

MAINE STATE LEGISLATURE

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CHAPTER 93

OPERATING TRUCKS FOR HIRE

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§ 1551. Policy

The business of operating motor trucks for hire on the highways of this State affects the interests of the public. The rapid increase in the number of trucks so operated, and the fact that they are not effectively regulated, have increased the dangers and hazards on public highways, and make more effective regulation necessary to the end that highways may be rendered safer for the use of the general public; that the wear of such highways may be reduced; that discrimination in rates charged may be eliminated; that congestion of traffic on the highways may be minimized; that the use of the highways for the transportation of property for hire may be restricted to the extent required by the necessity of the general public; and that the various transportation agencies of the State may be adjusted and correlated so that public highways may serve the best interest of the general public.

R.S.1954, c. 48, § 19.

§ 1552. Certificate required

No person, corporation, partnership, railroad, street railway or other transportation company shall operate, or cause to be operated, any motor vehicle or vehicles not running on rails or tracks upon any public way in the business of transporting freight or merchandise for hire as a common carrier over regular routes

or in the business of transporting household goods, as such commodity shall from time to time be defined by the commission, for hire as a common carrier over irregular routes between points within this State without having obtained from the commission a certificate declaring that public necessity and convenience require and permit such operation. The commission shall have authority and jurisdiction to determine applications for such certificates. The words "regular routes" as used in this chapter mean those routes over which any person, firm or corporation is usually or ordinarily operating, or causing to be operated, any motor vehicle or vehicles, even though there may be departures from said routes, whether such departure be periodic or irregular. Whether or not the operation is over regular routes within the meaning of said chapter shall be a question of fact to be determined by the commission, the Supreme Judicial Court, the Superior Court or the District Court. Every application for a certificate shall be made in such form and contain such matters as the commission may prescribe. Upon the filing of any such application and the payment of the fee prescribed, the commission shall within a reasonable time fix the time and place for a hearing thereof. Notice of such hearing, in such manner as the commission may deem necessary, and of the right to file a protest in accordance with the commission's requirements, shall be given by the commission at least 7 days before the hearing of such application, to the applicant, to such common carriers, including steam and electric railway and water carriers, as the commission shall deem necessary, to the chairman of the State Highway Commission, and to any other person, firm or corporation who may, in the opinion of the commission, be interested in or affected by the issuance of such certificate. Any person, firm or corporation having an interest in the subject matter shall have the right, in accordance with the rules and regulations prescribed therefor by the commission, to file a protest to the granting in whole or in part of the certificate applied for and to make representations and to introduce evidence in support of such protest. After such hearing, the commission shall have the power to issue to the applicant a certificate in a form to be prescribed by the commission, declaring that public convenience and necessity require the operation for which application is made, or refuse to issue the same, or to issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by such certificate such terms and conditions as in its judgment public convenience and necessity may require. If no protest to the granting of the certificate is filed with the commis-

sion prior to or at the time fixed for the hearing and if the commission is satisfied that the privilege sought by the applicant is convenient and necessary in the public interest, the certificate may be granted without a public hearing. In determining whether or not such a certificate shall be granted, the commission shall take into consideration the existing transportation facilities and the effect upon them, the public need for the service the applicant proposes to render, the ability of the applicant efficiently to perform the service for which authority is requested, conditions of and effect upon the highways involved and the safety of the public using such highways. No such certificate shall be issued unless and until the applicant has established to the satisfaction of the commission that there exists a public necessity for such additional service and that public convenience will be promoted thereby.

1. Certificate for transportation of household goods; service having been rendered. A certificate authorizing the transportation of household goods, as such commodity shall from time to time be defined by the commission, for hire as a common carrier over irregular routes, shall be granted as a matter of right when it appears to the satisfaction of the commission, after hearing, that an adequate and responsible service in transportation of used furniture or used household goods is being lawfully rendered by the applicant within the general area covered by the application, and that the applicant has been rendering such service without substantial interruption since the first day of January, 1963, and in cases where such authorized service has been so rendered the operation may lawfully be continued pending the issuance of such certificate, provided application therefor is made within 15 days from September 21, 1963.

1963, c. 243, § 3.

