

CHAPTER 217

GENERAL PROVISIONS RELATING TO CARRIERS

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217.01 COMMON LAW LIABILITY NOT TO BE LIMITED. The liability of common carriers at common law with reference to property in their custody shall not be limited by contract or otherwise, except as stated in their published classification schedules. Such liability must include absolute responsibility for the acts of their agents in reference to such property.

[R. L. s. 2008] (4801)

217.02 BILLS OF LADING; LIABILITY OF CARRIER ISSUING, CONNECTING CARRIERS. Any common carrier, railroad, or transportation company receiving property for transportation from any point in this state to any other point in this state, shall issue a receipt or bill of lading therefor and shall be liable to the lawful holder thereof for any loss, damage or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered, or over whose line or lines such property may pass, and no contract, receipt, rule or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed; provided, that nothing in sections 217.02 and 217.03 shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.

[1913 c. 315 s. 1] (4802)

217.03 REMEDY OVER OF CARRIER ISSUING. The common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained, the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof.

[1913 c. 315 s. 2] (4803)

217.04 PREFERENCES FORBIDDEN. It shall be unlawful for any common carrier to make or give any unequal or unreasonable 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 unequal or unreasonable prejudice in any respect.

[R. L. s. 2009] (4804)

217.05 CERTAIN PREFERENCES ALLOWED. Nothing in chapters 216 to 240 shall prevent the carriage, storage, or handling of property free, or at reduced rates, for the United States, the state, or for any municipal corporation thereof, or

for charitable purposes, or for exhibition at fairs or expositions, or of stock for breeding purposes; or the issuance of mileage, excursion or commutation passenger tickets at rates equal for all; or giving such reduced rates to ministers of religion, sisters of charity, missionaries, students of any educational, or inmates of any charitable, institution; nor the free transportation of passengers when allowed by law.

[R. L. s. 2010] (4805)

217.06 REBATES FORBIDDEN; PENALTIES. It shall be unlawful for any common carrier in this state, by any special rate, rebate, drawback, or other device to directly or indirectly charge, demand, collect, or receive from any person, firm, or corporation a greater or less compensation for any service rendered in the transportation of any property within this state than its regular established schedule of rates and charges for like and contemporaneous service for any other person or for the public generally; and it shall be unlawful for any such common carrier directly or indirectly to offer or give any shipper in connection with or as an inducement or reward for receiving any property for transportation from any such shipper, any gift, gratuity, or free pass whereby any passenger or freight shall thereafter be transported over the lines of such common carrier free, or at any rate less than that offered to the public, and in either such case such common carrier shall be deemed guilty of unjust discrimination and be punished by a fine not exceeding \$5,000. Any person who shall knowingly either for himself or for any firm or corporation directly or indirectly receive from any common carrier any such reduction of rate, rebate, gratuity, or other favor as is herein declared to be an unjust discrimination by such common carrier shall be guilty of a misdemeanor.

[1905 c. 177 s. 1] (4806)

217.07 RAILROADS; DEMURRAGE PAID; REPORTS TO COMMISSION. It shall be the duty of every railroad company operating within the state to make at the end of each month a sworn detailed report of all penalties paid and collected as demurrage during the previous month showing therein to whom paid or from whom received. This report shall be filed with the commission.

[1907 c. 23 s. 12] (4869)

217.08 ANNUAL REPORTS; COMMON CARRIER. Every carrier subject to supervision of the commission shall annually, on or before March 31st, unless additional time be granted, file with the commission a report verified by such carrier, or by its president, vice president, treasurer, comptroller, auditor, or receiver, in such form as the commission may prescribe, covering the year ending December 31st preceding said date and showing in detail the amount of capital stock issued; the amount and manners of payment therefor; the dividends paid; the surplus fund, if any; the number of stockholders; the funded and floating debts, and the interest paid or due thereon; the cost and value of all the carrier's property, franchises and equipments; the number of employees and officers, and the salary or wages paid each class; the amount expended for improvements, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all other sources; the operating and other expenses; the balance of profit or loss; and a complete exhibit of the financial operations of the year, with an annual balance sheet, the amount of land received as grants from the state and from the United States; the amount of such land sold and the average price received per acre; the amount unsold and its average appraised value per acre; information in regard to rates and regulations concerning fares and freights; agreements, arrangements, or contracts with express, telegraph, sleeping and dining car companies, fast freight lines, and other common carriers, with copies of such contracts, agreements, or arrangements; and such other matters as the commission may require. The commission may prescribe a uniform system of accounts and the manner of keeping the same and designate from time to time to what account any items shall be charged. Any such carrier failing to comply with the provisions of this section or with any order of the commission made thereunder shall forfeit for each day's default \$100.00, to be recovered in a civil action in the name of the state.

