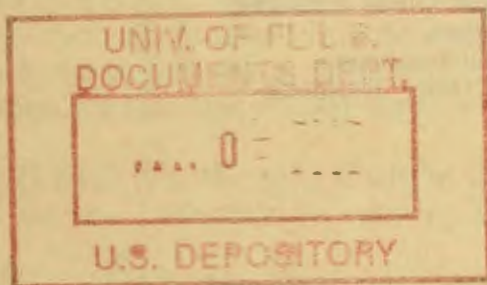


NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION
FOR THE
TRUCKING INDUSTRY

AS APPROVED ON MARCH 26, 1934

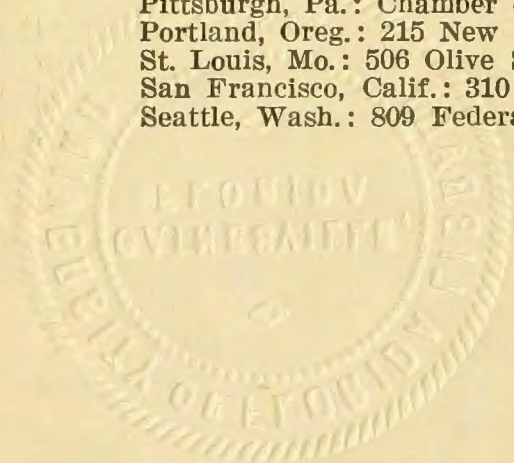


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Approved Code No. 278—Amendment No. 1

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

TRUCKING INDUSTRY

As Approved on March 26, 1934

ORDER

APPROVING EXTENSION OF CERTAIN TIME PROVISIONS AND CLARIFICATION OF THE CODE OF FAIR COMPETITION FOR THE TRUCKING INDUSTRY

WHEREAS, the Code of Fair Competition for the Trucking Industry provides that said Code shall become effective fifteen (15) days after approval by the President, and

WHEREAS, said Code was approved by the President on the 10th day of February, 1934, and

WHEREAS, under the provisions of said Code in Article VI thereof it is required that every member of the Industry shall within thirty (30) days after the effective date of said Code, register his name, number and type of vehicle operated and such other information as may be prescribed by the National Code Authority with the approval of the Administrator, and

WHEREAS, Article II defines the Industry and the members thereof, and

WHEREAS, Article III, Section 3 of said Code provides that an election of State code authorities by the members of the Industry who have registered as required under Article VI of this Code shall be held within sixty (60) days after the effective date of the Code, and

WHEREAS, the said Code in its various provisions requires members of the Industry to comply therewith within specified periods, and

WHEREAS, the National Code Authority for the Trucking Industry has requested an extension of time with reference to the various provisions of the Code above referred to and a clarification with respect to Article II and Article VI thereof, and

WHEREAS, it appears to me that because of the complexity and size of the Industry the request of the Code Authority as hereinbefore set forth should be granted

NOW, THEREFORE, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President and the Code of Fair Competition for

the Trucking Industry and otherwise, in order to afford sufficient time for compliance with the Code of Fair Competition for the Trucking Industry and in order to clarify and amend the provisions thereof as recommended by the National Code Authority for said Industry, and in order to afford sufficient time for setting up the necessary means of registration and administration of the Code for this Industry, do hereby order that all periods specified in said Code within which compliance shall be required and all periods within which elections shall be held and the period within which members of the Industry shall register and report are hereby extended so that the commencement of the time with reference thereto shall be computed from the date of March 30, 1934, rather than the effective date of the Code and the following language be added to Article II, Section I-B-(1) "such vehicles when also subject to any other Code shall be registered under this Code, by the person or other form of enterprise controlling the operation thereof, who shall also furnish reports and pay equitable assessments under the Code based on the cost incident to registration and reports, all as may be approved by the Administrator."

This order and the above amendment and the approval thereof shall take effect on April 5, 1934, unless good cause to the contrary is shown to the Administrator in Room 4217, Commerce Building, before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

SOL A. ROSENBLATT,
Division Administrator.

WASHINGTON, D.C.,
March 26, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the recommendation made to the Administrator by the National Code Authority of the Code of Fair Competition for the Trucking Industry for an administrative order granting extension of certain time provisions and clarification of certain other provisions of the Trucking Code. No formal hearing was held on this order, but effected persons are given the right to file protest within ten days of the date of the order.

The order recommended by the National Code Authority provides: that

1. "all periods specified in the said code within which compliance shall be required and all periods within which elections shall be held and the period within which members of the industry shall register and report, are hereby extended so that the commencement of the time with reference thereto shall be computed from the date of March 30, 1934, rather than the effective date of the Code" and

2. That in clarification of Article II, Section I-B-(1) it shall be specifically stated that all not for hire vehicles being operated subject to the terms of other codes of fair competition approved pursuant to Title I of the National Industrial Recovery Act shall be registered according to the provisions of the Trucking Code; that the character and the volume of their operations, etc., shall be reported according to the provisions of the Trucking Code; and that the vehicle shall be subject to an equitable assessment for the cost of registration and reporting with the approval of the Administrator.

The Deputy Administrator in his final report to me has found that

1. Due to the extensive character of the Trucking Industry and the complex administrative machinery necessary to effectuate the provisions of the Trucking Code, considerable difficulty has been encountered in putting the necessary administrative machinery into operation and that it is essential to extend all periods specified in the Trucking Code within which compliance shall be required.

2. That in the negotiations leading up to the final approval of the Trucking Code, it was intended that the language of Article II, Section I-B-(1) would require all vehicles (except those owned and operated by farmers) transporting property over the public highways to register and report under the Trucking Code.

I find that:

1. The amendment to said Code and the said Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the

general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production, by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

2. The Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

3. Article II, Section A-1 (j) of the approved Code of Fair Competition for the Trucking Industry empowers the National Code Authority to present the aforesaid amendment on behalf of the Industry as a whole.

4. The amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

5. The amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

6. Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to the approval of said amendment.

For these reasons, this order has been approved.

Respectfully,

HUGH S. JOHNSON,
Administrator.

MARCH 26, 1934.

Approved Code No. 278.—Amendment No. 1.
Registry No. 1411-61.





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