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THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO

Rules and Regulations
Governing
Private Carriers for Hire by
Motor Vehicle

EFFECTIVE MAY 20, 1931



BY ORDER OF
THE PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO

WORTH ALLEN,
DAN S. JONES,
EDWARD E. WHEELER,
Commissioners.

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1931

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO**

General Order No. 42

In the Matter of the Rules and Regulations Governing Private Carriers for Hire by Motor Vehicles.

A bill, entitled "AN ACT FOR THE REGULATION OF PRIVATE CARRIERS BY MOTOR VEHICLE," and designated as House Bill No. 173, was duly passed by the Twenty-eighth General Assembly of the State of Colorado, and was duly enacted into a law of the State of Colorado to become effective May 16, 1931. The administration of said law is imposed upon the Public Utilities Commission of the State of Colorado. In pursuance thereof, the Commission hereby promulgates, adopts and issues its rules and regulations for the administration of said law.

ORDER

IT IS THEREFORE ORDERED, That the rules and regulations hereto attached and made a part hereof be, and the same are hereby, approved and adopted, to be hereafter designated as "Rules and Regulations Governing Private Carriers for Hire by Motor Vehicle."

IT IS FURTHER ORDERED, That said General Order No. 42 shall become effective May 20, 1931.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

WORTH ALLEN,
DAN S. JONES,
EDWARD E. WHEELER,
Commissioners.

Dated at Denver, Colorado,
this 20th day of May, 1931.

**RULES AND REGULATIONS GOVERNING PRIVATE
CARRIERS FOR HIRE BY MOTOR VEHICLE**

Rule 1. Every private carrier by motor vehicle before commencing operations shall make application for a permit to the Public Utilities Commission of the State of Colorado on blanks to be furnished by the Commission.

Such application shall be acknowledged before a notary public, or other officer authorized to administer oaths, by the applicant or its principal officer, stating that the matters contained in said application are true.

ASSIGNMENT OF PERMIT

Rule 2. No private carrier shall sell, assign, lease or transfer his permit unless and until he has made application to the Commission on a blank to be furnished by it, nor until the Commission has authorized the same.

FILING FEES

Rule 3. All applications for a permit to operate as a private carrier and all applications to sell, assign, lease or transfer such permit shall be filed in the office of the Commission at Denver, Colorado, upon payment of the following fees:

(a) Filing fee for application for a permit and issuance of the same, \$5.00.

(b) Filing fee for transfer of a permit and order authorizing the same, \$5.00.

(c) Every Class B private carrier as defined in Section 1 (h) subdivision (2) of House Bill No. 173, in addition to the above fees, shall pay an annual permit fee of \$50.00 for each truck and trailer having a carrying capacity of one ton or less, and \$25.00 for every half ton or fraction thereof in excess of said one ton.

SUSPENSION OR REVOCATION OF PERMIT

Rule 4. Any permit may at any time be suspended or revoked by the Commission upon at least ten days' notice to the permittee and opportunity to be heard for the following reasons:

(a) Operating as a motor vehicle carrier as defined in Section 1 (d) of Chapter 134, Session Laws of Colorado, 1927.

- (b) Failure to make reports.
- (c) Non-payment of taxes.
- (d) Failure to file public liability insurance policy or indemnity bond.
- (e) Failure to properly mark his equipment as hereinafter provided.

BILLS OF LADING, EXPRESS RECEIPTS

Rule 5. Every Class A private carrier shall issue a bill of lading or express receipt covering each shipment accepted for transportation. Such bill of lading or express receipt shall clearly show the following:

- (a) Name of carrier.
- (b) Date of transportation.
- (c) Nature and weight of goods transported.
- (d) Name and address of consignor.
- (e) Name and address of consignee.

A copy of such bills of lading and express receipts shall be retained by the carrier for a period of not less than six years and shall be made available to the Commission or its representatives upon request.

MONTHLY REPORTS

Rule 6. Every Class A private carrier shall file monthly reports with the Commission as prescribed in Section 6 of House Bill No. 173 on blanks to be furnished by the Commission; said reports in addition to the matters prescribed in said Act shall contain the names and addresses of all persons and firms for whom said carrier shall have transported goods during such month; said reports shall be signed by the carrier or its principal officer and acknowledged before a notary public or other officer authorized to administer oaths.

