

CHAPTER 221

MOTOR VEHICLE TRANSPORTATION FOR HIRE; COMMON CARRIERS;
CONTRACT CARRIERS

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221.01 MEANING 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 purpose of this chapter, be given the meanings hereinafter subjoined to them.

[1925 c. 185 s. 1] (5015-1)

221.02 DEFINITIONS. Subdivision 1. **Commission.** The word "commission" means the Railroad and Warehouse Commission of the State of Minnesota.

Subdivision 2. **Corporation.** The term "corporation," as used in sections 221.02 to 221.17, means a corporation, company, association, or joint stock association.

Subdivision 3. **Person.** The term "person," as used in sections 221.02 to 221.17, means an individual, firm, or copartnership; as used in sections 221.18 to 221.39, it means and includes an individual, firm, copartnership, company, association, or joint stock association, and their lessees, trustees, and receivers.

Subdivision 4. **Certificate.** The word "certificate," as used in sections 221.02 to 221.17, means the certificate of public convenience and necessity authorized to be issued under the provisions of such sections.

Subdivision 5. **Public highway.** The term "public highway," as used in sections 221.02 to 221.17, means every street, road, or highway in this state, and includes 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; as used in sections 221.18 to 221.39, it means every public street, alley, road, or highway, or thoroughfare of any kind used by the public; and, as used in sections 221.40 to 221.46, it means and includes all highways, roads, streets, and alleys in the state.

Subdivision 6. **Motor vehicle.** The term "motor vehicle," as used in sections 221.02 to 221.17, includes 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 trans-

portation 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 buses to or from a depot to a hotel.

Subdivision 7. Between fixed termini or over a regular route. The words "between fixed termini or over a regular route," as used in sections 221.02 to 221.17, 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 the termini or route, whether such departure 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 such sections, shall be a question of fact to be determined by the commission.

Subdivision 8. Auto transportation company. The term "auto transportation company," as used in sections 221.02 to 221.17, means every corporation or person owning, controlling, operating, or managing any motor-propelled vehicles, 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" 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 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 any transportation company engaged in operating taxicabs or hotel buses from a depot to a hotel.

Subdivision 9. Railroad. The word "railroad," as used in sections 221.02 to 221.17, 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.

Subdivision 10. Permit. The term "permit," as used in sections 221.18 to 221.39, means the license or franchise issued under those sections.

Subdivision 11. For hire. The words "for hire," as used in sections 221.18 to 221.39, mean for remuneration or compensation of any kind, paid or promised, either directly or indirectly, for the transportation of property on the highways. The words shall not be construed to include any occasional accommodation service by a person or corporation not in the transportation business, even though the same may be paid for.

Subdivision 12. Common carrier. The term "common carrier," as used in sections 221.18 to 221.39, means any person who holds himself out to the public as willing to undertake for hire to transport from place to place over the public highways of this state the property of others who may choose to employ him, but who does not operate between fixed termini or over a regular route and is not subject to sections 221.01 to 221.17.

Subdivision 13. Contract carrier. The term "contract carrier," as used in sections 221.18 to 221.39, means any person engaged in the business of transporting property for hire over the public highways of this state, other than as a common carrier. The terms "common carrier" and "contract carrier" shall not apply to any person engaged in the business of operating motor vehicles in the transportation of property exclusively within the zone circumscribed by a line running parallel to the corporate limits of any city or village or contiguous cities and/or villages and 35 miles distant therefrom when such person resides within the zone. The terms "common carrier" and "contract carrier" shall not apply to a person engaged in agricultural pursuits who owns and uses a truck either for the purpose of transporting the products of his farm or occasionally transporting the property of others for hire, nor shall the terms "common carrier" and "contract carrier" apply to any person while engaged exclusively in the transportation of fresh vegetables from farms to canneries or viner stations, or from viner stations to canneries, or from canneries to canneries during the harvesting, canning, or packing season, nor shall the terms "common carrier" and "contract carrier" apply to a manufacturer, producer, dealer, or distributor who, in the pursuit of his business, owns and uses a truck, or trucks,

either for the purpose of transporting his own products or occasionally transporting the property of others for hire.