[R. L. s. 1984; 1907 c. 410 s. 1; 1917 c. 17 s. 1] (4703)

217.09 ACCIDENTS AND WRECKS; REPORTS TO COMMISSION. It shall be the duty of every railroad company operating a line of railroad in this state to report all accidents, wrecks, or casualties occurring in this state to the commission.

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This is intended to include all accidents, wrecks, or casualties occurring in the operation of trains or engines on the line or lines of railway within this state and all other accidents or casualties of whatever nature as may be required under rules adopted by the commission. Reports to the commission herein required shall be for public inspection. All accidents or wrecks occurring in the operation of trains or engines involving loss of life or personal injury shall be immediately reported to the commission by telegraph or telephone message and the company shall forthwith send a written report in detail giving full particulars available in such form as the commission may require. All other accidents, including accidents resulting in personal injury or death, other than train accidents, shall be reported to the commission on the first day of each month, covering the preceding month; provided, that neither the reports required under this section nor any part thereof shall be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in the reports.

[1905 c. 122 s. 1; 1907 c. 290 s. 1; 1937 c. 211 s. 1] (4704)

217.10 ORDERS PRIMA FACIE EVIDENCE. In any action or proceeding brought to enforce any order of the commission or when such order is brought in question in any of the courts of the state it shall be prima facie evidence of the facts therein stated.

[R. L. s. 1989] (4711)

217.11 ACCOUNTS OF RAILROADS; DUTIES AND POWERS OF COMMISSION. Subdivision 1. **Contents.** It shall be the duty of every railroad doing both intrastate and interstate freight business in this state to keep its accounts so as to show as far as practicable the earnings derived from, and the expenses incurred in, handling such intrastate business in Minnesota. The commission shall have power and it is hereby made its duty to prescribe the form in which such accounts shall be kept, and it may require such accounts for each operating division of such railroad wholly or partly within this state. In addition to all other information on the subject, such accounts shall show the total cost of operating the through trains, and the total cost of operating the local or distributing trains, on each operating division wholly or partly within this state, during the fiscal year to be fixed by the commission, and the total number of tons of revenue and non-revenue freight, and the number of the tons of each carried one mile on the through trains and on the local trains, respectively, and the number of the tons and ton-miles of revenue and non-revenue freight carried on through or local trains, which are exclusively intrastate. The accounts shall also show the gross tons and ton-miles made by through and local trains on these divisions.

Subdivision 2. **Train and engine miles shown.** The accounts shall also show the total revenue and non-revenue train and engine miles, and the total revenue and non-revenue car miles (the non-revenue car miles to be shown loaded and empty separately) produced by such railroad in the state on the operating divisions, and the number of each of the above train, engine, and car mileage produced in handling the through trains and in handling the local trains, also the total locomotive miles produced in switching on each division, and such further information relating to the income or cost of the intrastate business as the commission may require. The commission may require such accounts to be kept with reference to the intrastate passenger business of such carrier, and the train, car, and engine mileage incurred in the passenger business in this state as it shall deem necessary.

