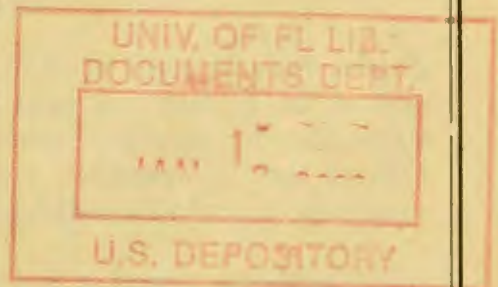


NATIONAL RECOVERY ADMINISTRATION

PROPOSED CODE OF FAIR COMPETITION
FOR THE
CARRIAGE OF PROPERTY FOR HIRE
BY MEANS OF MOTOR VEHICLES
DRAYS, AND TEAMS INDUSTRY

AS SUBMITTED ON AUGUST 31, 1933



The Code for the Carriage of Property for Hire
by Means of Motor Vehicles, Drays, and Teams Industry
in its present form merely reflects the proposal of the above-mentioned
industry, and *none of the provisions contained therein are
to be regarded as having received the approval of
the National Recovery Administration
as applying to this industry*

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1933



SUBMITTED BY
AMERICAN HIGHWAY FREIGHT ASSOCIATION
(II)



TENTATIVE CODE OF FAIR COMPETITION FOR THE INDUSTRY ENGAGED IN THE CARRIAGE OF PROPERTY FOR HIRE BY MEANS OF MOTOR VEHICLES, DRAYS, AND TEAMS

PREAMBLE AND PURPOSE

To effectuate the policy of Title I, Section 1, of the National Industrial Recovery Act, during the period of the emergency, by reducing and relieving unemployment, improving the standards of labor, effecting reduction in unnecessarily long hours of labor, eliminating unfair trade practices and establishing fair prices for services so that the industry may be changed from a condition of impairing its capital to the condition of stabilized earnings with just and reasonable profit enabling it to establish more regular employment of labor, and for the conservation and protection of public highways contributing to the safety and order of traffic thereon and otherwise rehabilitating the industry engaged in the carriage of property by means of motor vehicles, teams, and drays the following provisions are established as a Code of Fair Competition for such industry.

I—DEFINED INDUSTRY

The Industry on behalf of which this Code is filed is that which consists of the carriage of property for hire by means of motor vehicles, teams, and drays. Such expression "carrier of property for hire" includes such carriage not alone between places in the same or contiguous municipalities but additionally such carriage from one community or area to another.

The expression also includes the owner of a truck or dray who leases it or hires it out to another industry but who retains any responsibility for the safety of the property transported, or who, by any arrangement, leases or hires it for the purpose of evasion of the provisions of this Code.

The expression also includes persons such as truck terminal operators, agents, brokers, or forwarders who solicit or offer to procure or provide transportation of property in whole or in part by motor vehicles, teams, or drays, to the extent to which such operation utilizes motor vehicles, teams, or drays.

The expression also includes the owner of any such motor vehicle, team, or dray who engages in the transportation of property for hire and performs labor in connection therewith though he may not employ anyone else in such operation.

The expression also includes any carriage of property by a member of any other industry who engages in such carriage for hire for others than himself, but nothing in this sentence shall be con-

strued as applying to any farmer who transports his own farm products or supplies in vehicles of his own ownership and who occasionally may accommodate a neighbor by the haulage of similar goods for such neighbor; nor shall anything in this sentence apply to such transportation of property by a member of any other industry than that to which this Code otherwise applies, when such transportation by any such member for another is from one company to another under common control and management for which transportation there is made a charge by a subsidiary to a parent company or vice versa; nor is anything in this sentence intended to apply, nor should it be construed as applying to a member of those industries engaged in the production, processing, or selling of goods, wares, or merchandise engaging in the practice of making two prices, one based upon origin and the other upon destination and who may perform the transportation in his own vehicles for that purpose.

