

without the State of Alaska for the purpose of employing him shall, on or after the termination of employment for any good and sufficient cause in the opinion of the Commissioner of Labor, beyond the control of such person, or on or after the termination of the contract of employment, or any renewal thereof, provide such person upon his request, or the request of the Commissioner of Labor, made within 45 days after the termination of employment, with return transportation to the place of hire from which transportation was furnished or financed, or

to destination agreed upon by the parties with transportation to be furnished or financed, provided that upon such termination of employment the subsistence of the employee shall not continue longer than ten days after termination of such employment or until such time as transportation is available whichever is the shorter.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 22, 1960

CHAPTER 165

AN ACT

Relating to the Alaska Business License; repealing Secs. 1, 2, 3, 4, and 6, Ch. 124, SLA 1957; and providing for an effective date.

(C.S.H.B. 409)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Sections 1, 2, 3, 4, and 6, Ch. 124, SLA 1957 are repealed.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 22, 1960

CHAPTER 166

AN ACT

To regulate motor freight carriers in Alaska; providing for control by the Public Service Commission over motor freight carriers; providing for penalties; and providing for an effective date.

(H.B. 425)

Be it enacted by the Legislature of the State of Alaska:

Section 1. **Short Title.** This Act shall be known and may be cited as the "Alaska Motor Freight Carrier Act".

Sec. 2. **Definitions.** When used in this Act:

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

(2) The term "commission" means

the Public Service Commission of the State of Alaska.

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

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

(5) The term "common carrier" means:

a. The term "common carrier" means any person who undertakes to transport persons or property for the general public by motor vehicle for compensation, whether over regular or irregular routes, or regular or irregular schedules, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies.

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

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

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

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

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

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

The terms "common carrier" and "contract carrier" shall include persons engaged in the business of providing, con-

tracting for, or undertaking to provide transportation of property for compensation over the public highways of the State of Alaska as brokers or forwarders.

Sec. 3. Declaration of Policy. The business of operating as a motor carrier of freight for compensation or gain upon the highways of the State of Alaska is declared to be a business affected with a public interest. The sparsely settled area, the tremendous distances between small and large centers of population, the difficult terrain and the hazards of weather make imperative that an adequate and dependable and available transportation service for the movement of necessary and vital supplies and material be maintained. That the shippers and receivers of freight in the State of Alaska may be provided with a stabilized service and rate structure; that sound economic conditions among such carriers and which will guarantee such transportation may be fostered in the public interest; that adequate, economical and efficient service by motor carriers, and reasonable charges therefor may be promoted without unjust discrimination, undue preferences or advantages, or unfair or destructive competitive practices; that the common carrier of commodities by motor carrier may be preserved in the public interest; that the relations between, and transportation by and regulation of, motor carriers and other carriers may be improved and coordinated so that the highways of the State of Alaska may be properly developed and preserved, and the public may be assured adequate, complete, dependable and stable transportation service in all its phases.

Section 4. Hidden Transportation Charges. Operators of motor vehicles excluded from the term "private carrier," other than "common carriers" shall not be compelled to dedicate their property to the business of public transportation and subject themselves to all the duties and burdens imposed by the Act upon "common carriers," but where they recover the cost of transportation through price differentials or in any other direct or indirect manner and such transportation cost recovery unreasonably endangers the stability of rates and the essential transportation services involving the movement of commodities over the same route or routes by other types

of carriage, then such transportation costs, attempted to be recovered, shall not be less than the rate, fare or charge regularly established by the commission for such transportation service if given by other types of carriers, it being the intention of the legislature to foster a stable rate structure free of discrimination for the shippers of the State of Alaska.

Sec. 5. Exempt Vehicles. The provisions of this Act, except where specifically otherwise provided, shall not apply to:

(1) Motor vehicles operated exclusively in the transportation of United States mail or in the transportation of newspapers or periodicals;

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

(3) Motor vehicles owned and operated by the State of Alaska or any borough, city, town or municipality therein, or by any department of them or any of them.

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

Sec. 7. Combination of Services. Every person who engages for compensation to perform a combination of services which includes transportation of property of others upon the public highways shall be subject to the jurisdiction of the commission as to such transportation, and shall not engage upon the same without first having obtained a common carrier or contract carrier permit to do so. Every person engaging in such a combination of services shall advise the commission what portion of the consideration is intended to cover the transportation service, and the agreement covering the combination of services shall be in writing, the rate and charge for such transportation shall be set forth therein. The

rates or charges for transportation services included in such combination of services shall be subject to control and regulation by the commission.

