

EXTRA SESSION

CHAPTER 17—S. F. No. 9

[Coded]

An act relating to regulation by the Railroad and Warehouse Commission of motor vehicle transportation for hire, repealing Minnesota Statutes 1953, Sections 221.01 to 221.53, inclusive, and Laws 1955, Chapter 820, Section 19.

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

Section 1. [221.011] **Definitions.** For the purposes of this Act, unless the context otherwise requires:

1. "Commission" means the Railroad and Warehouse Commission of Minnesota.

2. "Motor Vehicle" means any self-propelled vehicle used upon the highways for the transportation of persons or property for hire.

3. "Commercial Motor Vehicle" means any motor vehicle engaged in commercial activity on the public highways.

4. "Public Highway" means every public street, alley, road, highway or thoroughfare of any kind, except waterways, open to public travel and use.

5. "Person" means any individual, firm, co-partnership, cooperative, company, association and corporation, or their lessees, trustees or receivers.

6. "Certificate" means the certificate of public convenience and necessity which may be issued under the provisions of this chapter.

7. "Permit" means the license, or franchise, which may be issued to motor carriers, other than regular route common carriers and petroleum carriers, under the provisions of this chapter, authorizing the use of the highways of Minnesota for transportation for hire.

8. "Regular Route Common Carrier" means any person who holds himself out to the public as willing to undertake for hire to transport by motor vehicle between fixed termini over a regular route upon the public highways passengers or property but shall not include persons while engaged exclusively in the transportation of children to or from school; or persons while engaged exclusively in transporting agricultural, horticultural, dairy or farm products from farms to primary markets; or persons while engaged in transporting freight within any city or village or between contiguous cities

or villages when such transportation is not under a common control, management or arrangement for a continuous carriage or shipment, to or from a point without such city or village; or any person engaged in operating taxicabs or operating hotel buses from a depot or airport to a hotel; or any bona fide cooperative association whose membership is limited to bona fide farmers' cooperative associations and who performs transportation and does business only with and for such associations, which business includes substantially other business than merely transportation.

9. "Petroleum Carrier" means any person engaged in the business of transporting for hire over the public highways petroleum products in bulk in quantities in excess of 2,000 gallons per load but it shall not include the transportation of such products between points or places wholly within a city or village, or wholly within a single group of contiguous cities or villages.

10. "Irregular Route Common Carrier" means any person who holds himself out to the public as willing to undertake to transport property from place to place over highways but who does not operate between fixed termini or over a regular route or on regular time schedules and who is not engaged in the business of transporting livestock.

11. "Livestock Carrier" means any person whose primary business is the transportation of livestock picked up from his home or terminal area to a livestock market and who, in so doing, generally operates over a regular route and who, on his return trip, may transport farm supplies to his headquarters area.

12. "Farm Supplies" means merchandise used in farming, including but not limited to agricultural implements and parts, hardware, bags, cement, cordage, culverts, animal or poultry feed, fencing, fertilizer, lumber and wooden shingles, roofing and siding, salt and seeds.

13. "Contract Carrier" means any person engaged in the business of transporting property for hire over the highways under special contracts of carriage with the shippers or receivers of freight who require a specialized service to meet their needs, or a carrier who limits his hauling to not more than ten customers.

14. "Interstate Carrier" means any person engaged exclusively in transporting property in interstate commerce from or into Minnesota, or between any point in the State of Minnesota and the Dominion of Canada.

15. "Permit Carrier" means every carrier embraced

within the provisions of this chapter other than regular route common carriers and petroleum carriers. The term "Permit Carrier" shall not apply to a person engaged in agricultural pursuits, who owns and uses a truck for transporting the products of his farm, nor shall the term "Permit 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 this term apply to a manufacturer, producer, dealer or distributor who, in the pursuit of his own business, owns and uses trucks for the purpose of transporting his own products, nor to any person while engaged exclusively in the transportation of pulpwood, 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.

