

ings for hospital purposes as herein provided, may operate such hospital or hospitals or it may delegate said authority to operate same to some agency of said county, or if the board of county commissioners determines by resolution that it is to the best interest of the county, it may lease to responsible hospital associations, such hospital sites and buildings upon terms it deems advisable.

Approved April 10, 1947.

CHAPTER 299—H. F. No. 581

An act relating to regulation by the railroad and warehouse commission of freight rates charged by contract carriers and irregular route common carriers; and amending Minnesota Statutes 1945, Section 221.02, Subdivision 14, Section 221.18, Subdivision 1, and Section 221.24.

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

Section 1. Minnesota Statutes 1945, Section 221.18, Subdivision 1, is hereby amended to read as follows:

221.18. Permits; commission to regulate and supervise trucks. Subdivision 1. Regulations; rate tariffs. 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 sections 221.18-221.39; to grant permits to such carrier upon the terms and conditions as provided in section 221.20; and to require the keeping of such records as it may deem necessary to administer sections 221.18-221.39. *The commission is further vested with power and authority to require the filing of rate tariffs by common carriers and contract carriers as provided in section 221.24, and to promulgate appropriate rules and regulations to govern the filing of such rate tariffs.*

Sec. 2. Minnesota Statutes 1945, Section 221.24, is hereby amended to read as follows:

221.24. Compensation of carriers to be fixed by commission. *Every common carrier and every contract carrier, as defined in section 221.02, shall file and maintain with the commission a tariff naming rates and charges for the transportation of freight or property. Such tariffs and subsequent*

supplements thereto or re-issues thereof shall state the effective date thereof, which shall be not less than ten days subsequent to the date of filing, unless such period of time be reduced by special permission of the commission. Such tariffs, supplements and re-issues shall be prepared and filed in accordance with rules and regulations to be promulgated by the commission, and any rates or charges named therein shall be subject to complaint to the commission by any interested party, whereupon the commission by order on not less than ten days' notice may set such complaint for hearing, and if at such hearing the complainant submits facts and evidence sufficient to establish proof that such rates or charges complained of are excessive or non-compensatory, the commission may order such rates or charges cancelled, and require the filing of alternative and reasonable rates and charges, the reasonable level of which at such time shall be indicated by the commission in such order. Upon the filing of any tariff or subsequent supplement thereto or re-issue thereof, any other carrier shall have the right to petition the commission to suspend the taking effect of the same until opportunity has been had for a hearing on the reasonableness of the rates or charges named therein, as herein provided, and the commission may so suspend if in its judgment the rates or charges complained of are so unreasonably low as to create destructive competitive practices among or jeopardize the economic position of competing carriers. In determining whether the rates or charges are excessive or non-compensatory the commission shall include in its consideration, among other things, 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. No contract carrier or common carrier shall charge, demand, collect, or receive, nor shall a shipper pay, a greater or less or different compensation for the transportation of property, or for any service in connection therewith, than the rates and charges named in tariffs currently in effect and on file with 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 him under such tariffs, nor extend to any shipper or person any privileges or facilities in the transportation of property except such as specified in such tariffs.

Sec. 3. Minnesota Statutes 1945, Section 221.02, Subdivision 14, is amended to read as follows:

221.02. **Definitions.** Subd. 14. **Contract carrier.** The term "contract carrier", as used in sections 221.18 to 221.39, 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 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, nor shall the terms "common carrier" and "contract carrier" apply to any person while engaged exclusively in the transportation of fresh vegetables from farms to canneries or viner stations, or from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, nor shall the terms "common carrier" and "contract carrier" apply to a manufacturer, producer, dealer, or distributor who, in the pursuit of his business, owns and uses a truck, or trucks, either for the purpose of transporting his own products or occasionally transporting the property of others for hire. *The terms "common carrier" and "contract carrier" shall not apply to any person while engaged exclusively in the transportation of pulp wood, cord wood, mining timber, poles and posts from the place where the products are produced to the point where they are to be used or shipped.*

Approved April 10, 1947.

CHAPTER 300—H. F. No. 628

An act relating to minnow dealers and licenses therefor; amending Minnesota Statutes 1945, Section 97.40, Subdivision 27, Section 98.46, Subdivision 3, and Section 98.47, Subdivision 9.

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

Section 1. Minnesota Statutes 1945, Section 97.40, Subdivision 27, is amended to read as follows:

97.40. **Definitions.** Subd. 27. **Itinerant minnow dealer.** "Itinerant minnow dealer" includes all persons engaged as owner or part owner in transporting minnows for a distance of 15 miles or more for the purpose of sale. Any other person