Sec. 8. Grant or Denial of Permit. No "common carrier," "contract carrier," or "temporary carrier" shall hereafter operate for the transportation of property for compensation in this state without first obtaining from the commission a permit to do so under the provisions of this Act. Applications for common or contract carrier permits or extensions thereof shall be on file for a period of at least thirty days prior to the granting thereof unless the commission finds that special conditions require the earlier granting thereof. Provided, however, that if any common carrier or predecessor in interest was in bona fide operation as a common or contract carrier by motor vehicle on October 1, 1959, over the route or routes within the territory for which application is made and has so operated since that time, except in instances over which the applicant or predecessor in interest had no control, the commission shall issue a permit without requiring further proof that the service is essential to the public needs, and without further proceedings, if application for such certificate is made to the commission within 90 days from the effective date of this Act and in accordance with the applicable provisions of this Act. Otherwise, no permit or extension thereof shall be granted if the commission finds that the applicant is not financially able, properly and adequately equipped and capable of conducting the transportation service applied for in compliance with the law and rules and regulations of the commission, and the commission may deny an application if the applicant or any of its principal officers or stockholders fails, or has failed, to comply with the laws of the State of Alaska.

Nothing contained in this Act shall be construed to confer upon any person or persons the exclusive right or privilege of transporting property for compensation over the public highways of the State of Alaska, but the commission shall deny an application when it appears, after public hearing, that the additional service would endanger the stability and dependability of the service essential to the public needs as set forth in section 3.

The commission shall also consider the amount and type of service rendered in any area by any class of service and shall deny an application for permit or extension if it appears that the grant of such permit or extension would not be in the interest of the public or would impair the stability or dependability of existing service essential to the public needs or requirements.

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

Sec. 10. Form of Application: Fees. The commission shall prescribe forms of application for permits and for extensions thereof for the use of prospective applicants, and shall make regulations for the filing thereof. Applications for permits and for extensions thereof shall be accompanied by the following fees:

| | |
|---|----------|
| Application for permits ----- | \$ 50.00 |
| Application for temporary permits ----- | 25.00 |
| Applications for extension of permits ----- | 25.00 |

Sec. 11. Form and Contents of Permit. Permits granted by the commission shall be in such form as the commission shall prescribe and set forth the name and address of the person to whom the permit is granted, the nature of the transportation service to be engaged in and the principal place of operation, termini, or route to be used and territory to be served by the operation. No permit holder shall operate except in accordance with the permit issued to him.

Sec. 12. Limitation on Renewal of Application. No person whose application for a permit has been denied after hear-

ing under any of the provisions of this Act, shall be eligible to renew the application for a period of six months from the date of the order denying such application.

Sec. 13. Insurance or Deposit of Security. The commission shall in granting permits to "common carriers" and "contract carriers" require such carriers to either procure and file liability and property damage insurance from a company licensed to write such insurance in the state, or deposit security, for such limits of liability and upon such terms and conditions as the commission shall determine to be necessary for the reasonable protection of the public against damage and injury for which such carrier may be liable by reason of the operation of any motor vehicle.

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

Sec. 14. Conditions May Be Attached to Permits. The commission may, in issuing permits, attach thereto such terms and conditions and require such insurance or security as it may deem necessary for the protection of the public highways, and to be for the best interest of the shipping and the general public. All such regulations and conditions shall be temporary, and may be revoked by the commission upon recommendation of the state or borough authorities in charge of highway maintenance or safety when in the judgment of such authorities revocation is required in order to protect the public or preserve the public highways.

Sec. 15. Bond to Protect Shippers and Consignees. The commission may, under such rules and regulations as it shall prescribe, require any common carrier to file a surety bond, or deposit security or a bond guaranteed by individuals and approved by the commission in a sum to be determined by the commission, to be conditioned upon the carrier making compensation to shippers and consignees for all money belonging to shippers and consignees, and coming into the possession of the carrier in connection with its transportation service. Any common carrier which may be required by law to

compensate a shipper or consignee for any loss, damage, or default for which a connecting common carrier is legally responsible shall be subrogated to the rights of the shipper or consignee under the bond or deposit of security to the extent of the sum so paid.

Sec. 16. Temporary Permits. The commission may issue temporary permits to temporary "common carriers" or "contract carriers" for a period not to exceed 90 days, but only after it finds that an emergency exists because existing transportation agencies cannot supply the necessary service. It 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 Act.

