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ORIGINAL

Decision No. 35101

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of JAMES RAY BRYAN, for a license
as a Motor Carrier Transportation
Agent.

} Application No. 24306

LEONARD J. DIFANI, for applicant

ORLA ST. CLAIR, for Passenger Carriers
Inc., protestant

BY THE COMMISSION:

O P I N I O N

This is an application for a license as a Motor Carrier Transportation Agent. Public hearing was held in Los Angeles before Examiner McGettigan on September 30, 1941.

Applicant will do business as such agent at 3857-8th Street, Riverside, California. He proposes to represent the owners of automobiles who are going to take an automobile trip for their own business or pleasure purposes and desire to carry a few fare-paying passengers to help defray the cost of the trip. He does not intend to, nor will he have any dealings with car operators who are engaged in the transportation of passengers as a business for profit. He will charge car owners a fee of \$1.00 at the time they register their cars with him and each passenger will be required to pay a fee when arrangement is made for their transportation in one of the cars registered with applicant. The service will be entirely limited to interstate transportation and applicant has requested that his license be likewise limited.

The applicant has been a resident of Riverside for five years where he is engaged in the business of operating an employment agency under authority of a license issued to him by the State of California. The record shows that the business men in the community in which he does business have confidence in his fairness and honesty.

After a full consideration of all of the facts of record in this matter the Commission is of the opinion that the applicant should be licensed to operate as a motor carrier transportation agent, and it will be ordered that such a license be issued to him.

A motor carrier transportation agent's license may be revoked by the Commission when it appears that the holder has engaged in false advertising or false representation or has sold, offered for sale, or negotiated for sale, transportation by any carrier operating without the proper authority or in violation of State or Federal laws or the General Orders, Rules and Regulations of the Railroad Commission⁽¹⁾. It will be the policy of the Commission to revoke licenses with all possible dispatch when it appears that the holder is engaged in unlawful or improper practices.

Applicant is cautioned to inform prospective passengers that he exercises no control over the operation of the vehicle in which they are to ride but merely acts as an intermediary to place them in contact with the owner, and to refrain from false representations of any character whatsoever, either personally or by advertisements, concerning the financial responsibility of either the licensee or the car operator.

(1) Section 10, Motor Carrier Transportation Agent Act

A motor carrier transportation agent's license is personal to the holder. He is not permitted to transfer or assign such license, or to delegate his authority to employees; to do so (2) would constitute a violation of the Motor Carrier Transportation Agent Act and subject the license to revocation.

Applicant's attention is directed to the provisions of Section 11 of the Act, and he is admonished scrupulously to comply therewith in every respect by making and keeping the records there specified.

O R D E R

A public hearing having been had in the above entitled proceeding, evidence having been received, the matter having been duly submitted, and the Commission being now fully advised in the premises:

IT IS HEREBY ORDERED that James Ray Bryan be and he is hereby licensed to engage in the business or act in the capacity of a Motor Carrier Transportation Agent, as defined in Chapter 390, Statutes of 1933, as amended, at the following location, to-wit, No. 3857 Eighth Street, Riverside, California, to sell, offer for sale, negotiate for, furnish, or provide transportation to destinations outside the State of California only; subject to the condition, however, that he shall, within sixty (60) days from the date hereof, provide and file with the Railroad Commission a good and sufficient surety bond in the sum of One Thousand Dollars (\$1,000) in accordance with the provisions of Section 8 of said Act and in a form prescribed or approved by the Railroad Commission:

(2) Section 9, Motor Carrier Transportation Agent Act.

IT IS FURTHER ORDERED that this license shall expire on December 31, 1942, subject to the provisions for renewal prescribed by the Railroad Commission; provided, however, that this license shall be inoperative and of no force or effect during any period when there shall not be in effect and on file with the Railroad Commission for said James Ray Bryan a good and sufficient surety bond in accordance with the provisions of said Section 8 of said Act and the rules and regulations of the Railroad Commission.

IT IS FURTHER ORDERED that upon said James Ray Bryan filing with the Commission a surety bond as hereinabove provided, the Secretary of the Railroad Commission be and he is hereby authorized and directed to issue and deliver to said James Ray Bryan a certificate of the authority granted hereby.

IT IS FURTHER ORDERED that the above described license be issued upon the condition that operations authorized thereunder shall be conducted in accordance with all applicable rules, regulations and requirements relating thereto issued by the Commission under the Motor Carrier Transportation Agent Act (Statutes of 1933, Chapter 390, as amended).

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 3rd day of March, 1942.

Justus F. Chalmers
Ray H. Rice
[Signature]
Francis D. Havens
[Signature]
COMMISSIONERS