

CHAPTER 209—H. F. No. 74.

An act relating to voluntary dissolution of corporations organized for the establishment and maintenance of homes for dependent children and homes for aged men and women.

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

Section 1. **Voluntary dissolution of certain corporations.**—Any corporation organized under Mason's Minnesota Statutes of 1927, Sections 7920-7926, both inclusive, relating to corporations for the establishment and maintenance of homes for dependent children and to corporations for maintaining homes for aged men and women, may be dissolved by complying with the provisions of Laws 1933, Chapter 300, Sections 45 to 55 inclusive. Such corporations having no shareholders, the directors thereof shall act in the place and stead of shareholders for all purposes of such dissolution.

Approved March 29, 1943.

CHAPTER 210—H. F. No. 294.

(AMENDING SECTIONS 221.18; 221.20; 221.21; 221.27; 221.29; 221.36, MINNESOTA STATUTES, 1941.)

An act authorizing the railroad and warehouse commission to issue temporary certificates of public convenience and necessity for the transportation of persons and property by motor vehicle during the existing war emergency; and amending Mason's Supplement 1940, Sections 5015-21, Subsection (a); 5015-23; 5015-24; 5015-30; 5015-32; and 5015-36.

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

Section 1. **Railroad and Warehouse Commission may issue temporary certificates of public convenience.**—The term "Emergency Motor Carrier" as used herein shall mean every person or corporation transporting persons or freight by motor propelled vehicles for compensation as a common carrier over the public highways of this state between fixed termini or over a regular route, but whose authority so to do is subject to the restrictions contained in subsections (b) and (c) hereof and is limited by its certificate to the existing war emergency and six months thereafter.

(a) Any person or corporation desiring to operate as an Emergency Motor Carrier shall make application to the Railroad

and Warehouse Commission for an Emergency Certificate upon forms to be furnished by the Commission. Such application shall be accompanied by a fee of \$10.00. Upon the filing of the application the Commission shall fix a time and place for hearing thereon and shall give not less than three nor more than ten days' notice thereof to competing carriers and all other persons whom the Commission shall deem to be interested parties. If the Commission shall find from the evidence that the war emergency makes necessary the proposed service or any part thereof, an Emergency Certificate therefor shall be issued to the applicant.

(b) Emergency Certificates shall be granted to passenger carriers only when it appears from the evidence that special needs arising out of the war emergency make existing transportation service inadequate to meet such needs:

(c) Emergency Certificates shall be granted to freight carriers only when motor carrier service is to be substituted for rail service between points located on the line of a railroad which has entered into an agreement with such Emergency Motor Carrier under which such motor carrier is to transport the railroad's less than carload freight and such freight is to move on a thru bill of lading or express receipt issued by the rail carrier.

(d) Emergency Certificates shall be issued for the duration of the existing wars and six months thereafter.

(e) All such certificates heretofore granted by the Commission under authority of the Governor's Executive Order No. C-6 dated April 1, 1942, are hereby ratified and confirmed.

(f) In all other respects, the laws, and the rules and regulations of the Commission governing the operations of Auto Transportation Companies shall govern the operations of Emergency Motor Carriers.

Sec. 2. **Law amended.**—That Mason's Supplement 1940, Section 5015-21, Subsection (a), be and the same hereby is amended so as to read as follows:

“5015-21 (a). **Permits—Commission to regulate and supervise trucks—Minimum rates.**—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 *terms and conditions as provided in Section 5015-23 as amended*; 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."

Sec. 3. **Law amended.**—Mason's Supplement 1940, Section 5015-23, is amended to read as follows:

5015-23. **Petitions to be filed with the 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; and names and addresses of its officers, *if a corporation*; 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 *unless the commission shall have determined that the vehicles do not meet the safety standards set up by the commission or that the applicant is not fit and able to carry on the operations of a permit carrier. A permit once granted continues in full force and effect until abandoned or revoked, subject to compliance by the permit holder with all other provisions of law governing permit carriers.* 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 permitted to own, lease, operate, control, or have any interest 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. Nothing in this act shall prevent the 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 served by said railroad and which service shall only be a service supplementary to the rail service now established by such carrier.