2. Common carrier. Holders of contract carrier permits who since January 1, 1963 have not engaged in the transportation of used furniture or used household goods for hire but who propose to engage in such transportation as a common carrier over irregular routes shall upon application be granted a certificate authorizing the transportation of household goods, as such commodity shall from time to time be defined by the commission, for hire as a common carrier over irregular routes when it appears to the satisfaction of the commission, after hearing, that such transportation was within the scope of the permit held by the applicant.

1963, c. 243, § 3.

3. Limitation. A certificate issued under subsections 1 and 2 shall not grant more authority than existed by virtue of the contract carrier permit held by the applicant, except as may result from the adoption of the term "household goods" as such commodity shall from time to time be defined by the commission. (1963, c. 243, § 3.)

R.S.1954, c. 48, § 20; 1963, c. 243, §§ 1-3; c. 402, § 90.

§ 1553. Regulations and law applicable to certain common carriers

Any person, firm or corporation required to procure a certificate of public convenience and necessity under section 1552 shall be subject to all the provisions of chapters 1 to 17 so far as applicable, and to such orders, rules and regulations as shall be adopted and promulgated by the commission under the authority of said chapters. Such person, firm or corporation and the service rendered or furnished shall be included under the general supervision and regulation of the commission and shall be subject to its jurisdiction and control in the same manner and to the same extent as service performed by other persons, firms or corporations engaged in the transportation of freight or merchandise as common carriers for hire, as provided in said chapters, except that sections 52 and 171 to 211 shall not so apply.

R.S.1954, c. 48, § 21.

§ 1554. Schedules of rates filed

Every holder of a certificate of public convenience and necessity shall file with the commission a schedule or schedules showing its rates or charges for service rendered or furnished or to be rendered or furnished within the State, including rates or charges established jointly with other such holders to the extent authorized by the commission over routes not served by a single common carrier. Such rates shall be just and reasonable. Such schedule or schedules shall be subject to the approval of the commission. No holder of a certificate or of a permit, nor any officer, agent or employee of such holder shall charge, demand, exact, receive or collect, directly or indirectly, for any service rendered an amount greater or less than the rate specified in its schedule or schedules, filed with the commission, or in the case of holders of permits, less than the minimum rate prescribed by the commission, nor shall any holder of a certificate or of a permit, nor any officer, agent or employee of such holder refund or remit, directly or indirectly, in any manner or by any device,

any portion of the rate so specified or prescribed. The commission may, on its own motion or on complaint by an interested party, after notice and hearing, allow or disallow, alter or prescribe such rates. It shall be unlawful for any person, firm or corporation, or any officer, agent or employee thereof knowingly to offer, grant or give, or to solicit, accept or receive any rebate, discount, concession or discrimination in violation of any provision of this chapter and chapter 95, or by means of any false or fictitious bill, bill of lading, receipt, voucher, roll, account, claim, certificate, affidavit, deposition, lease or bill of sale, or by any other means or device, whatsoever, knowingly or willfully assist, suffer or permit any person, firm or corporation to obtain transportation of property subject to this chapter and chapter 95, free or for less than the applicable rate or charge, or by any such means, or otherwise, fraudulently seek to evade or defeat regulation as provided in chapters 91 to 97; except that free or reduced rate transportation of property may be given by a holder of a certificate or permit for the same purposes and to the same extent as is authorized by section 103.

R.S.1954, c. 48, § 22; 1955, c. 337.

§ 1555. Contract carrier, defined; regulations

The term "contract carrier" as used in chapters 91 to 97 is intended to include all persons, firms or corporations operating or causing the operation of motor vehicles transporting freight or merchandise for hire upon the public highways, other than common carriers over regular routes or common carriers of household goods, as such commodity shall from time to time be defined by the commission, over irregular routes; except that the term shall not be construed to include any person, firm or corporation not regularly engaged in the transportation business but who on occasional trips transports the property of others for hire. Whether or not any person, firm or corporation is engaging regularly in the transportation business within the meaning of this paragraph shall be a question of fact to be determined by the commission, the Supreme Judicial Court, the Superior Court or the District Court, but the making of 2 trips for hire during any 6-month period shall be deemed as regularly engaging in the transportation business.

It is declared that the business of contract carriers, which term is intended to include all persons, firms or corporations operating or causing the operation of motor vehicles transporting freight or merchandise for hire upon the public highways, other

than common carriers over regular routes, is affected with the public interest and that the safety and welfare of the public upon such highways, the preservation and maintenance of such highways and the proper regulation of common carriers using such highways require the regulation of contract carriers to the extent provided:

1. Permits. No contract carrier shall operate, or cause to be operated, any motor vehicle or vehicles for the transportation of property for hire on any public highway within this State without having obtained a permit from the commission.