The term "Permit Carrier" shall not apply to a person engaged in transporting property or freight, excepting household goods and petroleum products in bulk, when the movement is entirely within the corporate limits of a city or village or a group of contiguous cities and villages when such transportation is not part of a continuous movement to or from a point without such city or village or group of contiguous cities or villages.

"Household Goods" means personal effects and property used or to be used by the owner in his dwelling; furniture, fixtures, equipment and property of business places and institutions, public or private, when a part of the stock, equipment, supplies or property of such establishments.

16. "Motor Carriers" includes all carriers operating under the authority of this chapter and subject to the regulations of the Commission.

17. "For Hire" means for remuneration or compensation of any kind promised, paid or given to or received by a person for the transportation of persons or property on the highways.

18. "Contiguous" means having any portion of a common boundary with another municipality or with one of a group of contiguous municipalities.

19. "Petroleum Products" means crude petroleum and natural gas and any and all derivatives arising out of the refinement thereof, including anhydrous ammonia and liquid fertilizer.

20. "Service of Notice and Orders" means depositing

the same in the United States Mails properly enveloped, addressed and stamped, provided that service of any notice or order requiring an affirmative or negative action by any person must be by registered United States mail with return receipt.

21. "Charter" means the agreement whereby the owner of a motor bus lets the same to a group of persons as one party for a specified sum and for a specified act of transportation at a specified time.

22. "Charter Carrier" means a person who engages in the business of transporting the public by motor buses under charter. The term "Charter Carrier" shall not be construed to include taxicabs or school bus operators when engaged in transportation involving any school activity or regular route common carriers of passengers.

Sec. 2. [221.021] Operation certificate or permit required. No person shall operate as a motor carrier without a certificate or permit in full force and effect with respect to such operation. Any certificate or permit shall be suspended or revoked upon conviction of violating any provision of this Act or any order, rule or regulation of the Commission governing the operation of motor carriers and upon a finding by the court that the violation was willful.

Sec. 3. [221.031] Rules for operation of motor carriers. Subdivision 1. The Commission shall prescribe rules and regulations for operation of all motor carriers, including their facilities, accounts, service, safety of operations and equipment, maximum hours of service of drivers, installation of safety devices and proper automatic speed regulators if, in the opinion of the Commission, there is a necessity therefor. It may require the construction and maintenance or furnishing of suitable and proper freight terminals, passenger depots, waiting rooms and accommodations or shelters 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. It shall require the filing of annual and other reports including annual accounts of motor carriers, schedules of rates and charges or other data by such motor carriers, regulate such motor carriers in all matters affecting the relationship between them and the traveling and shipping public and prescribe such other rules and regulations as may be necessary to carry out the provisions of this chapter. The Commission may extend the termini of any route or alter or change the route of any regular route common carrier upon petition and after a finding that public convenience and necessity require such extension, alteration or change.

Subd. 2. The Commission shall investigate the operation of all motor carriers, their compliance with all rules and regulations of the Commission and with the provisions of this Act, and may institute and prosecute any and all actions and proceedings in the proper district court for enforcement of the same.

Sec. 4. [221.041] **Rate-making powers.** The Commission shall fix and establish just, reasonable and non-discriminatory rates, fares, charges and the rules and classifications incident to tariffs for all regular route common carriers and petroleum carriers. In prescribing such rates, fares, charges, classifications and rules for the carrying of freight, persons or property, the Commission shall take into consideration the effect of the proposed rates or fares upon the users of the service and upon competitive carriers by motor vehicle and rail and, insofar as possible, avoid rates and fares which will result in unreasonable and destructive competition. In making its determination, the Commission shall consider, among other things, the cost of the service rendered by the carrier, including an adequate sum for maintenance and depreciation, and an adequate operating ratio under honest, economical and efficient management. No such rate or fares shall be put into effect or changed or altered except upon hearing duly had and an order therefor by the Commission, or except as herein otherwise provided. The Commission may authorize such changes ex parte which, in its opinion, are not of sufficient import to require a hearing. In any emergency, the Commission may order a change in existing rates or fares without a hearing. In instances of such ex parte or emergency orders, the Commission shall, within five (5) days, serve a copy of its order granting such change in rates upon all parties which the Commission deems interested in the matter, including all competing carriers. Any interested party shall have 30 days from the date of the issuance of the order to object to the order. If objection is made, the matter shall be set down for hearing with notice to competing carriers.