LICENSES

Rule 7. No private carrier shall operate trucks on the highways of this State until the owner or person lawfully in control thereof shall have complied with all state laws pertaining to the

registration and licensing of said trucks and with the ordinances of any city or town through which said trucks are to be operated.

MARKING OF VEHICLES

Rule 8. Within five days after a permit has been issued to a private carrier, he shall cause to be painted on each motor vehicle used in his operations in letters not less than two and one-half inches in height and not less than three-eighths of an inch in width, the following:

“19... Colo. Permit 000”

Provided, however, that motor vehicles used by private carriers, in lieu of the above requirements, may be marked by securely attaching both in front and rear of motor vehicle, in such a manner as to be conspicuously displayed at all times, a metal plate, size 4x12 inches, carrying number as per specifications shown below and reading as follows:

C		1
O	PERMIT	9
L	000	3
O		1

All markings should be completely removed from all vehicles when permanently withdrawn from service under the provisions of this Act, or on the expiration of said permit.

PUBLIC LIABILITY

Rule 9. Every private carrier shall file with the Commission a public liability and property damage insurance policy issued by some insurance company authorized to do business in the State of Colorado, which shall have attached thereto indorsements as set out in Rule 10 (b), covering each vehicle operated by, for or under control of the carrier in no less amounts than the following, to-wit:

For death or injury to any one person, \$5,000; total liability, \$10,000; property damage, \$1,000.

Provided, however, that all private carriers may, in lieu of the above requirements, file with the Commission a blanket surety bond in the amount of \$5,000 protecting against public liability

and property damage. Policies and bonds covering year around operations should be written to expire on October 1st of each year.

All policies and bonds are to be so written that the same will continue in full force and effect and unless and until cancelled by ten days' written notice served on the Public Utilities Commission of Colorado, said ten days' notice to run from the date notice is actually received by the Commission.

Private carriers operating in municipalities which require filing of insurance policies or surety bonds should arrange for duplicate copies of all policies and bonds for such filing in order that original policies and bonds may be filed with the Commission.

INDORSEMENTS

Rule 10. (a) Form of indorsements to be attached to insurance policies.

The policy to which this indorsement is attached is written in pursuance of and is to be construed in accordance with House Bill No. 173, approved May 16, 1931; and acts amendatory thereof and supplemental thereto, and the rules and regulations of the Public Utilities Commission adopted thereunder. In consideration of the premiums stated in the policy to which this indorsement is attached, the Insurer hereby waives a description of the motor vehicle or motor vehicles to be insured thereunder and agrees to pay any final judgment within the limits set forth in the policy or indorsements attached thereto, for injury to and/or death of persons (with the exception of any employe of the Assured while engaged in the maintenance or operation of any of the Assured's automobiles) and damage to property (excluding property of the Assured or property which is rented or leased by the Assured or property other than the baggage of passengers in the custody of the Assured or carried in or upon any automobile of the Assured) resulting from the ownership, maintenance or use of any and all motor vehicles and/or trailers, pursuant to a permit issued by the Commission, and further agrees that upon the failure of the Insurer to pay any such final judgment, such judgment creditor may maintain an action in any court of competent jurisdiction to compel such payment. It is understood and agreed by and between the Insurer and the Assured that the right of any person to recover hereunder shall not be affected by any act or omission of the Assured or of any employe of the Assured with regard to any condition or requirement of said policy, but

all terms and conditions of the policy shall remain in full force and be binding as between the Insurer and the Assured; and the Insurer shall be reimbursed by the Assured for any and all loss, costs or expenses paid or incurred by the Insurer which he would not be obliged to pay under the provisions of the policy independently of this indorsement.

SCHEDULE

(Unless policy is written for a greater amount)

On each motor vehicle, each private carrier shall carry public liability insurance as follows:

For death or injury to any one person, \$5,000; all persons, \$10,000; property damage, \$1,000.

All conditions and provisions of this policy, and any statements or agreements contained therein or indorsed thereon, in conflict with this indorsement are by agreement of all parties hereto held null and void insofar as they are in conflict herewith.

The policy to which this indorsement is attached shall not be cancelled until after ten days' notice in writing by the company shall have first been given to the Commission at its office at Denver, Colorado, said ten days' notice to commence to run from the date notice is actually received in the office of the Commission.

