

by the by-laws. Special meetings may be called by two members by writing filed with the clerk, who shall notify the members of the time and place thereof in the manner prescribed by the by-laws. The president shall preside, *except that a president pro tempore shall be chosen from the trustees who shall preside in the absence of the president and who shall perform the duties of president during the president's disability or absence from the village.* All meetings shall be open to the public. The council may preserve order at its meetings, compel the attendance of members, and punish non-attendance, and shall be the judge of the election and qualification of its members."

Approved March 3, 1943.

CHAPTER 100—H. F. No. 168

(AMENDING SECTIONS 221.02 and 221.04 MINNESOTA STATUTES 1941.)

An act relating to definitions in the laws governing motor vehicle transportation for hire, and providing for extension of powers and authority of the railroad and warehouse commission for routes and operations of auto transportation companies, and amending Mason's Minnesota Statutes, 1927, Sections 5015-2 and 5015-4.

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

Section 1. **Law amended.**—That Mason's Minnesota Statutes 1927, Section 5015-2, is hereby amended to read as follows:

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

(b) The term "Corporation" means a corporation, company, association or joint stock association.

(c) The term "person" means an individual, firm or co-partnership.

(d) The word "certificate" means the certificate of public convenience and necessity authorized to be issued under the provisions of this act.

(e) The term "public highway" means every street, road, or highway in this state, and shall include any highway, state road, county road, public street, avenue, alley, driveway, boulevard, or other place built, supported, maintained, controlled or

used by the public or by the state, county, district, or municipal officers for the use of the public as a highway or for the transportation of persons or property or as a place of travel or communication between different localities or communities.

(f) The term "motor vehicle" shall include all vehicles or machines propelled by any power other than muscular used upon the public highways for the transportation of persons or property for compensation as common carriers, except motor vehicles used exclusively in transporting children to or from school, and motor vehicles used by any transportation company engaged exclusively in transporting agricultural, horticultural, dairy, or other farm products from the point of production to the primary market, or to motor vehicles used exclusively in transporting or delivering dairy products or to motor vehicles engaged exclusively in transporting or delivering freight within any city or village in this state or between contiguous villages or cities, or by any transportation company engaged in operating taxicabs, or hotel buses to or from a depot to a hotel.

(g) The words "between fixed termini or over a regular route," when used in this act, mean the termini or route between or over which any auto transportation company usually or ordinarily operates any motor vehicle, even though there may be departures from said termini or route, whether such departures be periodical or irregular. Whether or not any motor-propelled vehicle is operated by any auto transportation company "between fixed termini or over a regular route," within the meaning of this act, shall be a question of fact to be determined by the Commission.

(h) The term "auto transportation company," when used in this act, means every corporation or person owning, controlling, operating or managing any motor-propelled vehicle not usually operated on or over rails used in the business of transporting persons or property for compensation as common carriers over any public highway in this state between fixed termini or over a regular route; provided, that the term "auto transportation company" as used in this act, shall not include corporations or persons engaged exclusively in the transportation of children to or from school, or any transportation company engaged exclusively in transporting agricultural, horticultural, dairy, or other farm products from the point of production to the primary market, or to motor vehicles used exclusively in transporting or delivering dairy products, or to motor vehicles engaged exclusively in transporting or delivering freight within any city or village in this state or between contiguous villages or cities, or any transpor-

tation company engaged in operating taxicabs or hotel buses from a depot to a hotel.

(i) The word "railroad" means the movement of cars on rails regardless of the motive power used therefor, whether operated on a private right of way or in a public highway.

(j) "*Contiguous city, town or village,*" as used herein, means any city, town or village whose boundary is immediately adjacent to the boundary of another city, town or village which is the terminus of any auto transportation company, or through which is operated any route of any auto transportation company."

