

KARNATAKA PORTS (LANDING AND SHIPPING FEES) RULES, 1964

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KARNATAKA PORTS (LANDING AND SHIPPING FEES) RULES, 1964

ING> In exercise of the powers conferred by Sections 3, 4, 6, 9 and 10 of the Karnataka Ports (Landing and Shipping Fees) Act, 1961 (Karnataka Act 20 of 1961) the Government of Karnataka hereby makes the following rules, the draft of the same having been as required by sub-section (1) of Section 10 of the said Act published at pages 665 to 686 of Part IV, Section 2-C(i) of the Karnataka Gazette, dated the 12th September, 1963 as required by sub-section (1) of Section 10 of the said Act, namely:-

CHAPTER 1

Introductory

1. . :-

(a) These rules may be called the Karnataka Ports (Landing and Shipping Fees) Rules, 1964,

(b) They shall apply to all ports in the State of Karnataka, ¹ [x x x x x].

1. Sub-rules (5) to (7) inserted by GSR 308, dated 23-11-1987, w.e.f. 10-12-1987

2. In these rules, unless the context otherwise requires :-

(a) "Act" means the Karnataka Ports (Landing and Shipping Fees) Act, 1961 ;

(b) "Authorised Officer" means the Officer authorised under Section 4 of the Karnataka Ports (Landing and Shipping Fees) Act, 1961 ;

(c) "Fund" means the Karnataka Ports Fund;

(d) "Passengers Baggage" means the wearing apparel, bedding and other articles of food required by the passenger for his voyage;

(e) "Public landing place" means every landing place within the limits of any port provided for the purpose;

(f) "Section" means a section of the Act.

CHAPTER 2

Levy of Fees on Goods Shipped, etc

3. . :-

(1) On all goods landed from or shipped into any Vessel lying or being within the limits of any port, fees at the rate specified in Schedule A shall be levied.

(2) On all passengers embarking and disembarking at any ports, fees at the rates specified in Schedule B shall be levied.

(3) On all goods stored at any public landing place, fees at the rates specified in Schedule C shall be levied.

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(4) On all vehicles bringing or removing goods to or from the public landing place, fees at the rates specified in Schedule 'E' shall be levied.

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(5) For use of any land other than the public landing place in any port, fees at the rates specified in Schedule 'F' shall be levied.

(6) On all vessels or boats approaching wharf, quay, pier, dock or any place in the port, fees at the rates specified in Schedule 'G' shall be levied.

(7) For lying at or alongside any wharf or for use of anchorage in the port, fees at the rates specified in Schedule 'H' shall be levied.

1. Sub-rule (4) substituted by GSR 308, dated 23-11-1987, w.e.f. 10-12-1987

2. Sub-rules (5) to (7) inserted by GSR 308, dated 23-11-1987, w.e.f. 10-12-1987

4. . :-

(a) All goods intended for shipment or landed within the Port shall be placed on the wharf within the limits of the Port provided for the purpose or at such other place or places as the authorised Officer may, from time to time, by notice affixed at the Port Office, appoint for the purpose of assessment of the fees payable under the Act.

(b) A Schedule of rates of fees to be levied shall be displayed on the Notice Board of the Port Office at each Port.

5. . :-

Applications for storage of goods shall be in the prescribed form and no covered or uncovered space of public landing place shall be occupied without the previous permission in writing of the authorised officer.

6. . :-

All goods intended for shipment including water-borne goods to be shipped but excluding passengers baggage shall be assessed on the basis

of the export application and the shipping fees shall be paid before the goods are shipped.

7. . :-

(1) All goods landed within the limits of the Port except passengers baggage shall be assessed on the basis of the import application and the landing fees shall be paid before the goods are removed: Provided that in the case of foodgrains imported by the Government of India, the fees may be paid after the goods are removed.

(2) Goods stored on the wharf shall not be removed on Sundays or other holidays and out of Office hours without the permission of the authorised Officer.

8. . :-

In respect of goods transshipped direct from one vessel to another, only shipping fees shall be levied but when goods are landed for transshipment, both landing and shipping fees shall be levied.

9. . :-

Every exporter or importer of goods shall attach the following declaration signed by him at the foot of the export or import application: "I hereby declare that the particulars entered above are true and correct".

