

CHAPTER 218

COMMON CARRIERS; TRANSPORTATION

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218.01 RAILROAD AND RAILWAY. The terms "railroad" and "railway," as used in this chapter, include all bridges and ferries used or operated in connection with any railroad and also all the roads in use by any corporation, receiver, trustee, or other person operating a railroad, whether owned or operated under contract, agreement, lease, or otherwise.

[1913 c. 90 s. 4] (4841)

218.02 TRANSPORTATION DEFINED. The term "transportation," as used in this chapter, includes all instrumentalities of shipment used in the transportation of property wholly within this state by railroad.

[1913 c. 90 s. 4] (4841)

218.03 RAILWAY CORPORATION. The term "railway corporation," as used in this chapter, means all corporations, companies, or individuals owning or operating any railroad in whole or in part in this state.

[1913 c. 90 s. 4] (4841)

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

[R L s 2007; 1949 c 440 s 3] (4766)

218.05 PASSENGER RATES. No railroad company owning, operating, or using a line of railroad within, or partly within the state shall charge, collect, or receive as compensation for transporting any passenger and his ordinary baggage, not exceeding in weight 150 pounds, any sum or amount in excess of the following prices: For all distances for all companies the gross earnings of whose passenger trains, as reported to the commission in the then last report thereon, equaled or exceeded the sum of \$1,200 per mile for each mile of road operated by the company, on which regular passenger service is maintained, as hereinafter provided, two cents per mile; and for all companies whose earnings reported, as aforesaid, were less than \$1,200 per mile of road operated by the company, three cents per mile; provided that whenever the earnings of any company doing business in this state, as reported to the commission at the close of any year, shall increase so as to equal or exceed the sum of \$1,200 per mile of road operated by the company, then in such case the company shall thereafter, upon notification by the commission, be required to receive as compensation for the transportation of any passenger, and his ordinary baggage, not exceeding in weight 150 pounds, only a rate of two cents per mile as hereinbefore provided. In computing the passenger earnings per mile of any company the earnings and the mileage of all branch roads owned, leased, controlled, or occupied by such company, exclusive of all spurs and branches over which such company does not operate each way daily, except Sunday, at least one passenger train, or mixed train having at least two passenger coaches or one passenger coach and baggage car, shall be included in the computation, and the rate of fare shall be the same on all lines owned, leased, controlled, or occupied by such company. No company shall charge, demand, or receive any greater compensation per mile for transportation of children of the age of 12 years or under than one-half of the rate herein prescribed. Any railroad company may charge a minimum fare of five cents for each passenger transported over its road when cars are propelled or moved by motive power other than steam. The provisions of this section shall apply to all railroad companies operating lines of railroad in this state.

[1913 c. 536 s. 1; 1917 c. 23 s. 1] (4767)

218.06 PASSENGERS; MAXIMUM RATES. No railroad company owning, operating, or using a line of railroad within or partly within the state, regardless of the motive power used, shall charge or collect more than two cents per mile for carrying over its road on any trip wholly within this state, any passenger of 12 years of age or over, together with baggage not exceeding 150 pounds in weight; or more than one cent per mile for any such passenger under 12 years of age, together with baggage not exceeding 75 pounds in weight; provided, that no railroad company shall be required to carry a passenger any distance for less than five cents.

[1907 c. 97 s. 1; 1911 c. 331 s. 1] (4769)

218.07 FREIGHT RATES; RIGHT OF CARRIER IN FIRST INSTANCE; UNIFORM CLASSIFICATION. All common carriers subject to the laws of this state shall have the right in the first instance to prescribe and publish, as required by law, all classifications and tariffs, rates, and charges, together with rules governing the same, including minimum weights for the transportation of any freight articles between points or stations in the state. Sections 218.07 to 218.12 shall include all terminal and switching charges. There shall be but one classification, which shall be uniform on all the railroads in this state and govern in all state commerce.

[1905 c. 176 s. 1] (4771)

218.08 NOTICE OF CHANGE TO BE POSTED. In addition to the present requirements for publishing tariffs, rates, charges, and classifications, all common carriers in this state shall, when any new tariff or classification, or any amendment to any tariff or classification, is published, either by itself or the commission, post in a conspicuous place in every depot where the public would be affected, a notice printed in large legible type, stating that changes have been made, indicating upon what articles or commodities, and where the new tariff, classification, or amendment may be seen.

[1905 c. 176 s. 2] (4772)

218.09 RATES NOT TO BE CHANGED WITHOUT ORDER OR CONSENT OF COMMISSION. The schedule of rates and charges for the transportation of freight and cars, together with the classification of such freights, minimum weights and rules now in effect, and all rates, charges, and classifications published by any

common carrier shall be deemed just and reasonable and not changed except upon the order or by the written consent of the commission. The terms of sections 218.07 to 218.12 shall also apply to all schedules of rates and charges published by two or more common carriers jointly.

[1905 c. 176 s. 3] (4773)

218.10 PUBLIC PROPERTY EXCEPTED. Nothing in sections 218.07 to 218.12 shall apply to the carriage, storage, or handling by any common carrier of property free or at reduced rates for the United States or the State of Minnesota, or for any municipal government or corporation within the state, or for any church, religious society, or charitable purpose, or to or from fairs or expositions, or for stock breeding purposes, or for carrying seed grain.

