

HOUSE No. 2712

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, August 2, 1951.

The committee on Ways and Means, to whom was referred the Bill making certain changes in the law relative to carriers of property by motor vehicle for compensation (printed in House, No. 2610, App. C), report that the same ought to pass in the form of a new draft herewith submitted (House, No. 2712).

For the committee,

FRANK S. GILES.

The Commonwealth of Massachusetts

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

AN ACT MAKING CERTAIN CHANGES IN THE LAWS RELATIVE TO CARRIERS 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 2 of chapter 159B of the Gen-
2 eral Laws is hereby amended by striking out the para-
3 graph defining "Motor Vehicle", as appearing in
4 section 2 of chapter 704 of the acts of 1941, and insert-
5 ing in place thereof the following paragraph:—
6 "Commercial Motor Vehicle", any vehicle, ma-
7 chine, tractor, trailer or semi-trailer propelled or drawn
8 by mechanical power and used upon ways in the
9 transportation of property; but not including any
10 vehicle, locomotive or car operated exclusively on a
11 rail or rails. Wherever the term "motor vehicle"
12 appears in this chapter, it will be deemed to mean a
13 "commercial motor vehicle".

1 SECTION 2. Said section 2, as so amended, is hereby
2 further amended by inserting after the paragraph
3 defining "Permit", as so appearing, the following
4 definition:—

5 "Private carrier", any person who is regularly en-
6 gaged in the transaction of business other than the
7 business of transporting property for compensation

8 and who transports in intrastate commerce or inter-
9 state commerce in so far as it comes within the juris-
10 diction of the provisions of the laws of this common-
11 wealth, property of which such person is the owner,
12 lessee, bailee, consignee, seller as an incident to such
13 other business, irrespective of whether there is added
14 to or included in the selling price or deducted from
15 the purchase price of property so transported a charge
16 or allowance for transportation, or in furtherance of
17 any commercial enterprise where no transportation
18 fees or charges are involved, however defined or des-
19 ignated.

1 SECTION 3. Said section 2, as so amended, is
2 hereby further amended by striking out the paragraph
3 defining "Motor Carrier", as so appearing, and insert-
4 ing in place thereof the following paragraph: —

5 "Motor Carrier" shall include a common carrier by
6 motor vehicle, a contract carrier by motor vehicle, an
7 agricultural carrier by motor vehicle, a private car-
8 rier by motor vehicle, and an interstate carrier by
9 motor vehicle.

1 SECTION 4. Section 6 of said chapter 159B is
2 hereby amended by striking out the last sentence of
3 the fifth paragraph, as appearing in section one of
4 chapter 483 of the acts of 1938, and inserting in place
5 thereof the following: — Nothing in this section shall
6 apply to the transportation of property by motor
7 vehicle when there is a physical transfer of such prop-
8 erty from one common carrier to another such com-
9 mon carrier when the rate charged the public for
10 transportation of such property is already published
11 and filed with the department.

1 SECTION 5. Said chapter 159B is hereby further
2 amended by striking out section 14, as most recently
3 amended by section 2 of chapter 346 of the acts of
4 1949, and inserting in place thereof the following
5 sections:—

6 *Section 14.* Investigators and examiners appointed
7 under section twelve F of chapter twenty-five of the
8 General Laws, as amended, with respect to the enforce-
9 ment of the laws relating to commercial motor vehi-
10 cles, including laws and regulations relating to safety
11 on public ways, shall have and exercise throughout
12 the commonwealth all the powers of constables,
13 except the service of civil processes, and of police
14 officers, and they may serve all processes issued by
15 the courts or the department of the director of the
16 commercial motor vehicle division. Any officer au-
17 thorized to make arrests may arrest without warrant
18 and keep in custody for not more than twenty-four
19 hours, unless Sunday intervenes, any person operating
20 a commercial motor vehicle on any public way who
21 does not have in his possession a license to operate
22 motor vehicles granted to him by the registrar of
23 motor vehicles of this commonwealth, and who violates
24 any statute, by-law, ordinance or regulation relating
25 to the operation or control of commercial motor
26 vehicles and the weights and dimensions thereof and
27 at or before the expiration of said period of time, such
28 person shall be brought before a magistrate or court
29 and proceeded against according to law. An in-
30 vestigator or examiner appointed under chapter
31 twenty-five of the General Laws, as amended, may
32 arrest without warrant, keep in custody for a like
33 period of time, bring before a magistrate and proceed
34 against in like manner, any person operating a com-

35 mercial motor vehicle while under the influence of
36 liquors, irrespective of his possession of such license.

