

construction may be carried on, and whenever the commission grants such authority, it shall be in the form of a permit of indeterminate duration—coupled with the right to the municipality to purchase the telephone plant within the city, as hereinafter provided. No *lines or equipment* shall be constructed or installed for the purpose of furnishing local *rural or toll telephone service to the inhabitants or telephone users in any locality in this state*, where there is *then* in operation in the locality or territory affected thereby another telephone company already furnishing such service, without first securing from the commission a declaration, after a public hearing, that public convenience requires such *proposed telephone lines or equipment*; but the governing body of any municipality shall have the same powers of regulation which it now possesses with reference to the location of poles and wires so as to prevent any interference with the safe and convenient use of streets and alleys by the public."

Sec. 2. **Extension of telephone lines.**—Section 14 of Chapter 152, General Laws 1915, is hereby amended to read as follows:

"Sec. 14. Any telephone company may extend its long-distance lines into or through any city or village of this state for the furnishing of long-distance service only, subject to the regulation of the governing body of such village or city relative to the location of the poles and wires and the preserving of the safe and convenient use of such streets and alleys to the public, *provided that if such lines are to furnish service between communities or localities then served by another company, a certificate of public convenience must first be obtained as required by the preceding section.*"

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

Approved April 13, 1925.

CHAPTER 185—H. F. No. 929.

An act providing for supervision and regulation of transportation of persons and property for hire as common carriers on any public highway in this state, by motor vehicles, and for the safe operation thereof, and subjecting such transportation to the jurisdiction and control of the railroad and warehouse commission; and defining what constitutes such transportation for hire, and providing for the enforcement of this act and for punishment for violation thereof.

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

Section 1. **Definitions of terms used.**—Unless the language or context clearly indicates that a different meaning is intended, the following words, terms and phrases shall, for the purposes of this act, be given the meanings hereinafter subjoined to them.

Sec. 2. **Same.**—(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 a 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 busses 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 delivery 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 transportation company engaged in operating taxicabs, or hotel busses 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.

Sec. 3. Companies to operate only in accordance with act.—No auto transportation company shall operate any motor-propelled vehicles for the transportation of persons or property for compensation as a common carrier on any public highway in this state except in accordance with the provisions of this act.

Sec. 4. Authority of Railroad and Warehouse Commission.—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; and to supervise and regulate auto transportation companies in all matters affecting the relationship between such auto transportation companies and the traveling and shipping public. 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 as 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 15 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, 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, 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. 5. Permission must be secured from Railroad and Warehouse Commission.—(a) No auto transportation company shall hereafter operate for the transportation of persons or property for hire as a common carrier on any public highway without first having obtained from the Commission under the provisions of this act a certificate declaring that public convenience and necessity require such operation.

(b) The auto transportation company making application for such certificate, shall do so in writing, which petition shall be verified by the applicant and shall specify the following matters:

1. *The name and address of the applicant and the names and addresses of its officers, if any.*

2. *The public highway or highways over which, and the fixed termini between which, or the route or routes over which it intends to operate.*

3. *The kind of transportation, whether passenger or freight, or both, together with a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any vehicle to be used for passenger traffic and the weight of the vehicle to be used in freight traffic.*

4. *The proposed time schedule.*

5. *A schedule of the tariff or rates desired to be charged for the transportation of freight or passengers.*

6. *A complete and detailed description of the property proposed to be devoted to the public service.*

7. *A detailed statement showing the assets and liabilities of such applicant.*

8. *And such other or additional information as the Commission may by order require.*

Sec. 6. Hearings on petition.—Upon the filing of such petition the Commission shall fix a time and place for hearing thereon which shall not be less than 20 days after such filing. The Commission shall cause a copy of such petition and notice of hearing thereon to be served upon the managing agent, or an officer, or the owner of any common carrier operating into or through any village or city located on the proposed route of the applicant and on the Commissioner of Highways, and the chairman of any town board, and the county auditor of any county, and the governing board of any city or village into or through which any street or highway may pass, over which it is proposed to operate any such motor vehicle, at least 10 days before the date of the hearing, and any such common carrier, and the Commissioner of Highways, the town board and the Board of County Commissioners, and the governing board or boards of any village or city, are hereby declared to be interested parties to said proceedings and may offer testimony for or against the granting of such certificate.

Sec. 7. Certificate from commissioner of highways.—No petition for such certificate shall be considered by the Commission unless such petition shall be accompanied by a certificate from the Commissioner of Highways stating that the motor vehicle or vehicles so to be used in all respects comply with the law and the rules and regulations of the Commissioner of Highways applicable to the use of such highways by such motor vehicles.

Sec. 8. Commission to grant certificate when.—If the Commission shall find from the evidence that public convenience and necessity require the service proposed, or any part thereof as the Commission shall determine, a certificate therefor shall be issued. In determining whether or not a certificate should be issued, the Commission shall give reasonable consideration to the interests of the public that might be affected thereby and shall give reasonable consideration to the transportation service being furnished by any railroad, and shall give due consideration to the likelihood of the proposed service being permanent and continuous throughout 12 months of the year and the effect which such proposed transportation service may have upon other forms of transportation service which are essential and indispensable to the communities to be affected by such proposed transportation service, and to the traffic already existing upon the route proposed to be traveled and the effect that such proposed service may have upon the existing travel upon said route and the excess cost of maintaining such highway on account of the installation of such additional service, if any. The Commission may issue the certificate as prayed for, or issue it for the partial exercise only of the privilege sought; and may attach to the exercise of the rights granted by such certificate, such terms and conditions as, in its judgment, the public convenience and necessity may require.

