

By Mr. Lambros of Dracut, petition of Nickolas Lambros relative to leased vehicles by carriers of property by motor vehicle. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT RELATIVE TO LEASED VEHICLES BY CARRIERS OF PROPERTY BY MOTOR VEHICLE.

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 10B of chapter 159B of the General Laws
2 striking out the first two sentences, as appearing in section 3 of
3 chapter 376 of the acts of 1946, and inserting in place thereof the
4 following five sentences: — The department may issue distinguish-
5 ing plates to motor carriers and intra-state licenses to be used only
6 on motor vehicles temporarily leased by such carriers, provided,
7 however, that no plate shall be issued unless such lease is in writing,
8 specifies the purpose and the term for which such vehicle is to be
9 operated, which shall be not less than thirty days, and is of such a
10 character so as to vest in the lessee exclusive possession and control
11 of the vehicle under such lease and for the entire term of such lease.
12 Any operation of such vehicle shall be conducted under the exclu-
13 sive supervision, direction and control of the lessee. Such vehicle
14 shall at all times be operated only by persons who are employees of
15 the lessee who stand in relation to such lessee as employer to
16 employee. The aforesaid relationship of employee and employer
17 shall not be required between drivers and such lessee in those cases
18 where the lessee augments his equipment under lease with another
19 carrier who furnishes such equipment with a driver and when such
20 latter carrier maintains such employer and employee relationship
21 with said driver. A copy of such lease shall be filed with the
22 department prior to the issuance of such plates. Any plates so
23 issued may be transferred from one such vehicle to another such

24 vehicle leased as herein provided by a carrier to whom such plates
25 were originally issued and a copy of such lease is filed with the
26 department.

1 SECTION 2. Equipment used in agriculture and farming —
2 Trucks used to transport perishable agricultural products includ-
3 ing live stock, fish, shell fish, horticultural products — Tank truck
4 carriers of food products — Carriers of household goods, shall not
5 be subject to the provisions of this chapter.