[1905 c. 176 s. 4] (4774)

218.11 RATES; APPLICATION FOR CHANGE; NOTICE; HEARING. Any common carrier before changing or discontinuing any published rate, charge or classification, minimum weight or rule governing the same to which it is a party, shall make application to the commission in writing, stating the change in rules, rates, charges or classifications desired, giving the reasons for such change. Upon receiving such application, the commission may if it considers that the public interest does not require a hearing thereon and if it concludes that the change proposed is fair and reasonable, grant the application without notice and without a hearing; otherwise it shall fix a time and place for hearing, and give such notice to interested parties as it shall deem proper and reasonable, and after hearing all the evidence offered, if the commission find that it is reasonable, fair and just to both shippers and carriers that the change should be allowed as asked for, it shall grant the application; otherwise it shall deny the same, or may grant the same in a modified form. A change or discontinuance so authorized shall be made effective upon not less than ten days' public notice unless the commission by its order of approval provides that a shorter notice may be given. Passenger rates are not affected by sections 218.07 to 218.12.

[1905 c 176 s 5; 1949 c 440 s 4] (4775)

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

[1905 c 176 s 6; 1949 c 440 s 5] (4776)

218.13 JOINT THROUGH RATES; CONNECTING LINES TO TRANSFER. Every owner or consignor of freight to be transported by railway from any point within this state to any other point within this state shall have the right to require that the same shall be transported over two or more connecting lines of railway, to be transferred at the connecting point or points without change of car or cars if in carload lots, and with or without change of car or cars if in less than carload lots, whenever the distance from the place of shipment to destination, both being within this state, is less over two or more connecting lines of railway than it is over a single line of railway, or where the initial line does not reach the place of destination; and it shall be the duty, upon the request of any such owner or consignor of freight, made to the initial company, of such railway companies whose lines so connect, to transport the freight without change of car or cars if the shipment be in carload lot or lots, and with change of car or cars if it be in less than carload lots, from the place of shipment to destination, whenever the distance from the place of shipment to destination, both being within this state, is less than the distance over a single line, or when the initial line does not reach the point of destination, for a reasonable joint through rate. This section shall not apply to

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interurban railways operated by electricity, except as to freight or cars transported over two or more such interurban railways having similar equipment so as to make it physically practicable to comply with the provisions of this section.

[1913 c. 344 s. 1] (4699)

218.14 to 218.18 [Repealed, 1949 c 440 s 7]

218.181 EXISTING RATES. Subdivision 1. If, at the time of the taking effect of Laws 1907, Chapter 232, any railroad is maintaining a rate between any two stations in this state that is less than the rate prescribed in Laws 1907, Chapter 232, for the same distance, Laws 1907, Chapter 232, shall not be construed as authorizing the raising of such rate.

Subd. 2. If, at the time of the taking effect of Laws 1909, Chapter 136, any railroad is maintaining a rate between any two stations in this state that is less than the rate prescribed in Laws 1909, Chapter 136, for the same distance, Laws 1909, Chapter 136, shall not be construed as authorizing the raising of such rate.

[1907 c 232 s 7; 1909 c 136 s 7] (4785)

218.19 RATES; FAILURE TO ADOPT; DUTY OF ATTORNEY GENERAL; DUTY OF CARRIER; REPORTS. When any common carrier doing business in this state shall fail or refuse to adopt and put into effect any rates prescribed by the statute, or any rates prescribed by an order of the commission after the time for appeal from such order has expired, and such rates have by the terms of such law or order become effective, it shall be the duty of the attorney general to forthwith commence appropriate proceedings for and in the name of the state for the enforcement of the law or the order prescribing such rates, in the district court of Ramsey county or in the district court of any county in which such common carrier has an agent or station, or in which its business is carried on, and during the pendency of such proceedings, or during the pendency of any proceedings instituted in any court having jurisdiction by or on behalf of such common carrier to resist the enforcement of such law or such order, it shall be the duty of every such common carrier to keep a correct account of every charge made by it for any service to which such rates apply in excess of the rates so prescribed, showing in each case the difference between the amount actually charged and the amount allowed to be charged under such rates, the date of the transaction, the stations between which the business was carried, and the names and addresses of the consignor and consignee. Every such common carrier shall on or before the tenth day of each month report such information in full, covering the business of the preceding month, to the commission, and it shall carefully preserve such information in its office.

[1909 c. 195 s. 1] (4788)

218.20 EXCESS RATES; CARRIER TO PAY TO COMMISSION. Within 60 days after such judicial proceedings, brought to enforce or to resist the enforcement of such rates, are ended by the entry of final judgment therein, unless by such judgment the rates are found to be unlawful, every such common carrier shall pay to the commission, for the benefit of the parties entitled thereto, all sums so charged and collected by it on the business to which such rates apply, in excess of the rates so prescribed, with lawful interest thereon from the date when each item thereof was received, and it shall thereupon be the duty of the commission to pay such money, with interest, to the person, firm, or corporation by or for whom the same was paid to such common carrier, and the person holding the original receipted freight bill showing the payment thereof to such common carrier shall be taken to be the person entitled to so receive such money.

[1909 c. 195 s. 2] (4789)

218.21 EXCESS RATES; FAILURE TO PAY; DUTY OF COMMISSION AND ATTORNEY GENERAL; CLAIMS; UNCLAIMED AMOUNTS. If any common carrier affected by such rates shall fail or refuse to pay to the commission, within the time aforesaid, all money so collected by it in excess of the amount lawfully collectible under the rates so prescribed, or to file with the commission, within the time, the written release of his claim signed by the person entitled to such restitution, it shall be the duty of the commission to report such default of such common carrier to the attorney general, who shall thereupon bring an action in the name of the State of Minnesota for the benefit of the parties having paid such overcharges, to recover the same from such common carrier. The commission shall have the exclusive right to sue for and collect such money of the common carrier, and in such action, in addition to the aggregate amount of such excess charges and interest, the court shall allow ten per cent thereof additional as a penalty. All persons entitled

to any part of such money shall file their claims therefor within one year from the time when the litigation involving the validity of the rates is ended. All amounts paid to or recovered by the commission, not so claimed, shall be paid into the state treasury to the credit of the general revenue fund.

