

LEGISLATIVE BILL 1370

Approved by the Governor March 29, 1972

Introduced by Duke Snyder, 14th District

AN ACT to amend sections 75-302 and 75-311, Revised Statutes Supplement, 1969, relating to the State Railway Commission; to redefine terms; to provide conditions for issuance of a contract carrier permit; to provide for rates of contract carriers as prescribed; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 75-302, Revised Statutes Supplement, 1969, be amended to read as follows:

75-302. As used in sections 75-301 to 75-322.01, unless the context otherwise requires, and in all rules and regulations prescribed by the commission pursuant thereto:

(1) Person shall mean any individual, firm, copartnership, corporation, company, association, or joint stock association; and includes any trustee, receiver, assignee, or personal representative thereof;

(2) Commission shall mean the Nebraska State Railway Commission;

(3) Certificate shall mean a certificate of public convenience and necessity issued under this article to common carriers by motor vehicle;

(4) Permit shall mean a permit issued under this article to contract carriers by motor vehicle;

(5). Intrastate commerce shall mean commerce between any place in this state and any other place in this state and not in part through any other state;

(6) Highway shall mean the roads, highways, streets, and ways in this state; Provided, any way or means of egress or ingress used by motor dump trucks engaged in construction work shall be construed as a highway for purposes of sections 75-301 to 75-322.01;

(7) Motor vehicle shall mean any vehicle, machine, tractor, trailer, or semitrailer propelled or

drawn by mechanical power and used upon the highways in the transportation of passengers or property, but does not include any vehicle, locomotive, or car operated exclusively on a rail or rails;

(8) Motor carrier shall mean any person owning, controlling, managing, operating, or causing to be operated any motor-propelled vehicle used in transporting passengers or property for hire over any public highway in this state;

(9) Common carrier shall mean any person who or which undertakes to transport passengers or property for the general public in intrastate commerce by motor vehicle for hire, whether over regular or irregular routes, upon the highways of this state; and

(10) Contract carrier shall mean any motor carrier transporting passengers or property for hire other than as a common carrier; Provided, that any contract carrier providing for hire transportation services on or before January 1, 1974, designed to meet the district needs of each individual customer or a specifically designated class of customers shall not have any limitation as to the number of customers it can serve within the class.

Sec. 2. That section 75-311, Revised Statutes Supplement, 1969, be amended to read as follows:

75-311. A certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found after notice and hearing that the applicant is fit, willing, and able properly to perform the service proposed, and to conform to the provisions of sections 75-301 to 75-322.01 and the requirements, rules, and regulations of the commission thereunder and that the proposed service, to the extent to be authorized by the certificate, whether regular or irregular, passenger or property, is or will be required by the present or future public convenience and necessity; otherwise such application shall be denied. A permit shall be issued to any qualified applicant therefor, authorizing in whole or in part the operations covered by the application, if it appears after notice and hearing from the application or from any hearing held thereon that the applicant is fit, willing, and able properly to perform the service of a contract carrier by motor vehicle, and to conform to the provisions of sections 75-301 to 75-322.01 and the lawful requirements, rules and regulations of the commission thereunder, and that the proposed operation, to the extent authorized by the permit, will be consistent with

the public interest;--otherwise, by providing services designed to meet the distinct needs of each individual customer or a specifically designated class of customers as defined in subdivision (10) of section 75-302. Otherwise, such application shall be denied. No person shall at the same time hold a certificate as a common carrier and a permit as a contract carrier authorizing operation for the transportation of property by motor vehicles over the same route or within the same territory, unless for good cause shown the commission shall find that such certificate and permit may be held consistently with the public interest and with the policy declared in section 75-301.

Sec. 3. The commission shall prescribe minimum rates, fares and charges for contract carriers. No reduction shall be made in any such charge, either directly or by means of any change in any rule, regulation or practice affecting such charge or the value of service thereunder, except after ten days' notice of the proposed change filed in the form and manner provided for common carrier rate changes. Such notice shall plainly state the change proposed to be made and the time when such change will take effect. No such carrier shall demand, charge or collect less compensation for such transportation than the charges to be made by common carriers for the same transportation in accordance with Chapter 75, article 3, as affected by any rule, regulation or practice so filed, or as may be prescribed by the commission, and it shall be unlawful for any such carrier to charge less than the rates, fares and charges approved by the State Railway Commission; Provided, that nothing in this section shall require common or contract carriers by motor vehicle of bullion, currency, jewels, checks, and valuables to file tariffs or contracts identifying the security provisions which are required for the protection of such valuables.

Sec. 4. That original sections 75-302 and 75-311, Revised Statutes Supplement, 1969, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.