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THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO

RULES
AND
REGULATIONS
GOVERNING
PRIVATE
CARRIERS BY
MOTOR VEHICLE

("A" and "B"—FOR HIRE—PERMITS)

Effective June 1, 1960



By Order of
THE PUBLIC UTILITIES COMMISSION
of the
STATE OF COLORADO

JOSEPH F. NIGRO,
RALPH C. HORTON,
HENRY E. ZARLENGO,

Commissioners

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BEFORE THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF COLORADO

IN THE MATTER OF THE RULES
AND REGULATIONS GOVERNING
PRIVATE CARRIERS BY
MOTOR VEHICLE.

} Case No. 5177

.....

May 16, 1960

STATEMENT

By the Commission:

By statute (Chapter 115, C. R. S., 1953), the administration and enforcement of Rules and Regulations Governing Private Carriers by Motor Vehicle is vested in The Public Utilities Commission of the State of Colorado. The Commission is expressly given the power to prescribe rules and regulations as may be necessary for the effective administration of the provisions of said statute. Pursuant to that power, various Rules and Regulations Governing Private Carriers by Motor Vehicle have been adopted by the Commission.

Since the last revision of the Private Carrier Rules and Regulations, effective in 1955, changed conditions and circumstances affecting Private Carriers by Motor Vehicle have necessitated further amendment and revision of said Rules and Regulations. In consequence thereof, the Commission instituted this Case, on its own motion. Pursuant to the provisions of Section 2 of Chapter 37, Session Laws of 1959 (Administrative Code), notice of proposed rule-making proceedings must be given to every person who has requested to be placed upon the Commission's mailing list, and who has paid the fee therefor. No person having requested to be placed on said list, notice of the proposed adoption of Rules and Regulations Governing Private Carriers was given by the Commission to all persons, corporations, and partnerships as shown by the records of the Commission to be a holder of a Private Carrier Permit.

Pursuant to notice given, the Commission, on February 15, 1960, held a public hearing on proposed new Rules and Regulations Governing Private Carriers by Motor Vehicle.

After consideration of the record made at the hearing, and the suggestions made by counsel and the carriers, the Commission hereby promulgates, adopts, approves, and issues its revised "Rules and Regulations Governing Private Carriers by Motor Vehicle," which said Rules and Regulations are attached hereto, and by reference made a part of this Order.

ORDER

THE COMMISSION ORDERS:

That the Rules and Regulations hereto attached and made a part hereof, be, and the same are hereby, promulgated, adopted, and approved, hereafter to be designated as "Rules and Regulations Governing Private Carriers by Motor Vehicle."

IT IS FURTHER ORDERED, That all previous "Rules and Regulations Governing Private Carriers by Motor Vehicle" issued by this Commission are hereby cancelled, annulled, and revoked.

IT IS FURTHER ORDERED, That this Order, and the Rules and Regulations hereby promulgated, adopted, and approved, shall become effective June 1, 1960.

THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

JOSEPH F. NIGRO

RALPH C. HORTON

HENRY E. ZARLENGO

Commissioners

Dated at Denver, Colorado,
this 16th day of May, 1960.

ATTEST: A true copy:

J. J. MAHONEY

Secretary

(SEAL)

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

RULE 1

**Operators Shall Read Rules, Regulations, and Law;
Application of Rules.**

Every Private Carrier by motor vehicle, and all operators, drivers, and employees of any such private carrier by motor vehicle, shall read the following Rules and Regulations, and the statutes printed in this pamphlet, and shall become familiar with the same. These Rules apply to all Private Carriers by Motor Vehicle, as defined by law, operating in Colorado, and all such carriers shall at all times comply with these Rules and Regulations and all applicable statutes and laws of the State of Colorado.

RULE 2

Filing Fees.

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:

Filing Application—Intrastate Authority.....	\$25.00
Filing Application—Interstate Authority	5.00
Filing Application for Transfer, or Lease:	
Intrastate Authority	15.00
Interstate Authority	5.00

An application to extend authority, either intrastate or interstate, shall require the same fee as an original application.

No fee shall be required in filing an application to curtail authority.

RULE 3

Contents of Application for Permit.

Every Private Carrier by motor vehicle, before commencing operations, shall make application for a permit to The Public Utilities Commission. Said application shall contain the following information:

(a) The name and address of the applicant and the name under which the operation shall be conducted. If the applicant is a corporation, a statement of that fact, the name of the state in which it is incorporated, location of its principal office, if any, in this State, and the names of its Directors and Officers and Colorado Agent for Service. A corporation shall file with the Commission a certified copy of its Articles of Incorporation or Charter. If the applicant is a partnership, the names and addresses of all partners shall be set forth.

(b) A statement of the kind of transportation in which applicant intends to engage, whether passenger, freight, or express, and whether C.O.D. shipments will be handled.

(c) A statement of the area, route, or routes, or the points to be served, which may be set out in the applica-

tion or set forth in an exhibit attached thereto, accompanied by a map, blueprint, or sketch of the proposed route.

(d) A description of the equipment to be operated in the proposed service, and the reasonable value of the same as of the date of filing the application.

(e) A statement that the applicant is familiar with the Commission's Rules and Regulations, and the rates prescribed for motor vehicle Common Carriers, and that he will maintain such rates, or minimum rates, as may be prescribed by the Commission.

(f) Every application shall be signed by the applicant or his or its attorney or agent, with the address of the attorney or agent.

(g) Applications for permits to operate in interstate commerce to transport any commodities not excepted from the operation of the Federal Motor Carrier Act of 1935, as amended, shall be accompanied by a copy of applicant's authority to operate in interstate commerce as a "contract carrier" over the same route and for the transportation of the same commodities for which a permit is sought from this Commission, and no such permit to operate in interstate commerce will be issued until the Federal permit becomes effective.

RULE 4

Hearings—Issuance of Permits—Temporary Permits.

(a) All applications for intrastate permits will be set down for hearing, and written notice thereof given to all competing motor vehicle common carriers whose operations may be affected by the issuance of such permit, at least ten (10) days prior to the time fixed for such hearing.