[1909 c. 195 s. 3] (4790)

218.22 CARRIER TO KEEP ACCOUNTS; FAILURE; PENALTY. Every common carrier and the officers and agents thereof whose duty it is to make collections of any such rates and keep the accounts thereof, who shall wilfully fail or neglect to keep such accounts as are herein provided for, or who shall make any intentional false account, entry, or report in reference thereto, or who shall fail to make the reports herein provided to be made to the commission, shall be guilty of a misdemeanor.

[1909 c. 195 s. 4] (4791)

218.23 CERTAIN PROVISIONS REPEALED. All provisions of law prescribing any other procedure for the enforcement of any rate or schedule of rates that have been heretofore or may be hereafter prescribed, either by act of the legislature or by any order of the commission, applying to the intrastate business of any common carrier doing business in this state, or prescribing any penalty for the failure of any common carrier to put any such rates into effect, are hereby repealed. The court in which proceedings for the enforcement of such rates may be pending may impose penalties for disobedience to its orders made in such proceeding as for contempt.

[1909 c. 195 s. 5] (4792)

218.24 REFUNDMENT OF EXCESS FREIGHT, BAGGAGE, AND EXPRESS CHARGES. All charges for freight, baggage, or express that are collected by a common carrier over what it is entitled to receive under the lawful tariff or classification, shall be refunded by said carrier within 60 days after the payment of the same; provided, that when such overcharge is due to a difference in weight a claim may be filed as provided in section 218.25.

[1911 c. 306 s. 1] (4794)

218.25 CLAIMS, WHEN ADJUSTED AND PAID; HOW PRESENTED. Every claim against a common carrier doing business in this state, for an overcharge due to difference in weight, or for loss, damage, or injury to property while in its possession, shall be adjusted and paid within 60 days in case of shipment wholly within the state, and within 90 days in case of shipment from without this state, or from a point in this state to a point in another state, after the filing of such claim with the agent of the carrier at the point of origin, or of the destination of such shipment, or with the claims department of such carrier. No such claim shall be filed until after the arrival of a shipment, or of some part thereof at the point of destination, or until after the lapse of a reasonable time for the arrival thereof. For the purpose of sections 218.24 to 218.28, a claim, when filed shall consist of (a) original bill of lading or shipping receipt, (b) paid freight bill, (c) bill of claimant, and (d) original invoice or certified copy when necessary. True copies of any of these documents may be used, and in case of absence, an explanation must be attached. The carrier shall acknowledge the filing of a claim, or any letters, papers or documents purporting to be such, within ten days after receipt, and if the claim so filed does not comply with the above requirements, the carrier shall so inform the claimant and advise him of what may be required to complete the claim.

[1911 c. 306 s. 2] (4795)

218.26 IN WHAT AMOUNT LIABLE. In every case such carrier shall be liable for the amount of such overcharge and for such loss, damage, or injury to property, together with interest thereon from the date of the filing of the claim therefor until the payment thereof.

[1911 c. 306 s. 3] (4796)

218.27 PENALTY FOR FAILURE; FRAUDULENT CLAIMS. Failure to adjust and tender or pay such overcharge or claim within the periods herein prescribed shall subject such common carrier so failing to a penalty of \$25 for each and every such failure to be recovered by the claimant in the action or proceeding brought to collect such claim or overcharge in any court in the state. Unless such claimant recovers in such action the full amount claimed by him, no penalty shall be recovered, but only the actual amount of the loss, injury, or damage to property or amount of the overcharge with interest. If in such action a special issue of fraud is raised and such claim is found to be fraudulent, the claimant shall pay to the carrier the penalty of \$25 to be recovered along with the costs. In an action

brought under the provisions of sections 218.24 to 218.28, if the carrier can show that it made a tender of the amount claimed, with interest, and a penalty of \$5.00, within five days after a demand that is made at any time after the expiration of the time specified in sections 218.24 and 218.25, then it shall only be subject to the penalty of \$5.00 to be recovered along with the costs.

[1911 c. 306 s. 4] (4797)

218.28 REMEDY CUMULATIVE. The remedy provided in sections 218.24 to 218.27 is cumulative and shall not deprive the claimant of any other right of action provided by statute or by the common law.

[1911 c. 306 s. 5] (4798)

218.29 NATIONAL GUARD, NAVAL MILITIA, OR RESERVE; CHARGES FOR TRANSPORTING. When it shall be necessary for any or all of the officers or men of the Minnesota National Guard or the Minnesota Naval Militia or Reserve to travel upon any railroad in the state under orders from competent authority to perform military duty, such railroads shall furnish transportation at the rate of one cent per mile for the whole distance to be traveled upon such railroad or railroads within the limits of this state, for each officer or enlisted man so carried including the usual amount of baggage; and all station or ticket agents or conductors shall sell first class tickets or furnish first class passage at the rate named, upon being notified that such officer or officers or enlisted men are traveling upon military duty. Such notification must be issued by the adjutant general, and may be by telegraph or by filing a copy of the order issued by the adjutant general for such transportation with the station or ticket agent or conductor. This rate shall apply to officers or men traveling under orders, either single or in companies, so that when one or more members of the guard shall present an order for transportation issued by the adjutant general it shall be honored by the ticket agent or by the conductor and received in lieu of fare, and when presented by the railroad companies to the adjutant general, shall be audited to be paid at once at the fixed rate.