Subdivision 14. **Commercial motor vehicle.** The term "commercial motor vehicle," as used in sections 221.40 to 221.46, means any commercial truck, tractor, truck tractor, semi-trailer, or trailer operated upon the public highway.

[1925 c. 185 s. 2; 1933 c. 170 s. 1; 1937 c. 411 s. 1; 1937 c. 431 s. 3; 1939 c. 433] (5015-2) (5015-20) (5015-47)

221.03 OPERATION BY AUTO TRANSPORTATION COMPANIES ONLY AS PROVIDED. 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 sections 221.01 to 221.16.

[1925 c. 185 s. 3] (5015-3)

Amended 12-1-40-2
221.04 POWERS AND AUTHORITY OF COMMISSION AS TO RATES, FARES, CHARGES, CLASSIFICATIONS, FACILITIES, ROUTES, ACCOUNTS, SERVICES, AND OPERATION OF AUTO TRANSPORTATION COMPANIES; REVOCATION OF CERTIFICATES. Subdivision 1. **General powers.** 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 matter 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 sections 221.01 to 221.16, applicable to any and all auto transportation companies.

Subdivision 2. **What considered in making rates.** 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.

Subdivision 3. **Hearings.** 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. 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.

Subdivision 4. **Abandonment or discontinuance of service.** No auto transportation company shall abandon or discontinue any service established under sections 221.01 to 221.16 without an order of the commission therefor.

Subdivision 5. **Departure from route.** 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 on such terms and conditions as the commission may prescribe.

Subdivision 6. **Uniform charges.** 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

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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.

Subdivision 7. Certificate revoked for violations. 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 sections 221.01 to 221.16, suspend, revoke, alter, or amend any certificate issued under the provisions of sections 221.01 to 221.16; 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 sections 221.01 to 221.16.

[1925 c. 185 s. 4] (5015-4)

221.05 CERTIFICATES FOR OPERATION. Subdivision 1. **Necessity for.** 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 sections 221.01 to 221.16 a certificate declaring that public convenience and necessity require such operation.

Subdivision 2. Application. 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; and

(8) Such other or additional information as the commission may by order require.

[1925 c. 185 s. 5] (5015-5)

221.06 HEARINGS ON PETITIONS FOR CERTIFICATES. 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, on the chairman of any town board, on the county auditor of any county, and on 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 ten days before the date of the hearing, and any such common carrier, the commissioner of highways, the town board, the board of county commissioners, and the governing board of any village or city, are hereby declared to be interested parties to the proceedings and may offer testimony for or against the granting of such certificate.

[1925 c. 185 s. 6] (5015-6)

221.07 CERTIFICATES FROM COMMISSIONER OF HIGHWAYS TO ACCOMPANY PETITIONS. 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 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.

[1925 c. 185 s. 7] (5015-7)

221.08 CERTIFICATES; WHEN GRANTED. 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 the 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.

[1925 c. 185 s. 8] (5015-8)

221.09 TRANSFER OF CERTIFICATES. 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.

[1925 c. 185 s. 9] (5015-9)

221.10 BONDS OF TRANSPORTATION COMPANIES; INDEMNITY INSURANCE. 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 chapter, 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 chapter. In addition to the 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 15 days' written notice to the insured and to the commission. Such insurance 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 the bond or the insurance, such other form of security as may be satisfactory to the commission.

[1925 c. 185 s. 11] (5015-11)

221.11 LAWS APPLICABLE. In all respects in which the commission has power and authority under this chapter, 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. Actions or proceedings against an auto transportation company may be tried in any county through which such company operates any of its motor vehicles.

