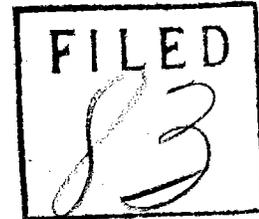


MOTOR VEHICLES: ) Motor vehicles carrying agricultural  
) products exclusively in intrastate  
PUBLIC SERVICE COMMISSION: ) traffic exempt from Public Service  
Commission Act.

July 2, 1941

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Honorable Buford Skaggs  
Representative  
State Capitol  
Jefferson City, Missouri

Dear Mr. Skaggs:

This is to acknowledge your oral request for  
an opinion on the following question:

"Do trucks which haul agricultural  
products only to and from market  
have to have an extra driver and  
sleeper?"

Rule No. 51 of the Public Service Commission  
relating to motor carriers and contract haulers prescribes  
the following working hours:

"No motor carrier controlling, oper-  
ating or managing any motor vehicle  
used in the transportation of passen-  
gers or property shall cause or allow  
any driver or operator of such motor  
vehicle to work as a driver or oper-  
ator for a longer period than ten  
hours and whenever any such driver or  
operator shall have been continuously  
on duty driving or operating for ten  
hours, he shall be relieved and not  
required or permitted again to go on  
duty driving or operating until he has  
had at least 10 consecutive hours off  
duty, also that in cases of unforeseen  
emergency a driver may remain on duty  
not in excess of twelve hours.

"(b) The ten-hour period provided for rest in sub-section (a) shall be taken while off the vehicle, unless such vehicle is equipped with reasonable sleeping quarters, consisting in part, of some form of bed."

The above rule, however, does not apply to motor vehicles used exclusively in the transportation of agricultural products in intrastate traffic for the reason that Section 5721, R. S. Mo. 1939, specifically exempts same; said section providing in part as follows:

"The provision of this article shall not apply to any \* \* \* \* \* motor vehicles used exclusively in transporting farm and dairy products from the farm or dairy to a creamery, warehouse, or other original storage or market, and transporting stocker and feeder livestock from market to farm or from farm to farm \* \* \* \* \*"

From the foregoing we are of the opinion that motor vehicles used exclusively in the transportation of agricultural products in intrastate traffic are exempt from the Public Service Commission Act and therefore are not required to have an extra driver or sleeper and otherwise comply with the rules established by the Public Service Commission relating to the working hours of drivers or operators of motor vehicles.

It is to be understood that our opinion does not take into consideration the operation of trucks in interstate traffic. Such trucks are within the jurisdiction of the Interstate Commerce Commission. We do not have available the rules of the Interstate Commerce Commission and hence are unable to advise you with reference to same. Such information relating to the rules of the Interstate Commerce Commission may be obtained by writing Mr. J. F. Miller, District Director Interstate Commerce Commission, Bureau of Motor Carriers, 912 Baltimore Avenue, Kansas City, Missouri. If you desire

Hon. Buford Skaggs

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July 2, 1941

that we write the above party please communicate with the  
writer and we will be glad to do so.

Respectfully submitted,

MAX WASSERMAN  
Assistant Attorney-General

APPROVED:

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VANE C. THURLO  
(Acting) Attorney-General

MW:EG