

and such others as are now specifically excepted by law. The State Auditing Board shall hold its meetings at either the Governor's office, or the State Auditor's office at the seat of government, as the Board may decide. Meetings shall be had at least monthly and at such other times as the State Auditing Board may deem either necessary or advisable. It shall be the duty of the State Auditing Board to audit all claims, accounts, bills or demands against the state, except those of state owned utilities, enterprises and business projects, and such others as are now specifically excepted by law. Each and every claim, account, bill or demand against the state, paid by the State Auditor, shall bear the approval of the State Auditing Board, and the State Examiner shall hold the State Auditor personally responsible for the sum of any or all bills paid by the State Auditor which do not bear the approval of the State Auditing Board. The State Auditing Board may in its discretion require the filing of any additional information which it may deem necessary to the proper understanding and audit of any claim, account, bill or demand against the State, and may require the filing of a sworn statement in such form as it may prescribe.

Approved March 1st, 1923.

AUTO TRANSPORTATION COMPANIES

CHAPTER 136.

(H. B. No. 222—Harrington.)

AUTO TRANSPORTATION COMPANIES.

An Act Providing for the Supervision and Regulation of the Transportation of Persons and Property for Compensation over any Public Highway by Motor Propelled Vehicles; Defining Transportation Companies; Providing for Supervision and Regulation Thereof by the Board of Railroad Commissioners of the State of North Dakota; Providing for the Enforcement of the Provisions of this Act and for the Punishment of the Violations Thereof.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Sec. 1. (A.) The term "Corporation" when used in this act means a corporation, company, association, or joint stock association.

(B.) The term "person" when used in this act means an individual, a firm or a co-partnership.

(C.) The term "Commission" when used in this act means the Board of Railroad Commissioners of the State of North Dakota, or the Director of Public Works or such other board or

body as may succeed to the powers and duties now held by the board of Railroad Commissioners.

(D.) The term "Auto transportation company," when used in this act means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any motor propelled vehicle not usually operated on or over rails used in the business of transporting persons, and, or property for compensation over any public highway in this state between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town; provided, that the term "auto transportation company," as used in this act, shall not include corporations or persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever, insofar as they own, control, operate or manage taxi-cabs, hotel busses, school busses, motor propelled vehicles, operated exclusively in transporting agricultural, horticultural or dairy or other farm products from the point of production to the market, or any other carrier which does not come within the term "auto transportation company" as herein defined.

(E) The term "Public Highway" when used in this act means every street, road or highway in this state.

(F.) The words "between fixed termini or over a regular route," when used in this act, means the termini or route between or over which any auto transportation company usually or ordinarily operates any motor propelled vehicles, even though there may be departures from said termini or route, whether such departures be periodic or irregular. Whether or not any motor propelled vehicle is operated by any auto transportation company "between fixed termini or over a regular route" within the meaning of this act shall be a question of fact and the finding of the "Commission" thereon shall be final and shall not be subject to review.

Sec. 2. No corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, shall operate any motor propelled vehicle for the transportation of persons, and, or, property, for compensation on any public highway in this state except in accordance with the provisions of this act.

Sec. 3. The "Commission" of the State of North Dakota is hereby vested with power and authority and it is hereby made its duty to supervise and regulate every auto transportation company in this state as such to fix, just, fair, reasonable and sufficient rates, fares, charges, classifications, rules and regulations of each such auto transportation company, and to alter rates.

rules and regulations; to regulate the accounts, service, rate of speed of such auto transportation and safety of operations of each such auto transportation company; to require the filing of annual and other reports and of other data by such auto transportation companies; and to supervise and regulate auto transportation companies in all other matters affecting the relationship between such auto transportation companies and the traveling and shipping public. The Commission shall have power and authority, by general order or otherwise, to prescribe rules and regulations in conformity with this act, applicable to any and all such auto transportation companies; and within such limits shall have power and authority to make orders and to prescribe rules and regulations affecting auto transportation companies.

The Commission may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate hereunder, and an opportunity to such holder to be heard, at which it shall be proved that such holder wilfully violates or refuses to observe any of its proper orders, rules or regulations, suspend, revoke, alter or amend any certificate issued under the provisions of this section, but the holder of such certificate shall have all the rights of re-hearing, review and appeal as to such order of the Commission as is provided for in Section 6 of this act.