No regular route common carrier or petroleum carrier shall charge 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 and the rules and classifications governing the same which have been duly approved therefor by order of the Commission; nor shall any regular route common carrier or petroleum carrier refund or remit in any manner or by any device any portion of such rates, fares and charges required to be collected under the Commission's order; nor extend to any shipper or person any privilege or facilities in connection

with the transportation of passengers or property except such as are authorized under the order of the Commission. No passenger carrying regular route common carrier shall alter or change its time schedules except upon order of the Commission. Such order may be issued ex parte unless the Commission shall decide that public interest requires that a hearing be had thereon.

Sec. 5. [221.051] Abandonment or discontinuance of service. No regular route common carrier shall abandon or discontinue any service required under its certificate without an order of the Commission therefor, except in cases of emergency or conditions beyond its control.

A passenger regular route common carrier 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.

Sec. 6. [221.061] Operation certificate for regular route common carrier or petroleum carrier. Any person desiring a certificate authorizing operations as a regular route common carrier or petroleum carrier, or an extension of or amendment to such certificate, shall file a petition therefor with the Commission which shall contain such information as the Commission may, by rule or regulations, prescribe.

Upon the filing of a petition for a certificate, the applicant shall pay into the State treasury as a fee for the issuance thereof the sum of \$50 and for any transfer or lease of such certificate the sum of \$25.

The petition shall be processed as any other petition and the Commission shall cause a copy and a notice of hearing thereon to be served upon any competing carrier operating into any village or city located on the proposed route of the applicant and to such other persons or bodies politic which the Commission deems interest in the application. Such competing carrier and other persons or bodies politic are hereby declared to be interested parties to the proceedings.

If, during the hearing, an amendment to the petition is proposed which appears to be in the public interest, the Commission may allow the same when the issues and the territory are not unduly broadened by the amendment.

Sec. 7. [221.071] Issuance of certificate to regular route common carrier or petroleum carrier. If the Commission shall find from the evidence that the applicant is fit and able to properly perform the services proposed and that public

convenience and necessity requires the granting of the application or any part thereof, a certificate therefor shall be issued. In determining whether a certificate should be issued, the Commission shall give primary consideration to the interests of the public that might be affected thereby, to the transportation service being furnished by any railroad which may be affected by the granting of the certificate and to the effect which the granting of the certificate will have upon other transportation service essential to the communities which might be affected by the granting of the certificate. The Commission may issue a certificate as applied for or issue it for a part only of the authority sought and may attach to the authority granted such terms and conditions as in its judgment public convenience and necessity may require.

The Commission may grant a temporary certificate, *ex parte*, valid for a period not exceeding six (6) months, upon a showing that no regular route common carrier is then authorized to serve on the route sought where there is no other petition on file with the Commission covering said route and it appears that there is need for the proposed service.

A certificate which has been issued to a regular route common carrier may be amended by the Commission on *ex parte* application without fee so as to grant an additional or alternate route where there is no other means of transportation over such proposed additional route or between the termini thereon, and such proposed additional route does not exceed ten (10) miles in length.