[1925 c. 185 s. 12] (5015-12)

221.12 INTERSTATE COMMERCE EXCEPTED. Neither sections 221.01 to 221.16 nor any provisions thereof shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of the 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.

[1925 c. 185 s. 12] (5015-14)

221.13 FILING FEES. Upon the filing of an application for a certificate the applicant shall pay into the state treasury as a fee for the issuance thereof, the sum of \$50.00, and for any transfer of such certificate the sum of \$25.00, and for the issuance of a duplicate certificate the sum of \$3.00.

[1925 c. 185 s. 15] (5015-15)

221.14 SUBSEQUENT APPLICATIONS FOR CERTIFICATES. 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

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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 community proposed to be affected.

[1925 c. 185 s. 17] (5015-17)

221.15 NOT TO AFFECT CHARTER LIMITATIONS. No provision in this chapter shall authorize the use by any transportation company 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 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 chapter, or the general police power of any such city or village over its highways; nor shall this chapter be construed as abrogating any provisions 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 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.

[1925 c. 185 s. 18; 1929 c. 154 s. 1] (5015-18)

221.16 NO VESTED RIGHTS. Nothing in this chapter shall prevent the legislature from repealing, amending, or modifying the chapter, or any privilege or right granted thereunder.

[1925 c. 185 s. 19] (5015-19)

221.17 PENALTIES. Any auto transportation company, or any officer, agent, or employee 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 sections 221.01 to 221.17 may be subject to a penalty of not more than \$50.00 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 sections 221.01 to 221.17 to be recovered in a civil action brought by the attorney general.

[1925 c. 185 s. 13] (5015-13)

221.18 PERMITS; COMMISSION TO REGULATE AND SUPERVISE TRUCKS. Subdivision 1. **Minimum rates.** The commission is hereby vested with power and authority and it is hereby made its duty to supervise and regulate every contract carrier engaged in intrastate commerce in this state to the extent provided in sections 221.18 to 221.39; to grant permits to such carrier upon the filing of an application therefor and the compliance with all lawful requirements; to require the keeping of such records and accounts and the filing of such reports as it may deem necessary to administer sections 221.18 to 221.39; and before issuing a permit to any such carrier, it shall fix the minimum rates and charges for the transportation of property by such carrier, which rates shall not be less than the reasonable cost of the service rendered for such transportation, including a reasonable return on the money invested in the business and an adequate sum for maintenance and depreciation of the property used.

Subdivision 2. **Supervision and regulation.** The commission is further vested with the power and authority and it is made its duty to supervise and regulate every contract carrier for the purpose of promoting safety on the highways and their conservation; to make rules and regulations respecting the lights and brakes used on the vehicles operated by such carriers and requiring the use of any and all safety devices that tend to make more safe the operation of such vehicles on the highways; to regulate the nature and character of the equipment to be used under a permit, the amount and character of tonnage which may be hauled thereunder on any motor vehicle and the method of loading or packing the freight transported, but the commission shall not authorize the use of any equipment of greater dimensions or the transportation of tonnage of greater weight than is permitted by any existing law or any law which may be hereafter enacted; provided, that all such regulations shall be first approved by the commissioner of highways before the same shall become effective; to make such rules and regulations and require such reports under oath as may be necessary to the enforcement of sections 221.18 to 221.39.

[1933 c. 170 s. 2] (5015-21)

221.19 PERMITS REQUIRED. No person shall operate as a contract carrier in intrastate commerce without a permit from the commission so to do in accordance with the provisions of sections 221.18 to 221.39.

[1933 c. 170 s. 3] (5015-22)

Amended 216-3
221.20 PETITIONS TO BE FILED WITH COMMISSION. Any person desiring a permit to operate hereunder as a contract carrier shall file a petition therefor with the commission. Such petition shall set forth the name and address of the applicant; the names and addresses of its officers, if any; full information concerning the financial condition and physical properties of the applicant; the kind of property which it is proposed to transport; substantially the territory in which it is proposed to operate; a description of each vehicle which the applicant intends to use, including the size, weight, and cubical contents; and such other information necessary to the enforcement of sections 221.18 to 221.39 as the commission may, by order, require. Upon compliance with sections 221.18 to 221.39 a permit shall be issued by the commission. 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 common 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; provided, that nothing in sections 221.18 to 221.39 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 municipalities served by the railroad and which service shall only be a service supplementary to the rail service now established by such carrier.

