

"1933-5. That all incorporated boroughs, villages, and cities of the fourth class in the state *may at the discretion of their respective governing bodies* provide and maintain in or near the business center of the village or city a public rest room; such rest room shall be furnished with a suitable number of chairs and a table or tables; shall be heated and lighted between the hours of ten o'clock in the forenoon and six o'clock in the afternoon; the entrance thereto shall be from a public street and there shall be placed on or over the entrance thereto a sign bearing the words "PUBLIC REST ROOM."

Approved April 8, 1933.

CHAPTER 170—H. F. No. 331

An act providing for the supervision and regulation of the transportation of property by motor vehicle on the highways of this State by contract carriers and common carriers not operating over a regular route; for the safe operation of such motor vehicle and for the protection of the highways; subjecting such transportation to the jurisdiction and control of the Railroad and Warehouse Commission; defining what constitutes a contract carrier and a common carrier; defining the powers of the Railroad and Warehouse Commission with respect thereto; prohibiting any carrier covered by this Act and any auto transportation company holding a certificate under Laws 1925, Chapter 185, from transporting certain articles in motor vehicles in which live stock has been transported; providing for maximum hours of service of employes operating motor vehicles covered by this Act and by Laws 1925, Chapter 185; providing for the procedure to enforce the provisions of this Act and Laws 1925, Chapter 185; and for punishment for violation of this Act and Laws 1925, Chapter 185; and for the use of the funds collected hereunder by the Railroad and Warehouse Commission to enforce this Act; and a declaration of legislative policy.

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

Section 1. **Definitions.**—Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases shall, for the purposes of this Act, be given the meaning here stated.

(a) The word "Commission" means the Railroad and Warehouse Commission of the State of Minnesota.

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

(c) The term "public highway" when used in this Act shall mean every public street, alley, road or highway or thoroughfare of any kind used by the public.

(d) The term "permit" means the license and/or franchise issued under this Act.

(e) The words "for hire" mean for remuneration or compensation of any kind, paid or promised, either directly or indirectly for the transportation of property on the highways. The words shall not be construed to apply to any occasional accommodation service by a person or corporation not in the transportation business, even though the same may be paid for.

(f) The term "common carrier" means any person who holds himself out to the public as willing to undertake for hire to transport from place to place over the public highways of this state the property of others, who may choose to employ him, but who does not operate between fixed termini or over a regular route and is not subject to Laws 1925, Chapter 185.

(g) The term "contract carrier" means any person engaged in the business of transporting property for hire over the public highways of this state, other than as a common carrier.

The terms "common carrier" and "contract carrier" shall not apply to any person engaged in the business of operating motor vehicles in the transportation of property exclusively within the zone circumscribed by a line running parallel to the corporate limits of any city or village or contiguous cities and/or villages and thirty-five miles distant therefrom when such person resides within said zone. Terms "common carrier" and "contract carrier" shall not apply to a person engaged in agricultural pursuits who owns and uses a truck either for the purpose of transporting the products of his farm or occasionally transporting the property of others for hire.

Sec. 2. Railroad and Warehouse Commission to regulate and supervise trucks and buses.—(a). The Commission is hereby vested with power and authority and it is hereby made its duty to supervise and regulate every contract carrier engaged in intrastate commerce in this state to the extent provided in this act; to grant permits to such carrier upon the filing of an application therefor and the compliance with all lawful requirements; to require the keeping of such records and accounts and the filing of such reports

as it may deem necessary to administer this Act; and before issuing a permit to any such carrier, it shall fix the minimum rates and charges for the transportation of property by such carrier, which rates shall not be less than the reasonable cost of the service rendered for such transportation, including a reasonable return on the money invested in the business and an adequate sum for maintenance and depreciation of the property used.

(b) The Commission is further vested with the power and authority and it is made its duty to supervise and regulate every contract carrier for the purpose of promoting safety on the highways and their conservation; to make rules and regulations respecting the lights and brakes used on the vehicles operated by such carriers and requiring the use of any and all safety devices that tend to make more safe the operation of such vehicles on the highways; to regulate the nature and character of the equipment to be used under a permit, the amount and character of tonnage which may be hauled thereunder on any motor vehicle and the method of loading or packing the freight transported, but the Commission shall not authorize the use of any equipment of greater dimensions or the transportation of tonnage of greater weight than is permitted by any existing law or any law which may be hereafter enacted; provided, however, that all such regulations shall be first approved by the Commissioner of Highways before the same shall become effective. To make such rules and regulations and require such reports under oath as may be necessary to the enforcement of this Act.

Sec. 3. Must have permits to operate.—No person shall operate as a contract carrier in intrastate commerce without a permit from the Commission so to do in accordance with the provisions of this Act.

