

OKLAHOMA CONSTITUTION

ARTICLE IX - CORPORATIONS

SECTION IX-1

Corporation - Company - Charter - License.

As used in this article, the term "corporation" or "company" shall include all associations and joint stock companies having any power or privileges, not possessed by individuals, and exclude all municipal corporations and public institutions owned or controlled by the State; the term "charter" shall mean the charter of incorporation, by or under which any corporation is formed. The term "license" shall mean the authority under which all foreign corporations are permitted to transact business in this State.

SECTION IX-2

Rights as to construction of lines.

Every railroad, oil pipe, car, express, telephone or telegraph corporation or association organized or authorized to do a transportation or transmission business under the laws of this State for such purpose, shall, each respectively, have the right to construct and operate its line between any points in this State, and as such to connect at the State line with like lines; and every such company shall have the right with its road or line, to intersect, connect with, or cross any railroad or such line.

SECTION IX-3

Receipt of cars, tonnage and passengers from other lines.

Every railroad, car, or express company, shall each respectively receive and transport without delay or discrimination each other's cars, loaded or empty, tonnage, and passengers, under such rules and regulations as may be prescribed by law or any commission created by this Constitution or by act of the Legislature, for that purpose.

SECTION IX-4

Oil pipe line companies - Regulation - Duties.

All oil pipe companies shall be subject to the reasonable control and regulation of the Corporation Commission, and shall receive and transport each other's tonnage, or oils, or commodities, under such rules and regulations as shall be prescribed by law, or such commission.

SECTION IX-5

Telegraph and telephone companies - Exchange of messages - Physical connections.

All telephone and telegraph lines, operated for hire, shall each respectively, receive and transmit each other's messages without delay or discrimination, and make physical connections with each other's lines, under such rules and regulations as shall be prescribed by law, or by any commission created by this Constitution, or any act of the Legislature, for that purpose.

SECTION IX-6

Railroads as public highways - Offices - Meetings - Reports - Enforcement.

Railroads heretofore constructed, or which may hereafter be constructed in this State, are hereby declared public highways. Every railroad or other public service corporation organized or doing business in this State, under the laws or authority thereof, shall have and maintain a public office or place in this State, for the transaction of its business, where transfers of stock shall be made, and where shall be kept, for inspection by the stockholders of such corporation, books, in which shall be recorded the amount of capital stock subscribed, the names of the owners of stock, the amounts owned by them, respectively; the amount of stock paid, and by whom; the transfer of said stock, with the date of transfer; the amount of its assets and liabilities, and the names and places of residence of its officers, and such other matters required by law or by order of the Corporation Commission. The directors of every railroad company, or other public service corporation, shall hold at least one meeting annually in this State, public notice of which shall be given thirty days previously, and the president or superintendent of every railroad company and other public service corporation organized or doing business in this State, under the laws of this State, or the authority thereof, shall report annually under oath, and make such other reports as may be required by law or order of the Corporation Commission, to said Commission, their acts and doings, which report shall include such matters relating to railroads and other public service corporations as may be prescribed by law. The Legislature shall pass all necessary laws enforcing, by suitable penalties, all the provisions of this section.

SECTION IX-7

Movable property as personal property - Liability of property to execution.

The rolling stock and all other movable property belonging to any railroad, transportation, transmission, or other public service corporation in this State, shall be considered personal property, and its real and personal property, or any part thereof, shall be liable to execution and sale in the same manner as the property of individuals; and the Legislature shall pass no laws exempting any such property from execution and sale.

SECTION IX-8

Consolidation of public service corporations - Common officer.

No public service corporation, or the lessees, purchasers, or managers thereof, shall consolidate the stock, property, or franchises, of such corporation with, or lease or purchase the works

or franchises of, or in any way control, any other public service corporation owning or having under its control a parallel or competing line; except by enactment of the Legislature upon the recommendation of the Corporation Commission: Provided, however, That the Legislature shall never enact any law permitting any public service corporation, the lessees, purchasers, or managers thereof when such public service corporation is organized under the laws of any other State, or of the United States, to consolidate the stock, property, or franchises, of such corporation with, or lease, or purchase, the works of, franchises of, or in any way control, any other public service corporation, organized under the laws of any other State, or of the United States, owning or having under its control in this State a parallel or competing line; nor shall any officer of such corporation act as an officer of any other corporation owning or controlling a parallel or competing line.

SECTION IX-9

Sales and leases - Additional restrictions on consolidation.

Upon the consent of the Corporation Commission in writing first had and obtained, any foreign or domestic railroad transportation or transmission company or corporation may lease, sell, or otherwise dispose of its property and franchises to, or may lease, buy, or otherwise acquire and operate the property and franchises of any like Company or Corporation; provided, that the Legislature may impose additional limitations or restrictions upon the rights of any railroad company or transmission company to consolidate.