10. . :-

(1) Landing and Shipping Fees shall, in case where the unit for the levy of fees is per metric tonne, be levied on the gross and not on the net tonnage of each package or a number of packages comprising an entry in the corresponding manifest, as specified in the relative invoice or other shipping document subject to a test check by the authorised officer In the absence of such a document or in the absence of the specification of gross tonnage therein, the tonnage arrived at by actual test check shall be taken as the gross tonnage.

(2) If on actual test check, the weight or measurement of goods be found to be 5 per cent or more in excess of that entered in the import or export application or the relative invoice or shipping document, me authorised officer shall amend the application accordingly on payment of a fee of one Rupee for every five corrections or less and thereafter levy fees on the weight or measurement of goods as so amended:

Provided that in the case of foodgrains imported by the Government of India, the weight shown in the bill of leading shall be the basis on which Port charges shall be levied.

(3) The test check shall be carried out at the discretion of the authorised officer who shall satisfy himself that mere is no loss of revenue.

11. . :-

The minimum fee of twenty-five naye paise shall be charged on every application.

12. . :-

In respect of packages containing articles of miscellaneous character, fee shall be levied at the rates for the articles (contained therein) which has the highest scheduled rate.

13. . :-

(1) Goods returned from vessels for reasons beyond the control of shippers, whether damages or not shall be allowed to be relanded free, provided that the relanding pass is submitted to the authorised Officer within 24 hours from the time of relanding.

(2) The provision of sub-rule (1) shall apply also to goods sent from the shore for purposes of replacement upto a maximum of one per cent of the quantities entered in the relative original export application and returned from the vessels in sound condition. Supplemental applications shall be filed for the export of such goods.

(3) The shipping fees paid under sub-rules (1) and (2) shall be refunded provided that the goods concerned bear the same original mark or marks and are reshipped on payment of shipping fees.

14. . :-

In the matter of levy and collection of landing and shipping fees on passengers embarking and disembarking at the Ports, the authorised officers shall be assisted by the agents of the local shipping companies concerned.

15. . :-

Except with the written permission of the authorised officer and in the presence of an officer of the Ports Department, no goods other than passengers baggage shall in any port be discharged from any vessel or be shipped or water-borne to be shipped.-

(i) On Sundays or other holidays; and

(ii) On any working day between 6 p.m. and 6 a.m.

16. . :-

Any employee of the exporter or importer who is authorised to transact business in the Local Custom House shall be permitted to transact business in the Port Office only on his filing a copy of such authority in the Port Office. A person who has no such authority shall not transact business in the Port Office unless he has obtained the special permission in writing of the authorised Officer.

17. . :-

(1) Applications for refunds of lee paid on import applications shall be considered only on proof of short-landing; and applications for refund of fee paid on export applications shall be considered only on proof of short-shipment.

(2) No claim for refund of shipping fees shall be admitted on goods lost, overboard or jettisoned within the limits of the Port.

(3) No refund of landing or shipping fees paid on goods short-landed or short-shipped shall be made unless the claim thereof is preferred before the expiry of six months from the date of payment of such fees and provided the claim is for not less than one rupee.

(4) Every application for refund of landing or shipping fees shall be accompanied by the relevant application to import or export bearing an endorsement as to the payment of such fees. If any application bearing such an endorsement cannot be produced by the party claiming refund, a certificate of payment of the fees may be obtained from the Port Office on payment of the fee prescribed in Karnataka Finance Code, 1958 and such certificates shall accompany the application for refund.

(5) Refund of landing or shipping fee shall be sanctioned by the State Port Officer up to a limit of Rs. 1,000 in each case, and by Port Officers upto a limit of Rs. 500 in each case.