2. Application. Applications for permits shall be made in manner and form prescribed by the commission in regulations which it shall make.

3. Hearing; permits. No application for a permit shall be granted by the commission until after a hearing, nor shall any permit be granted if the commission shall be of the opinion that the proposed operation of any such contract carrier will be contrary to the declaration of policy of this chapter and chapter 95, or otherwise will not be consistent with the public interest, or will impair the efficient public service of any authorized common carrier or common carriers then adequately serving the same territory by rail or over the same general highway route or routes or that an increase in the number of contract carriers operating in the area to be served by the applicant will interfere with the use of the highways by the public. The commission shall give notice of such hearing, in such manner and to such persons, firms and corporations as it deems necessary, at least 7 days prior to the time fixed for such hearing, except as otherwise provided by law. Permits granted by the commission shall authorize only such operations covered by the application as the commission finds to be justified by the evidence, and no permit shall be granted unless it appears that the applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle and to conform to this chapter and chapter 95 and to the rules and regulations of the commission issued thereunder. The commission shall specify in the permit the business and operations of the contract carrier covered thereby, and the scope thereof, and shall attach to it, at the time of issuance and from time to time thereafter, such reasonable terms, conditions and limitations as it may find consistent with said chapters. Such terms and conditions may permit such contract carrier to substitute or add contracts which are within the scope of his permit and may limit the period during which such permit will remain

in effect; and such contract carrier shall have the right to add to his equipment and facilities within the scope of the permit as the development of his authorized business may require. Contract carriers now operating by virtue of so-called grandfather rights granted by the commission pursuant to this subsection as originally enacted, and whose present permits, in the opinion of the commission, need clarification, may be directed, upon reasonable notice given as provided, to appear before the commission for further public hearing, at which hearing evidence of regular operation as a contract carrier from March 1, 1932 to June 30, 1933 may be submitted, and the carrier may supplement same by evidence of regular operation subsequent to said period, and the commission shall issue an amended permit in accordance with the facts found on the original and new evidence presented. Said amended permit shall specify the territory within which and the general purposes for which the contract carrier may operate, but said amended permit shall not limit or restrict any rights lawfully existing, as shown by the record on the carrier's application filed in 1933, by virtue of this subsection as originally enacted, and shall not restrict the right of such carrier to substitute or add contracts which are within the scope of his permit or to add to his equipment and facilities within the scope of the permit as the development of the business and the demands of the public have or may require.

1957, c. 53, § 1; c. 222; c. 429, § 50; 1963, c. 95.

4. Rules and regulations. The commission is vested with power and authority and shall have the duty to prescribe rules and regulations covering the operations of contract carriers in competition with common carriers over the highways of this State. Any person, firm or corporation required to obtain a permit under this section shall be subject to all the provisions of sections 299 to 304. The commission may prescribe reasonable minimum rates and charges to be collected by contract carriers. It shall be the duty of every contract carrier to establish and observe reasonable minimum rates and charges for any service rendered or to be rendered in the transportation of property or in connection therewith, which rates and charges shall not be less than the rates charged by common carriers for substantially the same or similar service, and to establish reasonable rules, regulations and practices to be applied in connection with said reasonable rates and charges. It shall be the duty of every contract carrier to file with the commission, publish and keep open for public inspection, in the form and manner prescribed by the

commission, schedules containing the minimum rates or charges of such carrier actually maintained and charged for the transportation of property in intrastate commerce and any rule, regulation or practice affecting such rates or charges. Whenever, after hearing, upon complaint of interested parties or in an investigation on its own motion, the commission finds that any minimum rate or charge of any contract carrier for the transportation of property, or any rule, regulation or practice of any such carrier affecting such minimum rate or charge, is unjust or unreasonable, or is contrary to this chapter, it shall prescribe the minimum rate or charge, or such rule, regulation or practice, as it shall find to be just and reasonable and to be necessary or desirable to carry out the provisions and intent of said chapter. No contract carrier shall charge less than the minimum rates or charges filed with or prescribed by the commission, but nothing in this chapter shall prohibit any contract carrier from charging more than such minimum rates. Nothing in this subsection shall apply to the transportation of property by contract carriers for any common carrier over the highway when the rate charged the public for transportation of such property is already published and filed with the commission.