Amended by State Question No. 46, Referendum Petition No. 18, adopted at election held on Aug. 5, 1913.

SECTION IX-10

Street railroads - Consent to construction and operation.

No law shall be passed by the Legislature granting the right to construct and operate a street railroad within any city, town, or village, or upon any public highway, without first acquiring the consent of the local authorities having control of the street or highway proposed to be occupied by such street railroad.

SECTION IX-11

Acceptance of provisions of Constitution.

No railroad, transportation, transmission, or other public service corporation in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, except on condition of complete acceptance of all the provisions of this Constitution, applicable to railroads, transportation companies, transmission companies, and other public service corporations: Provided, That nothing herein shall be construed as validating any

charter which may be invalid, or waiving any of the conditions contained in any charter.

SECTION IX-12

Transportation of railroad's own commodities.

No railroad company shall transport, within this State, any article or commodity manufactured, mined, or produced by it, or under its authority, or which it may own, in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier.

SECTION IX-13

Free transportation of passengers.

No railroad corporation or transportation company, or transmission company shall, directly or indirectly, issue or give any free frank or free ticket, free pass or other free transportation, for any use, within this State, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries for railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportations; to inmates of the National Homes, or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge, and boards of managers of such Homes; to members of volunteer fire departments and their equipage, while traveling as such; to necessary caretakers of live stock, poultry, and fruit; to employees of sleeping cars, of express cars, and to linemen of telegraph and telephone companies; to Railway Mail Service employees, postoffice inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the railroad company or transportation company is interested, persons injured in wrecks, and physicians and nurses attending such persons: Provided, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and their families; nor to prohibit any common carriers from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation; nor to prevent them from transporting, free of charge, to their places of employment persons entering their service, and the interchange of passes to that end; and any railroad, transportation, or transmission company or any person, other than the persons excepted in this

provision, who grants or uses any such free frank, free ticket, free pass, or free transportation within this State, shall be deemed guilty of a crime, and the Legislature shall provide proper penalties for the violation of any provision of this section by the railroad or transportation or transmission company, or by any individual: Provided, That nothing herein shall prevent the Legislature from extending these provisions so as to exclude such free transportations or franks from other persons.

SECTION IX-14. Repealed by State Question No. 643, Legislative Referendum No. 288, adopted at election held on Nov. 3, 1992. Repeal proposed by Laws 1991, p. 3175, H.J.R. No. 1017, § 1.

SECTION IX-15

Creation - Terms of office - Vacancies.

A. A Corporation Commission is hereby created, to be composed of three persons, who shall be elected by the people at a general election for State officers, and their terms of office shall be six (6) years. In case of a vacancy in said office, the Governor of the State shall fill such vacancy by appointment until the next general election, when a successor shall be elected to fill out any unexpired term.

B. No person shall be eligible to serve as Corporation Commissioner for a period of time in excess of twelve (12) years. Such years need not be consecutive. Any years served by a person elected or appointed to serve less than a full term to fill a vacancy in such office shall not be included in the limitation set forth herein. Any person serving in such position at the time of passage of this amendment shall be eligible to complete the term for which he or she has been elected and shall be eligible to serve an additional twelve (12) years thereafter, notwithstanding the provisions of this amendment. The Legislature is hereby authorized to enact laws to implement the provisions of this subsection.

Amended by State Question No. 747, Legislative Referendum No. 348, adopted at election held on Nov. 2, 2010.

SECTION IX-16

Qualifications of commissioners.

The qualifications of such commissioners shall be as follows: To be resident citizens of this State for over two years next preceding the election, and qualified voters under the Constitution and laws, and not less than thirty years of age; nor shall such commissioners, or either of them, be, directly or indirectly, interested in any railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, operated for hire, in this State, or out of it, or any stock, bond, mortgage, security, or earnings of any

such railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, compress or elevator companies; and if such Commissioner shall voluntarily become so interested, his office shall become vacant; and if any Corporation Commissioner shall become so interested otherwise than voluntarily, he shall, within a reasonable time, divest himself of such interest; and failing to do this, his office shall become vacant. Nor shall any such commissioner hold any other office under the government of the United States, or of this State, or any other state government, and shall not, while such Commissioner, engage in any occupation or business inconsistent with his duties as such commissioner.

SECTION IX-17

Oath of office - Additional oath.

Before entering upon the duties of his office, each of said commissioners shall take and subscribe to the oath of office as prescribed in this Constitution and shall, in addition thereto, swear that he is not, directly or indirectly, interested in any railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line, nor in the bonds, stocks, mortgages, securities, contract or earnings of any railroad, street railway, traction line, canal, steam boat, pipe line, car line, sleeping car line, car association, express line, telephone or telegraph line; and that he will, to the best of his ability, faithfully and justly execute and enforce the provisions of this Constitution, and all the laws of this State concerning railroads, street railways, traction lines, canals, steam boats, pipe lines, car lines, sleeping car lines, car associations, express lines, telephone and telegraph lines, compress and elevator companies, and all other corporations over which said Commission has jurisdiction, which oath shall be filed with the Secretary of State.