Attached to and forming a part of Policy No.
issued by the Insurance
Company to

(b) Form of Surety Bond.

Know All Men by These Presents:

That we of the City of
....., State of Colorado, as principal, and
....., a corporation, organized and existing under and by virtue of the laws of, and authorized to transact business in the State of Colorado under the laws thereof, as surety, are held and firmly bound unto the State of Colorado, in the just and full sum of lawful money of the United States of America, upon each and every vehicle operated by the principal herein in the amounts as set out in the schedule below for the payment of which well and truly to be made, do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, severally by these presents.

SCHEDULE

Incorporate here schedule as shown in Indorsement No. 1 (see Rule 10-a) unless bond is written for greater amounts, appropriate schedule as shown below should be used.

This bond is written in pursuance of and is to be construed in accordance with House Bill No. 173, approved May 16, 1931, and acts amendatory thereof and supplemental thereto, and the rules and regulations of the Public Utilities Commission of Colorado adopted thereunder; is to be filed with the State for the benefit of persons who sustain damage or injury from the negligent operation of any and all motor vehicles operated by the private carrier (principal herein) under and by virtue of its permit granted by the Public Utilities Commission of Colorado.

Now, therefore, the condition of this obligation is such that if the said principal, in accordance with the provisions of House Bill No. 173, approved May 16, 1931, and acts amendatory thereof and supplemental thereto, shall pay all damages for personal injuries which may be sustained by any person or any damage to property of any person, by reason of any act of negligence on the part of the said principal, its agents or employes in the operation of motor-propelled vehicles in transporting persons and/or property under its permit issued by the Public Utilities Commission of Colorado, then this obligation to be void, otherwise to remain in full force and effect.

This bond may be cancelled by the surety at any time by filing written notice with the Public Utilities Commission of Colorado, stating when the cancellation will be effective, but in no case shall such cancellation notice be effective within ten days after the receipt of such notice by the Public Utilities Commission.

Signed, sealed and dated this.....day of
....., 19.....

.....
Principal.

.....
Surety.

SCHEDULE FOR BLANKET SURETY BOND

Not to exceed \$5,000 for loss of or damage to property of any person or persons other than the Assured, occasioned by any

VOID

and all vehicles used for the transportation of persons and/or property, and for injury to and/or death of persons (with the exception of any employe of the Assured while engaged in the maintenance or operation of any of the Assured's automobiles), and loss of or damage to property of any person or persons (other than the Assured) resulting from the ownership or operation of any and all vehicles used for the transportation of persons and/or property; provided, however, the total loss or damage arising from any one occurrence shall be considered in the aggregate as constituting one claim, and shall not exceed \$1,000.

FAILURE TO COMPLY WITH RULES

Rule 11. Failure of any private carrier to comply with the provisions of these rules and regulations, of the laws of the State of Colorado, and of the terms and conditions in his permit, or any of them, shall be full and sufficient cause for the Commission to suspend any permit issued to such private carrier and to proceed according to law to revoke the same.

INCORPORATION OF H. B. NO. 173

Rule 12. House Bill No. 173 is hereby incorporated in and made a part of these rules and regulations and is hereby appended as Rule 13.

HOUSE BILL NO. 173

Rule 13. AN ACT PROVIDING FOR THE REGULATION OF THE USE OF PUBLIC HIGHWAYS AND OF PERSONS, FIRMS, CORPORATIONS AND ASSOCIATIONS OWNING, CONTROLLING, OPERATING OR MANAGING MOTOR VEHICLES USED IN THE BUSINESS OF TRANSPORTING PERSONS OR PROPERTY FOR COMPENSATION OR HIRE, AS PRIVATE CARRIERS BY MOTOR VEHICLE, UPON THE PUBLIC HIGHWAYS OF THIS STATE, AND PRESCRIBING THE COMPENSATION TO BE PAID FOR THE USE OF SUCH HIGHWAYS IN CARRYING ON SUCH BUSINESS, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ACT AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. Definitions. In this Act, unless the context otherwise requires, the following terms shall be construed as follows:

(a) The term "corporation" means a corporation, company, association, or joint stock association.

(b) The term "person" means an individual, a firm or a co-partnership.