1955, c. 286.

5. Temporary permit for transportation of forest products or milk and cream. When the operation proposed by any applicant for a contract carrier permit authorizing the applicant to engage exclusively in the transportation of forest products or milk and cream, including empty milk and cream containers, is not contrary, in the opinion of the commission, to the declaration of policy as set forth in section 1551 and will not seriously infringe on common carrier service, the commission may issue a temporary permit authorizing such transportation and hold the prescribed hearing at a later date and then determine whether a permit shall be finally issued; but no temporary permit shall be issued unless the applicant has paid the fees and procured insurance as required by section 1557, subsection 2, and section 1559.

R.S.1954, c. 48, § 23; 1955, c. 286; 1957, c. 53, § 1; c. 222; c. 429, § 50; 1963, c. 95; c. 243, § 4; c. 402, § 91.

§ 1556. Permits for interstate carriers

In order that there may be proper supervision and control of the use of the highways of this State, every person, firm or corpo-

ration transporting freight or merchandise for hire by motor vehicle upon the public highways of this State between points within and points without the State or between points without the State but passing through this State is required to obtain a permit for such operation from the commission. Application for such permits shall be made in the manner and form to be prescribed by the commission in its regulations, and such permits shall issue as a matter of right upon compliance with such regulations and payment of fees, unless the commission shall find that the condition of the highways to be used is such that the operation proposed would be unsafe, or the safety of other users thereof would be endangered thereby.

R.S.1954, c. 48, § 24.

§ 1557. Operations by or with rail or water common carriers

1. Filing of applications; hearings; issuance of certificates.

Applications may be filed with the commission by railroads, electric railways, railway express or water common carriers asking its approval of operation by motor vehicles over the highways by or in connection with the service of such carriers, where highway transportation has been substituted by or for such carrier prior to January 1, 1935, for transportation service previously performed by such carrier or is to be substituted for transportation now performed by or for any such carrier. Hearings shall be ordered by the commission on every such application and notice thereof shall be given in such manner and to such persons, firms and corporations as the commission deems necessary at least 7 days prior to the date fixed therefor. If, after such hearing, the commission shall find that the operation is a service which regularly has been performed by or for such carrier prior to and since January 1, 1935, it shall grant a certificate of public convenience and necessity as a matter of right, and in cases where such service regularly has been performed by or for any such carrier prior to January 1, 1935, the service lawfully may be continued pending the issuance of such a certificate, provided application for such a certificate is filed with the commission within 15 days after July 6, 1935. If such service has not been regularly performed prior to and since January 1, 1935, such a certificate shall be issued only if the commission shall find that the public convenience and necessity require and permit such operation. Any applicant common carrier shall be permitted, in cases where any such order of approval is issued, to perform said

highway transportation service itself or to contract therefor with such persons, firms or corporations as it may select, if the commission shall find that such arrangement will be consistent with the public interest. Rates to be charged the public for the transportation of property in such service between points in the State shall be filed with the commission and shall be subject to its jurisdiction and regulation in the same manner as is provided in chapters 1 to 17 or chapters 91 to 97, as the same may apply, but such jurisdiction and regulation shall not apply to the compensation to be charged by one carrier to another for performing service authorized in this section.

2. Permits and vehicle identification, fees for; employment of assistance; operation of vehicles, regulated. Each application for a certificate or permit shall be accompanied by a fee of \$25, and each application for amendment of a certificate or permit, for the transfer of a certificate or permit or for the reopening or rehearing of an application shall be accompanied by a fee of \$10, which is not for revenue purposes, but shall be used by the commission for the purpose of defraying the expenses of administering this chapter and chapter 95, and any portion of such fees not used or required for this purpose shall be added to the General Highway Fund. The commission may refuse to furnish identification for any motor vehicle not registered in the name of the holder of a certificate or a permit. Each motor vehicle operated or caused to be operated under this chapter shall at all times display identification to be prescribed and furnished by the commission in accordance with rules and regulations of the commission promulgated therefor.

The charge for such vehicle identification device shall be \$5 for each straight truck, so called, and \$10 for each truck tractor, so called, and \$2 shall be charged for each transfer of such identification.