[1933 c. 170 s. 4] (5015-23)

Amended 1
221.21 FEES OF APPLICANTS. An applicant at the time of filing the petition for the permit shall pay into the state treasury a fee in the sum of \$7.50 where but one vehicle is to be operated. When more than one vehicle is to be operated under the permit, an additional fee of \$7.50 shall be paid for each of such vehicles in excess of one. Truck-tractors used by applicant exclusively in combination with semi-trailers shall not be counted as vehicles in the computation of fees under this section, provided applicant obtains permits for such semi-trailers. Distinguishing plates shall be prescribed and furnished by the commission and shall be at all times displayed on each vehicle and the place of residence of the owner of the vehicle shall be stenciled in a conspicuous place on said vehicle. No permit granted under sections 221.18 to 221.39 shall be effective after the first day of January of the year following the year of its issue. Renewals shall be issued upon application made in accordance with sections 221.18 to 221.39 and upon the payment of the fees prescribed for the original application. In the event a permit has been suspended or revoked, the commission may order a hearing upon an application for a renewal thereof or upon an application for a permit to be issued to the holder of such suspended or revoked permit and may grant or deny such renewal or permit. On or before January 1 of each year, every carrier holding a permit under sections 221.18 to 221.39 and every auto transportation company subject to sections 221.01 to 221.17 shall pay a fee of \$7.50 and an additional fee of \$7.50 for each vehicle operated in excess of one.

[1933 c. 170 s. 5; 1937 c. 411 s. 2] (5015-24)

221.22 BONDS OF APPLICANTS. Before such permit shall be issued such contract carrier shall secure and file, and keep the same at all times in full effect, with the commission public liability and indemnity insurance satisfactory to the commission in such amount and in such form as the commission shall prescribe covering injuries and damage to persons or property occurring on the highways other than the employees of such contract carrier or the property being transported by such carrier. Such insurance shall be subject to cancelation for non-payment of premiums or withdrawals from service of a vehicle or vehicles covered thereby upon 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 the commission. The commission may, if desired by the applicant, accept in lieu of the bond or insurance such other form of security as may be satisfactory to the commission.

[1933 c. 170 s. 6] (5015-25)

221.23 PERMITS NOT TRANSFERABLE. No permit issued under the provisions of sections 221.18 to 221.39 shall be assigned or transferred. The commission may, for a good cause upon not less than ten days' notice to the holder thereof,

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suspend or revoke such permit for any violation of any provision of any law of this state or any order or regulation of the commission.

[1933 c. 170 s. 7] (5015-26)

221.24 COMPENSATION OF CARRIERS TO BE FIXED BY COMMISSION.

No contract carrier shall charge, demand, collect, or receive, nor shall a shipper pay, a less compensation for the transportation of property, or for any service in connection therewith, than the minimum rates and charges fixed by the commission; nor shall any contract carrier refund or remit in any manner or by any device directly or indirectly any portion of the rates and charges required to be collected by the commission's permit or order, nor extend to any shipper or person any privileges or facilities in the transportation of property except such as are specified in the commission's permit or order.

[1933 c. 170 s. 8] (5015-27)

221.25 NOT TO TRANSPORT OWN PROPERTY; EXCEPTIONS. No contract carrier shall transport any property which it may own in whole or in part, except such property as may be necessary for the use of the owner of the truck or of his family and not for re-sale; provided, that such property may be transported for re-sale when transported directly to the place of business of the owner of the truck, or if such owner is a farmer to the farm of the owner.