II—ADDITIONAL OPTIONAL COVERAGE

In addition to the industry hereinabove described to which this Code applies, the provisions in respect to labor shall apply to an employer of labor engaged in another industry but who in connection with such industry operates motor vehicles, teams, or drays for the carriage of his own goods, at his option, provided that he so elects by declaration to the National Recovery Administration.

III—REGISTRATION

All of those engaged in the defined industry shall register themselves and their operations with one or more local administrative agencies of the American Highway Freight Association in each State in or through which they operate as may be determined by it, and such registration shall be in the form and manner provided by the said American Highway Freight Association with the approval of the National Recovery Administration.

IV—RATE AGREEMENTS

It shall be the privilege of any natural division of the defined industry whether by territory or class of operations, to engage in voluntary agreements upon rates, and rules and regulations affecting rates, the machinery and method to be employed in such activity to be determined by such natural division of the defined industry with the approval of the Central Committee of the Industry and of the National Recovery Administration. Such agreements when approved, shall be and become fair trade practices for such natural division of the industry and shall constitute parts of this Code; provided that any such agreements be not designed to (1) promote monopolies, (2) to eliminate or oppress small enterprises, and (3) that such agreements tend to effectuate the policy of the National Industrial Recovery Act.

V—FAIR TRADE PRACTICES AND LABOR PROVISIONS

In the attached appendices marked (1) to (4) there appear certain provisions in respect to particular trade practices, to wage schedules, to periods of employment, and other provisions in respect to particular conditions of labor. These appendices constitute the Code of Fair Competition in respect to the particular matters covered thereby in the respective regions and places noted on such appendices.

VI—ADDITIONAL SUBJECTS TO BE PROVIDED FOR

The Central Committee of the Industry, subject to the limitations upon the power of such Central Committee in negotiation with the President of the United States through the National Recovery Administration or such other agents or agencies as the President may designate, is authorized to determine and make proper provisions covering additional subjects.

If and when rules and regulations concerning any or all such additional subjects shall be agreed upon between the Central Committee of the Industry and the President of the United States in the manner hereinabove set forth, such rules and regulations shall thereupon constitute and become a part of this Code.

VII—MANDATORY PROVISIONS

As required by section 7(a) of Title I of the National Industrial Recovery Act, the following provisions are conditions of this Code: (1) that employees shall have the right to organize and bargain collectively through representatives of their own choosing and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purposes of collective bargaining or other mutual aid or protections; (2) that no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and (3) that employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

Nothing in this Code shall prevent the selection, retention, or advancement of employees on the basis of their individual merit, without regard to their affiliation or nonaffiliation with any organization.

The President may, from time to time, cancel or modify any order, approval, license, rule, or regulation issued under Title I of the National Industrial Recovery Act.

Such of the provisions of this Code as are not required to be included therein by the National Industrial Recovery Act may, with the approval of the President be modified or eliminated if it appears that the public needs are not being served thereby and as changes in circumstances or experience may dictate. They shall remain in effect unless and until so modified or eliminated or until the expiration of the Act. It is contemplated that from time to time supplementary provisions to this Code will be submitted for the approval of the President to prevent unfair competition in price and other

unfair and destructive competitive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act, and which shall not conflict with the provisions thereof.

VIII—AGENCY FOR INDUSTRY

By authority vested in the Board of Directors of the American Highway Freight Association by its Constitution and By-laws, a Central Committee of the industry has been constituted. This Association in its relations with the President of the United States or his designated agent or agents shall act through such Central Committee.

IX—ADMINISTRATION

The American Highway Freight Association through its Board of Directors shall in general administer the provisions of this Code and as an aid to such administration shall appoint in each state or region one or more official agencies consisting of committees, organizations, or associations in said state or region which shall act as the agencies of said American Highway Freight Association in the enforcement and administration of the provisions of this Code, and such agencies shall each have the powers delegated to it by the Board of Directors.

Upon registration as provided in Article III of this Code those engaged in the industry shall be subject to such assessments as shall be required by the American Highway Freight Association with the approval of the President of the United States or his duly authorized representative or representatives, which said assessment shall be sufficient to cover the expenses incident to the institution, filing, securing the approval of, and administering this code, provided that no such assessment shall be levied upon those who at their option come under the terms hereof as to labor provisions only as designated in Section II hereof.