The commission is authorized and empowered to employ such assistance, subject to the Personnel Law, and to procure such office supplies and equipment as said commission may determine to be necessary in the administration and enforcement of this chapter and chapter 95. The salary and traveling expenses of employees and all office expense connected with the administration and enforcement of said chapters shall be paid out of the revenues received under this section and section 1563, which shall be set up as a separate fund in the office of the Treasurer of State, to be disbursed under the direct supervision and control of the commission.

It shall be unlawful for any person to act as driver or helper on any motor vehicle, for the operation of which a certificate or a permit is required by this chapter, unless such motor vehicle displays the prescribed identification as required by this section and by rules issued by the commission.

1957, c. 53, §§ 2, 3; 1963, c. 97.

3. Transfers. Any certificate or permit issued under this chapter, except as otherwise provided in section 1552, may be assigned and transferred, with the approval and consent of the commission but not otherwise, by the holder or by the personal representatives of said holder to whom the rights and privileges under said certificate or permit shall pass at the death of said holder. The commission is authorized to prescribe the conditions precedent to such transfer and make any necessary rules and regulations pertaining thereto. The commission may, in its discretion and for good cause shown, issue a temporary authority permitting the transferee to conduct motor carrier operations within the scope of the certificate of the transferor pending final determination by the commission as to whether the petition to assign and transfer said certificate should be granted or denied. No temporary authority shall be issued unless the transferee has paid fees and procured insurance as required by subsection 2 and section 1559. No assignment or transfer of any such certificate granted as a matter of right under this section shall be made which would result in an exclusive right to any railroad company or its subsidiaries to operate motor vehicles for the transportation of freight or merchandise for hire over such route. No certificate or permit granted under this chapter shall be effective after the date, following the year of its issue, on which the right to display the registration plates issued by the Secretary of State on the holder's motor vehicle or vehicles shall have terminated.

1963, c. 96.

4. Renewals. Provided application therefor is filed with the commission prior to the expiration date of a certificate or permit issued by the commission, renewals thereof shall be issued upon application made in accordance with the commission's requirements and upon the payment of the fees prescribed for original applications. The commission shall have no power to refuse to renew any existing permit or certificate or to cancel or suspend any such permit or certificate whenever issued except for willful or continued violations of this chapter and chapter 95, or the regulations of the commission, and after a hearing, at least 10 days' notice of which shall be given to the holder of the permit or cer-

tificate and to such other parties as the commission shall deem proper. No order of the commission suspending, cancelling or refusing to renew any existing permit or certificate shall be effective until 10 days after such order has been issued and a copy thereof mailed to the holder of such permit or certificate and to such other parties as were represented at the hearing. Within said period of 10 days any party deeming himself aggrieved by the order of the commission may appeal therefrom to the Superior Court in the county wherein the holder of such permit or certificate resides, and cause notice of such appeal to be served on the commission. Such court, after hearing, shall affirm or reverse the order of the commission. If such appeal be seasonably taken, the order of the commission shall be stayed and the applicant permitted to continue operation, upon payment of the required fees, until final determination of such appeal. If appeal is taken under this section, no appeal shall be taken under section 303. (1957, c. 57, § 1; 1959, c. 317, § 21; 1961, c. 317, § 122.)

R.S.1954, c. 48, § 25; 1957, c. 53, §§ 2, 3; c. 57, § 1; 1959, c. 317, § 21; 1961, c. 317, § 122; 1963, cc. 96, 97.

§ 1558. Rules and regulations

The commission shall have authority to make such rules and regulations as it deems necessary or advisable to insure proper administration and enforcement of this chapter and chapter 95 and to promote the safety of the operation of common carriers, contract carriers and interstate carriers over the highways. Such authority shall include the right to make rules and regulations relating to the length of duty of drivers operating any motor vehicle on the highways of this State engaged in common and contract carriage as defined in chapters 91 to 97. Such rules and regulations shall conform as nearly as practicable to the standards set forth by the Interstate Commerce Commission pertaining to the length of duty of drivers operating motor vehicles in interstate commerce. The commission shall have the power and authority to suspend, cancel or refuse to renew any certificate or permit, issued under this chapter and chapter 95 for any willful or continued violations of said chapters or of any rules or regulations promulgated by the commission pursuant to the authority thereof. The commission shall have authority to issue an order to any holder of a certificate or permit, requiring such holder to cease and desist from any violation of this chapter and chapter 95 or of any rules or regulations of the commission promulgated pursuant to the authority thereof. The commission shall have author-

