PUBLIC SERVICE COMMISSION: Interstate carriers—no special laws enacted dealing with same; what rules commission may make to regulate interstate commerce.

April 17, 1933.

Hon. Perry McCart, Chairman,
Public Service Commission,
State House,
Indianapolis, Indiana.

Dear Mr. McCart:

I have before me your inquiry of March 30, 1933, in which you propound two questions with reference to Section 1, Chapter 44 of the Acts of 1933, approved February 24, 1933, which Act concerns interstate motor vehicle carriers.

Section 1 of the above Act provides:

"Sec. 1. Be it enacted by the General Assembly of the State of Indiana, that it shall be unlawful for any person, firm or corporation to operate or cause to be operated any motor vehicle for hire in interstate commerce over the highways of the State of Indiana until the owner of such vehicle shall have complied with all the general and special laws of the State of Indiana and the rules and regulations of the Public Service Commission of Indiana concerning motor vehicles used for hire, insofar as the same are applicable to motor vehicles used for hire in interstate commerce and has paid the fees required by law to be paid by operators of motor vehicles used for hire in interstate commerce; provided, however, that nothing contained in this act shall be construed as repealing the reciprocity laws between states concerning license plates on commercial motor vehicles."

I am not aware of any special laws enacted heretofore by the General Assembly dealing with interstate carriers, and of course such special laws are specifically prohibited by our State Constitution. As to the general laws of this state, dealing with interstate as well as intrastate carriers, which existed prior to such laws as were enacted during the 1933 Session of the General Assembly, there are, of course, the general laws dealing with vehicle licenses, drivers' licenses, etc., with which the Commission is not concerned, and the only
motor vehicle common carrier legislation which the Commission has jurisdiction over is to be found in the Acts of 1925, at page 138, which legislation is generally referred to as the Motor Vehicle Supplementary Act, and subsequent amendments thereto.

I conclude, therefore, that the enactment of Chapter 44 of the Acts of 1933 has added nothing to the heretofore existing powers and duties of the Commission.

Your second question seeks my suggestions as to what rules and regulations the Commission may make under these general laws to regulate exclusively interstate commerce. Inasmuch as the question of interstate regulation of motor vehicle common carriers is now being considered by congress and statutes will no doubt soon be enacted by congress dealing with interstate common carriers, I hesitate to make any suggestions except that the Commission should, pending such statutory enactments by congress, continue as it has in the past to require all applicants for interstate certificates to obtain the approval of the Commission of its service and such part of its rates as are intrastate in character, and the posting of the required bond to insure Indiana shippers and persons availing themselves of the interstate service of the protection thus guaranteed. I would hesitate to suggest that the Commission go beyond that point at this time.

PUBLIC SERVICE COMMISSION: Statutory power—jurisdiction to make regulations dealing with rates and service of public utilities.

Samuel L. Trabue, Member,
Public Service Commission,
State House, Indianapolis, Indiana.

April 18, 1933.

Dear Sir:

I have before me your letter of April 10, 1933, to which is attached General Order No. 9519 of the Public Service Commission.

I have examined the order and inasmuch as you suggest that the Commission is about to pass a new general order covering the same subject matter, I offer the following suggestions.