SECTION IX-18

Powers and duties - Notice before taking action - Process for witnesses - Authority of Legislature - Municipal powers.

The Commission shall have the power and authority and be charged with the duty of supervising, regulating and controlling all transportation and transmission companies doing business in this State, in all matters relating to the performance of their public duties and their charges therefor, and of correcting abuses and preventing unjust discrimination and extortion by such companies; and to that end the Commission shall, from time to time, prescribe and enforce against such companies, in the manner hereinafter authorized, such rates, charges, classifications of traffic, and rules and regulations, and shall require them to establish and maintain all

such public service, facilities, and conveniences as may be reasonable and just, which said rates, charges, classifications, rules, regulations, and requirements, the Commission may, from time to time, alter or amend. All rates, charges, classifications, rules and regulations adopted, or acted upon, by any such company, inconsistent with those prescribed by the commission, within the scope of its authority, shall be unlawful and void. The commission shall also have the right, at all times, to inspect the books and papers of all transportation and transmission companies doing business in this State, and to require from such companies, from time to time, special reports and statements, under oath, concerning their business; it shall keep itself fully informed of the physical condition of all the railroads of the State, as to the manner in which they are operated, with reference to the security and accommodation of the public, and shall, from time to time, make and enforce such requirements, rules, and regulations as may be necessary to prevent unjust or unreasonable discrimination and extortion by any transportation or transmission company in favor of, or against any person, locality, community, connecting line, or kind of traffic, in the matter of car service, train or boat schedule, efficiency of transportation, transmission, or otherwise, in connection with the public duties of such company. Before the Commission shall prescribe or fix any rate, charge or classification of traffic, and before it shall make any order, rule, regulation, or requirement directed against any one or more companies by name, the company or companies to be affected by such rate, charge, classification, order, rule, regulation, or requirement, shall first be given, by the Commission, at least ten days' notice of the time and place, when and where the contemplated action in the premises will be considered and disposed of, and shall be afforded a reasonable opportunity to introduce evidence and to be heard thereon, to the end that justice may be done, and shall have process to enforce the attendance of witnesses; and before said Commission shall make or prescribe any general order, rule, regulation, or requirement, not directed against any specific company or companies by name, the contemplated general order, rule, regulation, or requirement shall first be published one time in substance in one or more of the newspapers of general circulation published in the county in which the Capitol of this State may be located, together with the notice of the time and place, when and where the Commission will hear any objections which may be urged by any person interested, against the proposed general order, rule, regulation, or requirement; and every such general order, rule, regulation, or requirement, made by the Commission, shall be published at length, in the next annual report of the Commission. The authority of the Commission (subject to review on appeal as hereinafter provided) to prescribe rates, charges, and classifications of traffic, for transportation and transmission

companies, shall, subject to regulation by law, be paramount; but its authority to prescribe any other rules, regulations or requirements for corporations or other persons shall be subject to the superior authority of the Legislature to legislate thereon by general laws: Provided, However, That nothing in this section shall impair the rights which have heretofore been, or may hereafter be, conferred by law upon the authorities of any city, town or county to prescribe rules, regulations, or rates of charges to be observed by any public service corporation in connection with any services performed by it under a municipal or county franchise granted by such city, town, or county, so far as such services may be wholly within the limits of the city, town, or county granting the franchise. Upon the request of the parties interested, it shall be the duty of the Commission, as far as possible, to effect, by mediation, the adjustment of claims, and the settlement of controversies, between transportation or transmission companies and their patrons or employees.

Amended by Laws 1985, c. 302, § 1, eff. Nov. 1, 1985; Laws 1994, c. 315, § 17, eff. July 1, 1994.

SECTION IX-18a

Organization - Quorum - Necessary vote.

A. The salary of Corporation Commissioners shall be set by the Legislature and may be increased at any time during the term of their office. The purpose of this provision is to assure that all Corporation Commissioners are paid equal salaries for their service, without regard to the time of their appointment or election.

B. The Corporation Commission shall organize by electing one of its members chairman and appointing a secretary, whose salary shall be fixed by the Legislature. A majority of said Commission shall constitute a quorum, and the concurrence of the majority of said Commission shall be necessary to decide any question.

Amended by Laws 1995, c. 328, § 1, emerg. eff. June 8, 1995.

SECTION IX-18b

Company defined.

As used in this article, the term "Company" shall include associations and joint stock companies having any power or privileges not possessed by individuals, and include all corporations except municipal corporations and public institutions owned or controlled by the State.