ity in event it shall suspend or cancel a certificate or permit, or in event the holder of a certificate or of a permit shall fail to obey a cease and desist order issued by the commission, to require the return to the commission of any plates issued by it to such holder. It shall be the duty of the State Police, sheriffs and their deputies and all other peace officers to investigate any alleged violations of this chapter and chapter 95 and of any rules and regulations promulgated by the commission pursuant to the authority thereof, to prosecute violators of said chapters and of such rules and regulations and otherwise to aid in the enforcement of the provisions thereof.

R.S.1954, c. 48, § 27; 1957, c. 57, § 2; 1963, c. 272, § 2.

§ 1559. Indemnity bonds

The Secretary of State shall not register any motor vehicle subject to sections 1552, 1555 and 1556 and the commission shall not issue a certificate or a permit covering the operation of any such motor vehicle or vehicles, and no person, firm or corporation shall operate or cause to be operated upon any public way any such motor vehicle or vehicles until the applicant for such certificate or permit shall have procured a good and sufficient insurance policy or indemnity bond, in such amount as the commission shall prescribe, having as surety thereon a surety company authorized to transact business in this State or 2 responsible individuals, which bond shall be approved by the commission. Such insurance policy or bond shall adequately provide for cargo insurance and for protection of the public in the collection of damages for which the holder of a certificate or permit may be liable by reason of the operation of any such motor vehicle or vehicles. The bond or insurance policy required of applicants for permits need not provide for cargo insurance.

R.S.1954, c. 48, § 28.

§ 1560. Exemptions in operation of motor vehicles

1. Exemptions. There shall be exempted from sections 1552 to 1559 the operation over the highways of motor vehicles:

A. While being used within the limits of a single city or town in which the vehicle is registered by the Secretary of State or in which the owner maintains a regular and established place of business, or within 15 miles, by highway in this State, of the point in such single city or town where the property is received or delivered, but no person, firm or corporation may operate, or cause to be operated, any motor

vehicle for the transportation of property for hire beyond such limits without a certificate of public convenience and necessity or a permit to operate as a contract carrier; nor may any such person, firm or corporation participate in the transportation of property originating or terminating beyond said limits without holding such a certificate or permit unless such property is delivered to or received from a carrier over the highways operating under a certificate or permit issued by the commission or a railway, railway express, or water common carrier, but nothing in this section shall prevent a carrier from delivering and picking up with his exempt motor vehicle in a city or town where he has a terminal, freight and merchandise transported or to be transported over territory covered by his certificate or permit; nothing in this paragraph shall permit the transportation of freight or merchandise for hire, by motor vehicle, under any circumstances unless exempted by chapters 91 to 97 other than this paragraph, by any person, firm or corporation beyond the 15-mile limit as prescribed unless such person, firm or corporation holds a certificate or permit from the commission authorizing such transportation;

B. While engaged, directly or through a contractor, exclusively in construction or maintenance work for any branch of the Government of the United States, or for any department of the State, or for any county, city, town or village;

C. While engaged exclusively in the transportation of the United States mail;

D. While engaged exclusively in the transportation of fresh fruits and fresh vegetables from farms to canneries or quick freezing plants, place of storage or place of shipment, or the products of vining and cutting plants to canneries or quick freezing plants, during the harvesting season;

E. While engaged exclusively in the hauling of wood, pulpwood, logs or sawed lumber from the woodlot or forest area where cut or sawed to points within 100 miles thereof, by highway, or while hauling, within said distance, horses, crew, equipment and supplies to or from such woodlot or forest area;

F. While engaged exclusively in the transportation of livestock for exhibition purposes, excluding race horses, to and from agricultural fairs and other exhibits;

G. While engaged exclusively in the hauling of milk and cream to receiving stations from points within a distance of 25 miles by highway from them;

H. Of any bona fide agricultural cooperative association transporting property exclusively for the members of such association on a nonprofit basis, or of any independent contractor transporting property exclusively for such association;

I. Of any independent contractor while engaged exclusively in the transportation of seed, feed, fertilizer and livestock for one or more owners or operators of farms directly from the place of purchase of said seed, feed, fertilizer and livestock by said owners or operators of said farms to said farms, or in the transportation of agricultural products for one or more owners or operators of farms directly from the farm on which said agricultural products were grown to place of storage or place of shipment within 60 miles by highway of said farm; and

J. While engaged exclusively in the transportation of Christmas trees, wreaths and greens.

Nothing under this chapter shall apply to persons, firms or corporations operating motor vehicles carrying property of which they are the actual and bona fide owners, if such ownership is in pursuance of a primary business, other than the transportation business, of such persons, firms or corporations.