[1909 c. 493 s. 1] (4799)

218.30 REFUSAL TO TRANSPORT; PENALTIES. Any railroad agent or officer thereof, or any person whose duty it is to transport or carry passengers or baggage thereon, who shall wilfully refuse to transport or furnish the means for transporting any of the troops of this state and their baggage, when ordered out by the governor, on the terms prescribed by section 218.29, shall be guilty of a misdemeanor; and on conviction thereof before any court of competent jurisdiction fined in the sum of not less than \$50 nor more than \$500 for each offense. Any railroad company who shall refuse to transport the troops and baggage, as aforesaid, or refuse to permit its agents or employees to transport the same or furnish means of transporting them, shall be liable to the state of Minnesota in a penal sum of \$500 for each violation of the law to be recovered in a civil action in the name of the state of Minnesota and to be prosecuted by the attorney general or county attorney of the proper county. Should any county attorney upon proper complaint made and verified neglect, decline, or refuse to prosecute any person or persons violating the provisions of section 218.29, any court, judge, or justice of the peace having jurisdiction of the offense may appoint an attorney at law to conduct the prosecution, who shall receive a fee of not less than \$10 nor more than \$50 in each case where conviction shall be had, the fee to be fixed by the court and taxed as costs in the action; but in no event shall the county be liable for the fee.

[1909 c. 493 s. 2] (4800)

218.305 SOLDIERS TRANSPORTED FREE OF CHARGE BY COMMON CARRIERS IN TIME OF WAR. When a state of war exists between the United States and any other nation it shall be lawful for any common carrier engaged in the transportation of passengers within this state to transport any soldier, sailor, or marine of the United States or any member of the Minnesota National Guard or of the organized state militia free of charge when in uniform for trips wholly within the state.

[1917 c. 375 s. 1]

218.31 FREE PASSES, TRANSPORTATION ON REDUCED RATES PROHIBITED; EXCEPTIONS. It shall be unlawful for any person, association, copartnership, or corporation or any representative thereof to offer, give, or in any manner furnish to any person, either for himself or another, any free pass or frank, or any special privilege or reduction in rate withheld from any other person for the traveling accommodation or transportation of any person or property, or the transmission

of any message or communication except to persons included within the classes hereinafter designated and limited, and it shall be unlawful for any person not included within the classes hereinafter excepted or limited to solicit or receive, either for himself or another, for any person, association, copartnership, or corporation, or use in any manner or for any purpose any free pass or frank or special privilege withheld from any person for the traveling accommodation or transportation of any person or property or the transmission of any message or communication. Nothing contained in sections 218.31 and 218.32 shall be construed to prohibit or to make unlawful the issuing or giving of any such free ticket, free pass, or free transportation to any person within the classes hereinafter excepted or limited or the acceptance or use of the same by persons within such classes, that is to say, officers, bona fide agents, surgeons, physicians, attorneys, and employees of such railroad or motor-bus or other companies, or persons affected by sections 218.31 and 218.32 and dependent members of their families, the duly elected representatives of railroad labor or motor-bus labor organizations, children under 12 years of age, ministers of religion, secretaries of Young Men's Associations, persons exclusively engaged in charitable and eleemosynary work, indigent, destitute, and homeless persons, and such persons when transported by charitable societies or hospitals or by public charity, and necessary agents employed in such transportation, inmates of national homes or state homes for disabled volunteer soldiers, inmates of soldiers' and sailors' homes, including those entering and returning from such homes and boards of managers of such homes, post-office inspectors, custom inspectors, and immigration inspectors; witnesses of the railroad companies or motor-bus companies attending any legal investigation in which the company is interested, officials and linemen of telegraph and telephone companies; ex-employees retired from service on account of age or because of disability sustained while in the service of the railroad company or motor-bus company and dependent members of their families or the widows or dependent children of employees killed or dying while in the service of such company; necessary caretakers of live stock, poultry, vegetables, and fruit, including transportation to and from the point of delivery; employees on sleeping and express cars; railway or motor-bus mail service employees; newsboys on trains or motor-busses; baggage agents, and persons injured in wrecks and physicians and nurses attending them; providing that one trip pass for a discharged employee and his family may be issued for use within 30 days of such discharge.

The provisions of sections 218.31 and 218.32 shall not be construed to prohibit and make unlawful the interchange of passes, express and other franks for the officers, bona fide agents, surgeons, physicians, attorneys, and employees and the dependent members of their families of any person or company affected by sections 218.31 and 218.32 from doing any of the things prohibited hereby free, with the object of providing relief in cases of general epidemic, pestilence, or calamitous visitation.

The provisions of sections 218.31 and 218.32 shall not be construed to prohibit or make unlawful the interchange of passenger transportation and message service between such railroad companies, motor-bus companies, and telegraph companies; and, the provisions of sections 218.31 and 218.32 shall not be construed to prohibit or make unlawful the interchange between railroad, motor-bus, express, telegraph, and telephone companies of the transportation of persons and property, and the transmission of messages.

No free transportation shall be issued or given to any person when such person is a member of, employed by, or in any way connected with any political committee, or a candidate for, or incumbent of any office or position under the constitution and laws of this state, except as herein provided, and except that any railroad or motor-bus company may issue free passes to its employees, while occupying office or position, other than judicial, under a municipality, county, or public school district, or while acting under appointment as a notary public in this state, and except that any railway or motor-bus company may issue free passes to any member of the legislature who is and has been an employee of such company for a continuous period of five years prior to his election to such office; provided, that such free transportation shall not be used by such member of the legislature during the period of any legislative session nor for any travel for which mileage is collected from the state.

[1907 c. 449 s. 1; 1913 c. 92 s. 1; 1917 c. 53; 1923 c. 121 s. 1; 1927 c. 86 s. 1; 1929 c. 162 s. 1; 1935 c. 79] (4807)

218.32 FREE TRANSPORTATION; COMMISSION; SECRETARY; EXPERTS; AGENTS. The commission and its secretary shall have the right to free transportation in the performance of their duties on all railroads and railroad trains, and on all motor-busses and bus lines and all other transportation lines of any nature or kind now or hereafter placed under the control or jurisdiction of the commission, during the full period of such control or jurisdiction, in this state, and the experts or other agents whose service it may require shall likewise be transported free of charge.