Sec. 4. Petitions to be filed with Commission.—Any person desiring a permit to operate hereunder as a contract carrier shall file a petition therefor with the Commission. Such petition shall set forth the name and address of the applicant; the names and addresses of its officers, if any; full information concerning the financial condition and physical properties of the applicant; the kind of property which it is proposed to transport; substantially the territory in which it is proposed to operate; a description of each vehicle which the applicant intends to use, including the size, weight, and cubical contents; and such other information necessary to the enforcement of this Act as the Commission may, by order, require. Upon compliance with this Act a permit shall be issued by the Commission. No permit shall be issued to any common carrier by rail, whereby said common carrier will be permitted to operate trucks for hire within this state, nor shall any common carrier by rail be per-

mitted to own, lease, operate, control, or have any interest whatsoever in any common carrier by truck either by stock ownership or otherwise, directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner; provided, however, that nothing in this Act shall prevent the railroad and warehouse commission from issuing a permit to a common carrier by rail, whereby such carrier will be given authority to operate trucks wholly within the limits of any municipality or municipalities served by the said railroad and which service shall only be a service supplementary to the rail service now established by such carrier.

Sec. 5. Fees of applicants.—The applicant at the time of filing a petition for said permit shall pay into the treasury of the State of Minnesota a fee in the sum of \$5.00 where but one vehicle is to be operated. Where more than one vehicle is to be operated under the permit, an additional fee of \$2.50 shall be paid for each of such vehicles operated. Distinguishing plates shall be prescribed and furnished by the Commission for and shall be at all times displayed on each motor vehicle, and the place of the residence of the owner of the vehicle shall be stencilled in a conspicuous place on said motor vehicle. No permit granted under this Act shall be effective after the first day of January of the year following the year of its issue. Renewals shall be issued upon application made in accordance with this Act and upon the payment of the fees prescribed for the original application.

Sec. 6. Bonds of applicants.—Before such permit shall be issued such contract carrier shall secure and file, and keep the same at all times in full effect, with the Commission public liability and indemnity insurance satisfactory to the Commission in such amount and in such form as the Commission shall prescribe covering injuries and damage to persons or property occurring on the highways other than the employes of such contract carrier or the property being transported by such carrier. Such insurance shall be subject to cancellation for non-payment of premiums or withdrawals from service of a vehicle or vehicles covered thereby upon 15 days' written notice to the insured and to the Commission. Such insurance and/or bond may from time to time be reduced or increased by the Commission. The Commission may, if desired by the applicant, accept in lieu of said bond and/or insurance such other form of security as may be satisfactory to the Commission.

Sec. 7. Permits not transferable.—No permit issued under the provisions of this Act shall be assigned or transferred. The Commission may, for a good cause upon not less than 10 days' notice to the holder thereof suspend or revoke such permit for any

violation of any provision of this Act, or any law of this state or any order or regulation of the Commission.

Sec. 8. Compensation for carriers to be fixed by Commission.—No contract carrier shall charge, demand, collect, or receive, nor shall a shipper pay, a less compensation for the transportation of property, or for any service in connection therewith, than the minimum rates and charges fixed by the Commission; nor shall any contract carrier refund or remit in any manner or by any device, directly or indirectly, any portion of the rates and charges required to be collected by the Commission's permit or order, nor extend to any shipper or person any privileges or facilities in the transportation of property except such as are specified in the Commission's permit or order.

Sec. 9. Not to transport own property—exceptions.—No contract carrier as defined in this Act shall transport any property which it may own in whole or in part, except such property as may be necessary for the use of the owner of the truck or of his family and not for resale; provided, that such property may be transported for resale when transported directly to the place of business of the owner of the truck, or if such owner is a farmer to the farm of the owner.

Sec. 10. Powers of Commission.—The Commission shall have the same power and authority with respect to the regulation and control of common carriers as are set forth in Section 2 with respect to contract carriers.

Sec. 11. Permits for common carriers.—No person shall operate as a common carrier in intrastate commerce without a permit from the Commission so to do in accordance with provisions of this Act. The provisions of Sections 4, 5, 6, 7, 8, and 9 hereof shall govern the issuance, renewal, assignment and cancellation of permits to common carriers and the operations thereunder.

Sec. 12. Powers of Commission.—(a) The Commission is hereby vested with power and authority to grant permits to contract carriers and common carriers engaged exclusively in transporting property in interstate commerce or between any point in the State of Minnesota and the Dominion of Canada, upon the filing of applications therefor and the compliance with all lawful requirements.

(b) The Commission is further vested with all the power and authority to supervise and regulate such interstate and foreign carriers as is vested in the Commission by Section 2 (b) to supervise and regulate intrastate contract carriers.