(c) The term "Commission" means the Public Utilities Commission of the State of Colorado, or such other official board or body as may succeed to the powers and duties of said Public Utilities Commission.

(d) The term "permit" means the permit authorized to be issued under the provisions of this Act.

(e) The term "public highway" means every street, road or highway in this State over which the public generally has a right to travel.

(f) The term "motor vehicle" means a vehicle propelled by power other than muscular, except one operated on or over rails.

(g) The term "compensation" as used in this Act shall mean money or property of value charged and/or received, or to be charged and/or received, whether directly or indirectly as compensation for the service rendered of transporting over any of the public highways of Colorado in motor vehicles by a private carrier by motor vehicle, as the term is defined in this Act, any person, property, article or thing.

(h) The term "private carrier by motor vehicle" means every corporation or person, lessee, trustee, receiver or trustee appointed by any court whatsoever, other than motor vehicle carriers as defined by Section 1 (d) of Chapter 134 of the Session Laws of Colorado for the year 1927, as amended, owning, operating, controlling or managing any motor vehicle in the business of transporting persons or property for compensation over any public highway of this State between fixed points or over established routes, or otherwise, by contract or otherwise, and shall include all persons or corporations operating their own motor vehicles for the transportation of their own property, goods or merchandise, who charge or collect from the consignee, purchaser or recipient of such property, goods or merchandise, compensation for transporting or delivering the same.

Private carriers by motor vehicle are hereby divided into two classes for the purposes of this Act, which shall be as follows:

(1) Class A Private Carriers shall embrace all private carriers by motor vehicle operating over substantially regular or established routes or between substantially fixed termini; or to a fixed terminus or termini;

(2) Class B Private Carriers shall embrace all private carriers by motor vehicle who do not operate over substantially regular or established routes or between substantially fixed termini.

Section 2. No person or corporation shall operate any motor vehicle for the transportation of persons or property for compensation on or over any public highway in this State, except in accordance with the provisions of this Act or of Chapter 134 of the Session Laws of Colorado for the year 1927, as amended; provided, however, that nothing in this Act shall apply where a private individual carries a neighbor or friends on a pleasure trip.

Section 3. It shall be unlawful for any private carrier by motor vehicle, as defined in Section 1 of this Act, to engage in or transact the business of transporting passengers, freight, merchandise or other property over the public highways of the State of Colorado, without first having obtained a permit therefor from the Public Utilities Commission of the State of Colorado, and for the purpose of protecting the public highways of the State of Colorado and safeguarding the use of the same by the traveling public, the Commission is hereby vested with the authority to issue a permit to a private carrier by motor vehicle, and may attach to such permit and to the exercise of the rights granted thereunder, such terms and conditions as are reasonable.

This Act shall not apply to any motor vehicle carrier as defined by Section 1 (d) of Chapter 134 of the Session Laws of Colorado for the year 1927, and nothing herein contained shall be construed so as to require a showing of public convenience and necessity by a private carrier by motor vehicle prior to the issuance of a permit to him or it upon his or its application therefor; nor shall anything herein contained be construed or applied so as to compel a private carrier by motor vehicle to be or become a common carrier, or to subject such private carrier by motor vehicle to the laws or the rules and regulations applicable to a common carrier.

Section 4. Any permit issued by the Commission or any rights obtained under such permit, held, owned or obtained by any private carrier by motor vehicle, may be sold, assigned, leased or incumbered only upon authorization by the Commission.

Section 5. In addition to the regular license fees or taxes imposed upon motor vehicles there shall be assessed against and collected from every Class A Private Carrier by motor vehicle the following tax as compensation for the use of the public high-

ways, and for the maintenance, repair and reconstruction of the same:

(a) For freight or express service of any kind, five (5) mills per ton mile. For the purpose of determining the number of ton miles traveled, the actual weight in pounds of the revenue cargo carried by each motor vehicle unit (trailers to be included) shall be multiplied by the number of miles carried, the sum of which shall be divided by 2,000.

(b) For passenger service of any kind, one mill per passenger mile for all revenue business. To determine the passenger miles, multiply the actual number of revenue passengers carried by each motor vehicle by the number of miles carried.