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

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

Sec. 18. Cancellation of Permits. Permits may be canceled, suspended, altered, or amended by the commission after notice and hearing conducted pursuant to the Administrative Procedure Act upon complaint by any interested party, or upon its own motion, when the permittee or his or its agent has repeatedly violated this Act, the rules and regulations of the commission or the motor laws of this state or of the United States, or the permittee has made unlawful rebates or has not conducted his operation in accordance with the permit granted him. Any person may at the instance of the commission be enjoined from any violation of the provisions of this Act, or any order, rule, or regulation made by the commission pursuant to the terms hereof. If such suit is instituted by the commission no bond shall be required as a condition to the issuance of the injunction.

Sec. 19. Classification of Carriers. The commission may from time to time establish such just and reasonable classifications of the groups of carriers included in the terms "common carrier" and "contract carrier" as the special nature of the services performed by such carriers shall require, and such just and reasonable rules, regulations, and requirements, consistent with the provisions of this Act, to be observed by the carriers so classified or grouped, as the commission deems necessary or advisable in the public interest.

Sec. 20. Hearing to Determine Carrier's Classification. Whether or not any motor vehicle is being operated upon the highways of this state within its proper classification, shall be a question of fact to be determined by the commission. Whenever the commission believes that any person operating motor vehicles on the highways of this state is not operating within the proper classification, but is in fact a carrier of a different classification, it may institute a special proceeding, upon ten days' notice, requiring such person to appear before the commission at a location convenient for witnesses and the production of evidence, and bring with him books, records, accounts, and other memoranda, and give testimony under oath as to his operations, and the burden shall rest upon such person of proving that his operations are properly classified under the provisions of this section.

The commission may consider, in determining whether such operation is properly classified, the frequency of operation, amount and basis of compensation, whether title to property has been taken merely for the period of transportation or until delivery thereof at the point of destination, whether the carrier is regularly engaged in the buying and selling of the property transported as his principal business, whether an increased selling price assignable to the cost of transportation is charged for the property transported when delivered at the point of delivery as compared with the price charged when delivered at the point of shipment, and such other facts as indicate the true nature and extent of such operation upon the highways of this state and the receipt of compensation therefor

in order to determine the carrier's proper classification under the terms of this Act.

After having made the investigation the commission shall issue the necessary and proper orders classifying the carrier. In proceedings under this section no person shall be excused from testifying or producing any book, waybill, document, paper, or account before the commission when ordered to do so, on the ground that the testimony or documentary evidence required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person shall be prosecuted, punished, or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he shall under oath have testified or produced documentary evidence: Provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony.

Sec. 21. Operation in More Than One Class. It shall be unlawful for any person to operate any vehicle at the same time in more than one class of operation, except upon approval of the commission and a finding that such operation will be in the public interest.

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

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

Sec. 22. Regulatory Power of Commission Over Common Carriers. The commission shall supervise and regulate every "common carrier" in this state; make, fix, alter, and amend, just, fair, reasonable, minimum, maximum, or minimum and maximum, rates, charges, classifications, rules, and regulations for all "common carriers"; regulate the accounts, service, and safety of operations thereof; require the filing of reports and other data thereby; and supervise and regulate all "common carriers" in all other matters affecting their relationship with competing carriers of every kind and the shipping and general public.

Sec. 23. Regulatory Power Over Contract Carriers. The commission shall supervise and regulate every "contract carrier" in this state; fix, alter, and amend,

just, fair and reasonable classifications, rules, and regulations and minimum rates and charges of each such "contract carrier"; regulate the accounts, service, and safety of operations thereof; require the filing of reports and other data thereby; and supervise and regulate such "contract carriers" in all other matters affecting their relationship with both the shipping and the general public.

Sec. 24. Regulation of Private and Exempt Carriers. The commission shall supervise and regulate every "private carrier" and "exempt carrier" as to its safety of operation; require the filing of such information and data thereby as may be required by the commission in carrying out the provisions of this Act, and supervise and regulate such "private carriers" in all other matters affecting their relationship with the shipping and the general public.

Sec. 25. Tariff Schedules to Be Filed. Every common carrier shall file with the commission, and shall print and keep open to public inspection, schedules showing the rates, charges, and classifications for the transportation of property within the state between each point upon its route and all other points thereon; and between each point upon its route and all points upon every route leased, operated, or controlled by it; and between each point on its route or upon any route leased, operated, or controlled by it and all points upon the route of any other common carrier, whenever a through route and joint rate has been established or ordered between any two such points. If no joint rate over a through route has been established, the several carriers in such through route shall file, print, and keep open to the public inspection, the separately established rates, charges, and classifications, applied to the through transportation. The schedules shall plainly state the places between which property will be carried, and shall also contain classifications of property in force, and shall also state separately all terminal, storage, icing, and all other charges which the commission may require to be stated, all privileges or facilities allowed, and any rules and regulations which may affect or determine any part, or the aggregate of, the rates and charges, or the value of the service rendered to the shipper or consignee. The schedules shall be plainly