Sec. 13. **Permits must be secured.**—No person shall operate as a contract carrier or common carrier exclusively engaged in transporting property in interstate commerce, or property between any point in the State of Minnesota and the Dominion of Canada, without a permit from the Commission so to do, in accordance with the provisions of this Act. Any person desiring a permit to operate as such contract carrier or common carrier shall file a petition therefor with the Commission, which petition shall set forth the names and addresses of its officers, if any, full information concerning the financial condition and physical properties of the applicant; the nature of the transportation in which the applicant wishes to engage; the kind of property which it is proposed to transport; substantially the territory in which it is proposed to operate; a description of each vehicle which the applicant intends to use, including its size, weight and cubical contents; and such other information necessary to the enforcement of this Act as the Commission may, by order, require.

At the time of filing petition the applicant shall pay into the treasury of this state a fee in the sum of \$5.00 for the issuance of such permit where but one vehicle is to be operated. Where more than one vehicle is to be operated under the permit, an additional fee of \$2.50 shall be paid for each of such vehicles operated. Distinguishing plates shall be prescribed and furnished by the Commission and shall be at all times displayed on each motor vehicle authorized by the Commission to operate under this Act.

Before a permit shall be issued, such applicant shall also secure and file with the Commission public liability and indemnity insurance satisfactory to the Commission and in such an amount as it shall prescribe, covering injuries and damage to persons and/or property occurring on the highway other than to employes of such carrier or the property being transported thereby. Such insurance shall be subject to cancellation for non-payment of premiums or withdrawals from service of a vehicle or vehicles covered thereby upon 15 days' written notice to the insured and to the Commission. Such insurance and/or bond may, from time to time be reduced or increased by the Commission. The Commission may, if so desired by the applicant, accept in lieu of said bond and/or said insurance such other form of security as may be satisfactory to the Commission.

Upon compliance with the provisions of this section, the Commission shall forthwith issue said permit.

No permit granted under this Act shall be effective after the first day of January of the year following the year of its issuance.

Renewals shall be issued upon payment of the fees hereinbefore provided.

No permit issued under the provisions of this Act shall be assigned or transferred. The Commission may for a good cause upon not less than 10 days' notice to the holder thereof suspend or revoke such permit for any violation of any provision of this Act or any law of this state or any order or regulation of the Commission.

Sec. 14. Powers of Commission to refuse permits.—The Commission shall have power to refuse to issue a permit as a common carrier or contract carrier as defined herein to an Auto Transportation Company subject to Laws 1925, Chapter 185, and shall have power to refuse to issue a permit to such common carrier and contract carrier if such common or contract carrier is owned in whole or in part directly or indirectly, by stock ownership or otherwise, by an Auto transportation Company subject to Laws 1925, Chapter 185. Where such financial interest is found to exist, the Commission after hearing may, in its discretion, cancel any permit issued under this Act.

Sec. 15. Trucks must be cleaned before carrying food stuffs.—No contract carrier or common carrier engaged in either intrastate or interstate commerce holding a permit under this Act, and no auto transportation company holding a certificate under Laws 1925, Chapter 185, shall transport for hire food for human consumption nor any article or package containing any property intended for or that could be used in any household in any motor vehicle in which live stock has been transported unless such motor vehicle has been thoroughly cleaned.

Sec. 16. Commission to fix hours of service.—It shall be the duty of the Commission and it is hereby so empowered to establish, regulate and fix the hours of service of truck drivers employed by carriers subject to this Act and Auto Transportation Companies subject to Laws 1925, Chapter 185, and to that end may require from all of such carrier such reports and information as it may deem necessary to the enforcement of its orders respecting the same; provided, however, that the Railroad and Warehouse Commission shall fix the hours of service on a basis so that no truck driver shall operate a truck for more than twelve hours continuously.

Sec. 17. Violations—complaints—hearings. — Where any terms of this Act or any order of the Commission adopted hereunder, or any provisions of Laws 1925, Chapter 185, or any order issued thereunder, have been violated, the Commission upon complaint being filed, or on its own motion, may issue and serve upon

such person or corporation a complaint stating its charges in that respect, and containing a notice of hearing upon a day and at a place therein fixed at least 20 days after the service of said complaint and notice. The person or corporation so complained of shall have the right to appear at the time and place so fixed and show cause why an order shall not be entered by the Commission requiring such person or corporation to cease and desist from the violation of this Act or any order of the Commission and/or the provisions of Laws 1925, Chapter 185, or any order of the Commission thereunder. If upon such hearing the Commission shall be of the opinion that any of the provisions of this Act or of said Laws 1925, Chapter 185, or any order of the Commission, have been so violated, it shall so find, and shall issue and cause to be served upon such person or corporation an order requiring such person or corporation to cease and desist from such violation.