Sec. 8. [221.081] Sale or lease of certificate of regular route common carrier or petroleum carrier. Certificates authorizing operations as a regular route common carrier or as a petroleum carrier may be sold or leased but only upon order of the Commission approving the same. The proposed seller and buyer or lessor and lessee of a certificate shall file a joint petition with the Commission, setting forth the names and addresses of the parties, the identifying number of the certificate and the description of the authority which the parties seek to sell or lease, a short statement of the reasons for the proposed sale or lease, a short statement of the buyer or lessee's present operating authority, if any, a statement of all outstanding claims of creditors which are directly attributable to the operations conducted under said certificate, a copy of the contract of sale or lease and a financial statement with balance sheet and income statement, if existent, of the buyer. If it appears to the Commission from the contents of the petition and from the Commission's records and files that the approval of the sale or lease of the certificate will not adversely affect the rights of the users of the service and will

not have an adverse effect on any other motor carrier, the Commission may make an ex parte order granting the same. When the proposed sale or lease is between persons who are direct competitors to a material degree, the petition shall be set down for hearing with notice to the communities which may be affected by the proposed merger and to any other persons the Commission deems to be interested parties.

Sec. 9. [221.091] Limitations. No provision in this chapter shall authorize the use by any carrier of any public highway in any city of the first class, whether organized under the constitution of the State of Minnesota, Article 4, Section 36, or otherwise, in violation of any charter provision or ordinance of such city in effect January 1, 1925, unless and except as such charter provisions or ordinance may be repealed after that date; nor shall this chapter be construed as in any manner taking from or curtailing the right of any city or village to reasonably regulate or control the routing, parking, speed or the safety of operation of a motor vehicle operated by any carrier under the terms of this chapter, or the general police power of any such city or village over its highways; nor shall this chapter be construed as abrogating any provision of the charter of any such city now organized and operating under said Article 4, Section 36, requiring certain conditions to be complied with before such carrier can use the highways of such city and such rights and powers herein stated are hereby expressly reserved and granted to such city; but no such city or village shall prohibit or deny the use of the public highways within its territorial boundaries by any such carrier for transportation of passengers or property received within its boundaries to destinations beyond such boundaries, or for transportation of passengers or property from points beyond such boundaries to destinations within the same, or for transportation of passengers or property from points beyond such boundaries through such municipality to points beyond the boundaries of such municipality, where such operation is pursuant to a certificate of convenience and necessity issued by the Commission.

Sec. 10. [221.101] Additional authority to petroleum carriers. In addition to the specific authority granted to petroleum carriers, every petroleum carrier holding a certificate as such may transport petroleum products from an original point he is not authorized to serve when the needs of the shippers he serves because of seasonal failure of supplies require service from such original point, upon securing permission from the Commission, provided that this provision shall not include the right to enlarge the carrier's destination area.

Sec. 11. [221.111] Permits to other motor carriers.

All motor carriers other than the regular route common carriers and petroleum carriers shall obtain a permit from the Railroad and Warehouse Commission, including irregular route, livestock, contract and charter carriers, and regular route common carriers and petroleum carriers engaged exclusively in interstate transportation.

Sec. 12. [221.121] **Applications for permits.** Any person desiring to operate hereunder as a permit carrier shall file a petition with the Commission, specifying the kind of permit desired, the name and address of the applicant, and the names and addresses of the officers, if a corporation, and such other information as the Commission may require. The Commission, after notice to interested parties and a hearing, shall issue the permit upon compliance with all laws and regulations relating thereto, unless it finds that the area to be served has a sufficient number of permit carriers of the kind applied for to fully and adequately meet the needs of such area for the kind of transportation service applicant proposes to offer or that applicant's vehicles do not meet the safety standards set up by the Commission or that applicant is not fit and able to conduct the proposed operations, provided that no person who holds a permit at the time this Act takes effect shall be denied a renewal thereof upon compliance with other provisions of this chapter. A permit once granted shall continue in full force and effect until abandoned or unless suspended or revoked, subject to compliance by the permit holder with all applicable provisions of law and the rules of the Commission 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 permit 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 chapter 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 or within adjacent or contiguous municipalities or a common rate point served by said railroad and which service shall only be a service supplementary to the rail service now established by such carrier.