printed in large type, and a copy shall be kept by the carrier readily accessible to and for inspection by the public in every station or office where property is received for transportation, when the station or office is in charge of an agent, and in every station or office of the carrier where bills of lading or receipts for property are issued. The schedules shall be immediately produced by the carrier for inspection upon the demand of any person. A notice printed in bold type and stating that the schedules are on file with the agent and open to inspection by any person and that the agent will assist any person to determine therefrom any rates or rules and regulations, shall be kept posted by the carrier in two public and conspicuous places in every such station or office. The form of schedules shall be prescribed by the commissioner and shall conform as nearly as practicable to the form of schedules required by the Interstate Commerce Commission.

The commission may, from time to time, determine and prescribe by order such changes in the form of schedules as may be found expedient, and modify the requirements of this section in respect to publishing, posting and filing of schedules either in particular instances or by general rule or order applicable to special or peculiar circumstances.

Sec. 26. Tariff Changes — Statutory Notice — Exception. Unless the commission otherwise orders, no change shall be made in any classification, rate, charge, rule, or regulation filed and published by a common carrier, except after 30 days' notice to the commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the changed rate, classification, or charge will go into effect; and all proposed changes shall be shown by printing, filing and publishing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. The commission, for good cause shown, may by order allow changes in rates without requiring the 30 days' notice and the publication. When any change is made in any rate, charge, classification, rule, or regulation, the effect of which is to increase any rate, or charge then existing, attention shall be directed to the increase

by some character on the copy filed with the commission immediately preceding or following the item in the schedule; such character to be designated by the commission.

Sec. 27. Tariff Rates Must Be Charged. No "common carrier" or "contract carrier" shall collect or receive a greater, less, or different remuneration for the transportation of property, or for any service in connection therewith, than the rates and charges which have been legally established and filed with the commission, or are specified in the contract or contracts filed, as the case may be, nor shall any such carrier refund or remit, in any manner or by any device, any portion of the rates and charges required to be collected by each tariff or contract or filing with the commission.

The commission may check the records of all carriers under this Act and of those employing the services of the carrier for the purpose of discovering all discriminations, under or overcharges and rebates, and may suspend or revoke permits for violations of this section.

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

Sec. 28. Interstate Tariffs. Every common carrier shall print and file with the commission schedules showing the rates, charges, and classifications for the transportation of property between all points within the state and all points without the state upon its route, and between each point within the state and all points without the state upon every route leased, operated, or controlled by it, and between each point upon its route within the state and all points without the state upon the route of any common carrier, whenever a through route and joint rate has been established between any two such points. If no joint rate over a through route has been established, the carrier operating within this state shall print and file with the commission the separately established rates, charges, and

classifications applied to the through transportation. The schedules shall plainly state the places between which property will be carried, and shall also contain the classification of property in force, and shall also state separately all terminal, storage, icing, or other charges which the commission may require to be stated, all privileges allowed, and any rules or regulations which may affect or determine any part or the aggregate of the rates, and charges or the value of the service rendered to the passenger, shipper, or consignee.

Sec. 29. Joint Through Rates. The commission may require a common carrier by motor vehicle, railroad, express, or water to establish reasonable through rates with other common carriers by motor vehicle, railroad, express, or water, and to provide safe and adequate service, equipment, and facilities for the transportation of property; establish and enforce just and reasonable individual and joint rates, charges, and classifications, and just and reasonable regulations and practices relating thereto, and in case of such joint rates, and charges establish just, reasonable, and equitable divisions thereof as between the carriers participating therein. In ordering and establishing joint through rates between different types of carriers, the commission shall give full effect to the lower cost of transportation of property by any type of carrier and shall reflect the lower costs by differentials under a through rate of the higher cost carrier.

Sec. 30. Filing of Joint Rates, Contracts, Etc. The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing it, shall file with the commission such evidence of concurrence therein as may be required by the commission; and where evidence of concurrence is filed, it shall not be necessary for the carriers filing it also to file copies of the joint tariffs.

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

Sec. 31. Published Rates to Be Charged

—Exceptions. No common carrier shall charge, demand, collect, or receive a greater or less or different compensation for transportation of property, or for any service in connection therewith, than the rates and charges applicable to such transportation as specified in its schedules filed and in effect at the time; nor shall any such carrier refund or remit in any manner or by any device any portion of the rates or charges so specified excepting upon order of the commission, or extend to any person any privileges or facilities in the transportation of property except such as are regularly and uniformly extended to all persons under like circumstances.