SECTION IX-19

Powers of court of record - Additional powers - Failure or refusal to obey orders.

In all matters pertaining to the public visitation, regulation, or control of corporations, and within the jurisdiction of the Commission, it shall have the powers and authority of a court of

record, to administer oaths, to compel the attendance of witnesses, and the production of papers, to punish for contempt any person guilty of disrespectful or disorderly conduct in the presence of the Commission while in session, and to enforce compliance with any of its lawful orders or requirements by adjudging, and by enforcing its own appropriate process, against the delinquent or offending party or company (after it shall have been first duly cited, proceeded against by due process of law before the Commission sitting as a court, and afforded opportunity to introduce evidence and to be heard, as well against the validity, justness, or reasonableness of the order or requirement alleged to have been violated, as against the liability of the company for the alleged violation), such fines or other penalties as may be prescribed or authorized by this Constitution or by law. The Commission may be vested with such additional powers, and charged with such other duties (not inconsistent with this Constitution) as may be prescribed by law, in connection with the visitation, regulation, or control of corporations, or with the prescribing and enforcing of rates and charges to be observed in the conduct of any business where the State has the right to prescribe the rates and charges in connection therewith, or with the assessment of the property of corporations, or the appraisalment of their franchises, for taxation, or with the investigation of the subject of taxation generally. Any corporation failing or refusing to obey any valid order or requirement of the Commission, within reasonable time, not less than ten days, as shall be fixed in the order, may be fined by the Commission (proceeding by due process of law as aforesaid) such sum, not exceeding five hundred dollars, as the Commission may deem proper, or such sum, in excess of five hundred dollars, as may be prescribed or authorized by law; and each day's continuance of such failure or refusal, after due service upon such corporation of the order or requirement of the Commission, shall be a separate offense: Provided, That should the operation of such order or requirement be suspended, pending any appeal therefrom, the period of such suspension shall not be computed against the company in the matter of its liability to fines or penalties.

SECTION IX-20

Appeals to Supreme Court - Other courts to have no jurisdiction - Mandamus and prohibition.

From any action of the Corporation Commission prescribing rates, charges, services, practices, rules or regulations of any public utility or public service corporation, or any individual, person, firm, corporation, receiver or trustee engaged in the public utility business, an appeal may be taken by any party affected, or by any person deeming himself aggrieved by any such action, or by the State, directly to the Supreme Court of the State of Oklahoma, in the manner and in the same time in which appeals may be taken to the Supreme

Court from the District Courts, except that such an appeal shall be of right, and the Supreme Court may provide by rule for proceedings in the matter of appeals in any particular in which the existing rules of law are inapplicable. If such appeal be taken by the public utility or public service corporation affected by any such action, the State of Oklahoma shall be made the appellee, but in other appeals hereunder, the public utility or public service corporation affected shall be made the appellee.

An appeal from an order of the Corporation Commission affecting the rates, charges, services, practices, rules or regulations of public utilities, or public service corporations, shall be to the Supreme Court only, and in all appeals to which the State is a party it shall be represented by the Attorney for the Corporation Commission, and the Attorney General, or his duly authorized representative.

The Supreme Court's review of appealable orders of the Corporation Commission shall be judicial only, and in all appeals involving an asserted violation of any right of the parties under the Constitution of the United States or the Constitution of the State of Oklahoma, the Court shall exercise its own independent judgment as to both the law and the facts. In all other appeals from orders of the Corporation Commission the review by the Supreme Court shall not extend further than to determine whether the Commission has regularly pursued its authority, and whether the findings and conclusions of the Commission are sustained by the law and substantial evidence. Upon review, the Supreme Court shall enter judgment, either affirming or reversing the order of the Commission appealed from.

No court of this State, except the Supreme Court, shall have jurisdiction to review, affirm, reverse, or remand any action of the Corporation Commission with respect to the rates, charges, services, practices, rules or regulations of public utilities, or of public service corporations, or to suspend or delay the execution or operation thereof, or to enjoin, reverse, or interfere with the Corporation Commission in the performance of its official duties; provided, however, that writs of mandamus or prohibition shall lie from the Supreme Court to the Corporation Commission in all cases where such writs respectively would lie to any inferior court or officer.

Amended by Laws 1941, p. 544, § 1.

NOTE: Laws 1941, p. 547, § 7, reads: "The provisions of this Act shall apply to all appeals from orders of the Corporation Commission now pending in the Supreme Court, as well as to all appeals that may be taken hereafter from such orders, and the Supreme Court is hereby vested with such power as may be necessary to protect the substantial rights of any party to appeals now pending."

SECTION IX-21

Supersedeas - Security - Accounts - Refunds - Precedence of appeals.