37 *Section 14A.* Every motor carrier, including pri-
38 vate carriers and interstate licensees, their agents
39 and employees, when requested by an investigator or
40 examiner of the commerical motor vehicle division,
41 who is in uniform or displays the proper insignia of
42 his office, shall stop and submit to said investigator
43 or examiner all transportation documents, including
44 bills of lading, way bills and other papers relating
45 to his cargo which are in his possession and shall
46 submit the cargo and other contents, if any, of his
47 motor vehicle to such reasonable examination as
48 may be necessary to inform the investigator or
49 examiner of the nature and the weight thereof. No
50 detailed examination of the cargo shall be made that
51 requires the removal of the cargo from the vehicle
52 except at a place where the motor vehicle stops for
53 the purpose of loading or delivery, and such motor
54 vehicle may be required to detour to the nearest
55 available scale within a distance of not more than
56 three miles for the purpose of determining the weight
57 thereof. Any such carrier who, personally or by his
58 agent, or any such driver who violates any provision
59 of this section, shall be punished by a fine not less
60 than twenty-five nor more than fifty dollars for the
61 first offence, not less than fifty dollars nor more than
62 one hundred dollars for subsequent offences.

63 *Section 14B.* Any person who, while operating or
64 in charge of a commercial motor vehicle, shall refuse,
65 when requested by an investigator or examiner of the
66 commercial motor vehicle division, to give his name
67 and address of the owner of such commercial motor
68 vehicle, or who shall give a false name or address,

69 or who shall refuse or neglect to stop when signalled
70 by said investigator or examiner who is in uniform
71 or displays his badge conspicuously on the outside
72 of his outer coat or garment, or fails or refuses on
73 demand of such investigator or examiner to produce
74 his license to operate such vehicle, or his certificate
75 of registration, or permit such investigator or examiner
76 to take the license or certificate in hand for the pur-
77 pose of examination, or refuses on demand of such
78 investigator or examiner to sign his name in the
79 presence of such investigator, shall be punished by a
80 fine of not less than twenty-five dollars nor more
81 than one hundred dollars.

1 SECTION 6. Said chapter 159B of the General
2 Laws is hereby amended by striking out section 17, as
3 appearing in chapter 483 of the acts of 1938, and in-
4 serting in place thereof the following:—

5 *Section 17.* In case of failure or refusal on the part
6 of any person, including shipper, consignee, consignor,
7 leasing company, motor carrier, broker, his executor,
8 administrator, guardian, conservator, assignee, re-
9 ceiver, and trustee, to submit accounts, records or
10 memoranda of such person or persons, motor carrier,
11 shipper, consignee, consignor or leasing company in
12 its possession or control, insofar as such accounts,
13 records or memoranda relate to the transportation of
14 property by common carrier or contract carrier and
15 charges therefor, to the inspection of the department
16 or its authorized representatives, such person, motor
17 carrier, shipper, consignee, consignor, broker, leasing
18 company of fiduciary shall be punished by a fine of
19 two hundred dollars for each and every day during the
20 continuance of such offence, such fine to be paid into
21 the treasury of the commonwealth.

1 SECTION 7. The first paragraph of section 21 of
2 said chapter 159B, as appearing in chapter 483 of the
3 acts of 1938, is hereby amended by striking out the
4 words “knowingly and wilfully” in the first line
5 thereof, so as to read as follows:— Whoever violates
6 any provision of this chapter, or any order, rule or
7 regulation adopted or established thereunder, or any
8 lawful requirement, condition, limitation or restriction
9 as contained in any certificate, permit or license, shall
10 be punished, except as otherwise provided in this
11 chapter, for a first offence by a fine of not more than
12 one hundred dollars and for any subsequent offences
13 by a fine of not more than two hundred dollars. And,
14 in addition, the supreme judicial and superior courts
15 shall severally have jurisdiction in equity to restrain
16 any such violations upon petition of the department
17 or of any person, organization or body politic affected
18 by such violation.

The first part of the report is devoted to a general description of the country and its resources. It then proceeds to a detailed account of the various industries and occupations of the people. The author also discusses the state of agriculture and the progress of commerce and trade. The report concludes with a summary of the principal findings and a list of recommendations for the improvement of the country's economy and social conditions.

The second part of the report contains a series of tables and charts illustrating the various statistics mentioned in the text. These include data on population, land area, and the production of different commodities. The tables are arranged in a clear and systematic manner, making it easy for the reader to compare and contrast the different figures. The charts provide a visual representation of the data, highlighting trends and patterns over time. The report is well-organized and easy to read, providing a comprehensive overview of the country's economic and social situation.