(b) While, ordinarily, interstate permits will issue without notice or hearing, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended, the Commission, if it so elects, may require a hearing on the application.

(c) Where, in the opinion of the Commission, public necessity requires, the Commission may, in its discretion and without hearings or other proceedings, grant a temporary permit, such temporary permit, unless suspended or revoked for good cause, shall be valid for such time as the Commission may specify, but not to exceed ninety (90) days, and shall create no presumption that permanent authority will be granted thereafter. Such temporary permit shall expire on the expiration date therein set and shall thereafter be null and void without any hearing, unless otherwise ordered by the Commission.

RULE 5

Extension of Permit Prohibited Without Hearing.

(a) No private carrier by motor vehicle shall extend, or in any manner enlarge, change, alter, or vary the territory, route or routes, or the service authorized by his permit, or serve any points or transport any commodities not included therein, unless or until such private carrier has made application to the Commission upon forms to be provided by the Commission and the Commission has authorized the same.

(b) No private carrier by motor vehicle shall extend the route, territory, or privileges authorized in his or its permit by transporting or accepting for transportation any shipment which is to be delivered to another carrier, or carriers, for transportation to a point not authorized to be served by his or its permit.

(c) No private carrier by motor vehicle shall extend or enlarge the route, territory, or privileges authorized in his or its permit by transporting or accepting for transportation any shipment destined to or originating at any point intermediate to the termini of his or its route, unless service to intermediate points is authorized by any such permit.

RULE 6

Transfer, Consolidation, Merger and Acquisition of Control.

No private carrier by motor vehicle shall sell, lease, assign, mortgage, transfer, by act or deed or by operation of law, or otherwise dispose of or encumber its permit, or any right thereunder, by any means whatsoever, directly or indirectly, or merge or consolidate its permit, or any part thereof, with any other motor vehicle carrier, or to any one not a motor vehicle carrier, without first having received from the Commission an Order authorizing it so to do. Every such sale, lease, assignment, mortgage, encumbrance, transfer, merger, consolidation, or other disposition, made without the prior authorization of the Commission shall be void.

Whenever any such permit, or rights obtained thereunder, are owned or held by a corporation, there shall not be any sale, lease, assignment, mortgage, or transfer of the capital stock of such corporation as will effectuate control of the corporation, and indirectly the permit held by it, without first having been authorized to transfer said control by The Public Utilities Commission of the State of Colorado. Every assignment or transfer of control, or agreement for assignment or transfer by any means whatsoever, in violation of the above provisions, without prior approval of the Commission, shall be void and of no effect.

For the purpose of this regulation, control of the permit owned by said corporation shall be judged on the merits of each individual case, to the end that there shall be no control of the management of the corporation passing to any other person, or group of persons, other than those in control at the time ownership of the permit by the corporation was previously approved by this Commission.

The execution of a chattel mortgage, deed of trust, mortgage, or other similar document which has or has not been approved by the Commission, does not constitute a transfer within the meaning of this rule.

A transfer of a permit by means of foreclosure of a mortgage, deed of trust, or other lien or encumbrance upon such permit, or by an execution in satisfaction of any judgment or claim against the holder thereof, shall not be effective without the prior approval of the Commission.

The Commission will not approve a transfer of operating rights to a carrier who is the holder of operating rights duplicate, in whole or in part, except to an immaterial extent, to those proposed to be transferred, unless the transferee shall agree to cancel such duplicating rights.

A proposed transfer of operating rights will not be approved if the Commission finds that the transferee does not intend to, or would not engage in, bona fide motor carrier operations under such operating rights.

The transfer of any operating rights under which operations are not being conducted at the time of the proposed transfer, and have not been performed for a substantial period of time, will be allowed only upon the showing that the cessation of operations was caused by

circumstances over which the operator of such operating rights had no control, or had been suspended by an Order of the Commission.

Application for transfer shall be made in duplicate:

(a) Such application shall contain all information concerning the transferee or transferees now or hereafter required in original application.

(b) Said application will not be entertained unless all the rights granted under said permit are sought to be sold, assigned, leased, encumbered, or transferred, or the rights not so included are voluntarily surrendered.

(c) Unless said operating rights have been suspended by the Commission, it must appear upon the records of the Commission that such permit is in full force and effect, and that the permit-holder has the required insurance or surety bond on file and has made all reports, before said application will be considered by the Commission.

(d) The financial standing and qualifications of the transferee to conduct the operation must be established to the satisfaction of the Commission before application will be granted.

(e) The transferor must not cancel his insurance, surety bond, or tariffs on file with the Commission until the Commission has approved the transfer and until the transferee has filed all such documents in his own name.

(f) The transferee shall not begin operations until after the Commission has approved the transfer and until said transferee has filed all necessary documents with the Commission, including the Acceptance required by this Rule, and secured the necessary evidences of his authority.

(g) No transfer shall become effective in any event for any purpose unless and until the transferee shall file a written Acceptance with the Commission, accepting the terms and conditions of the Order allowing the transfer, and stating the exact date on which said transferee will begin and be responsible for operations under the permit. The Acceptance shall also contain a statement, which must be signed by the transferor, to the effect that transferee has complied with all provisions of the agreement of sale, lease, or other transfer.

RULE 7

Suspension or Revocation of Permit.

Any permit may at any time be revoked, suspended, altered, or amended by the Commission upon at least ten (10) days notice to the private carrier by motor vehicle and an opportunity to be heard, for any of the following reasons:

(a) Violation of or failure to comply with any statutory enactment concerning private carriers by motor vehicle.

(b) Violation of or failure to comply with the terms and conditions of his or its permit.

(c) Exceeding the authority granted in his or its permit.

(d) Violation of or failure to observe and comply with any lawful order, rule, or regulation of the Commission.

RULE 8

Dual Operations Prohibited.

Private carriers who also hold a certificate of public convenience and necessity from this Commission shall not transport freight under more than one of such authorities on the same vehicle or combination of vehicles at the same time.

RULE 9

Marking of Vehicles.