1955, c. 331; 1957, cc. 60, 83; 1961, c. 11; 1963, c. 414, § 24-A.

2. Rate exemptions. There shall be exempted from the foregoing provisions as to rate regulation the transportation by motor vehicle of property:

A. When moving in interstate commerce;

B. When moving to warehouses, railroads or boats for re-shipment by rail or vessel; and

C. When consisting of logs, wood or lumber moving to mills for manufacture.

3. Exemptions in re transportation of newspapers. This chapter shall not apply to the transportation of newspapers.

R.S.1954, c. 48, § 29; 1955, c. 331; 1957, cc. 60, 83; 1961, c. 11; 1963, c. 414, § 24-A.

§ 1561. Further exemptions

Carrier trucks when carrying property to warehouses, railroads or boats for re-shipment by rail or vessel, and when carrying

logs, wood or lumber to mills for manufacture, shall not be subject to rate regulation for such service.

R.S.1954, c. 48, § 30.

§ 1562. Exceptions

No provisions in sections 1552, 1555 and 1556 shall authorize the use by any motor vehicle of any highway or street in any municipality in violation of any charter provision or ordinance thereof, nor shall this chapter and chapter 95 be construed as taking from or in any manner curtailing the right of any municipality to regulate and control the routing, parking, speed or safety of operation of motor vehicles operated under said chapters, or as curtailing the general police power of any such municipality over its highways or streets, nor shall this chapter and chapter 95 be construed as abrogating any law whereby any such municipality has the right to require certain conditions to be complied with before such motor vehicle shall be operated on the highways or streets of such municipality.

R.S.1954, c. 48, § 31; 1957, c. 53, § 4.

§ 1563. Penalties and evidence

1. **General penalty.** Any person, firm or corporation, or any officer, agent or employee of any corporation who violates, orders, authorizes or knowingly permits a violation of any of the provisions of sections 1551 to 1562 or of section 1601, or of any rule, regulation or order made or issued by the commission pursuant to the authority of this chapter and chapter 95 shall be punished by a fine of not less than \$10 nor more than \$500, or by imprisonment for not more than 11 months, or by both.

If any such person, after being ordered to appear in court to answer any violation of chapters 91 to 97, fails to appear in court on the day specified, either in person or by counsel, the court shall notify the Secretary of State, who shall, at the expiration of 7 days after mailing such person by registered mail, postage prepaid, a notice of his intention to do so, suspend or revoke his license to operate trucks, tractors or semi-trailers, if licensed in this State, or suspend or revoke his right to operate trucks, tractors or semi-trailers in this State, if a nonresident and not licensed to operate motor vehicles in this State, and suspend or annul the registration of the motor vehicle operated by such person so ordered to appear, if said motor vehicle is registered in this State,

and such suspension, annulment or revocation shall continue in effect until such person so appears in court as ordered.

1957, c. 53, § 5.

2. Certificates as evidence. The certificate of the clerk of the commission, under the seal of said commission, shall be received in any court of law in this State as prima facie evidence of the making or issuing by said commission of any order, rule or regulation authorized by this chapter and chapter 95 to be made or issued by said commission. The certificate of the Secretary of State or his deputy, under seal of the State, shall be received in any court of law in this State or in any hearing or other proceeding before the commission as prima facie evidence of the issuance, suspension, revocation or restoration of any operator's license or the issuance, suspension, annulment or restoration of any certificate of registration of any motor vehicle under this chapter and chapter 95.

1957, c. 53, § 6.