[1933 c. 170 s. 9] (5015-28)

221.26 POWERS OF COMMISSION; COMMON CARRIERS. The commission shall have the same power and authority with respect to the regulation and control of common carriers as are set forth in section 221.18 with respect to contract carriers.

[1933 c. 170 s. 10] (5015-29)

221.27 PERMITS FOR COMMON CARRIERS. No person shall operate as a common carrier in intrastate commerce without a permit from the commission so to do in accordance with the provisions of sections 221.18 to 221.39. The provisions of sections 221.20 to 221.25 shall govern the issuance, renewal, assignment, and cancellation of permits to common carriers and the operations thereunder.

[1933 c. 170 s. 11] (5015-30)

221.28 PERMITS; INTERSTATE CARRIERS; COMMISSION TO ISSUE. The commission is hereby vested with power and authority to grant permits to contract carriers and common carriers engaged exclusively in transporting property in interstate commerce or between any point in the state and the Dominion of Canada, upon the filing of applications therefor and the compliance with all lawful requirements.

The commission is further vested with all the power and authority to supervise and regulate such interstate and foreign carriers as is vested in the commission by section 221.18, subdivision 2, to supervise and regulate intrastate contract carriers.

[1933 c. 170 s. 12] (5015-31)

221.29 PERMITS MUST BE SECURED. Subdivision 1. **Petition.** No person shall operate as a contract carrier or common carrier exclusively engaged in transporting property in interstate commerce, or property between any point in the state and the Dominion of Canada, without a permit from the commission so to do, in accordance with the provisions of sections 221.18 to 221.39. Any person desiring a permit to operate as such contract carrier or common carrier shall file a petition therefor with the commission, which petition shall set forth the names and addresses of its officers, if any, full information concerning the financial condition and physical properties of the applicant; the nature of the transportation in which the applicant wishes to engage; the kind of property which it is proposed to transport; substantially the territory in which it is proposed to operate; a description of each vehicle which the applicant intends to use, including its size, weight and cubical contents; and such other information necessary to the enforcement of sections 221.18 to 221.39 as the commission may, by order, require.

Subdivision 2. **Fee.** At the time of filing petition the applicant shall pay into the state treasury a fee in the sum of \$7.50 for the issuance of such permit where but one vehicle is to be operated. Where more than one vehicle is to be operated under the permit, an additional fee of \$7.50 shall be paid for each of such vehicles in excess of one. Distinguishing plates shall be prescribed and furnished by the commission and shall be at all times displayed on each motor vehicle authorized by the commission to operate under sections 221.18 to 221.39.

Subdivision 3. **Public liability and indemnity insurance.** Before a permit shall be issued, such applicant shall also secure, and file with the commission public liability and indemnity insurance satisfactory to the commission and in such amount

as it shall prescribe, covering injuries and damage to persons or property occurring on the highway other than to employees of such carrier or the property being transported thereby. Such insurance shall be subject to cancelation for non-payment of premiums or withdrawals from service of a vehicle or vehicles covered thereby upon 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 the commission. The commission may, if so desired by the applicant, accept in lieu of the bond or insurance such other form of security as may be satisfactory to the commission.

Upon compliance with the provisions of this section, the commission shall forthwith issue the permit.

Subdivision 4. Time limitation; renewals. No permit granted under sections 221.18 to 221.39 shall be effective after the first day of January of the year following the year of its issuance. Renewals shall be issued upon payment of the fees hereinbefore provided.

Subdivision 5. Not assignable. No permit issued under the provisions of sections 221.18 to 221.39 shall be assigned or transferred. The commission may for a good cause upon not less than ten days' notice to the holder thereof suspend or revoke such permit for any violation of any provision of sections 221.18 to 221.39 or any law of this state or any order or regulation of the commission.

