

APPENDIX

Citations are to statutes at present in force. Earlier acts now superseded, though often of interest, are omitted for purposes of brevity. Ambiguity in the statute and occasional adjudications of the invalidity of the statute have made it necessary in some instances to resort to case material in order to determine whether the act includes private carriers within its scope. Where the motor carrier regulation is in a single continuous act, the initial citation only is given.

Alabama. CODE (Michie, 1928) § 6270(1). Regular route carriers of persons or property. Though the regulated unit includes common carriers only, it is provided that any regular route vehicle operated in competition with a certificated vehicle may be subjected to the same regulation. This provision clearly includes contract carriers. *Cf.* *Smith v. State*, 218 Ala. 669, 120 So. 471 (1928).

Arizona. CODE (Struckmeyer, 1928) §§ 736-41. Carriers of persons or property over regular or irregular routes. Like the Alabama act, it purports to cover common carriers only, but there is a provision regulating competitors of certificate holders over regular routes, broad enough to include contract carriers. But under an earlier act, it was held that regulation could constitutionally be imposed on common carriers only. *State v. Smith*, 31 Ariz. 297, 252 Pac. 1011 (1927). But *cf.* *Haddad v. State*, 23 Ariz. 105, 201 Pac. 847 (1921).

Arkansas. DIG. STAT. (Crawford & Moses, Supp. 1927) § 7440a, amended by Acts 1929, no. 62. Carriers of persons or property over regular or irregular routes. Before the amendment, the act was held applicable to common carriers only. *State v. Haynes*, 175 Ark. 645, 300 S. W. 380 (1927). The amendment seems intended to cover contract carriers, but this was held not to be the case in *Jones v. Ferguson*, 181 Ark. 522, 27 S. W.(2d) 96 (1930).

California. CODES AND GEN. LAWS (Deering, Supp. 1925-27) act 6386, § 24. Regular route carriers of persons. Common carriers only. *Id.* (Supp. 1929) act 5129. Regular route carriers of property. Common carriers only. *Frost v. Railroad Comm.*, 271 U. S. 583 (1926).

Colorado. LAWS 1927, c. 134. Carriers of persons or property over regular or irregular routes. Common carriers only.

Connecticut. GEN. STAT. (1930) c. 203. Regular route carriers of persons. Common carriers only.

District of Columbia. CODE (1930) tit. 26, § 11. Carriers of persons or property over regular or irregular routes. Common carriers only. The jurisdiction over property carriers has not been exercised. *Re Rules and Regulations for Motor Bus Transportation*, P. U. R. 1930C 158 (1929).

Florida. Acts 1929, c. 13700. Regular route carriers of persons or property. Covers contract carriers, to an extent as yet judicially undetermined, but including certification. *Cahoon v. Smith*, 128 So. 632 (Fla. 1930).

Georgia. LAWS 1929, c. 293. Carriers of persons or property over regular or irregular routes. Covers contract carriers. *Georgia Pub. Serv. Comm. v. Saye & Davis Transfer Co.*, 170 Ga. 873, 154 S. E. 439 (1930).

Idaho. LAWS 1929, c. 237. Regular route carriers of persons or property. Though ambiguous, the language appears broad enough to cover contract carriers. But see, under a previous act, *Smallwood v. Jeter*, 42 Idaho 169, 244 Pac. 149 (1926); *Sanger v. Lukens*, 26 F.(2d) 855 (C. C. A. 9th, 1928).

Illinois. STAT. ANN. (Callaghan, 1924) c. 111a, §§ 24, 71, 72. Carriers of persons or property over regular or irregular routes. Common carriers only.

Indiana. ANN. STAT. (Burns, 1926) § 10164. Carriers of persons or property, over regular or irregular routes. Contract carriers are specifically exempted from regulation, but a subsequent provision declares to be common carriers all motor vehicles transporting persons or property for a railroad, thus seeming to cover contract carriers to a limited extent.

Iowa. CODE (1927) § 5105-a1. Regular route carriers of persons or property. Common carriers only. Laws 1929, c. 129. Irregular route carriers of property. Common carriers only and permit issues as of right.

Kansas. Laws 1925, c. 206, amended by Laws 1929, c. 222. Regular route carriers of persons or property. An unconstrued provision excepts from regulation vehicles "operated exclusively by an agent or employee while transporting the property of his principal or employer." This suggests regulation of certain types of contract carriers.