Sec. 18. Inspectors may serve papers.—The inspectors of the Commission, for the purpose of enforcing this Act, shall have all the powers conferred by law upon police officers to serve warrants and any other processes in this state, and it shall be the duty of the State Commissioner of Highways upon written request of the Commission to require the State Highway Patrol to assist in the enforcement of this Act.

Sec. 19. Appeals.—In all cases in which the Commission has power and authority under this Act, proceedings may be instituted, complaints made and filed with it, processes issued, hearings held, opinions and orders and decisions made and filed and appeals taken by any aggrieved party from any order so made to the district court and to the supreme court or to either of this state. In case of any such appeal the issues involved therein shall be tried de novo. Any party to a proceeding may take said appeal to the district court of the county in which the complainants or a majority of them reside or in case none of them reside in the state or in a proceeding commenced by the Commission on its own motion without complaint to the district court of one of the counties in which the order of the Commission requires a service to be performed or an act to be done or not to be done by the carrier. Upon service of said notice of appeal said Commission by its secretary shall forthwith file with the clerk of said district court to which appeal is taken a certified copy of the order appealed from. In case appeals are taken to the district court of more than one county they shall be consolidated and tried in the district court of the county to which the first appeal was taken. The person serving such notice of appeal shall within five days after the service thereof file the same with proof of service with the clerk of the court to which such appeal is taken; and thereupon said district court shall have

jurisdiction over said appeal, and the same shall be entered upon the records of said district court and shall be tried therein according to the rules relating to the trial of civil actions. No further pleadings than those filed before the Commission shall be necessary. If such appeal is not taken within said time such order shall become final.

Sec. 20. May not transport persons.—It shall be unlawful for any person holding a permit hereunder to transport any person in said truck for hire.

Sec. 21. Violation a misdemeanor.—Any person who violates or who procures, aids or abets in the violation of any provision of this Act, or of any order of the Commission issued hereunder or the provisions of Laws 1925, Chapter 185, or any order of the Commission issued thereunder, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding \$100.00, or imprisonment for 90 days. Every distinct violation shall be a separate offense, and in the case of a continuing violation each day shall be deemed a separate offense. Upon written request of the Commission, it shall be the duty of the Attorney General and/or any County Attorney within his jurisdiction to prosecute any person alleged to have committed such an offense.

Sec. 22. Provisions separable.—If any section, subsection, sentence, clause or phrase of this Act is for any reason held unconstitutional, such section shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

Sec. 23. All moneys to be paid into the State Treasury for use of Commission.—All moneys received under the provisions of this Act shall be paid into the treasury of the State of Minnesota and may be used by the Railroad and Warehouse Commission for the employment of inspectors for the purpose of inspecting the mechanical equipment of all trucks subject to this Act and for the general enforcement of this Act. Any money that may be left in such fund at the end of any fiscal year shall be placed to the credit of the Highway Fund of this state and become a part thereof.

The Commission is empowered to expend such money as may be necessary for the administration and enforcement of this Act including the employment of all necessary clerks, inspectors and other employes, and for such purpose shall not expend any money in excess of the collections made under this Act.

Sec. 24. **Business declared to be of public interest.**—The business of operating a motor vehicle for the transportation of property by a contract carrier or a common carrier as in this Act defined upon the highways of this state is declared to be a business affected with the public interest. The rapid increase of motor carrier traffic and the fact that under existing law many motor trucks are not effectively regulated, have increased the dangers and hazards on public highways and make it imperative that more stringent regulations should be employed to the end that the highways may be rendered safer for the use of the general public and that the discrimination in rates charged may be eliminated.

Sec. 25. **Effective July 1, 1933.**—This Act shall take effect and be in force on and after July 1, 1933.

Approved April 8, 1933.

CHAPTER 171—H. F. No. 549

An act relating to interest rates on county, school district, town, city, village, and borough funding and refunding obligations.

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

Section 1. **Interest rates on municipal obligations.**—Any county, school district, town, city, village, or borough issuing bonds for the purpose of funding or refunding outstanding indebtedness under any applicable law may issue such bonds bearing interest at rates varying from year to year which may be higher in later years than in earlier years, in which case such rates shall be specified in such bonds, but the highest rate contracted to be so paid shall not exceed the maximum rate authorized by the law under which such bonds are issued. Any agreement to pay interest as herein authorized shall be valid and binding according to its terms. This Act shall not be construed as authorizing a provision in any such bonds for the payment of a higher rate of interest after maturity than before. The term "bonds" as herein used shall include certificates of indebtedness and warrants and any other form of municipal or public obligation having a definite or fixed maturity, whether or not the same be redeemable prior to such maturity date.

Approved April 8, 1933.