CHAPTER 3

Liability of owners causing damage to pier, jetty etc

18. . :-

If any vessel or drift fouls any pier, wharf, jetty or quay in a Port and thereby causes damage thereto, the authorised officer shall forthwith request an officer not below the rank of an Assistant Engineer to assess the extent of damage so caused and ascertain the cost of necessary repairs from him. A notice specifying the extent of damage so ascertained and demanding payment of cost of such repairs shall be served on the master or owner of the vessel or the owner of the drift. If the damage is caused by a drift and the owner of such drift is known or cannot be ascertained, the notice of demand shall be posted up in a conspicuous place in the Port Office. The amount shall be paid within one week after the service or the posting of the notice of demand as the case may be. It shall be lawful for the authorised officer to seize at once such vessels or drift as well as the tackle, apparel or furniture belonging to the vessel and detain the same till the amount is paid and if within three days after the expiry of the week fixed for payment specified in the Notice, the amount together with the cost of seizure or detention is not paid, the authorised officer may sell the vessels or the tackle, apparel or furniture belonging

thereto or the drift and shall out of the sale proceeds remit the amount of damage and the cost of seizure, detention and sale to the Karnataka Ports Fund Account and render to the owner or master the surplus, if any, on demand. If no demand is made within one month from the date of sale, the surplus amount shall also be credited to the Karnataka Ports Fund Account.

CHAPTER 4

Offences, Penalties and Procedure

19. . :-

Whoever contravenes any provision of the Act or these rules shall, if no other penalty is provided for the offence be punishable with fine which may extend to one hundred rupees and when the breach is a continuing one with further fine which may extend to rupees five for everyday after the first during which the breach continuous.

20. . :-

(1) Penalties under sub-section (2) of Section 3 of the Karnataka Ports (Landing and Shipping Fees) Act, 1961 shall be levied:

(i) by the Port Officer having jurisdiction over the Port when the penalty does not exceed one hundred rupees;

(ii) in other cases by the State Port Officer.

(2) In the case of Ports in charge of the Deputy Port Conservators and Assistant Port Conservators they shall hold the enquiry and submit the records with their recommendations to the Port Officer concerned, who will pass appropriate orders.

(3) In case where the Port Officer feels that owing to the gravity of the offence, a penalty higher than Rs. 100 should be imposed, he shall submit the records with his recommendation to the State Port Officer, who will pass appropriate orders.

(4) The Appellate Authority against the order of the Port Officer shall be the State Port Officer whose orders shall be final. The Appellate Authority against the orders of the State Port Officer shall be the Government of Karnataka in the Public Works and Electricity Department whose orders shall be final.

(5) Any person desiring to appeal against the orders passed by the officers mentioned above shall do so within thirty days from the date of such order. Before preferring an appeal the person concerned shall pay in full the penalty imposed and attach to the memorandum of appeal the receipt for the payment made.

(6) In all cases a detailed enquiry shall be held by the authorised officer.

He shall record statements from the Exporter or Importer of goods and the official who detected the case and pass orders himself or submit the records of enquiry to the superior authority for orders as the case may be.

(7) In cases where the connected records have been submitted to the superior officer for imposition of fines and in case of non-payment of penalty already imposed, goods belonging to the defaulter shall be detained, till the penalty is imposed and the fees are paid and shall if the fees remain unpaid be sold in auction after due notice as prescribed in Rule 18, the procedure laid down therein being followed.

CHAPTER 5

Uniform

21. . :-

The Uniform for the Port Conservators, Deputy Port Conservators and Assistant Port Conservators of the Karnataka Ports Department shall be as follows

1. Khaki Slacks.
2. Khaki Bush Shirts (full arm or half arm) with buttons with anchor and emblem embossed.
3. Khaki Socks.
4. Brown Shoes.
5. Peak cap with badge.
6. Shoulder strap badges with the words "Marine" and stars. The stars, should strap badges, buttons and peak-cap badge shall be of white metal. The Port Conservators shall wear three stars, the Deputy Port Conservators two stars and Assistant Port Conservators one star. The star shall be five pointed. The shoulder badges with the word "Marine" will be worn at the base of the shoulder strap.

CHAPTER 6

Constitution of a Port Advisory Board

22. A Port Advisory Board shall be constituted subject to the terms of reference stipulated below :-

(1) The Board shall consider and advise the Government on all problems relating to Ports in the Karnataka State

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(2) The Board shall be a recommendatory Body and shall suggest to Government the ways and means for the development of ports and also for solving specific problems that may arise.

(3) The terms of office of the non-official members of the Board shall be three years.

(4) The non-official members may be paid T.A. and D.A. as per rates prescribed in list 'A' of Annexure of R.4(a) of the New Karnataka Travelling Allowance Rules, 1957.

(5) The Board shall meet at least two times a year.

