

(3) Every executive officer of a corporation.

Approved April 14, 1949.

CHAPTER 440—H. F. No. 642

An act relating to the making of freight rates, defining the powers, duties and authority of the railroad and warehouse commission and amending Minnesota Statutes 1945, Sections 216.19, 217.04, 218.04, 218.11, 218.12, 218.71 and repealing Sections 216.68, 216.64, 218.14 to 218.18 inclusive, and 218.36.

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

Section 1. Minnesota Statutes 1945, Section 216.19, is amended to read:

216.19. Rate unreasonable; complaint; duty of commission. Upon the verified complaint of any person or of any corporation, private or municipal, that any tariff of rates, fares, or charges, or any part thereof, or of any classification is *unduly prejudicial and unjustly discriminatory* or unreasonable, the commission shall proceed to investigate the matter alleged in such complaint; and, for the purposes of such investigation, may require the attendance of witnesses and the production of books, papers, and documents. If upon the hearing such tariff of rates, fares or charges, or any part thereof, or of such classification is found to be *unduly prejudicial and unjustly discriminatory* or unreasonable, the commission shall make an order stating wherein the same are so *unduly prejudicial and unjustly discriminatory* or unreasonable and make a tariff of rates, fares, charges, and classification which shall be substituted for the tariff so complained of. The tariff so made by the commission shall be deemed prima facie reasonable in all courts and shall be in full force during the pendency of any appeal or other proceedings to review the action of the commission in establishing the same.

Sec. 2. Minnesota Statutes 1945, Section 217.04, is amended to read:

217.04. Preferences forfeited. It shall be unlawful for any common carrier to make or give any *undue* or unreason-

able preference or advantage to any particular person, company, firm, corporation, or locality, or any particular description of traffic in any respect; or to subject any particular person, company, firm, corporation, or locality or any particular description of traffic to any *undue* or unreasonable prejudice in any respect.

Sec. 3. Minnesota Statutes 1945, Section 218.04, is amended to read:

218.04. Charges to be reasonable. All charges made by any such carrier for the transportation of passengers or property, whether over one or more railroads, or in connection therewith, or for the receiving, delivering, storage, or handling of such property shall be reasonable, *non-discriminatory and non-prejudicial*; and every unreasonable, *unjustly discriminatory and unduly prejudicial* charge for service is prohibited. One carload of freight of any kind or class shall be transported at as low a rate per ton, and per ton-mile as any greater number of carloads of the same kind and class from *and to the same points of origination or destination*.

Sec. 4. Minnesota Statutes 1945, Section 218.11, is amended to read:

218.11. Rates; application for change; notice; hearing. Any common carrier *before changing or discontinuing* any published rate, charge or classification, minimum weight or rule governing the same to which it is a party, shall make application to the commission in writing, stating the change in rules, rates, charges or classifications desired, giving the reasons for such change. Upon receiving such application, the commission *may if it considers that the public interest does not require a hearing thereon and if it concludes that the change proposed is fair and reasonable, grant the application without notice and without a hearing; otherwise it shall fix a time and place for hearing, and give such notice to interested parties as it shall deem proper and reasonable, and after hearing all the evidence offered, if the commission find that it is reasonable, fair and just to both shippers and carriers that the change should be allowed as asked for, it shall grant the application; otherwise it shall deny the same, or may grant the same in a modified form. A change or discontinuance so authorized shall be made effective upon not less than 10 days' public notice unless the commission by its order of approval*

provides that a shorter notice may be given. Passenger rates are not affected by Sections 218.07-218.12.

Sec. 5. Minnesota Statutes 1945, Section 218.12, is amended to read:

218.12. **Emergency rate.** Upon application to the commission by any carrier stating that it desires to *establish a rate for a temporary period only* for the protection of the interests of such carrier or shippers, the commission may, before such rate is established *and in the order granting such application* authorize the restoration of the rate existing at the time of such application *without further proceedings under Section 218.11* and fix the time within which such restoration may be made; and the time so fixed may be extended in the discretion of the commission as the circumstances of the case may require. Nothing in Sections 218.07—218.12 shall be held in any way to limit or modify the right and power of the commission to investigate, inquire into, prescribe and publish what it may deem to be just and reasonable rates, charges and classifications to govern common carriers in this state.

Sec. 6. Minnesota Statutes 1945, Section 218.71, Subdivision 1, is amended to read:

218.71. **Violation and penalty.** Subdivision 1. Any common carrier violating any of the provisions of Sections 218.08, 218.09, and 218.11, shall be subject to a penalty of *not more than \$500*, to be recovered in a civil action in the name of the State of Minnesota by the attorney general.

Sec. 7. **Repeal.** Minnesota Statutes 1945, Sections 216.63, 216.64, 218.14 to 218.18 inclusive and 218.36 are hereby repealed.

Approved April 14, 1949.

CHAPTER 441—H. F. No. 691

An act relating to the taxation of intoxicating liquor; amending Minnesota Statutes 1945, Section 340.47, Subdivision 1, as amended.