Sec. 9. Certificates may be transferred.—Any right, privilege or certificate held, owned, or obtained by any auto transportation company may be sold, assigned, leased, or transferred as other property only by the authorization of the Commission.

Sec. 10. Operating companies may continue.—Any auto transportation company operating in good faith on the first day of the 1925 legislative session over the route for which such certificate shall be sought, if it shall within 30 days after the taking effect of this act make application to the Commission for a certificate as herein provided for, may continue in operation until the final determination of its application and petition therefor by the Commission.

Sec. 11. Bonds.—Before a certificate shall be issued to any Transportation Company, it shall file with the Commission a bond in a penal sum to be fixed by the Commission, payable to the State of Minnesota, conditioned that such Transportation Company shall pay any and all penalties assessed under the provisions of this Act, and for the faithful compliance with all lawful decisions, orders, rules, regulations, demands and requirements of the Commission made, rendered, issued or promulgated under the provisions of this Act. In addition to said bond, such Company shall also secure and file with the Commission public liability or indemnity insurance satisfactory to the Commission and in such an amount as it shall prescribe, covering injuries and damages accruing to persons or

property, arising out of its operations as such Transportation Company. Such insurance shall be subject to cancellation for non-payment of premiums or withdrawal from service of a vehicle or vehicles covered thereby upon fifteen (15) days' written notice to the insured and to the Commission. Such insurance and/or bond may be, from time to time, reduced or increased by the Commission. The Commission may, if so desired by the Company, accept in lieu of said bond and/or said insurance, such other form of security as may be satisfactory to the Commission.

Sec. 12. Laws applying.—In all respects in which the Commission has power and authority under this act, proceedings may be instituted, complaints made and filed with it, process issued, hearings held, opinions and orders and decisions made and filed, and appeals taken by any aggrieved party from any order so made to the District Court or the Supreme Court of this state, under the conditions and subject to the limitations and with the effect specified in the Railroad and Warehouse Commission law of this state, contained in Chapter 28, General Statutes 1923, and Acts Amendatory thereof. Actions or proceedings against an auto transportation company may be tried in any county through which such company operates any of its motor vehicles.

Sec. 13. Penalties for violation.—Any auto transportation company or any officer, agent or employe of any auto transportation company failing to comply with any order, decision, rule or regulation, direction, demand or requirement, or any part or provision thereof, of the Commission, or any provision of this act may be subject to a penalty of not more than \$50 for each and every day of such failure to comply with such order, decision, rule or regulation, direction, demand or requirement, or any part or provision thereof, of the Commission, or any provision of this act to be recovered in a civil action brought by the Attorney General.

Sec. 14. Not to apply to Interstate Commerce.—Neither this act nor any provision thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this Union except in so far as the same may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

Sec. 15. Fees for filing.—Upon the filing of an application for a certificate the applicant shall pay into the state treasury of the State of Minnesota as a fee for the issuance thereof, the sum of \$50, and for any transfer of such certificate the sum of \$25, and for the issuance of a duplicate certificate the sum of \$3.

Sec. 16. Unconstitutionality of one section not to affect balance.—If any section, sub-section, sentence, clause phrase of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this act.

Sec. 17. Not to petition inside of one year.—Where a petition for a certificate of public convenience and necessity has been in whole or in part denied, a new application therefor shall not be again considered by the Commission within one year from the date of the order of the Commission filed therein, unless it shall be made to appear to the Commission that there has been a material change in the transportation needs of the communities proposed to be affected.

Sec. 18. Not to affect charter limitations.—No provision in this act shall authorize the use by any transportation company of any public highway in any city of the first class, whether organized under Section 36, Article 4, of the Constitution of the State of Minnesota, or otherwise, in violation of any charter provision or ordinance of such city in effect January 1, 1925; nor shall this act be construed as in any manner taking from or curtailing the right of any city or village to regulate and control the routing, parking, speed or the safety of operation of a motor vehicle operated by any transportation company under the terms of this act, or the general police power of any such city or village over its highways; nor shall this act be construed as abrogating any provision of the charter of any such city now organized and operating under said Section 36 of Article 4, requiring certain conditions to be complied with before such transportation company can use the highways of such city, and such rights and powers herein stated are hereby expressly reserved and granted to such city.

Sec. 19. No vested rights.—Nothing in this act shall prevent the legislature from repealing, amending or modifying said act, or any privilege or right granted thereunder.

Approved April 13, 1925.

CHAPTER 186—S. F. No. 85.

An act authorizing County Boards in certain Counties to levy a tax for County revenue purposes.

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

Section 1. Tax levy for revenue purposes in certain counties.—The county board of any county in the State, now or hereafter having an assessed valuation of not less than \$9,000,000 nor more than \$13,000,000 exclusive of money and credits, and an area of not less than 41 or more than 42 congressional townships, whole and fractional, may levy for county purposes, such amount in excess of existing limitations as may be necessary to defray county revenue expenses, but the total levy for such purpose shall not exceed seven mills on the dollar of the taxable property of said county, exclusive of money and credits.