(6) All expenditure in connection with the Board shall be debited to the Karnataka Ports Fund Account.

CHAPTER 7

Maintenance of Account

23. . :-

(1)

(a) There shall be a common Fund Account for the whole State (except Mangalore) called the Karnataka Ports Fund Account. All moneys received under the Act, the Ports Act, 1908 and all other moneys received in respect of any port under any other law or executive orders of the State Government (except pilotage fees) shall be credited to the Karnataka Ports Fund Account. In undertaking such collections and maintenance of accounts, the Port officials will be guided by the Departmental Instructions issued from time to time.

(b) All expenditure to be incurred for the provision for improvement of facilities for navigation, for storage and handling cargo, provision for improvement of facilities for passengers; provision for payment of expenses for the administration of this Act; and generally for such items of work and services essential for the efficient functioning of the Port for the sake of any of the Ports shall be debited to the above fund.

24. . :-

(a) The State Port Officer ¹[the Administrative Assistant to the State Port Officer] shall be the Controlling Officer of the fund and will be responsible for the proper maintenance of accounts in respect of the Fund.

(b) A banking account shall be maintained at the concerned District treasuries and sub-treasuries on behalf of the Fund and to which all receipt in respect of fund shall be credited and from which all charges debitable to the fund shall be drawn by issue of cheques.

(c) The State Port Officer, ²[the Ports Officers of Coondapur, Honnavar and Karwar, the Marine Engineer and the Port Engineer] will be the drawing officers of the said fund. The Port Officers of Coondapur, Honnavar, Karwar ³[the Marine Engineer and the Port Engineer] and the

Engineers will operate on the fund subject to the following conditions

(1) They will draw funds limited to the amounts sanctioned in the letter of credit issued by the State Port Officer, Mangalore, quarterly or by Government, in the Public Works and Electricity Department, in their discretion in favour of each of them.

(2) They will draw cheques to meet all charges in respect of their divisions ⁴[x x x x x], subject to the transmission of relevant pay or contingent bills to the audit authority within the prescribed time.

(3) They will draw cheques to cover travelling allowance bills subject to prior counter-signature of the concerned bills by the State Port Officer ⁵[x x x x x]. Detailed contingent bills for the amounts drawn will be sent to the Audit Authority within the prescribed time.

(4) The Port Officers ⁶[the Marine Engineer and the Port Engineer] will prepare and submit a monthly account of the Fund in respect of all ports in their divisions to the State Port Officer, after reconciling the departmental figures with those recorded in the Treasury Pass Book. These monthly accounts will be scrutinized in the State Port Office and all accounts irregularities guarded against, ⁷ [x x x x x].

(5) Any Shipping Agency, importer or exporter may open a deposit account with the State Port Officer, Port Officers, Karwar/Honnavar/Coondapur subject to the conditions and rules prescribed in Schedule D.

(6) The instructions contained in the Karnataka Financial Code, 1958, Karnataka Port Manual and Manual of Contingent Expenditure, 1958, shall be followed regarding the accounting procedure.

(7) The Annual Budget in respect of the Fund shall be prepared by the State Port Officer and submitted to Government by 15th January every year.

(8) The surplus amount not immediately likely to be required shall be invested in Government securities or such other manner as the Government may direct.

(9) The Accounts relating to the Karnataka Ports Fund Account shall be audited by the Accountant General and necessary audit fees debited to the Fund.

1. Inserted by GSR 534, dated 24-5-1965

2. Substituted for the words "the Port Officer of Coondapur, Honnavar and Karwar, the Executive Engineer and the Assistant Engineers of the Karnataka Ports Engineering Divisions" by GSR 534, dated 24-5-1965

3. Item 18 inserted by GSR 1163, dated 27-9-1966

4. The words "or sub-division" omitted by GSR 634, dated 24-6-1966

5. The word "Executive Engineer" omitted by GSR 634, dated 24-5-1966
6. Inserted by GSR 684, dated 24-6-1966
7. Third and Fourth sentences omitted by GSR 634, dated 24-6-1966