The records of the American Highway Freight Association as to information obtained from registration or otherwise and in respect to any of its other affairs shall be open to inspection by the President of the United States or his duly authorized representatives.

X—EFFECTIVE DATE

This Code shall be and become effective on the fifteenth day next following the day on which it shall be approved by the President of the United States.

XI—AMENDMENTS AND SUBSTITUTIONS

This Code may be amended at any time by the Central Committee of the industry on approval of the administration, either by the addition of new matter with respect to matters not covered or by substitution of provisions in lieu of provisions respecting matters already covered. Such amendments or substitutions may be either in the provisions of the basic or shell code or by way of appendices.

APPENDIX NO. I

On and after the effective date of this code the following provisions as to hours of labor, rates of pay, and fair-trade practices shall apply as herein provided except as modified by subsequently numbered appendices.

1. The subdivisions of the industry, natural and territorial, have filed or are in process of filing through the Central Committee of the industry, appendices respecting hours of labor, rates of pay, and fair-trade practices which appendices supersede the matters contained in this appendix number I so far as the regions or natural division covered by such subsequent appendices are concerned and the provisions of this appendix shall not apply to such division of the industry, natural or territorial, but shall apply to all sections or divisions of the industry for which subsequent appendices are not filed.

2. The maximum hours of labor for drivers and operators of motor vehicles, and helpers, mechanics, repair men, billing and rate clerks, terminal and station labor shall be forty-eight hours in any one week but in consideration of the special conditions connected with this industry the maximum hours of labor may exceed the maximum set forth herein for any one week provided, however, that in such case the average number of hours per week for any three months period shall not exceed the maximum of forty-eight hours per week—208 hours per month, and, provided, that when any employee working on the basis of forty-eight hours in any one week—208 hours in any one month, shall have worked consecutively including meal periods for sixteen hours, he shall not again resume work until a rest period of a minimum of eight hours has been taken and provided further that an employee riding on trucks or drays will be deemed in the course of employment and the time thereof is to be counted as time of employment whether he is engaged in driving or other labor or not, and whether the truck or dray is moving or not except that an employee in a properly designated sleeping compartment shall be deemed as not on duty in the operation of the vehicle.

3. Except employees primarily or wholly in managerial, supervisory or executive capacities who now receive \$35.00 per week or more, outside salesmen or solicitors, station managers or employees on very special cases where restriction of hours would unavoidably reduce service and except those covered in paragraph 2 hereof, no employee shall be caused or permitted to work for more than forty hours in any one week—174 hours per month, averaged over a period of three months.

4. The provisions of this appendix regarding maximum hours may be adjusted to conform with maximum hours of different competitive forms of transportation agencies which are under the supervision of the Interstate Commerce Commission, Public Utilities Commission and/or such governing regulatory bodies as may on the effective date of this code exist.

5. No person coming under the provisions of this appendix shall pay to any of the classes of employees subject to the provisions of this appendix less than sixteen dollars per week unless the weekly rate for such same class of work on July 15, 1929, was less than \$16.00 per week in which latter case he shall not pay less than the weekly rate on July 15, 1929, and in no event less than \$12.00 per week in the South and \$14.00 per week in the North. This paragraph establishes a guaranteed minimum rate of pay regardless of whether the employee is compensated on the basis of a time rate or on piece work performance. Where employees are employed by the hour (temporary employees) the minimum rate of pay of the classes of employees covered by this appendix shall be not less than thirty cents per hour in the North and twenty-five cents per hour in the South.

6. The provisions of this appendix as to hours and wages may be voluntarily assumed by operators of motor vehicles or teams covered under other codes for application to the operation of such motor vehicles or teams.

APPENDIX NO. 2 TO THE CODE OF FAIR COMPETITION

SUBMITTED BY THE AMERICAN HIGHWAY FREIGHT ASSOCIATION

I—TERRITORIAL SCOPE

The matters and things provided in this appendix shall apply to the defined industry in the states of Oregon, Washington, Idaho, Montana, and Utah.