(a) No private carrier by motor vehicle shall operate any vehicle upon the public highways of this State unless and until such private carrier by motor vehicle shall carry, and cause to be painted upon each side of all motor vehicles, trucks, and trailers used by any such private carrier in the business of transporting persons or property for compensation or hire upon the public highways of this State, the following information in the style and size hereinafter provided:

(1) The name and address of the person, firm, corporation, or association to whom the private permit has been issued, in letters not less than two and one-half inches in height.

(2) The permit number assigned to such private carrier in letters and figures not less than two and one-half inches in height, arranged as follows:

"COLO. P. U. C. A (B)-0000"

Provided, however, that in lieu of the above required markings, Private Carriers by motor vehicle may use a detachable placard, constructed of metal, wood or other durable material, which shall be securely attached to each side of all the above-described vehicles and in the manner as above set out.

(b) All such lettering shall be of such color as will sharply contrast with the background upon which it is painted, and shall be placed on the vehicle in such location as will be readily seen and legible at all times.

(c) All markings shall be completely removed from all vehicles when permanently withdrawn from service or disposed of by the permit-holder, or when the permit has been cancelled by the Commission.

RULE 10

Identification Cards (Cab Cards) and Letters of Authority.

(a) No motor vehicle shall be operated upon the public highways of this State by any private carrier in intrastate commerce, unless and until said carrier has obtained and placed upon said vehicle a letter of authority, stating the operating authority issued to said carrier by the Commission. Said letter of authority shall be obtained from the Commission upon the request by the carrier in such quantity as the carrier may need or require.

(b) No motor vehicle shall be operated upon the public highways of this State by any private carrier, in interstate commerce, unless and until said carrier has obtained and placed upon said vehicle an identification card. Said identification cards shall be obtained from the Commission upon request by the carrier in such quantity as the carrier may need or require.

(c) The letters of authority and identification cards herein required shall be marked "continuous unless revoked, cancelled, suspended, altered or amended" by the Commission. No carrier may alter either the said letters of authority or identification cards in any manner whatsoever.

(d) Whenever any vehicle is leased, as provided for by these rules, by a private carrier engaged in intrastate commerce, and lease has been approved by the Commission, a letter of authority to be issued by the Commission shall be placed upon said leased vehicle.

(e) Whenever any vehicle is leased by a private carrier engaged in interstate commerce, and the lease

has been approved by the Commission, an identification card to be issued by the Commission shall be placed upon said leased vehicle.

(f) No list of equipment need be filed with the Commission other than a list of the number of vehicles to be operated in order to obtain for each vehicle a letter of authority or identification card, as the case may be.

RULE 11

Equipment.

All permit-holders shall either own their own motor vehicles operated under their permits (proprietary control being deemed ownership), or lease such equipment, in accordance with these Rules. Provided that where there is any restriction as to the size or number of vehicles that may be used under a permit, then the permit-holder shall file a description of all vehicles used.

RULE 12

Leasing of Equipment as Lessee.

Unless the Commission finds after a hearing that the public interest otherwise requires, no Private Carrier shall, as lessee, lease or rent equipment to be used under his permit except in accordance with these Rules. Leases shall be filed in the form attached hereto as "Appendix A."

(a) No lease of equipment shall be executed for any period less than three (3) months, but shall be subject to cancellation by either party to said lease upon fifteen (15) days' written notice of cancellation served upon the other party and the Commission.

(b) Leasing of equipment shall not include the service of a driver or operator. Employment of drivers or operators shall be made on the basis of a contract by which the driver or operator shall bear the relationship of an employee to the carrier. The leasing of equipment or employing of drivers, with compensation on a percentage basis dependent on gross receipts per trip, or for any period of time, is prohibited.

(c) All leases shall be in writing, signed by the parties thereto, and approved by the Commission. Said leases shall specify the period of time for which they are to be in effect, and shall specify the consideration to be paid by the lessee, and during the entire period of such lease, a signed and approved copy thereof shall be carried in each motor vehicle covered thereby. During the existence of the lease, the lessee shall have full discretion and complete control of said motor vehicle(s), and will be fully responsible for the operation thereof in accordance with applicable law and regulations as if lessee were the owner of such vehicle(s), including the requirements of these Rules as to safety of equipment and inspection thereof, and insurance coverage.

(d) The Commission shall, at all times, have the right to examine all leases of equipment, and approve or disapprove the same.

(e) No Private Carrier shall lease or rent his equipment, or otherwise transfer proprietary control of or the responsibility for the operation thereof, to any person, firm, or corporation not a carrier by motor vehicle for hire.

RULE 13

Emergency Equipment—Emergency Letters.

(a) Whenever any Private Carrier by motor vehicle, in cases of emergency or unusual demands for transportation from any customer with whom such carrier has a contract for such service, must use motor vehicle equipment not owned by him or under lease to him or for which

letters of authority have not been issued, the carrier may engage such other equipment as is necessary to meet the emergency and demands. The permit-owner shall, before the emergency equipment is placed in operation, issue an Emergency Letter, in the form attached hereto as "Appendix A-1," and place one copy of the letter upon the emergency vehicle; one copy shall be mailed immediately to The Public Utilities Commission of the State of Colorado, and be on file with said Commission within three (3) days after the issuance thereof, and one copy shall be retained by the carrier. The Emergency Letter required herein shall not be for a period of more than ten (10) days, and shall contain the following information:

1. Name and address of the carrier issuing the letter.
2. Permit number of the issuing carrier.
3. License number of the vehicle used.
4. Complete description of the vehicle.
5. Nature of emergency.
6. Origin and destination of vehicle movement.
7. Period the emergency vehicle is to operate.

(b) The driver or operator of any such emergency vehicle need not bear the relationship of an employee to the carrier, but in all such cases, all requirements of these Rules shall be complied with by said driver and operator, and the carrier hiring said equipment and driver shall be held fully responsible for said driver and operator in regard to insurance and all other requirements of law and of these Rules.

(c) Where interstate freight is carried in a trailer or semi-trailer which is turned over to a connecting carrier and a "Receipt and Inspection Report" is executed and carried on the trailer or semi-trailer as required by the Rules and Regulations of the Interstate Commerce Commission, it shall not be necessary to execute an "Emergency Letter" as provided in subsection (a) above.