[1907 c. 449 s. 2; 1925 c. 283] (4808)

218.33 FREE TRANSPORTATION OF HIGHWAY MATERIAL. It shall be lawful for any railroad or transportation company operating in this state to transport, handle or store free, or at reduced rates, for the United States, the state, or for any municipal corporation thereof, any stone, stone dust, gravel, sand, or any other material to be used in building, improving, or repairing public highways by any of the entities or corporations herein mentioned.

[1911 c. 192 s. 1] (4810)

218.34 POOLING FORBIDDEN. No carrier shall enter into any agreement or combination with any other carrier for the division or pooling of the business of different and competing carriers, or to divide the aggregate or net proceeds of the earnings of such carriers, or any part thereof, and any such agreement or combination shall be deemed a separate offense for each day of its continuance.

[R. L. s. 2011] (4831)

218.35 PUBLIC SCHEDULE OF RATES. Every railroad company shall keep at every station or depot of its road, convenient for and open to public inspection, schedules printed in large type, showing all classifications, rates, fares, and charges for transportation of freight and passengers in force at the time upon its road. Such schedule shall plainly state the places between which persons and property will be carried, shall show the classification of freight, a distance tariff, a table of distances between stations, and state, separately, the terminal charges, and any rules or regulations in any way affecting the aggregate of such rates, fares, and charges. Every such company shall keep posted in a conspicuous place, at every such station, accessible to shippers, notice that such schedules are so kept thereat.

[R. L. s. 2012; 1907 c. 377 s. 1] (4832)

218.36 [Repealed, 1949 c 440 s 7]

218.37 SCHEDULES TO BE FILED. Every railroad company shall file with the commission copies of such schedules and promptly notify the commission of all proposed changes therein. Every such company shall file with the commission copies of all its traffic agreements or arrangements with other carriers. Copies of all joint schedules of rates, fares, or classifications shall be filed with the commission and made public in the manner provided for the publication of tariffs.

[R. L. s. 2014] (4834)

218.38 UNLAWFUL CHARGES. No railroad carrier shall charge, demand, collect, or receive for any service a greater or less sum than that fixed in its published schedules.

[R. L. s. 2015] (4835)

218.39 SWITCHING CHARGES. There shall be but one terminal charge for switching or transferring any car within any one municipality. If it is necessary that any car in such transfer pass over the tracks of more than one railroad within such limits, the company first so transferring such car shall receive the entire charge therefor and be liable to each company doing subsequent switching thereof for its just share of such charge, subject to the rules adopted by the commission. Any disagreement as to such division shall be finally determined by the commission.

[R. L. s. 2016] (4836)

218.40 LONG AND SHORT HAUL. No carrier shall charge or receive any greater compensation for the transportation of passengers, or of like kind or class and quantity of property for a shorter than for a longer distance over the same line, the shorter being included within the longer distance; but this shall not be so construed as to authorize any carrier to charge or receive as great compensation for a shorter as for a longer distance; but upon application to the commission such carrier, in special cases, after investigation by the commission may be authorized to charge less for longer than for shorter distances, for the transportation of passengers or property; and the commission may from time to time prescribe the extent to which such designated carriers may be relieved from the operation of this section.

No carrier shall charge or receive any greater compensation per ton per mile for the contemporaneous transportation of the same class of freight for a longer than for a shorter distance over the same line in the same general direction, or from the same original point of departure, or to the same point of arrival; but this shall not be construed so as to authorize any carrier to charge as high a rate per ton per mile for a longer as for a shorter distance.

[R. L. s. 2017] (4837)

218.41 COMMISSION TO ADJUST RAILROAD RATES TO PROTECT MINNESOTA INDUSTRIES. If any railroad corporation shall charge, collect, or receive for the transportation of freight of any description upon its railroad for any distance within this state, a greater amount of freight, toll, or compensation than is at the same time charged, collected, or received for the transportation of like quantity of freight of the same class over a greater distance of the same railway; or if it shall charge, collect, or receive at any point upon its road a higher rate of freight, toll, or compensation for receiving, handling, or delivering freight of the same class and quantity than it shall at the same time charge, collect, or receive at any other point upon the same line of railway; or if it shall charge, collect, or receive for transportation of any freight of any description over its railway a greater amount as freight, toll, or compensation than shall at the same time be charged, collected, or received by it for the transportation of a like quantity of freight of the same class being transported over any portion of the same railway of equal distance; or if it shall charge, collect, or receive from any person a higher or greater amount of freight, toll, or compensation than it shall at the same time charge, collect, or receive from any other person for receiving, handling, or delivering freight, of the same class and like quantity at the same point upon its railway; or if it shall charge, collect, or receive from any person for the transportation of any freight upon its railway a higher or greater rate of freight, toll, or compensation than it shall at the same time charge, collect, or receive from any other person for the transportation of the like quantity of freight of the same class being transported from the same point over equal distance of the same railway; or if it shall charge, collect, or receive from any person for the use and transportation of any railway car upon its railroad for any distance, a greater amount of freight, toll, or compensation than is at the same time charged, collected, or received from any other person for the use and transportation of any railway car of the same class or number, for a like purpose, being transported over a greater distance of the same railway; or if it shall charge, collect, or receive from any person for the use and transportation of any railway car upon its railway, a higher or greater compensation in the aggregate than it shall, at the same time, charge, collect, or receive from any other person for the use and transportation of any railway car of the same class for a like purpose, being transported from the same original point over an equal distance of the same railway, such railway corporation shall be deemed guilty of unjust discrimination which is hereby prohibited and declared to be unlawful, and all such are hereby declared to be discriminating, unjust, and unreasonable rates, charges, collections, and receipts, and all such discriminating rates, charges, collections, or receipts, whether made directly or by means of any rebate, drawback, or other shift or evasion, shall be received as prima facie evidence of the violation of the provisions of sections 218.41 to 218.47, and it shall not be sufficient excuse or justification thereof on the part of the railway corporation that the station or point at which it shall charge, collect, or receive less compensation in the aggregate for the transportation of such freight or for the use and transportation of such railway car the greater distance than for the shorter distance, is a station or point at which there exists competition with another railway or other transportation lines; provided, where two or more railroads run into a city, or village, one having a shorter mileage than the other from a given point the commission may permit the railroad or railroads having the longer mileage to meet the rate made by the shortest line at such city or village; and, provided, where an industry now is, or may hereafter be, located within the state, and within a radius of five miles from a similar industry without the state, the commission may permit the railroad serving the industry within the state to meet the rate established and charged by the railroad serving the industry located as aforesaid without the state.