SCHEDULE A

SCHEDULE

SCHEDULE B

SCHEDULE

[See Rule 3(2)]				
SCHEDULE B				
[See Rule 3(2)]				
Fees to be levied on passenger embarking and disembarking at the Port in the State of Karnataka except the Port of New Mangalore				
SI. No.	Description of Passengers	Unit	Karwar	All other Ports except the port of New Mangalore
(1)	(2)	(3)	(4)	(5)
.	.	.	Rs. Ps.	Rs. Ps.
1.	Adults	each	10.00	4.00
2.	Children between 3 and 12 years of age	each	6.00	2.00

SCHEDULE C

SCHEDULE

[See Rule 3(3)]							
SCHEDULE C							
[See Rule 3(3)]							
Fen for storing of goods at any Public landing place within the limits of any Port in the State of Karnataka except the Port of New Mangalore							
SI. No.	Classification	Unit	Karwar		Mangalore	Malpe, Hangarakatta Kundapur, Bhatkal, Honnavar, Tadri, Belekeri	Byndoor, Shirali, Murudeshwar, Manki, Kumta, Ankola, Chendia, Bnaga, Majali
			Steamer berth	Other Public landing places			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
			Rs. Ps	Rs. Ps.	Rs. Ps.	Rs. Ps.	Rs. Ps.
1.	for covered area (Covered						

	Transit/Cargo Shed)						
.	(a) For the next 24 hours	Nil	Nil	Nil	Nil	Nil	Nil
.	(b) For the next 4 days of any portion thereof.	.	.	.	.	.	.
.	(1) Per bag, small cases, bundles or package weighing.	Less than 100 or 0.25 cmtr.	0.20	0.10	0.10	0.10	0.05
.	(11) Per bag Largo case bundle or package weighing.	100 kg and above or 0.25 Cmtr. or above	0.40	0.20	0.20	0.20	0.10
.	(ill) Coconut loose.	Per 1,000 or part thereof	6.00	2.00	2.00	2.00	1.00
.	(iv) Other Cargo.	Per metric tonne or 1.4 Cmtr.	6.00	2.00	2.00	2.00	1.00
.	(c) Double the rates specified in item (d) for the next four days or any portion thereof three times the rates specified in Item (b) for every succeeding four days or any portion thereof	.	.	.	.	.	.
2.	For open transit sheds	Per day or part thereof	-	.	150.00 irrespective of the space occupied	-	-
3.	For uncovered area. (a) For the first 24 hours	—	Nil	Nil	Nil	Nil	Nil
.	(b) For the first week or part thereof	For 10 Mtra. or part thereof.	4.00	2.00	2.00	2.00	1.00
.	(e) For the scnd week or part thereof	For 10 sq.mtrs.or part	6.00	-	4.00	-	-

		thereof per week or part thereof					
.	(d) For the third week or part thereof	For 10 sq.mtrs.or part thereof per week or part thereof	8.00	-	6.00	-	-
.	(e) For the fourth week or part thereof	For 10 sq.mtrs. or part thereof per week or part thereof	10.00	-	7.00	-	-
.	(f) For the fifth week or part thereof	For 10 sq.mtrs.or part thereof per week or part thereof	12.00	-	9.00	-	-
.	(g) For the Sixth week or part thereof	For 10 sq. mtrs.or part thereof per week or part thereof	14.00		11.00	-	-
.	(h)For the Seven th week or part thereof	For 10 sq.mtrs. or part thereof per week or part thereof	16.00	-	13.00	-	-
.	(i)For the eighth week or part thereof	For 10 sq.mtrs.or part thereof per week or part thereof	18.00	-	14.00	-	-
.	(j)For the Ninth and subsequent weeks	For 10 sq. mtrs. Or part thereof per week or part thereof	20.00	-	15.00	-	-

SCHEDULE E

SCHEDULE

[See Rule 3(4)]

SCHEDULE E

[See Rule 3(4)]

Fees on vehicles bringing or removing goods to or from any Public landing place In the Ports in Karnataka State except the Port of New Mangalore