Kentucky. STAT. (Carroll, 1930) § 2739j-1. Carriers of persons over regular or irregular routes. Language broad enough to cover contract carriers.

Louisiana. Acts 1926, no. 292. Carriers of persons or property over regular or irregular routes. Common carriers only.

Maine. REV. STAT. (1930) c. 66. Regular route carriers of persons. Language broad enough to cover contract carriers.

Maryland. ANN. CODE (Bagby, Supp. 1929) art. 56, § 251. Carriers of persons over regular or irregular routes. The language is somewhat ambiguous but seems to cover common carriers only. *Id.* § 258. Carriers of property over regular or irregular routes. A similar ambiguity appears, but the statute has been construed as applying to contract carriers of at least one type. *Rutledge Coöperative Ass'n v. Baughman*, 153 Md. 297, 138 Atl. 29 (1927).

Massachusetts. Acts 1925, c. 280, amended by *id.* 1926, cc. 163, 392; *id.* 1927, c. 276. Regular route carriers of persons. Common carriers only.

Michigan. Acts 1923, no. 209. Regular route carriers of persons or property. The language of the act covers contract carriers, but was declared unconstitutional to that extent in *Michigan Pub. Util. Comm. v. Duke*, 266 U. S. 570 (1925).

Minnesota. STAT. (Mason, 1927) § 5015-1. Regular route carriers of persons or property. Common carriers only.

Mississippi. CODE ANN. (1930) § 7115. Carriers of persons or property, apparently over either regular or irregular routes. Common carriers only.

Missouri. Laws 1927, c. 402. Regular route carriers of persons. Language broad enough to cover contract carriers. House Bill No. 7, now pending, extends full regulation to carriers of persons or property over regular or irregular routes, and covers contract carriers.

Montana. REV. CODE (Choate, Supp. 1927) § 3858-1. Regular route carriers of persons or property. Though identical in language to the California act in question in *Frost v. Railroad Comm.*, 271 U. S. 583 (1926), the Montana court, for constitutional reasons, has interpreted the statute as applicable to common carriers only. *Stoner v. Underseth*, 85 Mont. 11, 277 Pac. 437 (1929).

Nebraska. Laws 1927, c. 150. Regular route carriers of persons and baggage. The language covers contract carriers, but the power of rate regulation is not conferred, and the commission has construed the statute as giving it no power to deny a certificate. *Re S. Y. A. Bus Line*, P. U. R. 1928E 98 (1928). A bill is to be proposed in the present legislative session, however, regulating property carriers, conferring full powers on the commission, and apparently including some contract carriage operations.

Nevada. Laws 1925, c. 161. Carriers of persons over regular or irregular routes. Common carriers only.

New Hampshire. PUB. LAWS (1926) c. 258. Regular route carriers of persons. Common carriers only.

New Jersey. COMP. STAT. (Supp. 1924) § *167-14 *et seq.* Also *id.* § *136-400, amended by Laws 1926, c. 144. Regular route carriers of persons. The language applies to common carriers only, but see *Doskovitch v. Public Util. Comm.*, 103 N. J. L. 570, 138 Atl. 110 (1927).

New Mexico. STAT. ANN. (Courtright, 1929) § 11-1001. Regular route carriers of persons or property. Common carriers only.

New York. CONS. LAWS (Cahill, 1930) c. 64, §§ 1, 2, 60-69d. See also *id.* c. 49, § 2a. The language is jumbled, but appears to regulate carriers of persons or property over regular or irregular routes. Common carriers only.

North Carolina. Laws 1927, c. 136, amended by Laws 1929, cc. 193, 216. Carriers of persons or property over regular or irregular routes. There are contradictory provisions, but the excepted class of operators "making casual trips on call" is so narrow that it seems proper to conclude that contract carriers are regulated, particularly in view of Laws 1929, c. 193, which deletes the words "under contract or" from that exception.

North Dakota. COMP. LAWS ANN. (Supp. 1925) § 2976v, amended and re-enacted by Laws 1927, c. 90. Carriers of persons or property over regular or irregular routes. Contract carriers are regulated, the only exception to the operation of the statute being "an occasional accommodative transportation service by a person not in the transportation business."

Ohio. Laws 1929, c. 482. Carriers of persons or property over regular or irregular routes. The phrase "for the public in general" is retained from a previous act, GEN. CODE (Page, 1926) § 614-2, but in view of the insertion of the phrase "whether by private contract or otherwise" and of the complete deletion of the distinction between common and contract carriers, the act seems clearly intended to regulate the latter.