II—FAIR TRADE PRACTICES ASIDE FROM RATE AGREEMENTS

(a) A freight bill, shipping order, bill of lading, or other written memorandum will be issued at the time of the transportation of property for hire or within 48 hours thereafter; such freight bills or written memoranda are to be the permanent record of the carrier.

(b) The transportation obligation in the case of any carrier shall not extend beyond the receiving and delivering of property at the sidewalk or loading level of the truck or dray.

(c) If the truckman or drayman incurs the obligation to perform any other service than that covered by Paragraph (b) hereof, such obligation shall be separately charged for and such charges shall be uniform. Included within the provisions of this paragraph is the practice of truckmen in storing property either by putting the property into warehouses or other structures or allowing it to remain in the trucks or drays beyond the time required for reasonably expeditious transportation.

(d) Transportation and other charges covered by such agreements as hereinabove described shall either be prepaid or be collected within a period of 72 hours after delivery, unless regular and formal arrangements for credit shall be entered into between the truckman or drayman and his regular customers for settlements, in a monthly or shorter basis, on or before the 10th of the following month, such credit arrangements to be based either upon security or upon an established credit rating; *provided* that this provision shall not extend to the transportation of property for the United States or for the State, County, Municipality, or other governmental bodies or agencies for whom the transportation shall be done. Intercarrier settlements as between connecting truckmen or draymen are not within the scope of this provision.

(e) No person shall give, receive, or be a party to any secret rebate, refund, credit, or unearned discount, in the form of money or otherwise; nor shall he give or receive premiums or extend to certain shippers any special service or privilege not extended to all shippers under like terms and conditions.

(f) Secret contracts or agreements with any shippers shall not be entered into by any persons, nor shall any contract be entered into with any shippers which would in any way defeat the purpose of any part of this Code.

(g) No person shall knowingly permit or allow any shipper to bill his freight at less than its actual weight or falsely describe the shipment and shall use diligence to see that this method of evasion is not permitted or enjoyed.

III—ADMINISTRATION

The American Highway Freight Association as the Agency of the Industry for the purpose of carrying out the provisions of the National Industrial Recovery Act shall act in its preparation and administration of rules and regulations governing the defined industry in this territory through the Northwest Regional Committee composed of one representative from each state comprising the region, such representative to be chosen by the members of the defined industry in each such state. The Northwest Regional Committee may in turn delegate local administration to any or all of the several affiliate Associations in the territory covered hereby.

IV—RATE AGREEMENTS

(a) All persons operating under this Code shall install such simplified, uniform system of accounting as shall be inaugurated by the proper authority as determined by the Northwest Regional Committee.

(b) Rates, and practices in connection therewith, for the carriage of property may be determined by trade agreements among the members of any group of the defined industry, such groups to be determined by the natural divisions of the industry depending upon the character of operation, the territory, or both character and territory. If and when such a trade agreement is drawn by such a trade group it shall be submitted to the Northwest Regional Committee who shall then give written notice to all registered members of the defined industry who might be affected thereby and shall hold a hearing on the submitted trade agreement. If the Committee shall find that the agreement is assented to by the operators of seventy-five percent of the vehicles involved or doing seventy-five percent of the business involved and that the proposed trade agreement does not create a monopoly nor oppress small enterprises, it shall approve the trade agreement, and when said approval is given, such trade agreement shall thereupon become a part of this Code, unless within ten days of such approval, more than half of those not assenting to such trade agreement, file with the Northwest Regional Committee a notice of appeal, setting forth the grounds for such appeal, which may be either that the said trade agreement creates a monopoly or oppresses small enterprises or that the rates provided therein are not just, fair, and reasonable, together with supporting evidence and written argument. Upon the receipt of such an appeal, the Northwest Regional Committee shall notify the proponents of such rate agreement and allow a reasonable time for answer. Upon the receipt of such answer with evidence and argument, if any, the Northwest Regional Committee shall submit the entire matter together with all documents to the nearest authorized representative of the National Recovery Administration, whose decision in the matter shall be binding.