[1933 c. 170 s. 13; 1937 c. 411 s. 3] (5015-32)

221.30 POWERS OF COMMISSION TO REFUSE PERMITS. The commission shall have power to refuse to issue a permit as a common carrier or contract carrier to an auto transportation company subject to sections 221.01 to 221.17, and shall have power to refuse to issue a permit to such common carrier and contract carrier if such common or contract carrier is owned in whole or in part, directly or indirectly, by stock ownership or otherwise, by an auto transportation company subject to sections 221.01 to 221.17. Where such financial interest is found to exist, the commission after hearing may in its discretion cancel any permit issued under sections 221.18 to 221.39.

[1933 c. 170 s. 14] (5015-33)

221.31 TRUCKS MUST BE CLEANED BEFORE CARRYING FOOD STUFFS. No contract carrier or common carrier engaged in either intrastate or interstate commerce holding a permit under sections 221.18 to 221.39, and no auto transportation company holding a certificate under sections 221.01 to 221.17, shall transport for hire food for human consumption nor any article or package containing any property intended for or that could be used in any household in any motor vehicle in which live stock has been transported unless such motor vehicle has been thoroughly cleaned.

[1933 c. 170 s. 15] (5015-34)

221.32 COMMISSION TO FIX HOURS OF SERVICE. It shall be the duty of the commission and it is hereby so empowered to establish, regulate, and fix the hours of service of truck drivers employed by carriers subject to sections 221.18 to 221.39, and auto transportation companies subject to sections 221.01 to 221.17, and to that end may require from all of such carriers such reports and information as it may deem necessary to the enforcement of its orders respecting the same. The commission shall fix the hours of service on a basis so that no truck driver shall operate a truck for more than 12 hours continuously.

[1933 c. 170 s. 16] (5015-35)

221.33 OATH AND BOND OF INSPECTORS. Inspectors of the commission, for the purpose of enforcing sections 221.18 to 221.39 but for no other purpose, shall have all the powers conferred by law upon peace officers, and it shall be the duty of the commissioner of highways, upon written request of the commission, to require the state highway patrol to assist in the enforcement of sections 221.18 to 221.39. Every inspector of the commission, before entering upon his duties, shall take and subscribe the oath of office and furnish a bond to the state in the sum of \$2,000 conditioned as provided by section 42.23, to be approved by and filed in the office of the secretary of state.

[1933 c. 170 s. 18; 1937 c. 411 s. 4] (5015-37)

221.34 APPEALS. In all cases in which the commission has power and authority under sections 221.18 to 221.39, proceedings may be instituted, complaints made and filed with it, processes 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 and to the supreme court or to either of this state. In case of

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any such appeal the issues involved therein shall be tried de novo. Any party to a proceeding may take said appeal to the district court of the county in which the complainants or a majority of them reside, or, in case none of them reside in the state, or, in a proceeding commenced by the commission on its own motion without complaint, to the district court of one of the counties in which the order of the commission requires a service to be performed or an act to be done or not to be done by the carrier. Upon service of the notice of appeal the commission by its secretary shall forthwith file with the clerk of the district court to which appeal is taken a certified copy of the order appealed from. In case appeals are taken to the district court of more than one county they shall be consolidated and tried in the district court of the county to which the first appeal was taken. The person serving such notice of appeal shall within five days after the service thereof file the same with proof of service with the clerk of the court to which such appeal is taken; and thereupon the district court shall have jurisdiction over the appeal, and the same shall be entered upon the records of the district court and tried therein according to the rules relating to the trial of civil actions. No further pleadings than those filed before the commission shall be necessary. If such appeal is not taken within this time such order shall become final.

[1933 c. 170 s. 19] (5015-38)

221.35 PERMIT CARRIERS; MAY NOT TRANSPORT PERSONS. It shall be unlawful for any person holding a permit hereunder to transport any person in the truck for hire.