Sec. 32. Rebating. Any person, whether carrier subject to the provisions of this Act, shipper, or consignee, or any officer, employee, agent, or representative thereof, who shall knowingly offer, grant, or give, or solicit, accept, or receive any rebate, concession, or discrimination in violation of any provision of this Act, or who by means of any false statement or representation, or by the use of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease, or bill of sale, or by any other means or device shall knowingly and wilfully assist, suffer or permit any person or persons, natural or artificial, to obtain transportation of property subject to this Act for less than the applicable rate or charge, or who shall knowingly and wilfully by any such means or otherwise fraudulently seek to evade or defeat regulation as in this Act provided for motor carriers shall be guilty of a misdemeanor.

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

| | | |
|----------------------------|-------|---------|
| 12,000 pounds or less | ----- | \$25.00 |
| 12,000 pounds and not over | | |
| 18,000 pounds | ----- | 40.00 |
| 18,000 pounds and over | ----- | 50.00 |

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

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

Sec. 35. Application to Interstate Commerce. This Act shall apply to persons and motor vehicles engaged in interstate commerce to the full extent permitted by the Constitution and laws of the United States.

Sec. 36. Cooperation With Federal Government. The commission shall cooperate with the federal government and the Interstate Commerce Commission of the United States or any other commission or organization delegated or authorized to regulate interstate or foreign commerce by motor carriers, to the end that the transportation of property by motor carriers in interstate or foreign commerce into and through the state may be regulated and the laws of the United States and the state enforced and ad-

ministered cooperatively in the public interest.

Sec. 37. Reciprocal Agreements With Other States. The commission may make agreements on behalf of the state with any other state providing for reciprocal rights, privileges, and courtesies, between the licensees and permittees of such state and this state regarding licenses and the transportation of property into or through such state and this state.

Sec. 38. Rules and Regulations. The commission may, by general order or otherwise, prescribe rules and regulations in conformity with this Act and the Administrative Procedure Act to carry out the purposes thereof, applicable to any and all "motor carriers," or to any persons transporting property by motor vehicle for compensation even though they do not come within the term "motor carrier."

Sec. 39. Enforcement of Act. The commission may administer and enforce all provisions of this Act and inspect the vehicles, books, and documents of all "motor carriers" and the books, documents, and records of those using the service of the carriers, for the purpose of discovering all discriminations, rebates, and other information pertaining to this Act, and shall prosecute violations thereof.

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

lation, requirement, order, term, or condition and enjoining obedience thereto.

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

Sec. 40. Penalties. Any person, firm, or corporation who knowingly and wil-

fully violates any provision of this Act, or any rule, regulation, requirement, or order thereunder, or any term or condition of any permit shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject for each offense to a fine not exceeding \$500.00.

Sec. 41. Effective Date. This Act takes effect on January 1, 1961.

Approved April 22, 1960

CHAPTER 167

AN ACT

Empowering and directing the Director of the Division of Lands of the Department of Natural Resources to lease certain real property to Parents Association for Retarded Children of Alaska for a limited use; and providing for an effective date.

(H.B. 418)

Be it enacted by the Legislature of the State of Alaska:

Section 1. The Director of the Division of Lands of the Department of Natural Resources upon concurrence of the governor, is empowered and directed to offer by noncompetitive lease the Northwest quarter of the Southeast quarter of Section 21, Township 13 North, Range 3 West, Seward Meridian, State of Alaska, containing 40 acres more or less to the Parents Association for Retarded Children of Alaska or its successors in interest, so long as said real property and

appurtenances thereto are used in a non-profit, nonsectarian manner for the care, teaching, training, rehabilitation, and housing of retarded children and related functions. The Director shall make such restricted conveyance within a reasonable time after said land has been conveyed to the State of Alaska by the United States of America.

Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 22, 1960

CHAPTER 168

AN ACT

Relating to barbers, barbering, and barber schools and colleges in Alaska; amending Ch. 68, SLA 1957; and providing for an effective date.

(H.B. 452)

Be it enacted by the Legislature of the State of Alaska:

Section 1. Sec. 1, Art. II, Ch. 68, SLA 1957 is amended to read as follows:

Section 1. Board; Membership. There is hereby created the Board of Barber Examiners to be composed of Five (5) members appointed by the Governor. Four members of the Board shall come

from separate major senatorial districts. The fifth member shall be appointed from the district having the largest number of practicing licensed barbers. They shall serve at the pleasure of the Governor.

Sec. 2. Subsec. (f), Sec. 3, Art. II, Ch. 68, SLA 1957 is amended to read as follows: