

HOUSE No. 1824

Substituted by the House, on motion of Mr. Bell of Marblehead, for a Bill providing for the safety and regulation of the use of the highways by motor vehicles transporting property for hire in the Commonwealth, and for the supervision and control of such motor vehicles and such transportation (House, No. 1756). May 22.

The Commonwealth of Massachusetts

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

An Act relative to the Regulation of the Use of the Highways by Motor Vehicles transporting Property in the Commonwealth, and to the Supervision and Control of Such Motor Vehicles and Such Transportation.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, therefore it is hereby de-
3 clared to be an emergency law, necessary for the im-
4 mediate preservation of the public 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 one hundred and fifty-nine B
2 of the General Laws, as appearing in section one of
3 chapter two hundred and sixty-four of the acts of
4 nineteen hundred and thirty-four, is hereby amended
5 by striking out section two and inserting in place
6 thereof the following:—

7 *Section 2.* Every person required to procure a
8 certificate under section one shall file with the depart-
9 ment in the form and manner prescribed by the de-
10 partment a schedule or schedules showing the rates or
11 charges for transportation to be rendered or furnished
12 within the commonwealth and showing the terminal
13 or other services included therein. Such rates shall be
14 just and reasonable and shall be reasonably compen-
15 satory, except that a rate may be established to meet
16 the existing rate of a competing common carrier. No
17 person shall charge, demand, exact, receive or col-
18 lect for any service rendered an amount greater or less
19 than the rate specified in such schedule or schedules,
20 nor shall any such carrier refund or remit in any
21 manner by any device any portion of the rate so speci-
22 fied, nor make or give any unreasonable preference or
23 advantage to any person, nor furnish to any person
24 any terminal or other service not included in the filed
25 rate at less than a compensatory charge, nor subject
26 any person to any unreasonable prejudice or discrimi-
27 nation. Rates may be changed on thirty days' notice
28 to the department, but the department may allow
29 changes without requiring such thirty days' notice,
30 and where such change is made to meet the existing
31 rate of a competing common carrier, shall allow said
32 change forthwith. The department may, on com-
33 plaint of any interested party, after notice and hear-
34 ing, allow or disallow, alter or prescribe such rates.
35 Every such person shall be subject to such orders,
36 rules and regulations as shall be adopted and pro-
37 mulgated by the department under the authority of
38 this chapter, after public hearing, and to the general
39 supervision, control and jurisdiction of the depart-
40 ment.

1 SECTION 2. Said chapter one hundred and fifty-
2 nine B, as so appearing, is hereby further amended
3 by striking out section six and inserting in place
4 thereof the following: —

5 *Section 6.* The department of its own motion may,
6 and on petition of any interested party after a public
7 hearing shall, prescribe rules and regulations covering
8 the operation of contract carriers in competition with
9 common carriers over the public ways within the
10 commonwealth, and prescribe the minimum rates
11 and charges of contract carriers in competition with
12 such common carriers to be collected by such con-
13 tract carriers. Said rates and charges of contract
14 carriers in general shall not be less than those charged
15 by such common carriers for substantially the same
16 or similar service. The department shall have au-
17 thority to require every contract carrier, or every
18 contract carrier falling within such reasonable classi-
19 fications as the department may from time to time
20 establish, to file with the department, in the form
21 and manner prescribed by the department, schedules
22 or, in the discretion of the department, copies of con-
23 tracts containing the minimum charges of such car-
24 riers for the transportation of property, and showing
25 the kind and character of terminal or other services
26 included therein. Such minimum charges may be
27 changed on thirty days' notice to the department but
28 the department may allow changes without requiring
29 such thirty days' notice.

1 SECTION 3. Said chapter one hundred and fifty-
2 nine B, as so appearing, is hereby further amended
3 by striking out section seven and inserting in place
4 thereof the following: —

5 *Section 7.* Each application for a certificate or
6 permit shall be made in writing in such form as the
7 department may prescribe, shall be verified by oath
8 or written declaration that it is made under the penal-
9 ties of perjury, shall contain such information as the
10 department may require and shall be accompanied
11 by a fee of ten dollars. A distinguishing plate shall
12 be prescribed and furnished by the department an-
13 nually for each of the vehicles which are reasonably
14 necessary for the conduct of the business of the holder
15 of the certificate or permit, and there shall be dis-
16 played upon each motor vehicle, operated under any
17 provision of this chapter, the plate so furnished for
18 such vehicle. Transfer of such plate from one vehicle
19 to another is prohibited except upon authority and
20 consent of the department. The annual charge for
21 each plate shall be one dollar. Any such certificate
22 or any such permit issued as aforesaid may be assigned
23 and transferred in whole or in part, with the approval
24 and consent of the department, by the holder, his
25 assignee, receiver or trustee, or by the holder's personal
26 representative or the surviving partner or partners or
27 the deceased partner's personal representative to
28 whom the rights and privileges under said certificate
29 or permit shall pass at the death of said holder. The
30 department is authorized to prescribe the conditions
31 precedent to such transfer and make any necessary
32 rules and regulations pertaining thereto, including the
33 payment of a fee not exceeding one dollar for the ap-
34 proval of the transfer, in whole or in part, of a permit
35 and a fee of not exceeding five dollars for the approval
36 of the transfer, in whole or in part, of a certificate.
37 The department may revoke, or suspend for such
38 period of time as it may deem fit, any certificate or

39 permit in whole or in part for wilful and repeated
40 violations of any provision of this chapter or of the
41 regulations of the department made under authority
42 thereof, after a hearing, at least ten days' notice of
43 which shall be given to the holder of the certificate or
44 permit. Any such certificate or permit shall remain in
45 effect unless and until revoked by the department as
46 herein provided, subject, however, to suspension as
47 aforesaid.

1 SECTION 4. Said chapter one hundred and fifty-
2 nine B, as so appearing, is hereby further amended
3 by striking out section nine and inserting in place
4 thereof the following: —

5 *Section 9.* It shall be unlawful for any driver to
6 operate any motor vehicle used for the transportation
7 of property on the public ways within the common-
8 wealth, or for the owner of the vehicle to require or
9 permit any driver so to operate the same, at any time
10 after the driver has been continuously on duty for
11 twelve hours and before he shall have had at least
12 eight consecutive hours off duty, or at any time after
13 the driver has been on duty sixteen hours in the aggre-
14 gate in any twenty-four hour period and before he shall
15 have had ten consecutive hours off duty. Periods of
16 release from duty herein required shall be given at
17 such place and under such circumstances that rest and
18 relaxation from the strain of the duties of the employ-
19 ment may be obtained. No period off duty shall be
20 deemed to break the continuity of service unless it be
21 for at least three consecutive hours at a place where
22 there is opportunity for a rest. In case of flood,
23 storm or other unforeseen emergency, the driver may
24 complete his run or tour of duty if such run or tour

25 of duty would reasonably have been completed with-
26 out a violation of this section except for the delay
27 caused by such emergency, or may make deliveries of
28 necessaries of life notwithstanding the foregoing pro-
29 visions of this section.

30 Wherever used in this section the word "driver"
31 shall mean any person operating a motor vehicle used
32 for the transportation of property, whether the owner
33 or lessee of the vehicle, or his employee, agent, servant
34 or licensee.

35 The department shall have authority to make such
36 rules and regulations as it deems necessary or advis-
37 able to insure proper enforcement of the provisions of
38 this section.

1 SECTION 5. Said chapter one hundred and fifty-
2 nine B, as so appearing, is hereby further amended by
3 striking out section ten and inserting in place thereof
4 the following:—

5 *Section 10.* There shall be exempted from the pro-
6 visions of this chapter, other than the provisions of
7 section nine, (1) motor vehicles while engaged exclu-
8 sively in work for any branch of the government of the
9 United States or for any department of the common-
10 wealth, or for any county, city, town or district
11 thereof, and (2) motor vehicles while engaged exclu-
12 sively in the delivery of the United States mail; and
13 there shall be exempted from the provisions of section
14 nine motor vehicles, while engaged exclusively in work
15 for any branch of the government of the United
16 States, including the delivery of the United States
17 mail, to such extent, if any, as may be required under
18 the constitution and laws of the United States.

1 SECTION 6. Said chapter one hundred and fifty-
2 nine B, as so appearing, is hereby further amended by
3 inserting after section ten the following new section: —
4 *Section 10A.* No person whether carrier, shipper,
5 consignee or broker, and no officer, employer, agent or
6 representative thereof, (1) shall knowingly offer, grant,
7 or give, or solicit, accept or receive, any rebate, con-
8 cession or discrimination in violation of any provision
9 of this chapter, or (2) by means of any false statement
10 or representation, or by the use of any false or fictitious
11 bill, bill of lading, receipt, voucher, roll, account, claim,
12 certificate, affidavit, deposition, lease or bill of sale,
13 or by any other means or device, shall knowingly and
14 wilfully assist, suffer or permit any person or persons
15 to obtain transportation of property subject to this
16 chapter for less than the applicable rate or charge,
17 or (3) shall knowingly and wilfully by any such means
18 or otherwise fraudulently seek to evade or defeat
19 regulation as in this chapter provided.