The Commission shall have power to refuse to issue a permit to a regular route common carrier or petroleum carrier. The Commission may issue a permit as a contract carrier to such cooperative associations as are described in Sub-

division 8 of Section 1, notwithstanding the number of its hauling contracts and provided that such contract carrier shall be permitted to haul its own property.

Sec. 13. [221.131] Permits; terms, fees, plates. Permits issued pursuant to the provisions of this chapter shall be effective for a 12-month period, commencing on the first day of the month of their issuance and shall continue from year to year thereafter upon payment of the required registration fee and compliance otherwise with law. The permit holder shall pay into the treasury of the State of Minnesota a registration fee of \$12.50 on each vehicle, including pickup and delivery vehicles, operated by him under authority of such permit during said 12-month period or fraction thereof. Trailers used by applicant in combination with truck-tractors shall not be counted as vehicles in the computation of fees under this section, provided applicant pays the fees for such truck-tractors. The Commission shall furnish a distinguishing plate for each vehicle or truck-tractor for which a fee has been paid, which plate shall at all times be displayed on the vehicle or truck-tractor to which it has been assigned. Plates may be reassigned to another vehicle or truck-tractor without fee by the Commission upon application of the permit holder. Plates issued under the provisions of this section shall be good only for the period for which the permit is effective. The name and residence of the permit holder shall be stenciled or otherwise shown in a conspicuous place on each vehicle operated under his permit. In the event a permit has been suspended or revoked, the Commission may consider a petition for reinstatement thereof, upon the same procedure required for an original application, and may, in its discretion, grant or deny the same. Regular route common carriers and petroleum carriers, operating under this Act, shall annually on or before January 1 of each calendar year, pay into the treasury of the State of Minnesota an annual registration fee of \$12.50 for each vehicle, including pickup and delivery vehicles, operated during any calendar year. On vehicles registered under this section after March 31 of any calendar year, the registration fee shall be prorated on a quarterly basis as follows:

Vehicles registered after March 31	\$9.50
Vehicles registered after June 30	6.25
Vehicles registered after September 30....	3.25

A fee of \$2.50 shall be charged for the replacement of an unexpired plate which has been lost or damaged by the owner.

Sec. 14. [221.141] Bonds of applicants for permits. Before any certificate or permit shall be issued to any motor carrier, it shall secure and file with the Commission and keep

the same at all times in full effect public liability and indemnity insurance in such amount and in such form as the Commission shall have prescribed, covering injuries and damage to persons or property occurring on the highways, other than the employees of such motor carrier or the property being transported by such carrier, provided that the Commission shall require cargo insurance for certificated carriers and may require any permit carrier to file such insurance when it deems necessary to protect the users of the service. Such insurance shall be subject to cancellation for non-payment of premiums or withdrawals from service of a vehicle or vehicles covered thereby upon not less than fifteen (15) days' written notice to the insured and to the Commission. Such insurance or bond may from time to time be reduced or increased by order of the Commission. The Commission may, if desired by the applicant, prescribe in lieu of the bond or insurance such other form of security as may be satisfactory. Failure to maintain any required insurance or security shall void the permit or certificate.

Sec. 15. [221.151] Permits not assignable or transferable. No permit issued under the provisions of this chapter shall be assigned or transferred.

Sec. 16. [221.161] Schedules of rates and charges. Every permit carrier shall file and maintain with the Commission a schedule of rates and charges for the transportation of property. All schedules shall be prepared and filed in accordance with the rules and regulations of the Commission. No schedule of rates and charges 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 at least ten days before such date of hearing upon any competing carrier; provided, however, that if it appears that an emergency exists or that there is need for a minor or unimportant change beneficial to the public, 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 all interested parties as defined in Section 6 of this act, which shall have the right within 15 days thereafter to complain that they are being injured by such change and a hearing shall thereupon be granted.