(c) The Northwest Regional Committee may, on behalf of and subject to the consent of the trade group affected, enter into agreements with other transportation agencies such as the railroad companies, express companies, boat companies, etc., as to practices and/or minimum rates, that may become binding upon the trade group affected and form a part of this code.

V—LABOR PROVISIONS

The following provisions shall not apply to superintendents or to executives who receive \$35.00 or more per week, nor to outside salesmen, solicitors, station managers, or mechanics engaged in emergency repairs, nor shall they apply to office boys, messengers, or night watchmen.

Maximum hours of employees shall be: (a) Office and clerical employees, 48 hours per week; (b) Drivers and Vehicle Operators and their helpers, 48 hours per week; (c) All other employees, 48 hours per week.

The provision of maximum hours for drivers and vehicle operators and their helpers shall be considered as fully complied with if the average number of hours per week for any individual over a three months' period shall be within the prescribed maximum or if a line-haul operator shall not drive a vehicle for a distance in excess of twelve hundred miles in any one week.

Emergencies: If the foregoing maximum hours and periods of employment should be exceeded in any instance by reason of an unforeseen and unavoidable emergency, a full report thereof shall be filed with the Northwest Regional Committee or its designated representative local organization within ten (10) days thereafter.

An employee riding on a truck or dray will be deemed in employment in such capacity if he shall additionally perform any terminal labor and the amount of such time devoted to terminal labor shall be counted as if devoted to riding on the trucks or drays. An employee riding on trucks or drays will be deemed in the course of employment, and the time thereof is to be counted as time of employment whether he is engaged in driving or other labor or not and whether the truck or dray is moving or not, except that an employee in a properly designed sleeper cab or compartment shall be deemed as not on duty in the operation of the said truck.

Where trucks or drays are operated exclusively in service to an industry whose Code provides for longer hours than those in this Code, the trucks or drays may be operated under the maximum provided for by the Code of the industry being served.

VI—MINIMUM WAGES

The minimum wages of employees under this Code shall be as follows:

(a) **Office and Clerical Employees.**

Not less than Fifteen Dollars (\$15.00) per week in any city over 500,000 population or in the immediate trade area of such city; nor less than Fourteen Dollars (\$14.00) per week in any city of between 2,500 and 250,000 population, or in the immediate trade area of such city; nor less than Twelve Dollars (\$12.00) per week in other territory.

(b) **Drivers and vehicle operators and their helpers, 45 cents per hour.**

(c) **All other employees, 40 cents per hour.**

These provisions do not apply to student drivers, apprentices, learners, night watchmen, or janitors.

NOTE.—Where any owner, partner, stockholder, or manager performs any of the functions of labor except office or executive work, he shall be bound to observe the maximum hours and shall be paid at least the established hourly rates of pay for the classification of the labor performed.

Where any member of this industry competes with other forms of transportation not under a Code or whose Code provides for longer hours or less wages than are provided herein, such member may adjust his hours and/or wages to conform thereto without violating this Code.

APPENDIX NO. 3 TO THE CODE OF FAIR COMPETITION

SUBMITTED BY THE AMERICAN HIGHWAY FREIGHT ASSOCIATION

I—TERRITORIAL SCOPE

The matters and things provided in this appendix shall apply to the defined industry in the State of Colorado.

II—FAIR TRADE PRACTICES ASIDE FROM RATE AGREEMENTS

(a) A freight bill, shipping order, bill of lading, or other written memorandum will be issued at the time of the transportation of property for hire or within 48 hours thereafter; such freight bills or written memoranda are to be the permanent record of the carriers.

(b) The transportation obligation in the case of any carrier shall not extend beyond the receiving and delivering of property at the sidewalk or loading level of the truck or dray.

(c) If the truckman or drayman incurs the obligation to perform any other service than that covered by paragraph (b) hereof, such obligation shall be separately charged for and such charges shall be uniform. Included within the provisions of this paragraph is the practice of truckmen in storing property either by putting the property into warehouses or other structures or allowing it to remain in the trucks or drays beyond the time required for reasonable expeditious transportation.