RULE 14

Use of Permits by Others Than Permit-Holder.

No Private Carrier by motor vehicle shall permit or authorize any other person, firm, or corporation, whether a motor carrier or not, to operate any vehicles, except emergency vehicles permitted by these Rules, under his or its permit, without first having obtained the consent of the Commission, in writing. Any Private Carrier permitting any person, firm, or corporation to operate vehicles under his or its permit, either with or without the authorization of the Commission, shall be responsible for any violations of law or any of the Rules and Regulations of the Commission committed by such user.

RULE 15

Insurance—Surety Bond.

(a) Every Private Carrier by motor vehicle shall obtain and keep in force at all times Public Liability and Property Damage Insurance, or a surety bond providing similar coverage, issued by some insurance or surety company authorized to do business in the State of Colorado, which shall be in such form, with such schedules and endorsements as may be prescribed by the Commission, covering all vehicles which may, at any time, be operated by or for, or which may be under the control of, the carrier (such coverage to be accomplished by so-called "Waiver of Description" endorsement on each policy), in no less amounts than the following:

1. Passenger Carriers:

Passenger Capacity	Total for D'th or Injury to any One Person	Total L'bility in any One Accident	Prop'ty Damage
12 or less	\$25,000	\$ 50,000	\$ 5,000
13 to 18, inclusive	25,000	70,000	5,000
19 to 24, inclusive	25,000	90,000	5,000
More than 24	25,000	100,000	5,000

2. Vehicles used in transportation of property:

For death or injury to any one person	\$25,000
Total liability in any one accident	50,000
Property damage	5,000

3. Cargo coverage:

Light weight vehicles, one ton or less rated capacity	\$ 500
Medium weight vehicles, over one ton and not to exceed three and one-half tons rated capacity	\$ 750
Heavy weight vehicles, over three and one half tons rated capacity	\$ 1,000

Provided that no cargo carrier shall, in any event, accept or transport any single shipment unless the declared value of the shipment is covered by trip insurance or other cargo insurance.

The Commission may increase, decrease, or amend these requirements as to the extent of coverage for any carrier.

(b) A Certificate of Insurance (or Surety Bond), executed by a duly authorized agent of the insurer, shall be filed with the Commission in lieu of the original policy, such certificate to be in a form prescribed by the Commission. Original policy is to be retained by the assured and kept available for inspection by any authorized representative of the Commission.

(c) All insurance coverage must be filed with the same initials, name, trade or corporate name, and address as listed in the application for the permit, subject to changes of address upon written notice to the Insurance Department of the Commission.

(d) Every insurance certificate required by and filed with the Commission shall be kept in full force and effect unless and until cancelled by ten (10) days' written notice, which time shall run from the date the notice is actually received by the Commission, and the certificate shall contain a statement to this effect.

RULE 16

Compliance With Colorado Motor Vehicle Laws.

All Private Carriers by motor vehicle shall comply with the provisions of the Colorado Motor Vehicle Laws and other State, Federal, or local legislation applicable to the use of motor vehicles upon the public highways of this State, and all rules concerning lights, brakes, size, weight, and loads of any such motor vehicles, and all laws governing the registration and licensing of vehicles, equipment and drivers.

RULE 17

No Advertising.

No Private Carrier shall advertise in any newspaper, magazine, or other publication, or otherwise hold himself out to serve the public indiscriminately. Nothing in this Rule shall be so construed as prohibiting any Private Carrier from soliciting contracts for the transportation of passengers or freight as he may be entitled under the laws.

RULE 18

Contracts and Customer Lists.

(a) No Private Carrier by motor vehicle operating in Colorado shall engage in any act of transportation for hire unless and until such carrier has a bona fide contract, either written or oral, with the shipper for whom the transportation is performed, and every Private Carrier hauling in violation of this Rule shall be deemed prima facie to be operating unlawfully and his permit shall be subject to revocation.

(b) Every Private Carrier shall file with the Commission a list of all shippers with whom the carrier has contracts, and new, revised customer lists shall be filed with the Commission on or before March 1 of each calendar year. Amended customer lists may be filed from time to time as may be necessary or convenient, and the Commission may at any time require a revised list to be filed. The Commission, on request, will supply forms for use in preparing customer lists.

(c) Whenever any Private Carrier enters into a contract with a shipper who is not then on the carrier's customer list, the carrier shall immediately notify the Commission, by letter, of the addition of said shipper to the carrier's customer list, and if, by contract expiration or otherwise, a shipper ceases to be a customer of the carrier, the Commission shall likewise be notified of the deletion of the shipper from the customer list. No shipment shall be accepted by the carrier, and no haul shall be made for any shipper not on the carrier's customer list, unless and until the letter notifying the Commission of the addition of such shipper to the carrier's customer list has been deposited in the mail.

(d) Copies of all written contracts of carriage in force between shippers and private carriers shall be retained by the carrier in a file for the purpose, and such contracts shall, at all times, be kept available for inspection or examination by the Commission.

(e) When an oral contract of carriage is entered into between a shipper and a Private Carrier, the carrier shall immediately make a written memorandum of such oral contract in a book to be kept for the purpose, such memorandum to include the name of the shipper, the name of the person with whom the contract was negotiated, the date and term of the contract, the commodities to be transported, the principal origin and destination points of the carriage, and all other material provisions of the contract. The book containing the memoranda of oral contracts shall, at all times, be kept available for inspection or examination by the Commission.

(f) The act of any Private Carrier in filing or keeping on file with the Commission the name of any shipper as a customer of such carrier, when the carrier cannot support such filing by exhibiting a copy of the written contract or the written memorandum of the oral contract with such shipper, shall be prima facie evidence that such carrier is operating unlawfully and in violation of his permit, and the Commission may institute proceedings to cancel or suspend the permit of any such Private Carrier.

(g) The Commission, at all times, shall have the right to investigate all customer lists and customer contracts, and to approve or disapprove such lists and the whole or any part of such contracts.

RULE 19

Rates and Charges.