Sec. 17 [221.171] Compensation of permit carriers fixed by schedules of rates and charges. No permit carrier shall charge or receive 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 the carrier's schedule on file and in effect with the Commis-

sion; nor shall any permit carrier refund or remit in any manner or by any device, directly or indirectly, nor any shipper accept any portion of the rates and charges required to be collected by him under his schedules; nor extend to any shipper or person any privileges or facilities in the transportation of property except such as are so specified.

Sec. 18. [221.181] Interstate carriers; permits, regulation. The Commission shall have the power and authority to grant permits to interstate carriers and to supervise and regulate their operations to the extent that such supervision and regulation constitutes a valid exercise of the police powers of the State.

The issuance, renewal and cancellation of permits to interstate carriers shall follow the same procedure and be based upon the same conditions as herein provided for other permit carriers.

Sec. 19. [221.191] Unlawful operations, exceptions. It is unlawful, without specific permission, for any person to operate a commercial truck, tractor, truck-tractor, trailer or semi-trailer on the highways of this State within thirty-five (35) miles, measured by the most direct highway route, from any city of the first class between the hours of 9:00 a.m. and 12:00 midnight on Sundays and legal holidays, from Decoration Day, May 30th, to the second Sunday in September, both inclusive, of each year, provided that there shall be excepted from the provisions of this section the following:

1. Farm trucks as defined in Section 168.011, Subdivision 17.
2. Commercial motor vehicles of a manufacturer's rated capacity of one ton or less.
3. Motor vehicles when used for the transportation of livestock on Sundays and holidays, whether operating with or without loads.
4. Motor vehicles when used for the transportation of newspapers, non-intoxicating beverages, ice cream and ice cream flavors and cones and all dairy products, poultry and poultry products and which shall include containers therefor, ice and fresh bakery goods, and other perishable products, whether operating with or without loads; emergency vehicles of public utilities used incidental to making repairs to its plant or equipment; vehicles used exclusively in highway construction; and vehicles used exclusively as service or repair cars going to or from any place, rendering aid and assistance to the disabled motor vehicles.

5. Motor vehicles operating wholly within the corporate limits of cities or villages or between incorporated cities or villages whose boundaries are coincidental.

Sec. 20. [221.201] *Petition for exception.* Any person operating a commercial motor vehicle may apply to the Commission for an exemption from the restriction imposed by Section 19 hereof. The petition shall set forth good and sufficient reasons why his operation over the highways during the restricted hours constitutes an emergency or necessity justifying exemption. The Commission shall have the power to issue or refuse to issue the exemption applied for.

Sec. 21. [221.211] *Powers of inspection of commercial vehicles.* Any inspector of the Commission or any police officer shall have the power to require the driver of a commercial vehicle during the restricted period set forth in Section 19 to stop such vehicle at any time for inspection. Any such driver who fails to or refuses to stop and submit his vehicle to an inspection when so directed by such inspector or police officer shall be guilty of a misdemeanor.

Sec. 22. [221.221] *Enforcement powers.* Inspectors of the Commission for the purpose of enforcing the provisions of this chapter and the rules and regulations of the Commission issued pursuant hereto, but for no other purpose, shall have all the powers conferred by law upon police officers. Every inspector, before entering upon his duties, shall take and subscribe an oath of office and furnish a bond to the State in the sum of \$2,000, conditioned as provided by Section 387.01, Minnesota Statutes, to be approved by and filed in the office of the Secretary of State.

Sec. 23. [221.231] *Reciprocal agreements.* The Commission is hereby empowered to enter into reciprocal agreements with the regulatory bodies of other states and the provinces of the Dominion of Canada, whereby the payment of the vehicle fee provided in Section 13 hereof may be waived in whole or in part as to residents of or corporations or partnerships having an established place of business in the State or province, entering into the reciprocal agreement with the Commission, provided that reciprocal privileges are extended under such agreement to residents of this State and to corporations or partnerships who have an established place of business in this State.

Sec. 24. [221.241] *Transport for hire of food for human consumption.* No motor carrier engaged in either intrastate or interstate commerce shall transport for hire food for human consumption in any motor vehicle which he

uses for the transportation of livestock, unless such motor vehicle has been cleaned.

