

SENATE No. 509

The Commonwealth of Massachusetts

SENATE, May 14, 1935.

The committee on Bills in the Third Reading, to which was referred the Bill creating within the department of public utilities a commercial motor vehicle division, under the charge of a director thereof (Senate, No. 479), reports recommending that the same be amended by substituting therefor a new draft entitled "An Act establishing in the department of public utilities a commercial motor vehicle division, under the charge of a director thereof" (Senate, No. 509), and that, when so amended, the same will be correctly drawn.

For the committee,

ALBERT PIERCE.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Five.

An Act establishing in the Department of Public Utilities a Commercial Motor Vehicle Division, under the Charge of a Director thereof.

1 *Whereas*, The deferred operation of this act would
2 cause substantial inconvenience, therefore it is hereby
3 declared to be an emergency law, necessary for the
4 immediate preservation of the public safety and
5 convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter twenty-five of the General
2 Laws is hereby amended by inserting after section
3 twelve E, inserted therein by section one of chapter
4 three hundred and fifty-two of the acts of nineteen
5 hundred and thirty-four, the following new section:—
6 *Section 12F.* There shall be in the department,
7 and under the general supervision and control of the
8 commission, a commercial motor vehicle division
9 which shall be under the charge of a director, who
10 shall be subject to chapter thirty-one and the rules
11 and regulations made under authority thereof, not-
12 withstanding the provisions of section seven of said
13 chapter. The commission shall appoint said director
14 and, subject to the approval of the governor and

15 council, shall fix his compensation. Said division,
16 subject to such supervision and control, shall perform
17 such functions in relation to the administration and
18 enforcement of chapters one hundred and fifty-nine A
19 and one hundred and fifty-nine B imposed upon the
20 department by said chapters as the commission may
21 from time to time determine by order duly recorded
22 in the office of the commission and open to public in-
23 spection. Such an order may also provide for appeals
24 to the commission from rulings and decisions of the
25 said director. The commission may employ such
26 assistants and employees to serve in said division as
27 it may deem necessary.

1 SECTION 2. Section five of chapter thirty-one of
2 the General Laws, as appearing in the Tercentenary
3 Edition, is hereby amended by inserting after the
4 word "commonwealth" in the eleventh line the
5 words: — , except as provided in section twelve F of
6 chapter twenty-five, — so as to read as follows: —
7 *Section 5.* No rule made by the board shall apply to
8 the selection or appointment of any of the following:
9 Judicial officers; officers elected by the people or,
10 except as otherwise expressly provided in this chapter,
11 by a city council; officers whose appointment is sub-
12 ject to confirmation by the executive council, or by
13 the city council of any city; officers whose appoint-
14 ment is subject to the approval of the governor and
15 council; officers elected by either branch of the gen-
16 eral court and the appointees of such officers; heads
17 of principal departments of the commonwealth or of
18 a city except as otherwise provided by the preceding
19 section; directors of divisions authorized by law in
20 the departments of the commonwealth, except as pro-

21 vided in section twelve F of chapter twenty-five;
22 employees of the state treasurer appointed under
23 section five of chapter ten, employees of the commis-
24 sioner of banks, and of the treasurer and collector of
25 taxes of any city; two employees of the city clerk of
26 any city; public school teachers; secretaries and con-
27 fidential stenographers of the governor, or of the
28 mayor of any city; clerical employees in the registries
29 of probate of all the counties; police and fire com-
30 missioners and chief marshals or chiefs of police and
31 of fire departments, except as provided in section
32 forty-nine; and such others as are by law exempt
33 from the operation of this chapter.