[1911 c. 327 ss. 1, 2] (4715) (4716)

217.12 CARRIER; WAREHOUSEMAN; FAILURE TO OBEY ORDER OR LAW. When any such carrier or warehouseman shall fail to obey any law of the state or any order of the commission, the commission or any party interested may, upon verified petition alleging such failure, apply to the district court of the county in which such carrier or warehouseman has a principal office, or into which a line of railroad of such carrier extends, for the enforcement of such law or order or other appropriate relief. The court, upon such notice as it may direct, shall hear such matter as in case of an appeal from an order. On such hearing the findings of fact upon which such order is based shall be prima facie evidence of the matters therein stated, and the court may grant any provisional or other relief, ordinary or extraordinary, legal or equitable, which the nature of the case may require, and may impose a fine of not more than \$500.00 for each day's failure to obey any writ, process, or order of the court, in addition to all other penalties or forfeitures provided by law. A temporary mandatory or restraining order may be made in such

proceeding, notwithstanding any undetermined issue of fact, upon such terms as to security as the court may direct.

[R. L. s. 1975] (4654)

217.13 RAILROADS; VIOLATION OF LAW; TRIAL. The district court shall be deemed always open for all civil proceedings under chapters 216 to 240; and any such proceeding may be brought to trial in any county in the judicial district and shall take precedence of all other matters except criminal cases. Except when there is a constitutional right to trial by jury, not expressly waived, all such proceedings shall be tried summarily by the court.

[R. L. s. 1976] (4655)

217.14 INCRIMINATING QUESTIONS. In any proceeding under any law relating to common carriers or public warehousemen, the court in its discretion may require a witness to answer any question, although his answer may tend to convict him of a crime; but no person so compelled to answer shall thereafter be liable to any prosecution for such crime.

[R. L. s. 1977] (4656)

217.15 COSTS AND ATTORNEY'S FEES. In any proceeding in district or supreme court under the provisions of any law relating to common carriers or public warehousemen, whether by appeal or otherwise, the court may order the payment of such counsel fees and disbursements as it deems just and reasonable.

[R. L. s. 1978] (4657)

217.16 TICKET AGENTS; LICENSE FOR. Every corporation, common carrier, firm, or person operating any line of railroad, steamboat line, or steamboat shall furnish to each of its authorized ticket agents a certificate of agency duly signed by or on behalf of such carrier and, in case of a corporation, attested by its corporate seal. Upon presentation of such certificate and payment of a license fee of \$3.00, the secretary of state shall issue to such agent a license to sell transportation tickets for such carrier. Such certificate and license shall be kept conspicuously posted in the office of such agent, and no person not so licensed shall sell any ticket or other evidence of right to passenger transportation. It is hereby made the duty of every corporation, common carrier, firm, or person operating any line of railroad, steamboat line, or steamboat, on or before the first day of January and July of each year, to file with the secretary of state a duly authenticated list of its ticket agents in this state. Any person not so licensed who shall sell, barter, or otherwise transfer any such ticket or other evidence of right to passenger transportation or any part thereof shall be guilty of a gross misdemeanor. The provisions of this section shall not apply to persons, firms, or corporations operating street railways, electric railroads, or power boats in connection therewith.

[R. L. s. 2043; 1909 c. 143 s. 1] (4941)

217.17 UNUSED TICKETS; REDEMPTION OF. Every carrier shall redeem, upon presentation to any of its authorized ticket agents, any passenger ticket, coupon, or mileage book unused in whole or in part and which has not by its terms expired and pay therefor a pro rata share of the price at which such ticket was sold or, if wholly unused, the entire purchase price. Any such carrier violating the provisions of this section shall forfeit to the state not to exceed \$500.00.

[R. L. s. 2044] (4942)

217.18 MILEAGE BOOKS. All passenger mileage tickets or books issued by railroad companies operating lines in this state, except interchangeable mileage now in use, shall be good until used and transferable by delivery and good for travel in the hands of the holder thereof between stations in Minnesota.

[1905 c. 221 s. 1] (4943)

217.19 COMPANY NOT LIABLE, WHEN. Railroad companies accepting such mileage tickets shall not be liable to the owner of such ticket in case they are used by persons not legally entitled to use the same.