Sec. 2. **Law amended.**—That Mason's Minnesota Statutes 1927, Section 5015-4, is hereby amended to read as follows:

"Powers and authority of Commission as to rates, fares, charges, classifications, facilities, routes, accounts, services and operation of auto transportation companies—Revocation, etc. of certificates.—The Commission is hereby vested with power and authority and it is hereby made its duty to supervise and regulate every auto transportation company in this state; to fix just, reasonable and nondiscriminatory rates, fares, charges, and classifications; to regulate the facilities, accounts, service, and safety of operations of each such auto transportation company, and make rules and regulations for proper inspection of motor vehicles and to provide for the installation of safety devices thereon, and to require the installation of proper automatic speed control regulators if, in the opinion of the Commission, there is a necessity therefor; and may require the construction and maintenance or furnishing of suitable and proper depot or waiting room or accommodation or shelter in any village or city in this state or at any point on the highway traversed which the Commission may deem just and proper for the protection of passengers or property; to require the filing of annual and other reports, tariffs, schedules or other data by such auto transportation companies; to supervise and regulate auto transportation companies in all matters affecting the relationship between such auto transportation companies and the traveling and shipping public, and to extend the termini of any route of any passenger—carrying auto transportation company holding a certificate as such to any contiguous city, town or village, as defined herein, and to alter or change the route of any auto transportation company so that said route will also operate through any contiguous city, town or village, as defined herein; provided, however, that the power and authority of the Commission so to extend the termini of any such route or further change of any such route shall not apply to any route terminating within the boundaries of a city of

the first class and extending less than 35 miles beyond the boundaries of such city. The Commission shall have power and authority, by general order or otherwise, to prescribe rules and regulations in conformity with this act, applicable to any and all auto transportation companies.

In prescribing rates to be charged for the carrying of freight, persons, or property, the Commission shall take into consideration among other things, the kind and character of service to be performed, and the effect of such rates upon other common carriers, if any, and so far as possible avoid unreasonable competition with existing common carriers.

No time schedule, tariff or rates shall be put into effect or be changed or altered except upon hearing duly had and an order therefor by the Commission. Notice of such hearing shall be served upon any competing common carrier; provided, however, that if it appears that an emergency exists or that there is need for a minor or unimportant change in the time schedule, the Commission may authorize a modification thereof without a hearing and the service of notice as herein provided, but in such event notice of such fact shall thereafter be served within a reasonable time upon any competing common carrier, which shall have the right within fifteen days thereafter to complain that it is being injured by such change and a hearing shall thereupon be granted.

No auto transportation company shall abandon or discontinue any service established under this act without an order of the Commission therefor.

Any auto transportation company may depart from the route over which it is authorized to operate for the purpose of transporting chartered or excursion parties to any point in the State of Minnesota on such terms and conditions as the Commission may prescribe.

No auto transportation company shall charge or demand or collect or receive a greater or less or different compensation for the transportation of passengers or property, or for any service in connection therewith, than the rates, fares and charges which have been duly approved therefor by an order of the Commission; nor shall any auto transportation company refund or remit in any manner or by any device, any portion of the rates, fares and charges required to be collected by the Commission's order, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as have been provided for by an order of the Commission.

The Commission may, at any time, *upon its own motion, or upon application of any city, town or village contiguous to a city,*

town or village which is the terminus of any route of an auto transportation company, subject to the limitations of the proviso hereinbefore set forth or through which is operated the route of any transportation company, by its order, duly entered after a hearing had upon notice to the holder of any certificate hereunder and an opportunity to such holder to be heard, extend the terminus of any route of any transportation company to any such contiguous city, town or village, or cause to be ordered the alteration of any route of any transportation company which is operated through any city, town or village so that said route will also be operated through any contiguous city, town or village: provided that public convenience and necessity therefor be proved at a hearing thereon, or upon like application and hearing, at which it shall be proven that such holder wilfully violates or refuses to observe any of its proper orders, rules, or regulations or any provision of this act, suspend, revoke, alter, or amend any certificate issued under the provisions of this act; but the holder of any such certificate shall have all the rights of rehearing, review and appeal as to such order of the Commission as is provided for in this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1943.

CHAPTER 101—H. F. No. 357

An act relating to the salary and expenses of county commissioners in certain counties, amending Laws 1941, Chapter 57.

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

Section 1. **Salary and expenses of County Board in certain counties.**—That Laws 1941, Chapter 57, be amended so as to read as follows:

“Section 1. In each county of this state containing not less than 18, nor more than 20, full and fractional congressional townships and having a population of not less than 36,000 nor more than 36,500 inhabitants, according to the last preceding federal census, and having an assessed valuation of all property, including money and credits, as last fixed by the tax commission, of not less than \$20,000,000, nor more than \$28,000,000, each county commissioner shall receive from the county in full payment for his