

79TH CONGRESS
1ST SESSION

H. R. 2764

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1945

Mr. LEA introduced the following bill; which was referred to the Committee on Interstate and Foreign Commerce

A BILL

To amend section 409 of the Interstate Commerce Act, with respect to the utilization by freight forwarders of the services of common carriers by motor vehicle.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 That section 409 of the Interstate Commerce Act, as
4 amended, is amended to read as follows:

5 "UTILIZATION BY FREIGHT FORWARDERS OF SERVICES OF
6 COMMON CARRIERS BY MOTOR VEHICLE

7 "SEC. 409. (a) The Commission, after notice and op-
8 portunity for hearing—

9 "(1) Shall at the earliest practicable time determine
10 and by order prescribe the reasonable, just, and equitable

1 terms and conditions, including terms and conditions govern-
 2 ing the determination and fixing of the rates, charges, com-
 3 pensation, or divisions to be paid or observed, under which
 4 freight forwarders subject to this part may utilize the services
 5 and instrumentalities of common carriers by motor vehicle
 6 subject to part II of this Act, under agreements between
 7 such freight forwarders and common carriers, in such man-
 8 ner as will be in furtherance of the national transportation
 9 policy declared in this Act; and

10 “(2) When it has prescribed such reasonable, just, and
 11 equitable terms and conditions, shall by order specify a
 12 reasonable time after which subsection (b) of this section
 13 shall no longer be effective; and the order or orders issued
 14 under this paragraph may, if the Commission deems it to be
 15 in furtherance of the national transportation policy declared
 16 in this Act, provide for the termination of the effectiveness
 17 of such subsection (b) at different times in different terri-
 18 tories or sections.

19 “(b) Subject to the authority of the Commission to
 20 terminate by order the effectiveness of this subsection, as
 21 provided in subsection (a) (2), nothing in any part of
 22 this Act shall be construed to make it unlawful for freight
 23 forwarders subject to this part and common carriers by motor
 24 vehicle subject to part II of this Act to operate under joint
 25 rates or charges. The provisions of part II of this Act shall

1 apply with respect to such joint rates or charges and the
 2 divisions thereof, and with respect to the parties thereto, as
 3 though such joint rates or charges had been established under
 4 the provisions of such part II, and the provisions of this part
 5 shall not apply with respect thereto: *Provided, however,*
 6 That—

7 “(1) Joint rates or charges and concurrences con-
 8 tained in tariffs heretofore filed with the Commission shall
 9 become effective, without notice, as of the date of enactment
 10 of this part, unless the parties thereto file notice with the
 11 Commission, within thirty days after the date of enactment of
 12 this part, canceling such joint rates or charges and con-
 13 currences;

14 “(2) Joint rates or charges and concurrences, con-
 15 tained in tariffs heretofore offered for filing with the Com-
 16 mission, but rejected by the Commission, shall become
 17 effective, without notice, as of the date of enactment of
 18 this part, if filed with the Commission within thirty days
 19 after the date of enactment of this part;

20 “(3) Joint rates or charges and concurrences, under
 21 which freight forwarders and common carriers by motor
 22 vehicle subject to part II of this Act were actually operating
 23 on July 1, 1941, may become effective, without notice, as
 24 of the date of enactment of this part, if tariffs covering such
 25 joint rates or charges and concurrences are filed with the

1 Commission within thirty days after the date of enactment
2 of this part;

3 “(4) No new or additional joint rate or charge may be
4 established under authority of this subsection for service
5 from any point of origin to any point of destination with
6 respect to any particular commodity or class of traffic unless
7 at least one rate or charge for service from such point of
8 origin to such point of destination with respect to such com-
9 modity or class of traffic, established by an individual freight
10 forwarder or by a freight forwarder jointly with a common
11 carrier by motor vehicle, is already lawfully in effect; but
12 for purposes of this paragraph the making of a change in a
13 joint rate or charge which has been established, or which
14 has become effective pursuant to this subsection, shall not
15 be deemed to constitute the establishment of a new or
16 additional joint rate or charge;

17 “(5) Any joint rate or charge or concurrence estab-
18 lished, or which becomes effective pursuant to this subsec-
19 tion, may at any time be canceled or withdrawn in accord-
20 ance with the provisions of part II of this Act;

21 “(6) The filing of tariffs under paragraph (2) or (3)
22 of this subsection may be in accordance with the require-
23 ments with respect to the form and manner of filing tariffs
24 in effect under part II of this Act prior to December 31,
25 1936;

1 “(7) For the purpose of computing the period of thirty
2 days prescribed in paragraph (1), (2), or (3) of this
3 subsection, the date of mailing by registered mail shall be
4 deemed the date of filing; and

5 “(8) As used in this subsection the term ‘rates or
6 charges’ includes classifications, rules, and regulations with
7 respect thereto.”

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