[1905 s. 221 s. 2] (4944)

217.20 MEMBERS OF FAMILY MAY USE; PENALTY. Upon presentation of any mileage book having coupons attached thereto entitling the holder thereof upon complying with the conditions thereof to travel thereon, issued by any railroad corporation operating a railroad in this state, to a conductor on any train, on any line of railroad owned or operated by the railroad corporation, the holder thereof or any member of his family, shall be entitled to travel for a number of miles equal to the number of coupons detached by such conductor. Such mileage books shall entitle the holder thereof to the same rights and privileges in respect to the trans-

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portation of person and property to which the highest class ticket issued by such corporation would entitle him. Such mileage books shall be good until all coupons attached thereto have been used. Any railroad corporation which shall refuse to accept any such mileage book for transportation, as provided by this section, or in violation hereof, shall forfeit \$50.00, to be recovered by the party to whom such refusal is made; but no action can be maintained therefor unless commenced within one year after the cause of action has accrued. Nothing herein contained shall be construed as repealing the provisions of sections 217.18 and 217.19.

[1913 c. 151 s. 1] (4945)

217.21 RAILROAD COMPANIES TO SELL MILEAGE BOOKS. Every railroad company owning, operating, or using a steam railroad in this state for the intrastate transportation of passengers, shall, from and after the effective date of the order provided for in sections 217.23 and 217.25, keep on sale at all its ticket offices in this state mileage books for passenger transportation containing coupon tickets representing 2,000 miles, good for intrastate transportation between stations on these railroads in this state when presented for transportation by the original purchaser thereof. Such mileage books shall be sold at a price not to exceed the maximum rate per mile authorized by law to be charged by the railroad company issuing the same for the intrastate transportation of passengers between stations in this state and the tickets contained therein shall show on their face the rate per mile paid therefor. Such mileage books shall be valid for one year from the date of purchase; and, if not wholly used within the year, the company issuing the same shall redeem the unused coupons therein, if presented by the purchaser for redemption within 30 days after the expiration of the year, at the rate per mile paid therefor.

[1917 c. 118 s. 1] (4946)

217.22 COUPONS GOOD FOR PRO RATA INCREASE. If any such railroad company after issuing a mileage book or books hereunder and before such mileage book or books shall be used up by the purchaser thereof, shall lawfully issue mileage books hereunder at an increased rate, the unused coupons in all unexpired mileage books theretofore issued shall thereafter be good on such railroad only for the proportionate mileage which the rate paid therefor would have purchased at such increased rate.

[1917 c. 118 s. 2] (4947)

217.23 PROCEEDINGS FOR ENFORCEMENT OF ABOVE SECTIONS. The commission shall notify every railroad company owning, operating, or using a steam railroad in this state, that it will, upon a day named in such notice, which day shall not be earlier than 30 days after the giving of such notice, take up for investigation the subject of requiring all railroad companies owning, operating, or using steam railroads in this state to accept for the intrastate transportation of passengers between stations on their railroads in this state, mileage tickets issued by other railroad companies pursuant to the provisions of sections 217.21 to 217.27. All corporations, partnerships, and persons interested in the subject may present themselves at the hearing and be heard under such reasonable rules and regulations as the commission may prescribe. In such investigation, which shall be conducted with all due diligence, the commission shall take into consideration the financial responsibility of the various railroad companies owning, operating, or using steam railroads in this state and the rates authorized by law to be charged by such railroad companies for the intrastate transportation of passengers between stations on their railroads in this state and any other pertinent matters; and, after considering the same, shall make findings of fact relative to the matters considered by it and an order based thereon wherein it shall establish just and reasonable rules and regulations, pursuant to which such railroad companies shall be required to accept for the intrastate transportation of passengers between stations on their railroads in this state, mileage tickets issued by other railroad companies pursuant to sections 217.21 to 217.27.

[1917 c. 118 s. 3] (4948)

217.24 CERTAIN RAILROAD COMPANIES EXCLUDED. If, on such investigation, the commission shall find that any such railroad company is financially irresponsible or that for any other just and reasonable cause other railroad companies ought not to be required to accept for transportation mileage tickets issued by such

company, the commission shall, in its rules and regulations, exclude from the operation of section 217.26, mileage tickets issued by any such company.