(a) Every Private Carrier by motor vehicle operating in intrastate commerce and competing with any one or more duly authorized motor vehicle common carriers shall charge and receive for the transportation of persons and property not less than the minimum rates and charges applicable to such private carriers which shall be fixed from time to time by the Commission, and said minimum rates and charges shall not be less than the rates prescribed for motor vehicle common carriers for substantially the same or similar service.

(b) When competing with any two or more connecting motor vehicle common carriers who have on file with the Commission a tariff of joint through rates based upon the through mileage prescribed in any Order of the Commission fixing the rates of motor vehicle common carriers, every Private Carrier by motor vehicle shall charge not less than the minimum rates prescribed by the Commission, which shall not be less than those provided in any such joint tariff applicable to the points served. If no joint through rates are published and maintained by any such connecting motor vehicle common carriers, then any such private carrier by motor vehicle shall charge not less than the minimum rates prescribed by the Commission, which shall not be less than the combination of local rates for common carriers prescribed by the Commission for application between the points served.

(c) The rates and charges collected or to be collected by Private Carriers shall be subject to the requirements of these Rules as to filing tariffs with the Commission.

(d) The Commission may, at any time, after hearing, change, amend, or alter any tariff or rate of any Private Carrier competing with a motor vehicle common carrier, and may fix the exact rates to be charged by any such Private Carrier.

RULE 20

Tariffs To Be Filed.

(a) Every Private Carrier competing with a motor vehicle common carrier shall file with the Commission, within the time and in the form herein prescribed, and shall keep on file with the Commission at all times, schedules showing minimum rates, charges, and collections, collected or enforced, or to be collected or enforced, which in any manner affect or relate to the operations of any such Private Carrier.

(b) No Private Carrier shall refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates and charges specified in the applicable tariff.

(c) If the Commission, upon examination of any tariff or supplement filed by a Private Carrier, shall find that such tariff shows a rate or charge less than the minimum rates for Private Carriers prescribed by the Commission, then, even though such tariff may have become effective, the carrier, upon notice from the Commission, shall proceed to collect all undercharges from the shippers affected.

RULE 21

Compilation of Tariffs and Classifications.

All Private Carriers shall file with the Commission one copy of a tariff showing the rates, fares, charges, rules and regulations for transportation, such tariff to be in the form prescribed by the Commission, which form is set forth in Appendix E to these Rules.

RULE 22

Bills of Lading.

(a) Every Private Carrier by motor vehicle, unless otherwise provided herein, shall issue, at time of accepting shipment, a bill of lading covering each shipment, which shall be itemized in a manner so as to fully and clearly show the description and classification of the shipment and the rate charged for transportation thereof.

(b) Private Carriers by motor vehicle, when engaged in transporting milk and cream, ore, concentrates, coal, sand, gravel, gasoline, oil, grain, or other bulk commodities in truck loads from one consignor to one consignee, at one time, will not be required to issue and carry bills of lading if some other written record of each shipment is issued, received, and carried by the carrier, showing the description, classification, and rate as above required.

(c) All bills of lading and livestock shipping contracts shall be numbered in numerical order, and may be in the forms prescribed by the Commission (which forms are set forth in Appendix B and Appendix C hereto) or the Uniform Bill of Lading, and shall, prior to the commencement of transportation, be duly filled out and signed by the shipper or his duly authorized agent.

(d) Copies of all bills of lading shall be filed in chronological order separate and apart from all other records, and retained by the carrier at his or its place of business within the State of Colorado for a period of at least two years, and shall be made available to the Commission or its representatives upon request.

(e) Where there is any conflict, the provisions of this Rule shall supersede Item No. 2, Appendix A (Uniform Bill of Lading) to the Orders of this Commission in Case No. 1585.

RULE 23

Load Sheets or Manifests.

(a) Every Private Carrier of freight by motor vehicle, except as herein provided, shall carry with each truck a load sheet or manifest, or in lieu thereof, duplicate bills of lading or freight bills, showing all shipments, except milk and cream, carried on each truck, which shall be subject to inspection at all times. Such load sheets or manifests shall be in substantially the form shown in Appendix D, entitled "Daily Trip Report."

(b) This load sheet or manifest shall be made out in duplicate for each motor vehicle carrying freight (property for hire) by the forwarding agent or office of the carrier prior to the beginning of each trip. The second copy shall be delivered to the driver, who will, after completing the trip, add to the report the shipments taken aboard en route, if any, and return the report to the general office or dock of the carrier. The original copy shall be retained at the forwarding office, which, after receiving the driver's or second copy, shall have transcribed thereon the record of additional shipments, if any, taken aboard by the driver. These load sheets or manifests shall be numbered in numerical order by print at the time of printing. The load sheet or manifest, when properly filled out, shall contain

the number of all bills of lading or express receipts, the destination, consignor, consignee, weight, amount, miles, and ton-miles of the shipment covered by the freight bill, together with the make and license number of the truck and the signature of the driver, or drivers. All interstate private carriers by motor vehicle shall keep a copy of each such manifest or load sheet at some place in the State of Colorado, which shall show the foregoing details concerning every shipment transported into or out of the State.

(c) Every Private Carrier by motor vehicle shall preserve one complete original copy of every such load sheet or manifest issued, in numerical order, at his or its principal office within this State, for a period of at least two (2) years.

(d) Private Carriers by motor vehicle engaged in transporting ore, concentrates, newspapers, coal, sand, gravel, gasoline, oil, or other bulk commodities in truck loads from one consignor to one consignee, will not be required to carry the load sheets or manifests required by this Rule, if, in lieu thereof, a bill of lading, shipping order or some other written record of each load or trip is kept and carried on each truck, and shall be preserved in numerical or chronological order for a period of at least two years as required by this Rule for the preservation of manifests or other daily trip reports. All such load sheets, trip reports, manifests, bills of lading, shipping orders, or other written records kept under the provisions of this Rule shall be filed separately from all other records of the Private Carrier, and shall be made immediately available to the Commission or its representatives upon request.

RULE 24

Transportation of Explosives and Dangerous Articles.

All Private Carriers by motor vehicle who are authorized by Order of this Commission to transport explosives and/or other dangerous articles shall maintain standards of care and safety devices which at minimum meet the requirements of the Rules and Regulations of the Interstate Commerce Commission concerning the transportation of explosives and/or other dangerous articles.