(d) Transportation and other charges covered by such agreements as hereinabove described, shall either be prepaid or be collected within a period of one week after delivery, unless regular and formal arrangements for credit shall be entered into between the truckman or drayman and his regular customers for settlements, on a monthly or shorter basis, on or before the 10th of the following month, such credit arrangements to be based either upon security or upon an established credit rating, subject to approval by the Board of Directors of the Colorado Federation of Commercial Carriers, *provided* that this provision shall not extend to the transportation of property for the United States or for the State, County, Municipality, or other governmental bodies, or agencies for whom the transportation shall be done. Intercarrier settlement as between connecting truckmen or draymen are not within the scope of this provision.

(e) No person shall give, receive, or be a part to any secret rebate, refund, credit, or unearned discount, in the form of money or otherwise; nor shall he give or receive premiums or extend to certain shippers any special service or privilege not extended to all shippers under like terms and conditions.

(f) Secret contracts or agreements with any shippers shall not be entered into by any persons nor shall any contract be entered into with any shippers which would in any way defeat the purpose of any part of this Code.

(g) No person shall knowingly permit or allow any shipper to bill his freight at less than its actual weight or falsely describe the shipment and shall use diligence to see that this method of evasion is not permitted or enjoyed.

(h) When any owner, partner, stockholder, or manager performs any of the functions of labor except office or executive work he shall be bound to observe the maximum hours and shall be paid at least at the minimum rate of pay for the classification of labor performed, and such sum so paid be considered as an element of his cost.

(i) It shall be a violation of this Code for any person or concern engaged in the defined industry to transport any commodity for less than a reasonably compensatory rate for the services rendered.

III—ADMINISTRATION

The American Highway Freight Association as the agency of the industry for the purpose of carrying out the provisions of the National Industrial Recovery Act, shall act in its preparation and administration of rules and regulations governing the defined industry in this territory through the Board of Directors of the Colorado Federation of Commercial Carriers.

IV—RATE AGREEMENTS

(a) All persons operating under this Code shall install such simplified, uniform system of accounting as shall be inaugurated by the proper authority as determined by the Board of Directors of the Colorado Federation of Commercial Carriers.

(b) Rates, and practices in connection therewith, for members of the defined industry, may be determined by trade agreements among the members of any group of the defined industry, such group to be determined by the natural divisions of the industry, depending upon the character of operations, the territory, or both territory and character. If and when such a trade agreement is drawn by such a trade group, it shall be submitted to the Board of Directors of the Colorado Federation of Commercial Carriers who shall then give public notice to the members of the industry and shall hold a hearing on the submitted trade agreement. After said Board shall find the agreement has been consented to by a substantial majority of both the persons and vehicles represented, and that the proposed trade agreement does not create a monopoly or oppress small enterprises, and is designed to carry out the purpose of the National Industrial Recovery Act, it shall approve such trade agreements; provided, that should twenty-five percent of the members of the defined industry in any natural division of the industry, either territorial or of character, disagree with said rate agreements, a hearing shall be arranged by the Board of Directors of the Colorado Federation of Commercial Carriers, at which the protests may be presented, provided further, that such protests are to the point that the rate agreements so protested tend to create monopoly; oppress small enterprises; or are detrimental to the purpose of the National Industrial Recovery administration. If the decision of the Board of Directors of the Colorado Federation of Commercial Carriers is not satisfactory to a majority of the group so protesting, an appeal may be taken to the nearest representative of the National Recovery Administration, whose decision in the matter shall be final.

V—LABOR PROVISIONS

The following provisions shall not apply to superintendents or to executives who receive \$35.00 or more per week, nor to outside salesmen, solicitors, and night watchmen.

Maximum hours of employees shall be: (a) Office and clerical employees, 48 hours per week; (b) Drivers and Vehicle Operators and their helpers, 48 hours per week; (c) All other employees, 48 hours per week.

The provision of maximum hours for drivers and vehicle operators and their helpers shall be considered as fully complied with if the average number of hours per week for any individual over a two months' period shall be within the prescribed maximum.