[1917 c. 118 s. 4] (4949)

217.25 ORDER; WHEN TO BECOME EFFECTIVE. The order shall fix the date when such rules and regulations shall become effective, which shall be not less than 30 days from the making and filing of such order, and shall be served upon the railroad companies affected thereby as provided in section 216.17. Every such railroad company shall publish and adopt such rules and regulations and comply therewith as soon as the same shall become effective.

[1917 c. 118 s. 5] (4950)

217.26 MILEAGE BOOK ISSUED BY ONE COMPANY GOOD ON ALL LINES.

Subject to the provisions of such rules and regulations every such railroad company shall accept for the intrastate transportation of passengers between stations in this state over all steam railroads owned, operated, or used by it, mileage tickets issued by other railroad companies pursuant to the provisions of sections 217.21 to 217.27.

[1917 c. 118 s. 6] (4951)

217.27 PURCHASER TO HAVE SAME RIGHTS ON ALL RAILROADS. Any such mileage book when presented for transportation, either to the railroad company issuing the same or to another railroad company pursuant to the rules and regulations fixed by the commission, shall entitle the purchaser thereof to the same rights and privileges in respect to the transportation of both person and property, to which the highest class ticket issued by the railroad company to which it is presented would entitle him.

[1917 c. 118 s. 8] (4953)

217.28 STATE EMPLOYEES MAY USE MILEAGE BOOKS. When any department of the state government in the proper conduct of the business of such department finds it necessary and is authorized by law to pay railroad fares to its officers or employees the department, through its official or board authorized by law to present or approve claims against the state arising out of the operation of the department, may present to the state auditor a verified abstract in form and manner as provided for the approval of claims against the state approving an expenditure of state funds of the department for the purchase of script or mileage books for transportation upon the railroads of the country and the state auditor shall issue his warrant upon the state treasurer for the amount shown by such abstract and the state treasurer shall issue check accordingly.

[1921 c. 515 s. 1] (4954)

217.29 DEPARTMENT TO KEEP RECORD AND REPORT USE OF BOOKS.

The department of the state obtaining such script or mileage book or books shall keep a record of the date of purchase of each of the books, the official or employee to whom the books are delivered, and require a report from the official or employee at regular intervals showing the stations between which the official or employee travels, the mileage covered and the nature of the work performed. When the script or mileage book is exhausted the department causing the purchase of the book shall deliver a copy of its record as herein required to be kept, to the state auditor to be attached to the original abstract filed in the first instance.

[1921 c. 515 s. 2] (4955)

217.30 APPEALS TO SUPREME COURT. Any party to an appeal or other proceeding in district court under the provisions of chapter 216 to 240, may appeal from the final judgment or from any final order therein in the same cases and manner as in civil actions. No bond shall be required from the commission and no such appeal shall stay the operation of such order or judgment unless the district or supreme court shall so direct and unless the carrier appealing from a judgment or order fixing rates for transportation of persons or property shall give bond in a sum and with sureties approved by a judge of the court ordering the stay, conditioned that the appellant will refund to the person entitled thereto any amount received for such transportation above the amount finally fixed by the court. Any person paying such excessive charges shall have a claim for the excess, whether paid under protest or not, and, unless refunded within 30 days after written demand made after final judgment, may recover the same by action against such carrier, or such carrier and the sureties on such bond. The appeal may be filed in the supreme court before or during any term thereof and immediately entered on the calendar and heard upon such notice as the court may prescribe.

[R. L. s. 1980] (4659)

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217.31 COMBINED RAILROAD AND TOLL BRIDGES. Any railroad company may construct and maintain at its own expense any of its bridges and the approaches thereto so as to answer for ordinary travel; and, unless within one mile from a toll bridge previously built by an incorporated bridge company over the same stream, may charge and collect for its use reasonable toll, subject to the approval of the proper county board. Such toll shall be uniform, and the rates thereof shall be conspicuously posted on or near the toll house. Such company may contract with any person or corporation for the payment of a fixed sum, yearly or otherwise, in lieu of such toll.