Oklahoma. COMP. STAT. ANN. (Supp. Thornton, 1926), § 10221-28, amended by Laws 1929, c. 253. Carriers of persons or property over regular or irregular routes. A peculiar classification of types of carriers is set up, but contract carriers of many types are clearly subject to full regulation. See *Barbour v. Walker*, 126 Okla. 227, 259 Pac. 552 (1927), decided prior to the 1929 amendment.

Oregon. LAWS ANN. (Supp. Clark, 1927) § 1317, amended by Laws 1929, c. 394, LAWS ANN. (Supp. Clark, 1929) § 2370. Carriers of persons or property over regular or irregular routes. The amendment excepts from regulation "contract haulers" and "commercial haulers," which together seem to cover contract carriers, presumably as a result of *Purple Truck Garage Co. v. Campbell*, 119 Ore. 484, 250 Pac. 213 (1927).

Pennsylvania. STAT. (West, 1920) §§ 18057, 18088, 18149 *et seq.* Carriers of persons or property over regular or irregular routes. Common carriers only.

Rhode Island. GEN. LAWS (1923) c. 254. Regular route carriers of persons. Common carriers only.

South Carolina. Acts 1925, no. 170. Carriers of persons or property over regular or irregular routes. Covers contract carriers.

South Dakota. COMP. LAWS (1929) § 9744-A. Carriers of persons or property over regular or irregular routes. A complex classification is made of types of carriers and of certificates, but the result seems to regulate the contract carrier.

Tennessee. Pub. Acts 1929 (Reg. Sess.), c. 58. Carriers of persons or property over regular or irregular routes. Exceptions to the regulations of the act cover the contract carrier of persons, but leave contract carriers of property subject to the statute. Senate Bill No. 225, now pending, extends

All regulation to carriers of persons or property over regular or irregular routes, and covers contract carriers.

Texas. Laws 1927 (Gen. Sess.), c. 270, amended by Laws 1929 (1st Sess.), c. 78. Carriers of persons over regular or irregular routes. Language broad enough to cover contract carriers. Laws 1929 (Gen. Sess.), c. 314. Carriers of property over regular or irregular routes. The language covers all carriers, with a peculiar classification, and all are declared to be common carriers. Yet in the class in which the majority of contract carriers must fall, neither rate regulation nor the requirement of a certificate is imposed.

Utah. COMP. LAWS (1917) §§ 4782, 4818; Laws 1927, c. 42, amended by Laws 1929, c. 94. Carriers of persons or property over regular or irregular routes. The last amendment, specifying that the 1927 act shall not apply to common carriers holding certificates (presumably under the act first cited) apparently confines the application of the 1927 act to contract carriers alone. This seems inconsistent, however, with State *ex rel.* Pub. Util. Comm. v. Nelson, 65 Utah 457, 238 Pac. 237 (1925).

Vermont. Laws 1923, no. 91; *id.* 1925, nos. 74, 86. Regular route carriers of persons or property. Common carriers only.

Virginia. CODE ANN. (Michie, 1930) § 4097m. Carriers of persons or property over regular or irregular routes. Extremely confusing draftsmanship obscures the intent of the legislature, but the object appears to be either regulation of contract carriage or its prohibition.

Washington. COMP. STAT. (Remington, 1922) § 6387, amended by Laws 1927, 179, COMP. STAT. (Remington, Supp. 1927) § 6390. Regular route carriers of persons or property. The amendment, though a trifle ambiguous in terms when read into the original act, is held to limit the operation of that act to common carriers. *Big Bend Auto Freight v. Ogers*, 148 Wash. 521, 269 Pac. 802 (1928).

West Virginia. CODE (1931) p. 402. Carriers of persons or property over regular or irregular routes. Covers contract carriers.

Wisconsin. STAT. (1927) § 194.01. Carriers of persons or property over regular routes. Common carriers only.

Wyoming. Laws 1927, c. 98, amended by Laws 1929, c. 123. Carriers of persons or property, with a contradiction in terms as to whether carriage over irregular routes is included. Certificates must be granted as of right, as a result of the decision in *Weaver v. Public Serv. Comm.*, 40 Wyo. 463, 278 Pac. 542 (1929), that the 1927 act could not constitutionally be applied to contract carriers.