[1913 c. 90 s. 1; 1919 c. 235 s. 1] (4838)

218.42 OTHER EVIDENCE NOT EXCLUDED; APPLICATION TO ALL RAILWAYS. The provisions of sections 218.41 to 218.47 shall not be construed so as to

exclude other evidence than as herein provided, tending to show any unjust discrimination in freight rates and the provisions thereof shall apply to any railway, the branches thereof, and any road which any railway corporation has a right, license, or permission to use, operate, or control within this state.

[1913 c. 90 s. 2] (4839)

218.43 RATES PER 100 POUNDS, PER TON, PER CAR, IN LIKE CLASS TO BE THE SAME IN PROPORTION. No railway company shall charge, collect, demand, or receive more for transporting a car of freight than it at the same time charges, collects, demands, or receives per car for several cars of a like class of freight over the same railway, for the same distance; nor charge, collect, demand, or receive more for transporting a ton of freight than it charges, collects, demands, or receives per ton for several tons of freight under a carload of a like class over the same railway for the same distance; nor charge, collect, demand, or receive more for transporting a hundred pounds of freight than it charges, collects, demands, or receives per hundred for several hundred pounds of freight, under a ton, of a like class, over the same railway, for the same distance; and all such discriminating rates, charges, collections, or receipts, whether made directly or by means of any rebate, drawback, or other shift or evasion, shall be received as prima facie evidence of the violation of the provisions of sections 218.41 to 218.47.

[1913 c. 90 s. 3] (4840)

218.44 APPLICATION OF SECTIONS 218.41 TO 218.47. The provisions of sections 218.41 to 218.47 shall apply to the transportation of property wholly within this state and shall apply to all railroad corporations and common carriers engaged in this state in the transportation of property by railroad therein and to the shipment of property made from any point within the state to any other point within the state over or upon any railroad therein. The provisions of sections 218.41 to 218.47 shall apply to all persons, firms, and companies and to all associations of persons, whether incorporated or otherwise, that shall do business as common carriers upon any line of railway in this state, street railways excepted, the same as to railroad corporations herein mentioned; provided, that nothing in sections 218.41 to 218.47 shall apply to the carriage, storage, or handling of property free or at reduced rates for the United States, for this state, for municipal governments therein, or for charitable purposes or to and from fairs and expositions held under the authority of county or state or municipality therein for exhibition thereat.

[1913 c. 90 s. 4] (4841)

218.45 POWERS OF COMMISSION NOT ABRIDGED. Nothing in sections 218.41 to 218.47 contained shall be construed as limiting or abridging the powers now vested by law in the commission and nothing in sections 218.41 to 218.47 shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions thereof are in addition to such remedies. The commission on petition of a railroad may in its discretion for good cause shown authorize a rate or rates for railway transportation inconsistent with the requirements of sections 218.41 to 218.47.

[1913 c. 90 s. 5; 1939 c. 191] (4842)

218.46 COMMISSION TO FIX RATES; SWITCHING; DRAYAGE; FEEDING OF STOCK. The commission is hereby empowered and directed to make for each of the railroad corporations doing business in this state, as soon as practicable, a schedule of reasonable maximum rates of charges for the transportation of freight and cars on each of the railroads and the power to make schedule shall include the classification of such rates, and it shall be the duty of the commission to make such classification, and the schedule so made by the commission shall, in all suits brought against any such railroad corporation wherein is in any way involved the charges of any such railroad corporation for the transportation of any freight or cars or unjust discrimination in relation thereto be deemed and taken in all the courts of this state as prima facie evidence that the rates therein fixed are reasonable and just maximum rates or charges. The commission may fix different schedules of class or commodity rates for railroads of the same class. The maximum rates shall not apply to switching or drayage rates. The commission may define switching and drayage service to apply to the movement of traffic within and between points, and fix reasonable maximum rates for the same, which shall be independent of any rates that may be made for line haul transportation, and in the making of said rates the commission shall not be governed entirely by the distance principle established by sections 218.41 to 218.47. Any order of the commission

fixing rates or charges for carrying live stock to St. Paul or between St. Paul and South St. Paul shall provide that the railroad that transports such live stock to St. Paul shall absorb such switching charges from St. Paul to South St. Paul out of its line haul rates or charges for the transportation of such live stock to St. Paul, or the common rate point which includes St. Paul. The commission may fix rates for feeding cattle which shall apply to out movement from terminal markets. The commission may unite two or more stations or commercial centers into a common rate point, and may designate the classes of freight which shall take common rates, and fix the mileage that shall govern between the common rate point and any or all other points in the state. The distances so fixed shall not apply as a measure of the rate for the movement of the same class of freight for similar distances between other points.