[R. L. s. 2005] (4764)

217.32 SIDETRACKS TO SAND OR GRAVEL PIT. Every railroad company, upon written demand of the owner of any grain warehouse or mill of not less than 5,000 bushels capacity adjacent to the right of way of such company and at or near any regular station thereof, shall construct, maintain, and operate at its own expense proper sidetracks connecting such warehouse or mill with the tracks of such railroad and afford the owner thereof proper and reasonable facilities for shipment therefrom. Should additional right of way be required for such sidetrack, the cost and expense of procuring it shall be paid by the owner of the mill or warehouse. Such company shall also construct, maintain, and operate sidetracks connecting with its road any such grain warehouse, dock, wharf, mill, coal yard, quarry, brick or lime kiln, sand or gravel pit, crushed rock or concrete plant, or manufactory adjacent thereto as shall be required and on such terms as may be fixed by the commission on application of either party.

[R. L. s. 2006; 1913 c. 367 s. 2; 1917 c. 287 s. 1] (4765)

217.33 CARRIER TO MOVE TEST CAR. Every carrier shall transport, move, and switch to any track scale in this state free of charge on the application of the commission or its authorized agent, any test car used by the state in testing track scales.

[1913 c. 129 s. 2] (4674)

217.34 STOCKYARD SCALES; PRIVATE PROHIBITED. All railroad companies maintaining stockyards at railroad stations within this state shall prohibit the installation or maintenance of scales of any kind belonging to any person, corporation, or firm other than railroad companies, as provided in section 216.46, and the installation, use, and maintenance of such private scales in such stockyards is hereby prohibited.

[1913 c. 252 s. 2] (4684)

217.35 WATERING AND FEEDING TROUGHS AT STOCKYARDS; SANITARY. Every stockyard at a terminal market in the state at which live stock is received or shipped shall be provided with sanitary watering troughs of iron, concrete, or other sanitary material, and, every yard, pen, or enclosure at any such terminal in which hogs are received or shipped shall, in addition to the watering troughs above specified, be provided with feeding troughs.

[1919 c. 231 s. 1] (4696)

217.36 ACTIONS; ATTORNEY'S FEE. When suit is brought to collect any of the damages, forfeitures or demurrage charges provided for in sections 218.55 to 218.65 and section 217.07, it may be brought in any court in this state having jurisdiction of the subject matter and parties under the then existing cause; and, if the plaintiff therein recover judgment, such plaintiff shall also recover a reasonable attorney's fee for bringing such suit, to be taxed as costs in other cases and paid as other costs by defendant in such suit.

[1907 c. 23 s. 13] (4870)

217.37 RAILWAY CARS MUST BE CLEANED. It shall be the duty of every railway company operating a railroad within this state to cause every railroad car used in the transportation of live stock in this state to be properly and thoroughly cleaned by removing all litter, manure, and refuse from such car once in each month between the first day of March and the first day of December of each year.

[1921 c. 179 s. 1] (4881)

217.38 LIVE STOCK SANITARY BOARD TO MAKE RULES. The state live stock sanitary board is hereby authorized to make reasonable rules and regulations for the cleaning and disinfection of railroad cars used for the transportation of live animals and poultry within the state and automobiles, trucks and other vehicles used as public carriers for the transportation of live animals and poultry over the public highways within the state. It shall furnish from time to time to each railway

company operating a railroad within this state, copies of the rules and furnish copies of the rules and regulations relative to the cleaning and disinfection of automobiles, trucks, and other vehicles used as public carriers to persons and companies operating public stockyards within the state; and, when deemed necessary by it, to such other public markets as it may from time to time designate. It is hereby made the duty of every such railway company and all owners of automobiles, trucks, and other vehicles as public carriers used for the transportation of live animals and poultry over public highways to obey each and every one of the rules.

[1921 c. 179 s. 2; 1927 c. 182] (4882)

217.39 TIME ALLOWED FOR LOADING PRODUCE. Every railroad company shall allow a shipper 36 hours, exclusive of Sundays, without additional charge, in which to load any car order for the shipment of grain or other farm produce.