Upon the giving of notice of appeal from an order of the Corporation Commission, the Commission, if requested, shall suspend the effectiveness of the order complained of until the final disposition of the order appealed, and fix the amount of suspending or supersedeas bond. Such suspending or supersedeas bond shall be approved and filed with the Corporation Commission (or approved, on review, by the Supreme Court), and made payable to the State of Oklahoma; provided, however, that in all cases involving orders of the Corporation Commission affecting rates or charges, the suspending or supersedeas bond must be sufficient in amount and security to insure the prompt refunding, by the appealing party, to the parties entitled thereto, of all rates or charges which such appealing party may collect or receive, pending the appeal, in excess of those authorized by the order appealed from, in event such order is, by such court, affirmed on appeal. The Corporation Commission, upon the execution of such suspending or supersedeas bond, shall forthwith require the appealing party, under penalty of immediate enforcement (pending the appeal and notwithstanding any supersedeas), of the order appealed from, to keep such accounts, and make to the Corporation Commission, from time to time, such reports, verified by oath, as may, in the judgment of the Corporation Commission, suffice to show the amounts being charged or received by the appealing party, pending the appeal, in excess of the charge allowed by the order or action of the Corporation Commission appealed from, together with the names and addresses of the persons to whom such overcharges may be refundable, in case such charges made by the appealing party, pending the appeal, be not sustained on such appeal; and the Corporation Commission shall also, from time to time, require such appealing party, under like penalty, to give additional security, or to increase such suspending bond, whenever, in the opinion of the Corporation Commission, the same may be necessary to secure the prompt refunding of the overcharges aforesaid. Upon the final decision of the appeal, all amounts which the appealing party may have collected, pending the appeal, in excess of that authorized by such final decision, shall be promptly refunded by the appealing party to the parties entitled thereto, in such manner and through such method of distribution, as may be prescribed by the Corporation Commission, or by law. All such appeals, affecting the rates, charges, practices, rules or regulations of any public utility, or of any public service corporation, or any individual, person, firm, corporation, receiver or trustee engaged in the public utility business, shall have precedence upon the docket of the Supreme Court, irrespective of its place of session, next after habeas corpus cases, to the end that a plain, speedy and efficient remedy may be afforded the parties to such appeals.

Amended by Laws 1941, p. 545, § 2.

SECTION IX-22

Statement of reasons for action - Cause heard on record -
Certification of facts and evidence - New or additional evidence.

The Corporation Commission shall, whenever an appeal is taken therefrom, file with the record of the case, and as a part thereof, a written statement of the reasons upon which the action appealed from was based, and such statement shall be read and considered by the Supreme Court, upon disposing of the appeal. In no case of appeal from an order of the Corporation Commission shall any new or additional evidence be introduced in the Supreme Court, but the cause shall be heard on the record made before the Corporation Commission, and the Chairman of the Commission, under the seal of the Commission, shall certify to the Supreme Court all the facts upon which the action appealed from was based, and which may be essential for the prompt decision of the appeal, together with all evidence introduced before said Corporation Commission, as may be selected, specified or required to be certified, by any party in interest, as well as such other evidence, so introduced before the Commission as the Chairman may deem proper to certify; provided, however, that in any appeal from an order of the Corporation Commission in which a party thereto asserts the violation of any right under the Constitution of the United States or the Constitution of the State of Oklahoma, the Supreme Court shall require the Commission to take and receive such additional evidence as is necessary to judicially determine the rights of the parties and report the same to the Court, in such manner as the Court may prescribe, for its consideration before the appeal is finally decided.

Amended by Laws 1941, p. 545, § 3.

SECTION IX-23. Repealed by Laws 1941, p. 547, § 6, eff. April 28, 1941.

SECTION IX-24

Rights of action not affected - Questioning action of Commission.

The right of any person, firm, corporation, receiver or trustee to institute and prosecute in the ordinary courts of justice, any action, suit or motion against any public utility, or public service corporation, or any individual, person, firm, corporation, receiver or trustee, engaged in the public utility business, shall not be extinguished or impaired by reason of any fine or other penalty which the Corporation Commission may impose or be authorized to impose upon such public utility, public service corporation, or any individual, person, firm, corporation, receiver or trustee engaged in the public utility business, because of its breach of any public duty or because of its failure to comply with any order or requirement of the Corporation Commission; but in no such proceeding by any person,

firm, corporation, receiver or trustee, against such public utility, public service corporation, or any individual, person, firm, corporation, receiver or trustee engaged in the public utility business, nor in any collateral proceeding, shall the reasonableness, justness, or validity of any rate, charge, service, practice, rule, regulation or requirement, theretofore prescribed by the Corporation Commission, within the scope of its authority, and then in force, be questioned.

Amended by Laws 1941, p. 546, § 4.

SECTION IX-25

Reports and recommendations.

