hearing
4 under any of the provisions of this Act, shall be eligible to
5 renew the application for a period of six months from the date of
6 the order denying such application.

7 Sec. 13. INSURANCE OR DEPOSIT OF SECURITY. The commission
8 shall in granting permits to "common carriers" and "contract
9 carriers" require such carriers to either procure and file
10 liability and property damage insurance from a company licensed
11 to write such insurance in the state, or deposit security, for
12 such limits of liability and upon such terms and conditions as the
13 commission shall determine to be necessary for the reasonable
14 protection of the public against damage and injury for which
15 such carrier may be liable by reason of the operation of any
16 motor vehicle.

17 In fixing the amount of the insurance policy or security,
18 the commission shall give due consideration to the character and
19 amount of traffic and the number of persons affected and the
20 degree of danger which the proposed operation involves.

21 Sec. 14. CONDITIONS MAY BE ATTACHED TO PERMITS. The
22 commission may, in issuing permits, attach thereto such terms
23 and conditions and require such insurance or security as it may
24 deem necessary for the protection of the public highways, and to
25 be for the best interest of the shipping and the general public.
26 All such regulations and conditions shall be temporary, and may
27 be revoked by the commission upon recommendation of the state or
28 borough authorities in charge of highway maintenance or safety
29 when in the judgment of such authorities revocation is required

1 in order to protect the public or preserve the public highways.

2 Sec. 15. BOND TO PROTECT SHIPPERS AND CONSIGNEES. The
3 commission may, under such rules and regulations as it shall
4 prescribe, require any common carrier to file a surety bond, or
5 deposit security, in a sum to be determined by the commission, to
6 be conditioned upon the carrier making compensation to shippers
7 and consignees for all money belonging to shippers and consignees,
8 and coming into the possession of the carrier in connection with
9 its transportation service. Any common carrier which may be
10 required by law to compensate a shipper or consignee for any
11 loss, damage, or default for which a connecting common carrier
12 is legally responsible shall be subrogated to the rights of the
13 shipper or consignee under the bond or deposit of security to the
14 extent of the sum so paid.

15 Sec. 16. TEMPORARY PERMITS. The commission may issue
16 temporary permits to temporary "common carriers" or "contract
17 carriers" for a period not to exceed 90 days, but only after it
18 finds that an emergency exists because existing transportation
19 agencies cannot supply the necessary service. It may prescribe
20 such special rules and regulations and impose such special terms
21 and conditions with reference thereto as in its judgment are
22 reasonable and necessary in carrying out the provisions of this
23 Act.

24 Sec. 17. TRANSFER OF PERMITS. No permit issued under the
25 authority of this Act shall be construed to be irrevocable. Nor
26 shall such permit be subject to transfer or assignment except
27 upon a proper showing that property rights might be affected
28 thereby, and then in the discretion of the commission, and upon
29 the payment of a fee of \$25.00.

1 Every carrier who shall cease operation and abandon his
2 rights under the permits issued him shall notify the commission
3 within 30 days of such cessation or abandonment.

4 Sec. 18. CANCELLATION OF PERMITS. Permits may be canceled,
5 suspended, altered, or amended by the commission after notice
6 and hearing upon complaint by any interested party, or upon its
7 own motion, when the permittee or his or its agent has repeatedly
8 violated this Act, the rules and regulations of the commission
9 or the motor laws of this state or of the United States, or the
10 permittee has made unlawful rebates or has not conducted his
11 operation in accordance with the permit granted him. Any person
12 may at the instance of the commission be enjoined from any vio-
13 lation of the provisions of this Act, or any order, rule, or
14 regulation made by the commission pursuant to the terms hereof.
15 If such suit is instituted by the commission no bond shall be
16 required as a condition to the issuance of the injunction.

17 Sec. 19. CLASSIFICATION OF CARRIERS. The commission may
18 from time to time establish such just and reasonable classifi-
19 cations of the groups of carriers included in the terms "common
20 carrier" and "contract carrier" as the special nature of the
21 services performed by such carriers shall require, and such just
22 and reasonable rules, regulations, and requirements, consistent
23 with the provisions of this Act, to be observed by the carriers
24 so classified or grouped, as the commission deems necessary or
25 advisable in the public interest.

