

SENATE No. 753

The Commonwealth of Massachusetts

SENATE, July 22, 1941.

The committee on Transportation, to whom was referred so much of the Governor's Address (Senate, No. 1) as relates to clarifying the law regulating motor truck carriers of property for hire over public ways (page 24); the petition (accompanied by bill, Senate, No. 318) of William H. Potter, secretary of the Worcester County Motor Truck Club and another, for legislation to further regulate the transportation of property for hire by motor vehicles; and the petition (accompanied by bill, Senate, No. 523) of William H. Potter, secretary of the Worcester County Motor Truck Club, and another for legislation to regulate the transportation of property for hire by irregular route common carriers, report the accompanying bill (Senate, No. 753).

For the committee,

ARTHUR W. COOLIDGE.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-One.

AN ACT FURTHER REGULATING THE TRANSPORTATION OF
PROPERTY BY MOTOR VEHICLE FOR COMPENSATION.

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. Section twelve F of chapter twenty-
2 five, as most recently amended by section one of chap-
3 ter three hundred and thirty-five of the acts of nine-
4 teen hundred and thirty-nine, is hereby further
5 amended by adding at the end the following new
6 sentence:—

7 Said investigators and examiners, with respect to
8 the enforcement of the laws relating to commercial
9 motor vehicles, shall have and exercise throughout
10 the commonwealth all the powers of constables
11 except the service of civil processes, and of police
12 officers, and they may serve all processes issued by
13 the courts, or the department or the director under
14 chapter one hundred and fifty-nine B.

1 SECTION 2. Section two of chapter one hundred
2 and fifty-nine B of the General Laws, as appearing
3 in section one of chapter four hundred and eighty-
4 three of the acts of nineteen hundred and thirty-
5 eight, is hereby amended by striking out the definition
6 of "Irregular route common carrier" and inserting
7 in place thereof the following:—

8 “Irregular route common carrier”, any person who
9 transports property or any class or classes of property,
10 for the general public by motor vehicle, for compensa-
11 tion, over irregular routes and whose operations are
12 conducted to or from a given point within the com-
13 monwealth and are not based upon a predetermined
14 schedule.

1 SECTION 3. Said section two of said chapter one
2 hundred and fifty-nine B is hereby further amended
3 by striking out the definition of “Regular route
4 common carrier” and inserting in place thereof the
5 following two definitions: —

6 “Regular route common carrier”, any person who
7 transports property, or any class or classes of prop-
8 erty, for the general public by motor vehicle, for
9 compensation, over regular routes between points
10 within this commonwealth.

11 “Regular routes”, routes over which any person
12 is usually or ordinarily operating any motor vehicle.

1 SECTION 4. Section twelve of said chapter one
2 hundred and fifty-nine B, as so appearing, is hereby
3 amended by striking out the first paragraph and in-
4 serting in place thereof the following: —

5 Any certificate, permit or license may, upon appli-
6 cation of the holder thereof and after notice and hear-
7 ing as provided by paragraph (b) of section three,
8 be amended. Any permit, certificate or license, upon
9 written application of the holder thereof to the de-
10 partment, may without such notice and hearing, be
11 revoked in whole or in part.

1 SECTION 5. Section fourteen of said chapter one
2 hundred and fifty-nine B of the General Laws, as

3 appearing in section one of chapter four hundred and
4 eighty-three of the acts of nineteen hundred and thirty-
5 eight, is hereby amended by striking out, in the second,
6 fifth, tenth, eleventh and seventeenth lines, respec-
7 tively, the word "inspector" and inserting in place
8 thereof, in each instance, the words:— investigator
9 and examiner, — so as to read as follows:— *Section*
10 14. Every motor carrier while operating on any way
11 when requested by an investigator and examiner of the
12 commercial motor vehicle division of the department,
13 who is in uniform or who displays the proper insignia
14 of his office, shall stop and submit to said investigator
15 and examiner all transportation documents, including
16 bills of lading, way bills and other papers relating to
17 his cargo which are in his possession and shall submit
18 the cargo and other contents, if any, of his motor
19 vehicle to such reasonable examination as may be
20 necessary to inform the investigator and examiner of
21 the nature and weight thereof. No such investigator
22 and examiner shall make a detailed examination of the
23 cargo or other contents of the motor vehicle at a place
24 where the motor vehicle does not stop for purposes of
25 loading or delivery, and no motor vehicle shall be un-
26 duly delayed for the purpose of weighing or be re-
27 quired to turn back upon or substantially to detour
28 from the route upon which it was travelling when
29 stopped by the investigator and examiner. Any such
30 carrier who, personally or by his agent, violates any
31 provision of this section shall be punished by a fine
32 of not more than twenty-five dollars.