SI. No.	Description	Karwar		Mangalore	Malpe, Hangarakatta, Kundapur, Bhatkal, Honnavar, Tadri, Belekeri	Byndoor, Shirall, Murudeshwar, Manki, Kumta, Chendia, Binaga, Majall
		Steamer berth	Other Public landing places			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Trucks	Rs. Ps.	Rs. Ps.	Rs. Ps.	Rs. Ps.	Rs. Ps.
	Per trips	6.00	6.00	6.00	6.00	4.00
	Per month	30.00	30.00	30.00	30.00	30.00
	Per annum	300.00	300.00	300.00	300.00	300.00
2.	Light Commercial vehicles					
	Per trip	4.00	4.00	4.00	4.00	2.00
	Per month	20.00	20.00	20.00	20.00	20.00
	Per annum	200.00	200.00	200.00	200.00	200.00
3.	Passenger Taxies, Auto, Rickshaws etc.					
	Per trip	2.00	2.00	2.00	2.00	2.00
	Per month	10.00	10.00	10.00	10.00	10.00
	Per annum	100.00	100.00	100.00	100.00	100.00

SCHEDULE F

SCHEDULE

[See Rule 3(5)]

SCHEDULE F

[See Rule 3(5)]

Fees on use of any land other than the public landing place in any Port in the State of Karnataka except the Port of New Mangalore

SI. No.	Nature of use	Unit	Mangalore	Malpe, Hangarakatta, Kundapur, Bhatkal, Honnavar, Tadri, Balekeril, Karwar, Sadashivagad	Byndoor, Shirall, Murudeshwar Manki, Kumta, Ankola, Chendia, Binaga and Majali
(1)	(2)	(3)	(4)	(5)	(6)
1.	Low lying river bed used as timber basin.	Per 10 Sq. Metres or part thereof per month part thereof.	RS. PS. 4.00	Rs. Ps. 3.00	Rs. Ps. 1.50
2.	Use of Foreshore land other than that declared as public landing place.	Per 10 Sq. Metres or part thereof per month or part thereof.	4.00	3.00	1.50
3.	Land used for Installation of boardings (Advertisement boards).	Per 10 Sq. Metres or part thereof per month or part thereof.	20.00	10.00	6.00
4.	Land used for marine purpose including hauling up repairing hauling of vessels etc.	Per 10 Sq. Metres or part thereof per month or part thereof.	6.00	2.00	1.00
5.	Land used for non-marine purposes such as erecting stalls, sheds, office building	Per 10 Sq. Metres or part thereof per	8.00	4.00	2.00

	etc.	month or part thereof.			
6.	Land used for residential purposes.	Per 10 Sq. Metres or part thereof per month or part thereof.	2.00	1.50	1.00
7,	Land used for industrial and commercial purposes.	Per 10 Sq. Metres or part thereof per month or part thereof.	6.00	6.00	6.00
8.	Any other purpose not enumerated above.	Per 10 Sq. Metres or part thereof per month or part thereof.	10.00	6.00	3.00

SCHEDULE G
SCHEDULE

[See Rule 3(6)]				
SCHEDULE G				
[See Rule 3(6)]				
Fees on vessels or boats approaching, wharf-quay pier dock or any place in the Ports in the Karnataka State except the Port of New Mangalore				
SI. No.	Description	Mangalore	Malpe, Hangarakatta, Kundapur, Bhatkal, Honnavar, Tadri, Belekeri, Karwar, Sadashivagad	Byndoor, Shirali, Murudeshwar, Manki, Kumta, Ankola, Chendia, Binaga and Majali
(1)	(2)	(3)	(4)	(5)

(*)	(*)	Rs. Ps.	Rs. Pa.	Rs. Ps.
1.	Any private launch or tug plying within the Port limits for towing.	60.00 per month or part thereof.	60.00 per month or part thereof.	40.00 per month or part thereof.
2.	Any mechanised cargo boat plying wholly or partly within the port limits			
	(1) Carrying capacity upto 100 M.T.	60.00 per month or part thereof.	60.00 per month or part thereof.	40.00 per month or part thereof.
	(11) Carrying capacity above 100 M.T.	100.00 per month or part thereof.	100.00 per month or part thereof.	40.00 per month or part thereof.
3.	Any mechanized boat plying wholly or partly within the port limits, for carrying passengers.			
	(1) Carrying capacity upto 50 passengers.	30.00 per month or part thereof.	30.00 per month or part thereof.	30.00 per month or part thereof.
	(11) Carrying capacity above 50 passengers.	41.00 per month or part thereof.	40.00 per month or part thereof.	40.00 per month or part thereof.