[1933 c. 170 s. 20] (5015-39)

221.36 VIOLATIONS; COMPLAINTS; HEARINGS. Where any terms of sections 221.18 to 221.39 or any order of the commission adopted hereunder, or any provisions of sections 221.01 to 221.17, or any order issued thereunder, have been violated the commission upon complaint being filed or on its own motion may issue and serve upon such person or corporation a complaint stating its charges in that respect, and containing a notice of hearing upon a day and at a place therein fixed at least 20 days after the service of the complaint and notice. The person or corporation so complained of shall have the right to appear at the time and place so fixed and show cause why an order shall not be entered by the commission requiring such person or corporation to cease and desist from the violation of sections 221.18 to 221.39 or any order of the commission thereunder, or the provisions of sections 221.01 to 221.17, or any order of the commission thereunder. If upon such hearing the commission shall be of the opinion that any of the provisions of sections 221.18 to 221.39 or sections 221.01 to 221.17, or any order of the commission have been so violated, it shall so find and issue and cause to be served upon such person or corporation an order requiring such person or corporation to cease and desist from such violation.

[1933 c. 170 s. 17] (5015-36)

221.37 VIOLATION A MISDEMEANOR. Any person who violates or who procures, aids or abets in the violation of any provision of sections 221.18 to 221.39, or of any order of the commission issued thereunder, or the provisions of sections 221.01 to 221.17, or any order of the commission issued thereunder, shall be deemed guilty of a misdemeanor; and, upon conviction, punished by a fine of not exceeding \$100.00, or imprisonment for 90 days. Every distinct violation shall be a separate offense; and, in the case of a continuing violation, each day shall be deemed a separate offense. Upon written request of the commission, it shall be the duty of the attorney general or any county attorney within his jurisdiction to prosecute any person alleged to have committed such an offense.

[1933 c. 170 s. 21] (5015-40)

221.38 MONEYS TO BE PAID INTO STATE TREASURY. All moneys received under the provisions of sections 221.18 to 221.39 shall be paid into the state treasury and may be used by the commission for the employment of inspectors for the purpose of inspecting the mechanical equipment of all trucks subject to sections 221.18 to 221.39 and for the general enforcement of sections 221.18 to 221.39. Any money that may be left in such fund at the end of any calendar year from permit fees for such calendar year shall be placed to the credit of the highway fund and become a part thereof.

The commission is empowered to expend such money as may be necessary for the administration and enforcement of sections 221.18 to 221.39 including the employment of all necessary clerks, inspectors, and other employees, and for such purpose

shall not expend any money in excess of the collections made under sections 221.18 to 221.39.

[1933 c. 170 s. 23; 1933 c. 397 s. 1] (5015-42)

221.39 CONTRACT OR COMMON CARRIER; BUSINESS DECLARED TO BE OF PUBLIC INTEREST. The business of operating a motor vehicle for the transportation of property by a contract carrier or a common carrier upon the highways of this state is declared to be a business affected with the public interest. The rapid increase of motor carrier traffic and the fact that under existing law many motor trucks are not effectively regulated have increased the dangers and hazards on public highways and make it imperative that more stringent regulation should be employed to the end that the highways may be rendered safer for the use of the general public and that the discrimination in rates charged may be eliminated.

[1933 c. 170 s. 24] (5015-43)

221.40 DUTIES OF COMMISSION IN OPERATION OF COMMERCIAL MOTOR VEHICLES. It is hereby declared to be the purpose and policy of the legislature to confer upon the commission the power and authority to make it its duty to supervise and regulate the transportation of property by commercial motor vehicles upon or over the public highways of this state in all matters whether specifically mentioned herein or not, so as to:

- (1) Relieve the existing and all undue burdens on the highways arising by reason of the use thereof by commercial motor vehicles;
- (2) Protect the safety and welfare of the traveling and shipping public in their use of the highways; and
- (3) Carefully preserve, foster, and regulate transportation and permit the coordination and rerouting of transportation facilities.