Section 6. Every Class A Private Carrier by motor vehicle referred to in or contemplated by this Act shall keep daily records upon such forms prescribed by the Commission of all motor vehicles and trailers used on public highways during the current month. On or before the tenth day of the month following they shall certify under oath to the Commission upon forms prescribed thereby summaries of their daily records which shall show the ton miles and passenger miles traveled by such Class A Private Carrier by motor vehicle during the preceding month, and such other information as the Commission may require. The daily records shall be filed and preserved for a period of at least six years, and thereafter until permission for their destruction shall have been given by the Commission. Any person who shall wilfully make a false return to the Commission affecting any of the information required to be supplied by this Act or the rules, regulations and orders of the Commission shall be deemed guilty of perjury.

Section 7. On or before the 20th day of each month, the Commission shall notify all Class A Private Carriers by motor vehicle of the amount of the tax due from them for the preceding month, which shall be computed by multiplying the total number of passenger and ton miles hauled by the appropriate rate of taxation as herein prescribed, and the amounts so found due shall be paid to the Commission on or before the 10th day of the following month. If payment is not made on or by said date, there shall be added as a penalty a sum equal to one and one-half per cent ($1\frac{1}{2}\%$) per month of the amount of the original tax. Said taxes and penalties not paid on said date shall thereupon constitute a lien upon all the personal property of the delinquent private carrier by motor vehicle, and also upon the vehicles of all persons used by it in its said business, and thereupon said property and

vehicles may be distrained under warrant issued by the Commission and may be sold in accordance with the law and practice of distraint for personal property taxes as now provided by law. In addition thereto such delinquency shall be a ground for issue of writ of attachment by any court of record against such private carrier by motor vehicle, and for suspension and revocation by the Commission of the permit, if any, theretofore issued to said private carrier by motor vehicle, said suspension and revocation to be ordered after hearing by the Commission and notice of not less than five (5) days which notice shall be in writing and served by registered mail upon all parties in interest.

Section 8. In addition to the regular license fees or taxes imposed upon motor vehicles, there shall be assessed against and collected from every Class B Private Carrier, as compensation for the use of the public highways and for the maintenance, repair and reconstruction of the same, an annual permit fee of Fifty Dollars (\$50.00) for each of such trucks and trailers having a carrying capacity of one ton, or less, and the sum of Twenty-five Dollars (\$25.00) for every one-half ton, or fraction thereof, of carrying capacity in excess of said one ton. Payment of the taxes above provided shall be made to the Commission at the time of filing of application for a permit. Such permit shall be valid for the period of one year from the date of issuance of the same, and must be renewed upon application at the expiration of each year. In the event of the sale of motor vehicle equipment by any Class B Private Carrier before the expiration of the year for which his annual permit fee has been paid and the acquisition of other motor vehicle equipment, such carrier shall receive pro rata credit for the unexpired term for which said annual license fee has been theretofore paid; provided, however, that in no event shall such carrier be entitled to a refund.

Section 9. The tax rates hereinbefore provided for both Class A and Class B Private Carriers shall apply only to vehicles using pneumatic tires. An increase of twenty-five per cent (25%) shall be added to the rates set forth in Sections 5 and 8 for motor vehicles which use solid tires in whole or in part.

Section 10. The Commission shall promulgate such rules and regulations as may be reasonably necessary for the effective administration of the provisions of this Act.

Section 11. The Commission is hereby empowered to administer and enforce any and all provisions of this Act, including the

right to inspect the books and documents of Class A Private Carriers by motor vehicle, and to expend such money of the sum collected hereunder as is necessary for such purposes upon requisition by the Commission to the Auditing Board; provided, however, the total sum to be expended as provided in this Section shall not exceed during the calendar year ten per cent (10%) of the total gross sum collected under this Act. It shall be the duty of the State Treasurer to hold in reserve ten per cent (10%) of all moneys collected hereunder during the calendar year for the purpose of meeting such expenditures, and the balance of such reserve in his hands at the end of each year shall be placed in the main fund for division as hereinafter provided.

Section 12. It shall be the duty of the Commission to enforce collection of all taxes and penalties provided in this Act, and to remit daily to the State Treasurer the proceeds thereof.

All moneys received under the provisions of this Act shall be distributed as follows:

(a) For the administration and enforcement of the provisions of this Act, ten per cent (10%) or so much thereof as may be necessary shall be paid to the Commission.