[R. L. s. 2027] (4885)

217.40 CONSTRUCTION OF CHAPTER. The provisions of chapters 216 to 220 shall be liberally construed with a view to the public welfare, efficient transportation facilities, and substantial justice between shippers and passengers and common carriers, and the commission shall at all times do everything within the scope of its powers to secure such ends, and to facilitate commerce and the safety, convenience, and comfort of passengers and employees.

[R. L. s. 1988] (4710)

217.41 REMEDIES CUMULATIVE; ATTORNEY'S FEES. Nothing in chapters 216 to 220 shall be construed to abridge or limit the duties and liabilities of common carriers or warehousemen, or the remedies now existing at common law or by statute, and the provisions of chapters 216 to 220 are in addition thereto. Any common carrier or warehouseman who shall do or cause to be done any act in chapters 216 to 220 forbidden, or fail to do any act therein enjoined, or aid or abet in any such act or neglect, shall be liable in damages to any person injured thereby; and, in any action for such damages, the plaintiff, if he recover, shall be allowed by the court a reasonable attorney's fee, to be taxed and allowed in addition to statutory costs.

[R. L. s. 1986] (4708)

217.42 APPLICATION OF PRECEDING PROVISIONS. All the provisions of chapters 216 to 220 regarding the construction, maintenance, and operation of railroads and the duties and liabilities of railroad companies, shall apply to any firm or person operating a railroad, whether as owner, lessee, trustee, receiver, or otherwise, and the term "company," wherever used in chapters 216 to 220, shall be construed to include any such firm or person when such construction is not inconsistent with the context.

[R. L. s. 2045] (4957)

217.43 CERTAIN SECTIONS NOT APPLICABLE TO CERTAIN RAILROAD COMPANIES. The provisions of sections 219.53, 219.54, 217.32, 218.66, 218.68, 217.39, 219.83, 219.84, 219.94, 219.90, and 219.55 shall not apply to any railroad company operating mainly for the purpose of handling passengers, baggage, express, and mail and operated partly over a privately owned right of way and partly over highways, but the railway companies shall furnish just, reasonable, and adequate accommodations and service, and the commission of this state is hereby vested with power and authority to determine, prescribe, and enforce such just and reasonable regulations for and of such railway companies.

[1911 c. 336 s. 1] (4727)

217.44 FORFEITURES; VIOLATIONS; PENALTIES. Subdivision 1. Any firm, person, or corporation violating the provisions of section 217.35 shall be deemed guilty of a misdemeanor; and, upon conviction thereof, punished by a fine of not less than \$10.00, nor more than \$100.00, for each 30 days' continuance of such violation; and it shall be the duty of the commission to see that the provisions of section 217.35 are enforced; and it may specify the size and number of each kind of troughs to be provided for the different stockyards in the state and shall enforce the use of such troughs.

Subdivision 2. Any common carrier or warehouseman who shall do or attempt to do any act forbidden by chapters 216 to 220 or fail to do anything therein required of him or wilfully suffer or permit any such unlawful act or omission, when no specific penalty is imposed therefor, if a natural person, shall be guilty of a gross misdemeanor, and punished by a fine of not less than \$2,500, nor more than \$5,000, for the first offense and not less than \$5,000, nor more than \$10,000, for each subse-

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quent offense; and, if such carrier or warehouseman be a corporation, it shall forfeit to the state for the first offense not less than \$2,500, nor more than \$5,000, and for each subsequent offense not less than \$5,000, nor more than \$10,000; to be recovered in a civil action. All fines and forfeitures collected under the provisions of chapters 216 to 220 shall be paid into the state treasury to the credit of the general revenue fund.

Subdivision 3. Any railway company violating any of the provisions of sections 217.37 or 217.38 shall be guilty of a misdemeanor; and, on conviction thereof, fined not less than \$50.00, nor more than \$500.00.

Subdivision 4. All forfeitures provided by chapters 216 to 220 shall be collected by civil action in the name of the State of Minnesota and the attorney general and the county attorney of any county in which the cause of action arises shall prosecute such action.

[*R. L. ss. 1987, 2046; 1919 c. 231 s. 2; 1921 c. 179 s. 3*] (4697) (4709) (4883) (4958)