

Decision No. 37585

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
WESLEY C. FULLER, doing business as)	
Share Plan Auto Travel Bureau for a)	Application No. 25802
renewal of license as a Motor )	3rd Supplemental
Transportation Agent. )	

BY THE COMMISSION:

THIRD SUPPLEMENTAL OPINION

**ORIGINAL**

In this application, Wesley G. Fuller applies for a renewal of his license as a motor carrier transportation agent, as defined in the Motor Carrier Transportation Agent Act (Chap. 390, Stat. 1933, as amended).

The Commission, in a prior proceeding, and following a public hearing on his application duly filed, issued a license to Fuller permitting him to engage in the business authorized by the statute within the State of California only. Thereafter, he filed a bond in the required amount and established himself in business at a given address in the City of Los Angeles.

Under the terms of the Act all licenses expire on December 31st of each year and are subject to renewal upon application. In due course, Fuller made application for renewal and a new permit was issued to him on December 29, 1943. He was, therefore, presumed to be familiar with the procedure incident to the perpetuation of his license.

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(1) Decision No. 36697, dated November 9, 1943, in Application No. 25802.

Section 7 of the Act provides that the Commission shall prescribe the provisions for renewal. In consonance with that provision the Commission adopted Resolution No. 2601, dated December 16, 1941, which, among other things, provides that renewal of Motor Carrier Transportation Agent licenses "...must be filed not later than thirty (30) days before the expiration date of the license sought to be renewed, and applications not filed within said time will be forthwith denied."

The record shows that Fuller did not file an application for a renewal of his 1943 license until December 6, 1944. Applicant Fuller has paid the \$5 fee required of a new applicant, and under the circumstances we will consider the request for renewal as a new application. Applicant's qualifications and fitness to continue in the business are amply sustained by the record made at the public hearing heretofore held in the matter.

We deem it advisable to again direct applicant's attention to the fact that 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, Rule and Regulations of the Railroad Commission. <sup>(2)</sup> 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

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(2) Section 10, Motor Carrier Transportation Agent Act.

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.

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 another; <sup>(3)</sup> 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.

THIRD SUPPLEMENTAL ORDER

The above entitled application having been filed and the Commission being fully advised,

IT IS ORDERED that Wesley G. Fuller, 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 1933, as amended, only at the following location, to-wit: 416 South Spring St., Los Angeles, California; to sell, offer for

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

sale, negotiate for, furnish, or provide transportation to destinations within 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 (\$1000) in accordance with the provisions of Section 8 of said Act and in a form prescribed or approved by the Railroad Commission.

IT IS FURTHER ORDERED that this license shall expire on December 31, 1945, 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 Wesley G. Fuller 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 Wesley G. Fuller 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 Wesley G. Fuller 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 1933, Chapter 390, as amended).

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

Dated at San Francisco, California, this 3<sup>rd</sup>  
day of January, 1945.

Richard L. ...

James J. ...

Francis ...

James J. ...

COMMISSIONERS