The Commission shall make annual reports to the Governor of its proceedings, in which reports it shall recommend, from time to time, such new or additional legislation in reference to its powers or duties, or the creation, supervision, regulation or control of corporations, or to the subject of taxation, as it may deem wise or expedient, or as may be required by law.

SECTION IX-26

Railway depots and depot buildings.

It shall be the duty of each and every railway company, subject to the provisions herein, to provide and maintain adequate, comfortable, and clean depots, and depot buildings, at its several stations, for the accomodation of passengers, and said depot buildings shall be kept well lighted and warmed for the comfort and accommodation of the traveling public; and all such roads shall keep and maintain adequate and suitable freight depots and buildings for the receiving, handling, storing, and delivering of all freight handled by such roads.

SECTION IX-27

Railroad crossings at grade.

In case any railroad company shall hereafter seek to cross at grade with its track or tracks, the track or tracks of another railroad, the railroad seeking to cross at grade, within a reasonable time, shall be compelled to interlock or protect such crossings by safety devices, to be designated by the Commission, and all costs of appliance, together with the expenses of putting them in, shall be borne equally by each company: Provided, That this act shall not apply to crossings of sidetracks.

SECTION IX-28

Inspection of books and papers - Examination of officers and agents.

The commissioners, or either of them, or such persons as they may employ therefor, shall have the right, at such times as they may deem necessary, to inspect the books and papers of any railroad company or

other public service corporation, and to examine, under oath, any officer, agent, or employee of such corporations in relation to the business and affairs of the same. If any railroad company or other public service corporation shall refuse to permit the commissioners, or either of them, or any person authorized thereto, to examine its books and papers, such railroad company or other public service corporation shall, until otherwise provided by law, for each offense, pay to the State of Oklahoma not less than one hundred and twenty-five dollars, nor more than five hundred dollars, for each day it shall so fail or refuse, and the officer or other person so refusing shall be punished as the law shall prescribe.

SECTION IX-29

Record of financial transactions.

The Commission shall ascertain, and enter of record, the same to be a public record, as early as practicable, the amount of money expended in construction and equipment per mile of every railroad and other public service corporation in Oklahoma, the amount of money expended to procure the right of way, and the amount of money it would require to reconstruct the roadbed, track, depots, and transportation facilities, and to replace all the physical properties belonging to the railroad or other public service corporation. It shall also ascertain the outstanding bonds, debentures, and indebtedness, and the amount, respectively, thereof, when issued, and rate of interest, when due, for what purposes issued, how used, to whom issued, to whom sold, and the price in cash, property, or labor, if any, received therefor, what became of the proceeds, by whom the indebtedness is held, the amount purporting to be due thereon, the floating indebtedness of the company, to whom due, and his address, the credits due on it, the property on hand belonging to the railroad company or other public service corporation, and the judicial or other sales of said road, its property or franchises, and the amounts purporting to have been paid, and in what manner paid therefor. The Commission shall also ascertain the amounts paid for salaries to the officers of the railroad, or other public service corporation, and the wages paid its employees. For the purpose in this section named, the Commission may employ experts to assist them when needed, and from time to time, as the information required by this section is obtained, it shall communicate the same to the Attorney General by report, and file a duplicate thereof with the State Examiner and inspector for public use, and said information shall be printed, from time to time, in the annual report of the Commission.

SECTION IX-30

Greater charge for less distance.

No transportation or transmission company shall charge or receive any greater compensation, in the aggregate, for transporting the same

class of passengers or property, or for transmitting the same class of messages, over a shorter than a longer distance, along the same line and in the same direction - the shorter being included in the longer distance; but this section shall not be construed as authorizing any such company to charge or receive as great compensation for a shorter as for a longer distance. The Commission may, from time to time, authorize any such company to disregard the foregoing provisions of this section, by charging such rates as the Commission may prescribe as just and equitable between such company and the public, to or from any junctional or competitive points or localities, or where the competition of points located without this State may make necessary the prescribing of special rates for the protection of the commerce of this State; but this section shall not apply to mileage tickets, or to any special excursion, or commutation rates, or to special rates for services rendered to this State, or to the United States, or in the interest of some public object, when such tickets or rates shall have been prescribed or authorized by the Commission.

SECTION IX-31

Foreign corporations - Eminent domain - Restrictions on exercise.

No railroad, oil pipe line, telephone, telegraph, express, or car corporation organized under the laws of any other state, or of the United States, and doing business or proposing to do business in the State of Oklahoma, shall be allowed to exercise the right of eminent domain, unless it shall become a body corporate pursuant to the laws of this state; or unless such corporation shall comply with such limitations and restrictions as may be prescribed by the Corporation Commission, and file with the commission its written acceptance of such requirements and procure from the commission a certificate entitling it to exercise such right.