26 Sec. 20. HEARING TO DETERMINE CARRIER'S CLASSIFICATION.
27 Whether or not any motor vehicle is being operated upon the high-
28 ways of this state within its proper classification, shall be a
29 question of fact to be determined by the commission. Whenever the

1 commission believes that any person operating motor vehicles on
2 the highways of this state is not operating within the proper
3 classification, but is in fact a carrier of a different classifi-
4 cation, it may institute a special proceeding, upon ten days'
5 notice, requiring such person to appear before the commission at
6 a location convenient for witnesses and the production of evi-
7 dence, and bring with him books, records, accounts, and other
8 memoranda, and give testimony under oath as to his operations,
9 and the burden shall rest upon such person of proving that his
10 operations are properly classified under the provisions of this
11 section.

12 The commission may consider, in determining whether such
13 operation is properly classified, the frequency of operation,
14 amount and basis of compensation, whether title to property has
15 been taken merely for the period of transportation or until
16 delivery thereof at the point of destination, whether the carrier
17 is regularly engaged in the buying and selling of the property
18 transported as his principal business, whether an increased
19 selling price assignable to the cost of transportation is
20 charged for the property transported when delivered at the point
21 of delivery as compared with the price charged when delivered
22 at the point of shipment, and such other facts as indicate the
23 true nature and extent of such operation upon the highways of
24 this state and the receipt of compensation therefor in order to
25 determine the carrier's proper classification under the terms
26 of this Act.

27 After having made the investigation the commission shall
28 issue the necessary and proper orders classifying the carrier.
29 In proceedings under this section no person shall be excused

1 from testifying or producing any book, waybill, document, paper,
2 or account before the commission when ordered to do so, on the
3 ground that the testimony or documentary evidence required of
4 him may tend to incriminate him or subject him to penalty or
5 forfeiture; but no person shall be prosecuted, punished, or
6 subjected to any penalty or forfeiture for or on account of any
7 transaction, matter or thing concerning which he shall under
8 oath have testified or produced documentary evidence: Provided,
9 that no person so testifying shall be exempt from prosecution or
10 punishment for any perjury committed by him in his testimony.

11 Sec. 21. OPERATION IN MORE THAN ONE CLASS. It shall be
12 unlawful for any person to operate any vehicle at the same time
13 in more than one class of operation, except upon approval of the
14 commission and a finding that such operation will be in the public
15 interest.

16 No "private carrier," as such, shall transport property for
17 compensation.

18 No "exempt carrier," as such, shall transport property for
19 compensation, except as herein provided.

20 Sec. 22. REGULATORY POWER OF COMMISSION OVER COMMON
21 CARRIERS. The commission shall supervise and regulate every
22 "common carrier" in this state; make, fix, alter, and amend, just,
23 fair, reasonable, minimum, maximum, or minimum and maximum,
24 rates, charges, classifications, rules, and regulations for all
25 "common carriers"; regulate the accounts, service, and safety
26 of operations thereof; require the filing of reports and other
27 data thereby; and supervise and regulate all "common carriers" in
28 all other matters affecting their relationship with competing
29 carriers of every kind and the shipping and general public.

1 Sec. 23. REGULATORY POWER OVER CONTRACT CARRIERS. The
2 commission shall supervise and regulate every "contract carrier"
3 in this state; fix, alter, and amend, just, fair and reasonable
4 classifications, rules, and regulations and minimum rates and
5 charges of each such "contract carrier"; regulate the accounts,
6 service, and safety of operations thereof; require the filing of
7 reports and other data thereby; and supervise and regulate such
8 "contract carriers" in all other matters affecting their relation-
9 ship with both the shipping and the general public.

10 Sec. 24. REGULATION OF PRIVATE AND EXEMPT CARRIERS. The
11 commission shall supervise and regulate every "private carrier"
12 and "exempt carrier" as to its safety of operation; require the
13 filing of such information and data thereby as may be required
14 by the commission in carrying out the provisions of this Act,
15 and supervise and regulate such "private carriers" in all other
16 matters affecting their relationship with the shipping and the
17 general public.