Sec. 4. **Law amended.**—That Mason's Supplement 1940, Section 5015-24, be and the same hereby is amended so as to read as follows:

5015-24. **Fees of applicants.**—*To perpetuate the rights granted him under the provisions of Section 5015-23 the permit holder shall annually on or before January 1 file with the Commission notice of his intention to operate under said permit during the ensuing year and pay into the treasury of the State of Minnesota a fee in the sum of \$7.50 for each vehicle operated by him under authority of said permit. Truck-tractors used by applicant exclusively in combination with semi-trailers shall not be counted as vehicles in the computation of fees under this section,*

provided applicant *pays the fees* for such semi-trailers. *The Commission shall furnish a distinguishing plate for each vehicle for which a fee has been paid, which plate shall at all times be displayed on the vehicle to which it has been assigned. Plates may be reassigned to another vehicle without fee by the Commission upon application of the permit holder. The name and place of residence of the owner of the vehicle shall be stencilled or otherwise shown in a conspicuous place on said vehicle. No plate issued under the provisions of this section shall be effective after the first day of January of the year following the year of its issue. New plates shall be issued upon application therefor made in accordance with this section as amended and upon the payment of the fees prescribed herein; provided that in the event a permit has been suspended or revoked the Commission may order a hearing upon an application for renewal thereof or upon an application for a permit to be issued to the holder of such suspended or revoked permit and may grant or deny such renewal or permit. On or before January 1 of each year every Auto Transportation Company subject to Chapter 185, Laws of 1925, shall pay a fee of \$7.50 and an additional fee of \$7.50 for each vehicle operated in excess of one."*

Sec. 5. **Law amended.**—That Mason's Supplement 1940, Section 5015-30, be and the same hereby is amended so as to read as follows:

"5015-30. **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 the provisions of this Act as amended. The provisions of Sections 5015-23, 5015-24, 5015-25, 5015-26, 5015-27, 5015-28 and 5015-29, Mason's Supplement 1940, shall govern the issuance, renewal, and cancellation of permits to common carriers and the operations thereunder."

Sec. 6. **Law amended.**—That Mason's Supplement 1940, Section 5015-32, be and the same hereby is amended so as to read as follows:

"5015-32. **Permits must be secured—petition—fee—public liability and indemnity insurance.**—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 name and address of the applicant; the names and addresses*

of its officers, *if a corporation*; a description of each vehicle which the applicant intends to use 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 \$7.50 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 \$7.50 shall be paid for each of such vehicles, in excess of one. *Provided that the Commission is hereby empowered to enter into reciprocal agreements with the regulatory bodies of other states whereby the payment of permit fees provided for in this section may be waived in whole or in part in the case of a non-resident of this state or a corporation or partnership whose principal place of business is outside this state if reciprocal privileges are extended under such agreement to residents of this state and to corporations or partnerships whose principal place of business is in this state.*

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 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 cancellations 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 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 *for the transportation of property exclusively in interstate or foreign commerce* 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 transferred, *sold or otherwise conveyed*. 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. 7. **Law amended.**—That Mason's Supplement 1940, Section 5015-36, be and the same hereby is amended so as to read as follows:

"5015-36. **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 10 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 *alleged*. If upon such hearing the Commission shall *determine* that any of the provisions of this Act or of said Laws 1925, Chapter 185, or any order of the Commission *thereunder* 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. *The district court upon application may enforce such cease and desist order by injunction or other appropriate writ or proceedings.*"

Approved March 29, 1943.

CHAPTER 211—H. F. No. 309.

An act legalizing certain acknowledgments heretofore taken.

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

Section 1. **Certain acknowledgments heretofore taken, legalized.**—All acknowledgments to any conveyance or other instruments heretofore taken by any person previously appointed and acting from June 1, 1942, to December 31, 1942, after the expiration of his term as a notary public authorized to take such acknowledgments, are hereby legalized and made of the same valid-