Amended by Laws 1913, c. 168, p. 387, § 1.

SECTION IX-32

Through rates - Investigation - Notice - Application to Interstate Commerce Commission.

The said Commission shall have power, and it is hereby made its duty, to investigate all through freight or passenger rates on railroads in this State, and when the same are, in the opinion of the Commission, excessive or levied or laid in violation of the Interstate Commerce law, or the rules and regulations of the Interstate Commerce Commission, the proper officials of the railroads are to be notified of the facts and requested to reduce them or make the proper corrections, as the case may be. When the rates are not changed, or the proper corrections are not made according to the request of the Commission, it shall be the duty of the latter to notify the Interstate Commerce Commission and to make proper

application to it for relief, and the Attorney General or such other persons as may be designated by law shall represent the Commission in all such matters.

SECTION IX-33

Switches to mines, mills, elevators and industries.

Any person, firm, or corporation owning or operating any coal, lead, iron, or zinc mine, or any saw mill, grain elevator, or other industry, whenever the Commission shall reasonably determine that the amount of business is sufficient to justify the same, near or within a reasonable distance of any track, may, at the expense of such person, firm, or corporation, build and keep in repair a switch leading from such railroad to such mine, saw mill, elevator or other industry; such railroad company shall be required to furnish the switch stand and frog and other necessary material for making connection, with such side track or spur under such reasonable terms, conditions and regulations as the said Commission may prescribe, and shall make connection therewith. The party owning such mine, saw mill, elevator or other industry shall pay the actual cost thereof. If any railroad company, after proper demand therefor is made, shall refuse to furnish said material for making said connection and put the same in place, or after the building of such switch, shall fail or refuse to operate the same, such railroad company failing and refusing for a reasonable time, shall forfeit and pay to the party or corporation aggrieved, the sum of five hundred dollars for each and every offense, to be recovered by civil action in any court of competent jurisdiction; and every day of such refusal on the part of the railroad company to operate such switch as aforesaid, after such demand is made, shall be deemed a separate offense.

SECTION IX-34

Definitions - Avoidance of conflicts with U. S. Constitution.

As used in this Article, the term "transportation company" shall include any company, corporation, trustee, receiver or any other person owning, leasing or operating for hire a railroad, street railway, canal, steamboat line, and also any freight car company, car corporation, or company, trustee or persons in any way engaged in such business as a common carrier over a route acquired in whole or in part under the right of eminent domain, or under any grant from the Government of the United States; the term "rate" shall be construed to mean rate of charge for any service rendered, or to be rendered; the terms "rate," "charge" and "regulation" shall include joint rates, joint charges and joint regulations, respectively; the term "transmission company" shall include any company, receiver or other person owning, leasing or operating for hire any telegraph or telephone line; the term "freight" shall be construed to mean any property transported or received for transportation by any

transportation company. The term "public service corporation" shall include all transportation and transmission companies, all gas, electric, heat, light and power companies, and all persons, firms, corporations, receivers or trustees engaged in said businesses, and all persons, firms, corporations, receivers or trustees authorized to exercise the right of eminent domain or having a franchise to use or occupy any right of way, street, alley or public highway, whether along, over or under the same, in a manner not permitted to the general public, and all persons, firms, corporations, receivers and trustees engaged in any business which is a public utility or a public service corporation, at the present time or which may hereafter be declared to be a public utility or a public service corporation. The term "person" as used in this Article shall include individuals, partnerships, and corporations in the singular as well as plural number; the term "bond" shall mean all certificates or written evidence of indebtedness issued by any corporation and secured by mortgage or trust deed. The term "frank" shall mean any writing or token issued by or under authority of a transmission company, entitling the holder to any service from such company free of charge.

The provisions of this Article shall always be so restricted in their application as not to conflict with any of the provisions of the Constitution of the United States, and as if the necessary limitations upon their interpretation had been herein expressed in each case.

Amended by Laws 1941, p. 546, § 5.

SECTION IX-35

Power of Legislature.

After the second Monday in January, nineteen hundred and nine, the Legislature may, by law, from time to time, alter, amend, revise, or repeal sections from eighteen to thirty-four, inclusive, of this article, or any of them, or any amendments thereof: Provided, That no amendment made under authority of this section shall contravene the provisions of any part of this Constitution other than the said sections last above referred to or any such amendments thereof.

SECTION IX-36

Common law doctrine abrogated - Liability for acts of receivers - Power of Legislature.