An owner, operator, or employee shall not drive a truck or dray more than ten (10) consecutive hours; nor shall he drive more than twelve (12) hours in any twenty-four-hour (24 hr.) period.

Emergencies.—If the foregoing maximum hours and period of employment should be exceeded in any instance by reason of an unforeseen and unavoidable emergency, a full report thereof shall be filed with the Colorado Federation of Commercial Carriers within ten (10) days thereafter.

An employee riding on a truck or dray will be deemed in employment in such capacity while additionally performing any terminal labor and the amount of such time devoted to terminal labor shall be counted as if devoted to riding on the trucks or drays.

VI—MINIMUM WAGES

The minimum wages of employees under this Code shall be as follows:

- (a) Office and Clerical Employees, 35¢ per hour.
- (b) Drivers and Vehicle operators and their helpers, 35¢ per hour.
- (c) All other employees, 35¢ per hour.

For employees regularly employed, compensation shall not be less than the sum of Fourteen Dollars (\$14.00) for any one week. This provision shall not apply to employees hired for extra, special, or emergency services.

These provisions do not apply to student drivers, apprentices, learners, night watchmen, or janitors.

APPENDIX NO. 4 TO THE CODE OF FAIR COMPETITION

SUBMITTED BY THE AMERICAN HIGHWAY FREIGHT ASSOCIATION

I—TERRITORIAL SCOPE

The matters and things provided in this appendix shall apply in the defined industry in the states of Maine, Vermont, Rhode Island, New Hampshire, Connecticut, and Massachusetts.

II—FAIR TRADE PRACTICES ASIDE FROM RATE AGREEMENTS

A. It shall be an unfair method of competition to transport property at less than reasonably compensatory rates and charges, except for a recognized charitable organization, and it shall be further deemed unfair competition for the owner-operator of a motor truck, dray or team who shall not include in his element of cost, such sum for his own services as would correspond to the standard wage for like service of an employee doing similar things, if such things were done by an employee coming within the scope of the code.

B. It shall also be an unfair method of competition for employees of railroads, steamship lines, forwarding companies, carloading companies, and Railway Express Agencies to solicit business for transportation by motor truck, dray, or team operated directly or indirectly by any railroads, steamship lines, forwarding companies, carloading companies, Railway Express Agencies, or by any subsidiary thereof wherein the element of cost for such solicitation is not included in the cost of such transportation.

C. There shall be no rebates or concessions granted to shippers, nor by any other means or devices shall transportation or service be rendered at less than reasonably compensatory rates or charges.

D. (1) The owner or operator of motor trucks, drays, or teams who performs any transportation service whatsoever, shall use every effort consistent with good business practice to collect within thirty (30) days for all charges for service performed.

(2) The owner or operator of motor trucks, drays, or teams shall use every effort consistent with good business practice to collect within seventy-two (72) hours all money expended by the owner or operator of motor trucks, drays, or teams for the payment of advance charges, purchase of articles, and any other expenditures outside of his own transportation charges.

E. Settlement between connecting carriers for their charges shall be made on a cash basis or under suitable credit arrangement between the carriers, but in no case is such credit to exceed a thirty (30) day period.

F. That the transportation obligation shall consist of the receiving of property at the usual or agreed place of shipping of such property, its transportation to destination, and its delivery at the usual or agreed place of the consignee. That the packing, crating, unpacking or uncrating, or other incidental service, including toll charges, shall not be deemed to be a part of the transportation service except at an additional charge, such charge to be determined by an agreement between the owner and/or operator and/or receiver or shipper, and if such additional service is agreed upon, in no case shall such additional service be rendered at less than cost plus a reasonable profit.

G. It shall be a violation of this code for any carrier for hire to unjustly discriminate between persons for like services rendered, or to unjustly discriminate in the rates or charges for like service between persons, or to show undue prejudice as between localities.

H. That the violation of any provision of this code, or any rule or regulation issued under authority of this code by any carrier, is hereby declared to be an unfair method of competition.