RULE 25

C. O. D. Shipments.

(a) No Private Carrier shall accept any C.O.D. shipments or otherwise collect money from any consignee to be paid to the consignor, unless such carrier shall have on file with the Commission cash or a Surety Bond in an amount not less than \$2,000, in such form as the Commission may prescribe, conditioned upon the true and prompt payment of any such C.O.D. or other collections by the carrier to the consignor. Said Surety Bond shall authorize the Commission summarily to apply any part or all of the amount thereof to the payment of any C.O.D. or other collection account owed by the carrier to any consignor, which the carrier has not paid within ten (10) days after the receipt thereof.

(b) No C.O.D. shipment shall be delivered by any carrier unless the consignee shall pay the full amount of the charges due thereon, and delivery of C.O.D. merchandise shall constitute prima facie evidence that payment has been received by the carrier, and shall authorize the Commission to pay the charge from the C.O.D. deposit on file.

(c) The Commission may waive this Rule and allow self-insurance by Private Carriers upon application showing financial responsibility to the satisfaction of the Commission.

RULE 26

Sanitary Regulations.

(a) All motor vehicles used for the transportation of foodstuffs shall be kept in a clean and sanitary condition, and all Private Carriers shall comply with the Rules and Regulations of the State Department of Agriculture and the State Dairy Commissioner when transporting milk, cream, and other commodities, the transportation and distribution of which are under the jurisdiction of the above-mentioned departments of the State.

(b) No Private Carrier by motor vehicle shall transport milk and cream or other foodstuffs upon the same vehicle with livestock or live poultry, unless such carrier secures the prior approval of the Commission and complies with Section (a) of this Rule.

(c) No Private Carrier by motor vehicle shall transport milk, cream, or other foodstuffs upon the same vehicle with gasoline, kerosene, oil, mixed feeds, coal, or other commodities that might contaminate the milk, cream, or other foodstuffs, unless the same are carried in a separate, tightly closed compartment.

RULE 27

Drivers: Maximum Hours.

(a) No Private Carrier shall cause or allow any driver or operator to work as such for more than a maximum of ten (10) driving hours in the aggregate in any twenty-four-hour period unless such driver, or operator, shall be off duty for at least eight consecutive hours' rest during or immediately following the ten hours' aggregate driving and within said twenty-four-hour period, provided that two periods of resting or sleeping in the truck berth may be cumulated to give the total of eight hours off duty. No carrier subject to these regulations, if himself a driver, shall remain on duty or drive for longer periods than those prescribed for employed drivers.

(b) In case of any emergency, a driver may complete his run without being in violation of the provisions of these regulations, if such run, except for said emergency, could reasonably have been completed without such violation.

RULE 28

Stops at Railroad Crossings.

(a) The driver of any motor vehicle carrying passengers for hire, or of any vehicle carrying explosive substances or inflammable liquids, as a cargo, or part of a cargo, before crossing at grade any track or tracks of any railroad, shall bring such vehicle to a full stop out of the line of traffic as far as possible, within fifty (50) feet, but not less than ten (10) feet from the nearest rail of such track or tracks, and while so stopped shall listen and look in both directions along such track or tracks for any approaching locomotive, train, or car, and for signals indicating the approach of a locomotive, train or car, and shall not proceed across said track or tracks until such crossing may be safely made. No stop need be made at any such crossing where a police officer or a traffic control signal directs and controls the flow at such crossing.

(b) The foregoing rule shall not apply to the operations of motor vehicle carriers within municipalities over the tracks of electric railroads.

(c) Where there are two or more adjoining main line tracks at any public highway grade crossing, located one hundred and twenty feet or more apart, measured center to center of tracks, and where such tracks are closer together, and conditions make it necessary, in the opinion of

the Commission, to stop such vehicles, then the driver of such motor vehicle shall cause such vehicle to come to a full stop at each track.

RULE 29

Rule Exemption.

In case of hardship, a carrier may file written application for relief, stating therein the grounds for relief, and the Commission, after hearing, if satisfied, may suspend such Rule(s) or Regulation(s) affecting such carrier as it deems just.

* * *

**APPENDIX A (Rule 12)
LEASE OF MOTOR VEHICLE EQUIPMENT
(To be made in duplicate)**

THIS AGREEMENT, Made and entered into this _____ of _____, 19____ by and between _____ day month _____, of _____, Name Street Address _____, hereinafter called Lessor, Town and State or Truck Owner, and _____, Name of _____, Street Address Town and State hereinafter called Lessee, or the Business Owner or Manager.

WITNESSETH, THAT WHEREAS, Lessor is the owner of certain motor vehicle equipment suitable for the transportation of property, which equipment is more particularly described as follows:

	Make	Year	License No.	State	Motor No.
Tractor or Truck					
Trailer					

Insured by _____
(In amounts of not less than \$25,000 and \$50,000 Public Liability and \$5,000 Property Damage, as required by Law.)

AND WHEREAS, Lessee is transporting (freight) (own merchandise) over the public highways of the State of Colorado under the following authority from The Public Utilities Commission of the State of Colorado:

Certificate No. Permit No.

AND WHEREAS, Lessor desires to lease the above described motor vehicle equipment to Lessee, and Lessee desires to consummate such lease:

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED between the parties hereto that for the consideration, as stated in paragraph 2 below, Lessor does hereby lease unto Lessee for the period of _____ (not less than three months), from the date first above written, only the motor vehicle equipment above described (driver not included). Driver of each vehicle shall be exclusively the employee of the Lessee and carried on Lessee's payroll). Subject to the following conditions:

1. That during the existence of this lease the motor vehicle equipment above described shall be under the complete control of the Lessee.

2. As consideration, Lessee agrees to pay Lessor for the use of said equipment as follows: _____

(Compensation on percentage basis not acceptable. A consideration of \$1.00 and other valuable considerations not sufficient to cover lease. So much per day, week, month, period of lease, or so much per rolling mile is acceptable.)

3. This lease may only be cancelled by the joint agreement of the parties hereto and only after fifteen (15) days' written notice by the parties hereto to The Public Utilities Commission of the State of Colorado.