18 Sec. 25. TARIFF SCHEDULES TO BE FILED. Every common
19 carrier shall file with the commission, and shall print and
20 keep open to public inspection, schedules showing the rates,
21 charges, and classifications for the transportation of
22 property within the state between each point upon its route
23 and all other points thereon; and between each point upon
24 its route and all points upon every route leased, operated,
25 or controlled by it; and between each point on its route or upon
26 any route leased, operated, or controlled by it and all points
27 upon the route of any other common carrier, whenever a through
28 route and joint rate has been established or ordered between any
29 two such points. If no joint rate over a through route has been

1 established, the several carriers in such through route shall
2 file, print, and keep open to the public inspection, the
3 separately established rates, charges, and classifications,
4 applied to the through transportation. The schedules shall plainly
5 state the places between which property will be carried, and shall
6 also contain classifications of property in force, and shall also
7 state separately all terminal, storage, icing, and all other
8 charges which the commission may require to be stated, all
9 privileges or facilities allowed, and any rules and regulations
10 which may affect or determine any part, or the aggregate of, the
11 rates and charges, or the value of the service rendered to the
12 shipper or consignee. The schedules shall be plainly printed
13 in large type, and a copy shall be kept by the carrier readily
14 accessible to and for inspection by the public in every station
15 or office where property is received for transportation, when the
16 station or office is in charge of an agent, and in every station
17 or office of the carrier where bills of lading or receipts for
18 property are issued. The schedules shall be immediately produced
19 by the carrier for inspection upon the demand of any person. A
20 notice printed in bold type and stating that the schedules are on
21 file with the agent and open to inspection by any person and that
22 the agent will assist any person to determine therefrom any
23 rates or rules and regulations, shall be kept posted by the
24 carrier in two public and conspicuous places in every such station
25 or office. The form of schedules shall be prescribed by the
26 commissioner and shall conform as nearly as practicable to the
27 form of schedules required by the Interstate Commerce Commission.

28 The commission may, from time to time, determine and pre-
29 scribe by order such changes in the form of schedules as may be

1 found expedient, and modify the requirements of this section in
2 respect to publishing, posting and filing of schedules either
3 in particular instances or by general rule or order applicable to
4 special or peculiar circumstances.

5 Sec. 26. TARIFF CHANGES—STATUTORY NOTICE—EXCEPTION.

6 Unless the commission otherwise orders, no change shall be made in
7 any classification, rate, charge, rule, or regulation filed and
8 published by a common carrier, except after 30 days' notice to
9 the commission and to the public published as aforesaid, which
10 shall plainly state the changes proposed to be made in the sched-
11 ule then in force, and the time when the changed rate, classifica-
12 tion, or charge will go into effect; and all proposed changes
13 shall be shown by printing, filing and publishing new schedules
14 or shall be plainly indicated upon the schedules in force at the
15 time and kept open to public inspection. The commission, for
16 good cause shown, may by order allow changes in rates without
17 requiring the 30 days' notice and the publication. When any
18 change is made in any rate, charge, classification, rule, or
19 regulation, the effect of which is to increase any rate, or
20 charge then existing, attention shall be directed to the increase
21 by some character on the copy filed with the commission
22 immediately preceding or following the item in the schedule; such
23 character to be designated by the commission.

24 Sec. 27. TARIFF RATES MUST BE CHARGED. No "common carrier"
25 or "contract carrier" shall collect or receive a greater, less,
26 or different remuneration for the transportation of property, or
27 for any service in connection therewith, than the rates and
28 charges which have been legally established and filed with the
29 commission, or are specified in the contract or contracts filed,

1 as the case may be, nor shall any such carrier refund or remit,
2 in any manner or by any device, any portion of the rates and
3 charges required to be collected by each tariff or contract or
4 filing with the commission.

5 The commission may check the records of all carriers under
6 this Act and of those employing the services of the carrier for
7 the purpose of discovering all discriminations, under or over-
8 charges and rebates, and may suspend or revoke permits for
9 violations of this section.

10 The commission may refuse to accept any time schedule or
11 tariff or contract that will, in the opinion of the commission,
12 limit the service of a carrier to profitable trips only, or to
13 the carrying of high class commodities in competition with other
14 carriers who give a complete service and thus afford one carrier
15 an unfair advantage over a competitor.

