

No. 33, S.]

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## CHAPTER 35

AN ACT to amend 31.02 (3), 192.56 (1), 194.01 (14), 194.21 (2) and 195.17; and to create 194.225 of the statutes, relating to powers of the public service commission, reconciling conflicts, repeal of obsolete provisions, fees for the issuance of certificates to public service corporations authorizing sale of securities, abandonment of railroads, reports by contract and private motor carriers, bills of lading of common motor carriers and liability thereon.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 31.02 (3) of the statutes is amended to read:

31.02 (3) The commission or any member or any agent or employe thereof shall at all times be accorded free access to any and all parts of any dam and appurtenances constructed or maintained in navigable waters and may enter upon any property to investigate a waterway or use of water from any lake or stream.

SECTION 2. 192.56 (1) of the statutes is amended to read:

192.56 (1) It \* \* \* is unlawful for any railroad company owning or operating \* \* \* any railroad in whole or in part in this state, to abandon any station in any town \* \* \*, village or city on its line of railroad, within this state, or to remove the depot therefrom, or to withdraw agency service therefrom, without first obtaining from the public service commission an order authorizing such action.

SECTION 3. 194.01 (14) of the statutes is amended to read:

194.01 (14) "Private motor carrier" means any person except a common or contract motor carrier engaged in the transportation of property by motor vehicle other than an automobile or \* \* \* trailer used therewith, upon the public highways.

SECTION 4. 194.21 (2) of the statutes is amended to read:

194.21 (2) The commission \* \* \* *may* require common motor carriers of property or public contract motor carriers required by the commission to file maximum rates with it to refund any over or excessive charges paid to them for the transportation of property \* \* \*.

SECTION 5. 194.225 of the statutes is created to read:

194.225 COMMON MOTOR CARRIERS, JOINT LIABILITY, ENFORCEMENT. (1) Every common motor carrier receiving property for intrastate transportation shall issue a bill of lading therefore and shall be liable to the lawful holder thereof for any loss of or injury to such property caused by it or by any common carrier to which such property may pass, and no contract, receipt, rule or regulation shall exempt the issuer from the liability hereby imposed.

(2) Any holder of such bill of lading may bring an action against all of the carriers and on proof that the property was lost, destroyed or damaged in transit, the liability shall attach to all the defendants and judgment shall be entered accordingly against them all unless a carrier proves its nonliability, in which case the judgment shall go only against the other defendants.

(3) The carrier issuing such bill of lading shall be entitled to recover from the common motor carrier on whose line the loss or injury was sustained the amount of damages it may be required to pay to the owner of such property, as may be evidenced by any receipt or judgment.

SECTION 6. 195.17 of the statutes is amended to read:

195.17 The commission \* \* \* *may* investigate all freight rates on interstate traffic affecting Wisconsin, and when the same are, in the opinion of the commission, excessive or discriminatory or are levied or laid in violation of the law, or in conflict with the rulings, orders or regulations of the interstate commerce commission, the commission shall present the facts to the interstate carrier, with a request to make such changes as the commission may advise, and if such changes are not made within a reasonable time the commission shall petition the interstate commerce commission for relief. All freight tariffs issued by any railroad relating to interstate traffic in this state shall be filed in the office of the commission when issued.

Approved April 24, 1961.

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