Lessor

Lessee

APPENDIX A-1 (Rule 13)

P. U. C. EMERGENCY LETTER

Permit No.

TO WHOM IT MAY CONCERN:

Under the rules and regulations of The Public Utilities Commission of the State of Colorado governing emergency motor vehicle equipment.

.....
(Name of Permit Holder) (Address)

is operating the following-described equipment under the above-stated Colorado Public Utilities Commission authority:

.....
(Make of Vehicle) (Motor Number) (State) (License Number)

.....
(Owner's Name) (Owner's Address)

.....
(Operator's Name) (Chauffeur's Number)

This emergency equipment is being operated for the purpose of transporting by motor vehicle property or merchandise described as:

.....
.....

and said property or merchandise is being transported from:

..... to
(Consignee) (Address)

.....
(Consignor) (Address)

This emergency equipment will be used under the above-stated conditions for the period of: (not to exceed 10 days).

.....
(Give Date or Dates)

and for the reason that.....

.....
(Give full particulars why this equipment is being used)

Date....., 19..... (Signed).....
(Permit Holder)

APPENDIX B (Rule 22)

FORM OF
BILL OF LADING

(To be executed in triplicate)

Shipper's No.....

Carrier's No.....

(To be printed on "white paper")

.....
(Name of Truck Line)

(Private Carrier Permit No.....)

RECEIVED, subject to the contract, classifications, and tariffs in effect on the date of the issue of this Bill of Lading, at:

....., 19....., from.....
(Point of Origin) (Name of Shipper)

the property described below, marked, consigned, and destined as indicated below, which said Truck Line agrees to carry to its usual place of delivery at said destination.

Consigned to
(Name of Consignee)

Destination:, State of,
County of.....

No. of Packages	Description of Articles, Special Marks and Exceptions	Weight (Subject to Correction)	Class or Rate	Freight Charges

NOTE: Where the rate is dependent on value, shippers are required to state specifically, in writing, the agreed or declared value of the property.

The agreed or declared value of the property is hereby stated by the shipper to be not exceeding.....
per.....

.....
(Shipper)

.....
(Carrier)

By..... By.....

Permanent Post Office Address

of Shipper:

APPENDIX C (Rule 22)

FORM OF
UNIFORM LIVESTOCK TRUCK BILL OF LADING
(To be executed in quadruplicate)

UNIFORM LIVESTOCK TRUCK BILL OF LADING

Date....., 19.....

Received of

P. O. Address

Loaded at

Remit Proceeds to

Consigned to

Destination

This shipment accepted by carrier subject to the regulations of the Colorado PUC.

Pen	Cattle	Calves	Hogs	Sheep	Horses and Mules	Dead Crip. on Arrival	Tag No.

Description and Weight

Consignment Insured by.....Insurance Co.

If Mortgaged, to Whom?

Transportation RatePer Cwt.

Other Trans. Charges

Signature of Owner or Agent

Truck Owner

ByAuthorized Agent

Truck Owner's Address

Truck License No.....

State Permit No.....

Arrived on....., 19..... A.M. P.M.

Stockyards Receiving Clerk

Chute PenLot Mark

Yarded in Pen No. Driver

Received by (Consignee)

**APPENDIX D (Rule 23)
DAILY TRIP REPORT**

ORIGINAL

Make of Truck or Bus.....
Permit No.....
Driver.....

From.....
To.....
.....

Truck No.....
Place No.....
Date.....

Carrier

Bill of Lading No., Livestock Shipping Contract No. or Freight Bill No.	No. of Passengers or Pieces	From	Consignor	Consignee	Destination	Weight	Miles Distance	Rate	Passenger or Ton Miles
Totals									

Total Tax \$.....

This report must be made in duplicate, the second copy to be delivered to the driver, who, after completing the trip, will add to the report any shipments taken aboard en route, and forward the report to the general office of the carrier, to be preserved in the carrier's records.

APPENDIX E (Rule 21)
(Sample form of freight tariff)

TITLE PAGE
(Size of paper 8½ x 11 inches)

Colo. P. U. C. No.....

.....Truck Line

TRUCK TARIFF NO.....

NAMING RATES FOR THE
TRANSPORTATION OF FREIGHT
(Specify commodities where certificate or permit is
limited to certain commodities)

Between

and

(Here set out specifically description of territory
authorized to operate in)

and

INTERMEDIATE POINTS
(Omit this application if intermediate points are
not authorized)

Governed, except as otherwise provided herein by the
National Motor Freight Classification No.....,
supplements thereto and re-issues thereof.

Issued..... Effective.....

Except upon special authority from the Commission,
the effective date of tariffs must be not less than 30 days
after the date of issue.

Issued by..... Truck Line

Address

By.....

Owner or Manager

RULES AND REGULATIONS

Insert under this heading a full set of rules and regu-
lations applicable to the individual's own operation. (See
rules prescribed by the Commission.) (Use as many pages
as are necessary.)

EXCEPTIONS TO THE NATIONAL MOTOR
FREIGHT CLASSIFICATION

(Under this heading enter the exceptions set forth.)

RATES IN CENTS PER 100 POUNDS

Under this heading set forth your class rates and any
commodity rates which you are using, bearing in mind any
rate prescribed by the Commission must be published in
accordance with the governing law.

PRIVATE CARRIER ACT

Foreword

Under Colorado law, "Private Carriers" are the for-
hire carriers commonly known elsewhere as "Contract
Carriers." Persons hauling their own products are known
as "Commercial Carriers" in Colorado, and are not "Private
Carriers."

The original statute dealing with Private Carriers
(Contract Carriers) in Colorado was passed as House Bill
No. 173, Chapter 120, Colorado Session Laws of 1931.
The Act, with amendments, appears as Sections 348-370,
Subsection 3, Article 4, of Chapter 16, 1935 Colorado
Statutes Annotated. The following compilation is from
the Colorado Revised Statutes, 1953, and includes all
amendments to date.

ARTICLE II

Private Motor Carriers.

115-11-1. **Definitions.** In this article, unless the context otherwise requires, the following terms shall be construed as follows:

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

(2) The term "person" means an individual, a firm, or a partnership.