The common law doctrine of the fellow-servant, so far as it affects the liability of the master for injuries to his servant, resulting from the acts or omissions of any other servant or servants of the common master, is abrogated as to every employee of every railroad company and every street railway company or inter-urban railway company, and of every person, firm, or corporation engaged in mining in this State; and every such employee shall have the same

right to recover for every injury suffered by him for the acts or omissions of any other employee or employees of the common master that a servant would have if such acts or omissions were those of the master himself in the performance of a non-assignable duty; and when death, whether instantaneous or not, results to such employee from any injury for which he could have recovered under the above provisions, had not death occurred, then his legal or personal representative, surviving consort or relatives, or any trustee, curator, committee or guardian of such consort or relatives, shall have the same rights and remedies with respect thereto, as if death had been caused by the negligence of the master. And every railroad company and every street railway company or inter-urban railway company, and every person, firm, or corporation engaged in underground mining in this State shall be liable under this section, for the acts of his or its receivers.

Nothing contained in this section shall restrict the power of the Legislature to extend to the employees of any person, firm, or corporation, the rights and remedies herein provided for.

SECTION IX-37. Repealed by State Question No. 592, Legislative Referendum No. 256, adopted at election held Nov. 4, 1986. Repeal proposed by Laws 1985, p. 1669, S.J.R. No. 18, § 1.

SECTION IX-38

Creation or licensing - Necessity of general law.

No private corporation shall be created nor foreign corporation licensed to conduct business in the State, except by general law.

SECTION IX-39

Restrictions on issuance of stock.

No corporation shall issue stock except for money, labor done, or property actually received, at a stated value thereof, and the Legislature shall prescribe the necessary regulations to prevent the issue of fictitious stock or indebtedness.

Amended by State Question No. 458, Legislative Referendum No. 171, adopted at election held on Sept. 17, 1968.

SECTION IX-40

Influencing elections or official duty.

No corporation organized or doing business in this State shall be permitted to influence elections or official duty by contributions of money or anything of value.

SECTION IX-41

Banks and trust companies - Restriction on controlling other stock.

No trust company, or bank or banking company shall own, hold, or control, in any manner whatever, the stock of any other trust company

or bank or banking company, except such stock as may be pledged in good faith to secure bona fide indebtedness, acquired upon foreclosure, execution sale, or otherwise for the satisfaction of debt; and such stock shall be disposed of in the time and manner hereinbefore provided.

Amended by State Question No. 458, Legislative Referendum No. 171, adopted at election held on Sept. 17, 1968.

SECTION IX-42

Arbitration of differences with employees.

Every license issued or charter granted to a mining or public service corporation, foreign or domestic, shall contain a stipulation that such corporation will submit any difference it may have with employees in reference to labor, to arbitration, as shall be provided by law.

SECTION IX-43

Foreign corporations - Designation of resident agent - Service - Place of suit.

Every foreign corporation shall, before being licensed to do business in the State, designate an agent residing in the State; and service of summons or legal notice may be had on such designated agent and such other agents as now are or may hereafter be provided for by law. Suit may be maintained against a foreign corporation in the county where an agent of such corporation may be found, or in the county of the residence of plaintiff, or in the county where the cause of action may arise.

Amended by State Question No. 455, Legislative Referendum No. 168, adopted at election held on Sept. 17, 1968; State Question No. 458, Legislative Referendum No. 171, adopted at election held on Sept. 17, 1968.

SECTION IX-44

Foreign corporations subject to same restrictions and requirements as domestic corporations.

No foreign corporation shall be authorized to carry on in this State any business which a domestic corporation is prohibited from doing, or be relieved from compliance with any of the requirements made of a similar domestic corporation by the Constitution or laws of the State. Nothing in this article, however, shall restrict or limit the power of the Legislature to impose conditions under which foreign corporations may be licensed to do business in this State.

SECTION IX-45

Monopoly or destruction of competition - Discrimination prohibited.

Until otherwise provided by law, no person, firm, association, or corporation engaged in the production, manufacture, distribution, or

sale of any commodity of general use, shall, for the purpose of creating a monopoly or destroying competition in trade, discriminate between different persons, associations, or corporations, or different sections, communities or cities of the State, by selling such commodity at a lower rate in one section, community, or city than in another, after making due allowance for the difference, if any, in the grade, quantity, or quality, and in the actual cost of transportation from the point of production or manufacture.

SECTION IX-46

Grants of special or exclusive privileges.

All existing charters or grants of special or exclusive privileges under which a bona fide organization shall not have taken place and business commenced in good faith at the time this Constitution becomes effective, shall thereafter have no validity.

SECTION IX-47

Power to alter, amend or repeal charters or franchises.

The Legislature shall have power to alter, amend, annul, revoke, or repeal any charter of incorporation or franchise now existing and subject to be altered, amended, annulled, revoked, or repealed at the time of the adoption of this Constitution, or any that may be hereafter created, whenever in its opinion it may be injurious to the citizens of this State, in such manner, however, that no injustice shall be done to the incorporators.

SECTION IX-48

Penalties and regulations.

The Legislature shall provide such penalties and regulations as may be necessary for the proper enforcement of the provisions of this article.