[1913 c. 90 s. 6; 1915 c. 367 s. 1; 1933 c. 233] (4843)

218.47 REASONABLE RATES; SHIPMENT OVER TWO OR MORE LINES.

When shipments of freight to be transported between different points within the state are required by two or more railway companies operating connecting lines, such railway company shall transport the same at reasonable through rates not greater than the maximum rates allowed by law, and shall at all times give the same facilities and accommodations to local or state traffic as they give to interstate traffic over their line of road.

[1913 c. 90 s. 8] (4845)

218.48 JOINT RATES. Upon the demand of any person interested railroad companies shall establish reasonable joint through rates between points on their respective lines within this state. No such company shall be required to send its cars over the line of another company when its own lines or connections reach the point to be reached on such other road, but the charge for transportation between any two points shall not exceed the established through joint rate between such points.

[R. L. s. 2018] (4848)

218.49 TRANSFER FACILITIES. When required by the commission, after notice and where it is reasonably practicable all such railroad companies at all points of intersection and crossing of different railroads and at any place where two railroads are not more than one-half mile apart and at all terminals shall provide ample and equal facilities by track connection, use of each other's tracks, passenger and freight platforms and depots, warehouses, docks over which general merchandise is handled and forwarded, and other necessary appliances and conveniences for the transfer, forwarding, and handling of general merchandise and parcel freight between such railroads and between such railroads and such docks, warehouses, and vessels at such docks. They shall not discriminate in their charges, rates, or service between such connecting lines or on freight or passengers coming over or transferred from them. No carrier shall be required to furnish to another carrier its tracks, warehouses, depots, equipment, or terminal facilities without reasonable compensation. Carriers shall be entitled to reasonable compensation for service performed over transfer tracks.

[R. L. s. 2019; 1907 c. 27; 1913 c. 429 s. 1] (4849)

218.50 TRANSFER; ADJUSTMENT OF COSTS. Each such company shall pay its proportionate share for the building and maintenance of tracks and switches necessary for such transfer facilities. If such companies cannot agree upon such proportion either company may apply to the commission to determine the same.

[R. L. s. 2020] (4850)

218.51 TRANSFER OF CARLOAD SHIPMENTS. Freight in carload lots shall be transferred without unloading from the cars containing the same, unless such unloading and reloading shall be done without charge to the shipper or receiver, under such contract arrangements as the connecting companies may make, or under rules prescribed by the commission.

[R. L. s. 2021] (4851)

218.52 SMALLER SHIPMENTS. Less than carload lots shall be transferred at cost and the charge for such transfer shall be included in the joint rate. All railroad companies shall give the same facilities to local or state as to interstate traffic.

[R. L. s. 2022] (4852)

218.53 DIVISION OF CARS AMONG APPLICANTS. When any railroad company shall be unable to furnish enough cars at any station or sidetrack to supply all persons demanding them for shipment of freight such cars as the company can furnish each day shall be divided among the applicants equally until each shipper has received at least one car, after which the balance shall be divided ratably in proportion to the amount of such freight which each shipper shall have ready for and awaiting shipment as compared with the total amount of such freight which is ready for and awaiting shipment at such station or sidetrack. During the continuance of such car shortage the supply to which each shipper is entitled during any day shall be based on his affidavit filed with the local agent of such railroad company on any day stating the total amount of freight which such shipper has ready for and awaiting shipment on such railroad. In the event of any conflict arising between the provisions of this section and rules or regulations established pursuant to an act of congress, the commission is authorized to prescribe such reasonable modifications of the rules provided herein as may be necessary to remove such conflict, which shall become effective notwithstanding the provisions of this section.

[R. L. s. 2023; 1923 c. 198 s. 1] (4854)

218.54 CARRIERS TO APPORTION CARS; VIOLATION. During any period when the supply of cars available for such service does not meet the requirements of the shippers, it shall be the duty of the carrier to maintain and apply just and reasonable ratings of such shippers to the extent that cars are available, and to count each and every car furnished to or used by such shippers against such shippers.

Failure or refusal to do so shall be unlawful, and in respect to each car not so counted shall be deemed a separate offense, and the carrier, receiver or operating trustee so failing or refusing, upon conviction, shall be fined \$100 for each offense; provided, that when necessity is found to exist of which the commission is advised, either by its own investigation, which it may make at any time, or by hearing on complaint of any shipper or railroad company, the commission may, by special order, require the railroad company on whose railroad such necessity is found to exist, to depart to the extent provided in such order, from the application of this chapter or any rule or rules formulated and established under the same.

[1921 c. 307 ss. 2, 3] (4856, 4857)

218.55-218.65 [Held unconstitutional]

218.66 MINIMUM WEIGHT OF CARLOAD LOTS OF LIVE STOCK. Every railroad company shall furnish at proper points designated by it, suitable cars for the transportation of live stock of all kinds, and shall transport the same at a rate not to exceed the highest rate and minimum weight charged by such company for any kind of stock in such car, except that the cattle rate and minimum weight will apply when by the use of same a lower charge results, and the cattle rate will apply when the actual weight exceeds the cattle minimum. The minimum weight of a single-deck carload of mixed live stock containing cattle weighing each in excess of 400 pounds for all purposes of calculating freight charges shall be 19,000 pounds, in cars 36 feet 7 inches in length and under, and 21,000 pounds in cars 40 feet 7 inches in length and over 36 feet 7 inches in length, and 23,000 pounds for all cars over 40 feet 7 inches in length. Stock of different kinds shall be carried in the same car, at the option of the shipper, and the commission is hereby authorized to provide for the partitioning of cars on such terms and conditions as it deems proper. Any such company failing to comply with any provision of this section shall forfeit to the party aggrieved not less than \$100, nor more than \$500.