16 Sec. 28. INTERSTATE TARIFFS. Every common carrier shall
17 print and file with the commission schedules showing the rates,
18 charges, and classifications for the transportation of property
19 between all points within the state and all points without the
20 state upon its route, and between each point within the state
21 and all points without the state upon every route leased,
22 operated, or controlled by it, and between each point upon its
23 route within the state and all points without the state upon
24 the route of any common carrier, whenever a through route and
25 joint rate has been established between any two such points. If
26 no joint rate over a through route has been established, the
27 carrier operating within this state shall print and file with the
28 commission the separately established rates, charges, and class-
29 ifications applied to the through transportation. The schedules

1 shall plainly state the places between which property will be
2 carried, and shall also contain the classification of property
3 in force, and shall also state separately all terminal, storage,
4 icing, or other charges which the commission may require to be
5 stated, all privileges allowed, and any rules or regulations
6 which may affect or determine any part or the aggregate of the
7 rates, and charges or the value of the service rendered to the
8 passenger, shipper, or consignee.

9 Sec. 29. JOINT THROUGH RATES. The commission may require
10 a common carrier by motor vehicle, railroad, express, or water
11 to establish reasonable through rates with other common carriers
12 by motor vehicle, railroad, express, or water, and to provide
13 safe and adequate service, equipment, and facilities for the
14 transportation of property; establish and enforce just and reason-
15 able individual and joint rates, charges, and classifications,
16 and just and reasonable regulations and practices relating there-
17 to, and in case of such joint rates, and charges establish just,
18 reasonable, and equitable divisions thereof as between the
19 carriers participating therein. In ordering and establishing
20 joint through rates between different types of carriers, the
21 commission shall give full effect to the lower cost of transpor-
22 tation of property by any type of carrier and shall reflect the
23 lower costs by differentials under a through rate of the higher
24 cost carrier.

25 Sec. 30. FILING OF JOINT RATES, CONTRACTS, ETC. The names
26 of the several carriers which are parties to any joint tariff
27 shall be specified therein, and each of the parties thereto,
28 other than the one filing it, shall file with the commission
29 such evidence of concurrence therein as may be required by the

1 commission; and where evidence of concurrence is filed, it shall
2 not be necessary for the carriers filing it also to file copies
3 of the joint tariffs.

4 Every common carrier shall file with the commission copies
5 of every contract, agreement, or arrangement with any other
6 common carrier relating in any way to the transportation of
7 property.

8 Sec. 31. PUBLISHED RATES TO BE CHARGED—EXCEPTIONS. No
9 common carrier shall charge, demand, collect, or receive a
10 greater or less or different compensation for transportation of
11 property, or for any service in connection therewith, than the
12 rates and charges applicable to such transportation as specified
13 in its schedules filed and in effect at the time; nor shall any
14 such carrier refund or remit in any manner or by any device any
15 portion of the rates or charges so specified excepting upon order
16 of the commission, or extend to any person any privileges or
17 facilities in the transportation of property except such as are
18 regularly and uniformly extended to all persons under like circum-
19 stances.

20 Sec. 32. REBATING. Any person, whether carrier subject
21 to the provisions of this Act, shipper, or consignee, or any
22 officer, employee, agent, or representative thereof, who shall
23 knowingly offer, grant, or give, or solicit, accept, or receive
24 any rebate, concession, or discrimination in violation of any
25 provision of this Act, or who by means of any false statement or
26 representation, or by the use of any false or fictitious bill,
27 bill of lading, receipt, voucher, roll, account, claim, certifi-
28 cate, affidavit, deposition, lease, or bill of sale, or by any
29 other means or device shall knowingly and wilfully assist, suffer

1 or permit any person or persons, natural or artificial, to obtain
2 transportation of property subject to this Act for less than the
3 applicable rate or charge, or who shall knowingly and wilfully
4 by any such means or otherwise fraudulently seek to evade or
5 defeat regulation as in this Act provided for motor carriers shall
6 be guilty of a misdemeanor.

7 Sec. 33. WEIGHT FEES. In addition to all other fees to be
8 paid by him, every "common carrier", "contract carrier", and
9 "private carrier" shall pay to the commission each year at the
10 time of, in connection with, and before receiving his license
11 plates for each motor truck or truck tractor owned or operated by
12 him, based upon the maximum gross unladen weight thereof as set
13 by the carrier in his application for his regular license plates,
14 the following fees:

15	12,000 pounds or less	\$25.00
16	12,000 pounds and not over 18,000 pounds	40.00
17	18,000 pounds and over	50.00

18 Sec. 34. HOURS OF OPERATORS. No carrier subject to this
19 Act shall permit or require any driver employed or used by it to
20 remain on duty for a total of more than 60 hours in any week;
21 Provided, however, that carriers operating vehicles on every day
22 of the week may permit drivers to remain on duty for a total of
23 not more than 70 hours in any period of 192 consecutive hours..
24 A driver is determined to be on-duty from the time he begins to
25 work or is required to be in readiness to work until the time
26 he is relieved from work and all responsibility from performing
27 work. Time spent by a driver resting in a sleeper berth shall
28 not be included in computing time on duty.