(b) Out of the balance the said Treasurer shall pay seventy-five per cent (75%) to the credit of the State Highway Fund, and it shall become a part of the said Highway Fund created by Section 25 of Chapter 136 of the regular Session Laws of Colorado of 1921. The remaining twenty-five per cent (25%) shall be apportioned on the first day of January and the first day of July of each year among the various Counties of the State, according to the mileage of State Routes and State Highways as established by the State Highway Department; and the Auditor of State shall issue warrants covering the above payments to the several Counties and the State Treasurer is hereby authorized to pay the same, and such sums so paid to such Counties shall be devoted exclusively to the maintenance and repair of the public highways within such Counties.

Section 13. Any person, firm, association or corporation who shall use any public highway in this State for the transportation of passengers or property as a private carrier by motor vehicle without first obtaining a permit therefor, as herein provided, or in violation of any of the terms of such permit, or who fails, neglects, or refuses to make any return hereunder or any report required by the Commission, or to pay any tax which shall have been found by said Commission to be due and payable, or who

denies to the Commission access to his or its books and records, or who makes any false return, shall be guilty of a misdemeanor, and shall be punished as hereinafter provided.

Section 14. The Commission is hereby empowered to appoint and employ, subject to its discretion, such clerks and inspectors as the proper and economical administration of the provisions of this Act may require; also to expend such other moneys for postage, telegraph and telephone tolls, printing and other supplies, and premiums on bonds of employes and traveling expenses incurred or authorized by it and which may be incurred, exclusively in the enforcement of the provisions of this Act; provided, however, the total sum to be expended, as provided for in this Section, shall not exceed the ten per cent allowed to the Commission for the administration and enforcement of the provisions of this Act as provided in sub-paragraph (a) of Section 12.

Section 15. The Commission shall charge and collect from all private carriers by motor vehicle, in addition to the license fees and other taxes herein provided, the following fees:

Filing fee for application for a permit and for issuance of the same, Five Dollars (\$5.00);

Filing fee for transfer of a permit and order authorizing the same, Five Dollars (\$5.00).

No additional filing fee shall be required to be paid by a Class B Private Carrier upon application for renewal of his permit for an additional year.

All fees charged and collected under this Section shall be paid at least once each week, accompanied by a detailed statement thereof, into the Treasury of the State, to the credit of the general fund of the State.

Section 16. Every private carrier by motor vehicle as defined in this Act shall file with the Commission a liability insurance policy issued by some insurance carrier or insurer, authorized to do business in the State of Colorado, or a surety bond issued by some company authorized to do a surety business in the State of Colorado, in such sum, for such protection and in such form as the Commission, by its rules and regulations, may deem necessary to adequately safeguard the public interest.

Section 17. The Commission may at any time, upon complaint by any interested party, or upon its own motion, by order duly entered, after hearing had upon notice to the holder of any permit issued hereunder, and when it shall have been established to

the satisfaction of the Commission that such holder has violated any of the provisions of this Act, or any of the terms and conditions of his permit, or has exceeded the authority granted by such permit, or has violated or refused to observe any of the proper orders, rules or regulations of the Commission, revoke, suspend, alter or amend any such permit issued hereunder; provided, that the holder of such permit shall have all the rights of hearing, review and appeal as to such order or ruling of the Commission as are now provided by the Public Utility Laws of this State; and provided further that no appeal from or review of any order or ruling of the Commission shall be construed so as to supersede or suspend such order or ruling, except upon order of a proper court obtained for such purpose.

Section 18. Every private carrier by motor vehicle and every officer, agent or employe of any private carrier by motor vehicle, and every other person who violates or fails to comply with or who procures, aids or abets in the violating of any provision of this Act, or who fails to obey, observe or comply with any order, decision, rule or regulation of the Commission, or who procures or aids or abets any corporation or person in its or his failure to obey or observe such order, decision, rule or regulation, shall be deemed guilty of a misdemeanor and upon conviction, shall be punished by a fine of not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail not to exceed six (6) months, or both, in the discretion of the court. The inspectors of the Commission shall have all the powers conferred by law upon peace officers to carry weapons, make arrests, serve warrants and other processes in any County or City and County of this State.