(3) 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 the public utilities commission.

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

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

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

(7) The term "compensation" shall mean money or property of value charged or received, or to be charged 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 article, any person, property, article or thing.

(8) 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 subsection (4) of section 115-9-1, owning, controlling, operating or managing any motor vehicle in the business of transporting persons or property of others for compensation or hire over any public highway of this state between fixed points or over established routes, or otherwise, by special contract or otherwise.

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

(a) 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;

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

115-11-2. **Compliance required—exceptions.** 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 article or of article 9 of this chapter. Nothing in this article shall apply where a private individual carries a neighbor or a friend on a trip; nor to motor vehicles especially constructed for towing, wrecking and repairing, and not otherwise used in transporting property; nor to hearses or ambulances.

115-11-3. **Obtain permit from commission.** It shall be unlawful for any private carrier by motor vehicle, as defined in section 115-11-1 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. It is hereby declared that the business of private carriers by motor vehicle as defined in this article, is affected with a public interest and that the safety and welfare of the public traveling upon such highways, the preservation and maintenance of such highways, and the proper regulation of motor vehicle common carriers using such highways require the regulation of private carriers by motor vehicle to the extent hereinafter provided, for which purposes, 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 and privileges granted, such terms and conditions as are reasonable.

No application for permit nor for any extension, or enlargement of an existing permit, shall be granted by the commission until after a hearing, nor shall any such permit, nor any extension or enlargement thereof be granted if the commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes. The commission shall give written notice of such hearing to all persons, firms or corporations interested in or affected by the issuance of such permit at least ten days prior to the time fixed for such hearing. No existing permit shall be transferred until the financial standing of the transferee is established to the satisfaction of the commission.

This article shall not apply to any motor vehicle carrier as defined by section 115-9-1, 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 liability applicable to a common carrier.

115-11-4. Permit may be sold or transferred. 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.

115-11-5. Repealed.

115-11-6. Repealed.

115-11-7. Repealed.

115-11-8. Repealed.

115-11-9. Repealed.

115-11-10. Repealed.

115-11-11. Repealed.

115-11-12. Commission to make rules—prescribe rates. The Commission is hereby vested with the power and authority and it is hereby made it express duty to prescribe such reasonable rules and regulations covering the operations of private carriers by motor vehicle as may be necessary for the effective administration of the provisions of this article.

Every private carrier is hereby forbidden, by discrimination or unfair competition, to destroy or impair the service or business of any motor vehicle common carrier or the integrity of the state's regulation of any such service or business; and to that end, the commission is hereby vested with power and authority and it is hereby made its duty to prescribe minimum rates, fares and charges

to be collected by private carriers when competing with duly authorized motor vehicle common carriers, which rates, fares and charges shall not be less than the rates prescribed for motor vehicle common carriers for substantially the same or similar service. Under such rules and regulations as the commission may prescribe, every private carrier, subject to the provisions of this article, shall file with the commission within such time and in such form as the commission may designate, and shall keep on file with the commission at all times, schedules showing rates, charges and collections, collected or enforced, or to be collected or enforced, which in any manner affect or relate to the operations of any such private carrier; and the commission shall have full power to change, amend or alter any such tariff or, after hearing, fix the rates of any private carrier, or carriers, subject to the provisions of this article and competing with a motor vehicle common carrier.

115-11-13. Enforcement power — inspection. The commission is hereby empowered to administer and enforce any and all provisions of this article, including the right to inspect the books and documents of all private carriers by motor vehicle.

115-11-14. Repealed.

115-11-15. Violation — penalty. Any person, firm, association, or corporation who shall use any public highway of this state for the transportation of passengers or property as a private carrier by motor vehicle without first obtaining a permit therefor, as provided, or in violation of any of the terms of such permit, or who fails to make any report required by the commission, or who denies the commission access to his or its books and records, or makes a false report, shall be guilty of a misdemeanor, and shall, upon conviction thereof be punished as provided in 115-11-19.

115-11-16. Filing fees. The commission shall charge all private carriers by motor vehicle, in addition to the highway compensation taxes and fees provided, the following fees: Filing fee for application for a permit in intrastate commerce, twenty-five dollars; filing fee for an application for a permit in interstate commerce, five dollars; filing fee for application to transfer a permit authorizing intrastate commerce, fifteen dollars; filing fee for application to transfer a permit authorizing interstate commerce only, five dollars. All fees charged and collected under this section shall be paid into the treasury of the state, to the credit of the general fund of the state.

115-11-17. Liability insurance or surety bond required. Every private carrier by motor vehicle, as defined in this article, 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.

115-11-18. Commission may revoke permit. The commission 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 under this article, and when it shall have been established to the satisfaction of the commission that such holder has violated any of the provisions of this article, 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, may revoke, suspend, alter or amend any permit issued under this article; and the holder of such permit shall have all of the rights of hearing, review and appeal as to such order or ruling of the commission as are now provided by articles 1 to 7 of this chapter. 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.

115-11-19. Violation—penalty. Every private carrier by motor vehicle and every officer, agent or employee of any private carrier by motor vehicle, and every other person or corporation who violates or fails to comply with or who procures, aids or abets in the violating of any provision of this article, or who fails to obey, observe or comply with any order, decision, rule or regulation of the commission, or who procures, aids or abets any person or corporation in his or its 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 more than one thousand dollars, or by imprisonment in the county jail for not more than six 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 process and conduct sales in any county or city and county of this state.

115-11-20. Jurisdiction of courts. The district court, or within its jurisdiction the county court or a justice of the peace court of any county in or through which any private carrier by motor vehicle operates, shall have jurisdiction in all matters arising under this article on account of the operation of such private carrier by motor vehicle, except as otherwise provided in this article, 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 article.

115-11-21. Actions against violators — procedure. 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 of 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 has 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 violation 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 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 article, 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 article 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, employees 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.

115-11-22. Carriers exempted. Nothing in this article 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.

115-11-23. Applies to interstate commerce, when. The provisions of this article 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.

115-11-24. Public utilities law applies. The provisions of articles 1 to 7 of this chapter 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 article.

* * *

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