Sec. 25. [221.251] Overcharges, refund. All charges for freight, baggage or express that are collected by a motor carrier over what it is entitled to receive under the lawful tariff or classification shall be refunded by said carrier within ninety (90) days after the payment of the same, provided that, when such overcharge is due to a difference in weights, a claim shall be filed as hereinafter provided.

Every claim against a motor carrier doing business in this State for an overcharge due to difference in weight, or for loss, damage or injury to property while in its possession, shall be adjusted and paid within ninety (90) days after the filing of such claim with the agent of the carrier at the point of origin, or of the destination of such shipment, or with the claims department of such carrier. No such claim shall be filed until after the arrival of a shipment, or of some part thereof, at the point of destination, or until after the lapse of a reasonable time for the arrival thereof. For this purpose, a claim, when filed, shall consist of (a) original bill of lading or shipping receipt, (b) paid freight bill, (c) bill of claimant, and (d) original invoice or certified copy when necessary. True copies of any of these documents may be used and, in case of absence, an explanation must be attached. The carrier shall acknowledge the filing of a claim, or any letters, papers or documents purporting to be such within ten days after receipt and, if the claim so filed does not comply with the above requirements, the carrier shall so inform the claimant and advise him of what may be required to complete the claim.

If such claim is not paid or adjusted within 90 days of filing thereof, suit may be commenced in any court having jurisdiction thereof, in which all persons similarly situated may intervene or be joined, and, if claimant prevails, a penalty of ten percent plus legal interest, reasonable attorneys' fees, costs and disbursements shall be allowed.

Sec. 26. [221.261] Complaints, action in district court. An action or proceeding may be instituted, upon verified complaint of the Commission or any interested person in any district court of any county wherein a motor carrier has a principal office or into which its route extends, for the enforcement of any provision of this chapter, or any order, rule or directive of the Commission herein authorized, and the court may grant provisional or other relief, ordinary or extraordinary, legal or equitable, which the nature of the case may require, including temporary mandatory or restraining orders. Except when there is a constitutional right to trial by

jury not expressly waived, all such proceedings shall be tried summarily by the court and such matters shall take precedent over all other matters except criminal cases.

Sec. 27. [221.271] Motor carriers, liability. Any motor carrier which shall do or cause to be done any unlawful act as herein provided, or fail to perform any duty prescribed, or violate any duly established order, rule or directive of the Commission, or which shall aid or abet in the performance of any unlawful act or in the failure to perform any such duty, shall be liable in damages to any person injured thereby, and such person, if he recovers, shall be allowed, in addition to damages, reasonable attorneys' fees, together with costs of disbursements.

Sec. 28. [221.281] Violations, penalties. Any regular route common carrier or petroleum carrier, or any officer, agent or employee of any such carrier, failing to comply with any final order, decision, rule, regulation or directive, or any part or provision thereof, of the Commission, or any provision of this Act, shall be subject to a penalty of \$50 for each and every day of such failure, to be recovered for the State in a civil action brought by the Commission. Any such carrier granting any special rate, rebate, drawback, or directly or indirectly charging, demanding, or collecting a greater or less compensation than provided by its regular established schedule of rates and charges, shall be punished by a fine not exceeding \$5,000 for each such offense.

Sec. 29. [221.291] Misdemeanors, offenses. Any person who violates or procures, aids or abets violation of any provision of this chapter or any valid order or rule of the Commission issued hereunder shall be guilty of a misdemeanor. Every distinct violation shall be a separate offense.

Sec. 30. Effective date. This Act shall become effective July 1, 1957; the provisions hereof shall not affect any action or proceeding duly commenced or pending when this Act is approved.

Sec. 31. Repealer. Minnesota Statutes 1953, Sections 221.01 to 221.53, inclusive, and Laws 1955, Chapter 820, Section 19, are repealed.

Approved May 2, 1957.