Section 19. The District Court, or within its jurisdiction the County Court of any County in or through which any private carrier by motor vehicle operates, shall have jurisdiction in all matters arising under this Act on account of the operations of such private carrier by motor vehicle, except as herein otherwise provided, and save and except those matters expressly delegated to the Commission, and it is hereby expressly provided that it shall be the duty of the district attorneys having jurisdiction in each such County in which such private carrier by motor vehicle shall operate to prosecute all violations of the provisions of this Act.

Section 20. Whenever the Commission shall be of the opinion that any private carrier by motor vehicle is failing or omitting to

do anything required of it by law, or by any order, decision, rule, regulation, direction or requirement of the Commission, or is doing anything, or about to do anything, or permitting anything, or about to permit anything to be done, contrary to or in violation of law or any order, decision, rule, direction or requirement of the Commission, it shall request the attorney of the Commission or the Attorney General of the State or the District Attorney of any District to commence an action or proceeding in the District or County in and for the County or City and County in which the cause or some part thereof arise, or in which the corporation or person complained of had its principal place of business, or in which the person complained of resides, in the name of the people of the State of Colorado for the purpose of having such violations or threatened violations stopped and prevented, either by mandamus or injunction. The attorney of the Commission or the Attorney General of the State or the District Attorney of any District so requested shall thereupon begin such action or proceeding by petition to such District or County Court alleging the violation or threatened violation complained of, and praying for appropriate relief by way of mandamus or injunction. It shall thereupon be the duty of the court to specify a time, not exceeding twenty (20) days after the service of a copy of the petition, within which the motor vehicle carrier complained of must answer the petition, and in the meantime the said private carrier by motor vehicle may be restrained. In case of default in answer or after answer, the court shall immediately inquire into the facts and circumstances of the case, and such corporations or persons as the court may deem necessary or proper to be enjoined as parties in order to make its judgment, order or writ effective may be joined as parties. The final judgment in any such action or proceeding shall either dismiss the action or proceeding or direct that the writ of mandamus or injunction issue or be made permanent as prayed for in the petition or in such modified or other form as will afford appropriate relief. A writ of error may be taken to the Supreme Court from such final judgment in the same manner and with the same effect, subject to the provisions of this Act, as writs of error are taken from judgments of the District Court in other actions for mandamus or injunction.

Any person or corporation injured by such non-compliance of any private carrier by motor vehicle with the provisions of this Act or of any other provisions of the law or orders, decisions, rules, directions or requirements of the Commission, may apply to any court of competent jurisdiction for the enforcement

thereof, and the court shall have jurisdiction to enforce obedience thereto by writ of injunction or other proper process, mandatory or otherwise, and to restrain any such private carrier by motor vehicle, its officers, agents, employes or representatives, from further disobedience thereof, or to enjoin upon it or them obedience to the same, and any person or corporation so injured shall likewise have cause of action in damages, and be privileged to pursue the usual and proper remedies to redress the same as in like cases provided by law.

Section 21. Nothing in this Act shall be construed as prohibiting the transportation of farm produce to market or supplies to the farm or to the vicinity of the farm by any person chiefly engaged in farming, or to the transportation of children to and from school.

Section 22. The provisions of this Act shall apply to private carriers by motor vehicle engaged wholly or in part in interstate or foreign commerce, except insofar as the same may be or become ineffective under the provisions of the Constitution of the United States or of the Acts of Congress.

Section 23. The provisions of the Public Utilities Act of the State of Colorado, Chapter 127, Laws of 1913, and all Acts amendatory thereof or supplemental thereto shall apply insofar as applicable to all private carriers by motor vehicle subject to the provisions of this Act.

Section 24. If any section, sub-section, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The legislature hereby declares that it would have passed the Act and each section, sub-section, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

Section 25. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed. Nothing in this Act shall be so construed as to repeal, amend, alter or modify Section 1336 to 1364 inclusive, Session Laws of Colorado, 1921, as amended, or Chapter 149, Session Laws of Colorado, 1923, as amended.

Section 26. It is hereby declared that this Act is necessary for the immediate preservation of the public peace, health and safety.

Section 27. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

D. E. HUNTER,
Speaker of the House of Representatives.

E. C. JOHNSON,
President of the Senate.

Approved May 16, 1931, at 2:30 p. m.

WILLIAM H. ADAMS,
Governor of the State of Colorado.

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