29

1 When a driver, at the direction of a motor carrier, is on a
2 public passenger conveyance or a carrier-operated vehicle having
3 individual rest facilities equivalent to those on a public
4 passenger conveyance, such time shall be counted as on-duty time
5 unless the driver is afforded at least eight consecutive hours
6 off duty when arriving at destination, in which case he shall be
7 considered as off duty for the entire period. The term "week"
8 means any period of 168 consecutive hours beginning at the time
9 the driver reports for duty as defined in this section; The
10 provisions of this section shall not apply to any case of casualty
11 or unavoidable accident or act of God, or to the crews of wreck-
12 ing or relief vehicles.

13 Sec. 35. APPLICATION TO INTERSTATE COMMERCE. This Act
14 shall apply to persons and motor vehicles engaged in interstate
15 commerce to the full extent permitted by the Constitution and
16 laws of the United States.

17 Sec. 36. COOPERATION WITH FEDERAL GOVERNMENT. The commi-
18 ssion shall cooperate with the federal government and the Inter-
19 state Commerce Commission of the United States or any other
20 commission or organization delegated or authorized to regulate
21 interstate or foreign commerce by motor carriers, to the end that
22 the transportation of property by motor carriers in interstate
23 or foreign commerce into and through the state may be regulated
24 and the laws of the United States and the state enforced and
25 administered cooperatively in the public interest.

26 Sec. 37. RECIPROCAL AGREEMENTS WITH OTHER STATES. The
27 commission may make agreements on behalf of the state with any
28 other state providing for reciprocal rights, privileges, and
29 courtesies, between the licensees and permittees of such state

1 and this state regarding licenses and the transportation of
2 property into or through such state and this state.

3 Sec. 38. RULES AND REGULATIONS. The commission may, by
4 general order or otherwise, prescribe rules and regulations in
5 conformity with this Act to carry out the purposes thereof,
6 applicable to any and all "motor carriers," or to any persons
7 transporting property by motor vehicle for compensation even
8 though they do not come within the term "motor carrier."

9 Sec. 39. ENFORCEMENT OF ACT. The commission may administer
10 and enforce all provisions of this Act and inspect the vehicles,
11 books, and documents of all "motor carriers" and the books,
12 documents, and records of those using the service of the carriers,
13 for the purpose of discovering all discriminations, rebates, and
14 other information pertaining to this Act, and shall prosecute
15 violations thereof.

16 If any person fails to comply with or operates in violation
17 of any provision of this Act (except provisions as to the
18 reasonableness of rates or charges, and the discriminatory
19 character thereof), or any rule, regulation, requirement, or
20 order thereunder (except an order for the payment of money), or
21 of any term or condition of any permit, the commission (or, in
22 case of such an order, any party injured by the failure to
23 comply therewith or by the violation thereof), may apply to any
24 superior court having jurisdiction of the parties for the enforce-
25 ment of such provision of this Act or of such rule, regulation,
26 requirement, order, term, or condition; and such court shall have
27 jurisdiction to enforce obedience thereto by a writ or writs of
28 injunction or other process, mandatory or otherwise, restraining
29 such person and any officer, agent, employee, or representative

1 thereof from further violation of such provision of this Act
2 or of such rule, regulation, requirement, order, term, or
3 condition and enjoining obedience thereto.

4 The commission shall enter of record a written report of
5 hearings conducted upon complaint, or upon its own initiative
6 without complaint, stating its conclusions, decisions, and order.

7 Sec. 40. PENALTIES. Any person, firm, or corporation who
8 knowingly and wilfully violates any provision of this Act, or
9 any rule, regulation, requirement, or order thereunder, or any
10 term or condition of any permit shall be deemed guilty of a
11 misdemeanor, and upon conviction thereof, shall be subject for
12 each offense to a fine not exceeding \$500.00.

13 Sec. 41. EFFECTIVE DATE. This Act takes effect on the day
14 after its passage and approval or on the day it becomes law
15 without such approval.

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