I. It shall be an unfair method or practice of competition for any owner or operator and/or employee to load any motor vehicle in excess of the pay-load weight granted by the state or states in which the vehicle is registered, except where it shall be impossible in emergencies to break down certain commodities and/or combinations into smaller units than that of an original unit which may exceed in weight that allowed legally under the registered pay-load capacity of any vehicle so legally registered, and this latter condition to be allowed only after regularly obtaining a permit from the registrar of motor vehicles or such duly authorized officer of the state in which the vehicle is owned and/or where the operation is to be performed to move the combination weighing in excess of the registered capacity of the truck.

III—ADMINISTRATION

The American Highway Freight Association as the agency of the industry for the purpose of carrying out the provisions of the National Recovery Act shall act in its preparation and administration of rules and regulations governing the defined industry in this territory through the Regional Committee composed of one representative from each state comprising the region, being the states of Maine, Vermont, Rhode Island, New Hampshire, Connecticut, and Massachusetts, such regional committee to be chosen one by the members of the defined industry in each of such states.

IV—CONTRACTS

Where the costs of executing contracts entered into prior to the approval of this code are increased by the application of this code under the National Industrial Recovery Act, it is equitable and promotive of the purposes of the Act that an increased adjustment of such contracts be made to reflect reasonably compensatory rates.

V—LABOR PROVISIONS

The maximum hours of labor shall be:

Clerical employees.—Forty-five (45) hours per week (maximum).

Other employees whose duties are confined to terminal operations, rate clerks, billing clerks, terminals, shops, motor trucks, drays, teams, and stables.

Fifty-two (52) hours per week (maximum).

These provisions as to hours of service of employees shall not apply to executives, managers, superintendents, and foremen, except that they will apply to owner-operators of any motor trucks, drays, or teams having a legal or beneficiary title thereto.

Exceptions to maximum of fifty-two (52) hours are contingent upon emergencies and acts of God.

VI—MINIMUM WAGES

The minimum wages shall be as follows:

Clerical.—In any city or town of between 2,500 and 250,000 population, or in the immediate trade area of such city or town, not less than fourteen (\$14.00) per week (minimum).

In any city of between 250,000 and 500,000 population, or in the immediate trade area of such city, not less than fourteen dollars and fifty cents (\$14.50) per week (minimum).

In any city of over 500,000 population, not less than fifteen (\$15.00) dollars per week (minimum).

Drivers of motor trucks, drays, or teams.—Forty (40) cents per hour (minimum).

Mechanics.—Fifty (50) cents per hour (minimum).

Mechanic's helpers.—Forty (40) cents per hour (minimum).

Motor truck, dray, or team helper.—Thirty-five (35) cents per hour (minimum).

Terminal helpers.—Thirty-five (35) cents per hour (minimum).

Stable helpers.—Thirty-five (35) cents per hour (minimum).

Watchmen.—Thirty-five (35) cents per hour (minimum).

Other physical help.—Not less than thirty-five (35) cents per hour (minimum).

Emergencies.—In the event of an unforeseen emergency which requires employees (except clerical) to perform services that will exceed the maximum of fifty-two (52) hours, such employees performing such emergency services will be compensated at the base rate plus one-third ($\frac{1}{3}$) of base rate for additional time over and above the fifty-two (52) hours. Overtime rate starts upon the completion of the fifty-two (52) hours, and is not to be computed as overtime in any one twenty-four (24) hour day.

Where any owner, partner, stockholder, or manager performs any of the functions of labor except office and executive work he shall be bound to observe the maximum hours and shall be paid at least the established hourly rates of pay for classification of the labor performed.

VII—FUTURE ACTIVITIES

It is contemplated that from time to time supplementary or substitute provisions to this appendix will be submitted for the approval of the President of the United States to prevent unfair competition in rates or charges and other unfair or destructive practices and to effectuate the other purposes and policies of Title I of the National Industrial Recovery Act.

This appendix or any of its provisions may be canceled or modified and any approved rule shall be ineffective to the extent necessary to conform to action by the President of the United States, or his administrator.

VIII—EFFECTIVE DATE

This appendix shall become effective on the 15th day next following the day on which it is approved by the President of the United States.