[R. L. s. 2025; 1915 c. 254; 1919 c. 301 s. 1; 1927 c. 76; 1931 c. 215 s. 1] (4872)

218.67 TRANSPORTATION RATES FOR LIVE STOCK IN CERTAIN CARS. Every car containing a double-deck extending not to exceed ten feet of its length in which live stock is transported by any railway company in this state shall be considered as and have the same transportation rates applied to live stock shipped therein as a single-deck car.

[1923 c. 303 s. 1] (4873)

218.68 TRANSPORTATION OF SHIPPERS. Every railroad company receiving for shipment live stock by the carload shall without additional charge transport, going, in a caboose or other suitable car, and returning, by first class passage, with

each single, or with the first such carload, one person to care for such stock, and one person in addition for each four additional carloads shipped at the same time. Any company failing to comply with the provisions of this section shall be liable to the shipper for all damages sustained by him by reason of such failure, and any judgment recovered for such damages shall include a reasonable attorney's fee.

[R. L. s. 2026; 1909 c. 380 s. 1; 1921 c. 311 s. 1] (4874)

218.69 LIVE STOCK AT TERMINAL; TIME FOR DELIVERY AT STOCKYARDS AND UNLOADING. All live stock arriving at any terminal over any line of railroad in this state, which is billed to any stockyard within 20 miles of the terminal where live stock is bought, sold, or transferred shall be delivered to chutes of such stockyard within five hours after its arrival at such terminal unless prevented by an act of God and all live stock arriving at any terminal over any line of railroad in this state which is billed to any stockyard within ten miles of the terminal where live stock is bought, sold, or transferred shall be delivered to the chutes of the stockyards within three hours after its arrival at such terminal unless prevented by an act of God.

[1913 c. 411 s. 1; 1917 c. 378 s. 1; 1919 c. 322; 1923 c. 124 s. 1] (4875)

218.70 DAMAGE TO LIVE STOCK; NOTICE OF CLAIM. In any action hereafter brought in any court of this state against one or more common carriers by any owner, shipper or consignee of any shipment of live stock hereafter made, to recover damages for loss of or injury to any such live stock in transit, wherein the answer of the defendant shall set up the defense that the shipper, owner, or consignee of the live stock failed or neglected to make or give written or verbal notice of claim of any kind or form to any agent of any carrier or to any carrier which may have participated in the transportation of the live stock, within any specified or particular time less than four months after the happening of such loss, injury, or damage, as provided by the terms of any shipping contract, bill of lading, or other agreement relating to such shipment, it shall be a sufficient compliance with any such requirement or stipulation in any such shipping contract, bill of lading, or other agreement, that a written notice of claim for such loss, injury, or damage was made or given by such shipper, consignee, or owner to any general or acting freight agent, claim agent, or ticket agent of any one of the carriers within 60 days after the happening of the loss, injury, or damage.

[1909 c. 467 s. 1] (4878)

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

Subd. 2. Any person, corporation, or company, or any officer or agent of such corporation or company, violating any of the provisions of sections 218.31 and 218.32 shall be guilty of a misdemeanor; and upon conviction thereof punished by a fine of not exceeding \$100 or by imprisonment in the county jail for a period not exceeding 90 days.

Subd. 3. Any person or corporation guilty of violating any of the provisions of sections 218.41 to 218.47 shall upon conviction thereof be punished by a fine of not less than \$1,000 nor more than \$5,000 for the first offense and for each subsequent offense not less than \$5,000 nor more than \$10,000 and pay in addition to the fine so imposed the costs of prosecution.

Subd. 4. Any prosecution under sections 218.41 to 218.47 may be instituted in any county of this state through or into which the line of any railway so offending against the provisions of sections 218.41 to 218.47 may extend; and it shall be and hereby is made the duty of the county attorney of any such county to appear therein and conduct such prosecution; and, if so requested by the county attorney, the attorney general shall assist in the prosecution thereof.

[1905 c. 176 s. 7; 1907 c. 499 s. 3; 1913 c. 90 ss. 9, 10] (4777, 4809, 4846, 4847)

218.72 SECTION 218.69 APPLIES ONLY TO INTRASTATE SHIPMENTS. Section 218.69 shall apply only to intrastate shipments.

[1913 c. 411 s. 3] (4877)

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COMMON CARRIERS; TRANSPORTATION 218.73

218.73 FORFEITURES; VIOLATIONS; PENALTIES. Subdivision 1. Any railroad company or any officer, agent, or representative thereof who shall violate any provision of section 218.05 upon conviction thereof shall be punished by a fine of not less than \$1,000 nor more than \$5,000 together with the costs of prosecution. Section 218.05 shall in no way repeal, amend, affect, or modify the provisions of sections 218.29 and 218.30.

Subd. 2. Any railroad company or any officer, agent, or representative thereof who shall violate any provision of section 218.06 shall be guilty of a felony; and upon conviction thereof punished by a fine of not exceeding \$5,000 or by imprisonment in the state prison for a period of not exceeding five years or by both such fine and imprisonment.

Subd. 3. Any carrier failing to comply with the provisions of section 218.69 shall forfeit and pay to the state of Minnesota the sum of \$50 for each such failure to be recovered in a civil action brought by the attorney general. If two or more carriers are involved in the movement of such livestock, they may be joined in one action and judgment recovered against them all, unless any such carrier shall establish to the court that the cause of such failure was not its fault. The proof of the state that such stock was not delivered in time shall be prima facie evidence that all the carriers were liable.

[1907 c. 97 s. 2; 1913 c. 411 s. 2; 1913 c. 536 s. 2] (4768, 4770, 4876)