[1937 c. 431 s. 1] (5015-45)

221.41 STATUTES TO APPLY TO INTERSTATE VEHICLES. Interstate commercial motor vehicles used in the transportation of property shall be subject to all of the provisions of sections 221.40 to 221.46 to the extent that the same is an exercise of the police powers of the state so as to prevent congestion on the highways which shall affect the safety of persons or property upon the public highways. None of the provisions of sections 221.40 to 221.46 shall be deemed to deprive the commissioner of highways or any city or village of any jurisdiction they now have or which may hereafter be conferred upon them over the public highways of this state, nor prevent the commissioner of highways or any city or village from suspending at any time the right to operate commercial motor vehicles over any public highway when necessary for the proper preservation or policing of the same.

[1937 c. 431 s. 2] (5015-46)

221.42 CERTAIN VEHICLES NOT TO OPERATE NEAR CITIES. It shall be unlawful, without specific permission as hereinafter provided, for any person to operate a commercial truck, tractor, truck tractor, trailer, or semi-trailer on the highways of this state within 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 30, to the second Sunday in September, both inclusive, of each year; provided, that there shall be excepted and exempted from the provisions of sections 221.40 to 221.46 the following:

- (1) Class T motor vehicles, as defined by sections 221.22 to 221.26;
- (2) Commercial motor vehicles of a manufacturer's rated capacity of one ton or less;

(3) Motor vehicles when used for the transportation of live stock 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 plan or equipment; vehicles used exclusively in highway construction; and vehicles used exclusively as service or repair cars going to or from place rendering aid and assistance to the disabled motor vehicles;

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

[1937 c. 431 s. 4] (5015-48)

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221.43 SAFETY MEASURE. The restrictions provided in sections 221.40 to 221.46 are necessary to prevent traffic congestion, affecting the safety of the public and the interest of the public in the highway during the tourist season.

[1937 c. 431 s. 5] (5015-49)

221.44 APPLICATION FOR PERMISSION TO OPERATE IN CERTAIN MONTHS. Any person operating a commercial motor vehicle may apply to the commission in writing, setting forth good and sufficient reasons why his operations over any of the highways of the state during the period specified above or any part thereof should be permitted and the commission, upon filing of a petition, shall fix a time and place for hearing thereon, which shall not be less than 15 days after such filing. The commission shall cause notice of such hearing to be mailed at least ten days before the hearing to the governing bodies of such cities or villages which such applicant desires to pass through, the Minnesota public safety committee and to such other parties as the commission may deem advisable, and any party in interest may introduce evidence at such hearing. The commission shall have power as public safety may require, to issue or refuse to issue permission to operate a commercial motor vehicle over the public highways or any part thereof during the period specified above, and that sections 221.40 to 221.46 shall be subject to any exception or exemption which the commission may make for good cause in such cases.

[1937 c. 431 s. 6] (5015-50)

221.45 MUST SUBMIT TO INSPECTION. Any inspector of the commission or any police officer is authorized to require the driver of a commercial motor vehicle to stop at any time to submit to an inspection. Any driver of a commercial motor vehicle who fails or refuses to stop and submit to such an inspection when directed to do so by an inspector of the commission or a police officer shall be guilty of a misdemeanor.

[1937 s. 431 s. 7] (5015-51)

221.46 VIOLATIONS; PENALTIES. Any person, firm, copartnership, association, or corporation violating the provisions of sections 221.40 to 221.46 shall be guilty of a misdemeanor; and, upon conviction, punished by a fine of not to exceed \$100.00 or imprisonment not to exceed 30 days. Every distinct violation shall be a separate offense. It shall be the duty of any county attorney within his jurisdiction to prosecute any person alleged to have committed such an offense. The inspectors of the commission for the purpose of enforcing sections 221.40 to 221.46 shall have all the powers conferred by law upon police officers to serve warrants and other process in this state and it shall be the duty of the commissioner of highways, upon written request of the commission, to require the state highway patrol to assist in the enforcement of sections 221.40 to 221.46.

[1937 c. 431 s. 8] (5015-52)