

Decision No. 35269

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of)
JAMES P. WINTON for a license)
authorizing him to engage in the)
business or act in the capacity)
of a motor carrier transportation)
agent in the City of Los Angeles,)
County of Los Angeles, State of)
California.)

ORIGINAL

Application No. 24707

FRANK W. TURCOTTE, for applicant.

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

JAMES GUNN, for Board of Public
Utilities and Transportation
of the City of Los Angeles,
interested party.

BY THE COMMISSION:

O P I N I O N

This is an application for a license to engage in business as a motor carrier transportation agent as defined in the Motor Carrier Transportation Agent Act, (Chapter 390, Statutes of 1933, as amended). Hearing was held at Los Angeles before Examiner Loughran on February 11, 1942.

Applicant desires to do business as such agent at 264 East Sixth Street, Los Angeles, California. He proposes to register and procure passengers for private car owners who are going on interstate automobile trips for pleasure or business and who desire to transport a few fare-paying passengers to help defray the cost of such trip. He will not register, nor will he sell transportation in, cars operated by persons regularly engaged in the business of transporting passengers for profit.

The car operators and the passengers will be introduced and they may then mutually agree upon the terms and conditions of the contract of transportation. Passengers will be required to pay applicant a fee when they are placed in contact with registered car owners. This service is to be limited to interstate transportation and applicant has requested a license subject to a like limitation.

Applicant has been a resident of Pasadena since 1939. During this period he was engaged in business as manager and owner of an automobile sales company. He appears to be a law abiding person who understands the obligations he will be required to assume as a Motor Carrier Transportation Agent and who is prepared lawfully to discharge the duties of such agent.

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

A motor carrier transportation agent 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 rules and regulations of the Railroad Commission. 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 owner.

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 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.

ORDER

Public hearing having been held in the above-entitled proceeding, evidence having been received, the matter having been submitted and the Commission now being fully advised in the premises,

IT IS ORDERED that James P. Winton 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 264 East Sixth Street, Los Angeles, California, to sell, offer for sale, negotiate for,

furnish or provide transportation to be furnished by motor carriers, as defined in Chapter 390, Statutes of 1933, as amended, 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 form prescribed or approved by the Railroad Commission.

THE LICENSE HEREBY GRANTED 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 P. Winton 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 P. Winton 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 P. Winton a certificate of the authority granted hereby.

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

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

Dated at Los Angeles, California, this 14th day of April, 1942.

Justus F. Coe
Ray J. Remy
W. H. [unclear]
Richard [unclear]
Francis R. Havens

Commissioners.

~~CERTIFIED AS A TRUE COPY~~

~~Secretary, Railroad Commission
of the State of California~~