3. Drivers and employees. Any person employed as driver of any motor vehicle by any holder of a certificate or permit and any person who rides on any motor vehicle as employee of any such holder of a certificate or permit, and any person employed as driver of any motor vehicle or who rides on any motor vehicle as employee of any person, firm or corporation engaged in the business of letting or leasing for hire, profit or compensation motor vehicles to be used by any other person, firm or corporation for the purpose of hauling or transporting goods, wares, merchandise or other property upon the public highways of this State for hire, shall be liable to the penalties provided in this section, in case said motor vehicle is operated in violation of this chapter and chapter 95, or of any rule, regulation or order issued by the commission pursuant thereto.

1957, c. 122.

4. Driver of motor vehicle unlawfully used. Any driver of any motor vehicle which is being unlawfully used by any person, firm or corporation in carrying on the business of a common carrier or of a contract carrier or of an interstate carrier without a certificate or permit shall be liable to the penalties provided in this section.

5. Suspension or revocation of license. In addition to any other penalty imposed for a violation of subsections 3 and 4, the court hearing the case may suspend the operator's license of any such driver or other employee for a term not exceeding 30 days,

and in such case shall at once take up said license, which license shall be surrendered forthwith by the holder thereof, and forward the same to the Secretary of State, together with a report of said case and any recommendations as to further suspension, revocation or restoration of such license deemed necessary by the court. Refusal to surrender said license on demand to the court or to any officer delegated by the court or by the Secretary of State to receive the same shall be a violation of this chapter and chapter 95. Blanks for said report and recommendations shall be furnished to the courts by the Secretary of State. The Secretary of State may, after hearing, suspend said license for a further time, revoke the same or may restore the same at the expiration of the time for which the same was suspended by the court. The trial court shall forthwith report to the commission all prosecutions under this chapter and chapter 95 or under the rules, regulations and orders of the commission, on blanks to be furnished by the commission. The Secretary of State shall notify any person whose license has been suspended and the commission of the time and place of hearing, and the commission shall be heard if it so desires; notice in the manner and form prescribed in Title 29, section 54, shall be sufficient. The Secretary of State shall immediately notify the commission of his decision in any such case. Any person aggrieved by any decision of the Secretary of State in suspending or revoking any operator's license may appeal to the Superior Court in the same manner provided by Title 29, section 2242, but pending such appeal, the decision of the Secretary of State shall remain in full force.

1957, c. 53, § 7; 1963, c. 414, § 25.

6. Suspension of license on appeal. In case any person convicted of any violation of this chapter and chapter 95 or of any rule, regulation or order of the commission, made or issued pursuant thereto, shall appeal, the operator's license of such person may be suspended by the Secretary of State while said appeal is pending, if requested by the commission.

1957, c. 53, § 8.

7. Willful and continued violation. In case of any willful and continued violation by any holder of a certificate or a permit, or by any person, firm or corporation required by this chapter and chapter 95 to have such a certificate or permit, of any provision of said chapters or of any rule, regulation or order of the commission made or issued pursuant thereto, in addition to any penalty imposed by the commission or by any court of law, the Secretary of State, at the request of the commission, may suspend

the certificate of registration of any motor vehicle or vehicles owned or operated by said violator, and after notice to said violator as provided in Title 29, section 54, and to the commission, and after hearing thereon, may suspend such registration for a definite time or may annul or restore the same. Any person aggrieved by the decision of the Secretary of State in suspending or annulling any such certificate of registration may appeal to the Superior Court in the manner provided by Title 29, section 2242, but pending said appeal the decision of the Secretary of State shall remain in full force.

1957, c. 53, § 9; 1963, c. 414, § 26.

8. Disposition of fines, forfeitures and fees. All fines and forfeitures collected under this chapter and chapter 95, when the arrest is made by a member of the State Police or any inspector or officer employed by the commission, together with all costs taxed by the court for any such officer, shall be paid to the commission to be used in defraying the expense of administering and enforcing said chapters. When the arrest is made by any other officer, all fines and forfeitures shall be paid into the treasury of the county where the offense is prosecuted. In any case, all fees taxed by the District Court shall be disposed of as the law establishing the trial court directs, and all costs taxed for any officer, other than a member of the State Police or any inspector or officer employed by the commission, shall be disposed of as the law provides in other criminal cases. (1957, c. 53, § 10; 1959, c. 42, § 2; 1963, c. 402, § 92.)

R.S.1954, c. 48, § 32; 1957, c. 53, §§ 5-10; c. 122; 1959, c. 42, § 2; 1963, c. 402, § 92; c. 414, §§ 25, 26.