Sec. 4. No auto transportation company shall hereafter operate for the transportation of persons and, or, property for compensation between fixed termini or over a regular route in this state, without first having obtained from the Commission under the provisions of this act, a certificate declaring that public convenience and necessity require such operation; but a certificate shall be granted when it appears to the satisfaction of the Commission that such person, firm, or corporation was actually operating in good faith, and in a manner deemed by the Commission adequate as to service, rates and the protection of the public over the route for which such certificate shall be sought on January 15th, 1923. Any right, privilege, certificate held, owned or obtained by an auto transportation company may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the Commission. The Commission shall have power, after hearing, when the applicant requests a certificate to operate in a territory already served by a certificate holder under this act to issue said certificate as prayed for; or for good cause shown to refuse to issue same or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate to such terms and conditions as, in its judgment, the public convenience and necessity may require.

Sec. 5. The Commission shall in the granting of certificate to operate any auto transportation company, for transporting persons and, or, property, for compensation require the owner or operator to first procure liability and property damage insurance from a company licensed to make liability insurance in the State of North Dakota or a surety bond of a company licensed to write surety bonds in the State of North Dakota on each motor propelled vehicle used or to be used in transporting persons, and, or property, for compensation, in the amount of not to exceed \$5,000.00 for any recovery for personal injury by one person and not less than \$10,000.00 and in such additional amount as the Commission shall determine, for all persons receiving personal injury by reason of one act of negligence and not to exceed \$1,000.00 for damage to property of any person other than the assured, and maintain such liability and property damage insurance or surety bond in force on each motor propelled vehicle while so used, each policy for liability or property damage insurance or surety bond required herein, shall be filed with the Commission and kept in full force and effect and failure so to do shall be cause for the revocation of the certificate.

Sec. 6. In all respects in which the Commission has power and authority under this act, applications and complaints may be made and filed with it and notices issued thereon, hearing held, opinions, orders and decisions made and filed, petitions for rehearing filed and acted upon, and appeals from such orders and decisions may be taken by any party to the District Court of Burleigh County under the same terms and conditions as are provided for upon appeals to the District Court from orders and decisions of the Board of Railroad Commissioners in the State of North Dakota by the provisions of Chapter 192, Session Laws of North Dakota for 1919.

Sec. 7. Every officer, agent or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of any provisions of this act, or who fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement or any part or provision thereof, is guilty of a misdemeanor and punishable as such.

Sec. 8. Neither this act nor any provision shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this Union except in so far as the same may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

Sec. 9. Every auto transportation company now operating or which shall hereafter operate in this state shall at the time of the issuance of such certificate, and annually thereafter on or

between April 1st and April 15th of each Calendar year, pay a minimum fee of \$10.00 for each motor propelled vehicle used by such company for the transportation of persons and if the passenger seating capacity of such vehicle exceeds eight passengers a further fee computed on the basis of fifty cents per passenger for such additional seating capacity shall be paid. For each motor propelled vehicle used by any such company for transporting property for hire every such company shall pay a minimum fee of \$10.00 at the time and in the manner aforesaid, and if the rated capacity of any such vehicle exceed three tons, an additional fee computed on the basis of \$1.00 for each additional rated ton capacity shall be paid.

For each motor propelled vehicle used by any such company for transporting both persons and property simultaneously, the fee shall be computed on the basis of either tonnage or passenger capacity, and the basis which will yield the greater revenue shall apply.

Provided, that no certificate herein referred to shall be issued except for the full amount of the fee herein provided for regardless of the time of year application for such certificate is made.

In case of emergency or unusual temporary demands for transportation, the fees for additional motor propelled vehicles for limited periods shall be fixed by the Commission in such reasonable amounts as may be prescribed by general rule or temporary order.

All sums collected hereunder shall be turned over by the Commission to the State Treasurer within thirty days after their receipt and by him credited to a special fund to be used by the Commission upon proper voucher and audit by the State Auditing Board for the expenses of said Commission in administering the provisions of this act.

Sec. 10. Any auto transportation company shall forfeit all rights under a certificate issued under the provisions of this act by non-use thereof for a period of sixty days.

Sec. 11. This act shall not repeal any of the existing law or laws, relating to motor propelled vehicles, their owners or operators, or requiring compliance with any condition for their operation.

Sec. 12. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved March 6th, 1923.