§ 1222. Persons riding on trucks. 1. No operator of any motor vehicle commonly known as an auto truck shall operate such auto truck, nor shall the owner thereof permit it to be operated, for a distance in excess of five miles, while there is standing therein or thereon any person or persons in excess of one-third of the number of persons therein or thereon:

a. Unless suitable seats are securely attached to the body of such auto truck;

b. Unless side racks of at least three feet in height above the floor of such auto truck are securely attached; and

c. Unless it shall have attached thereto a tail board or tail gate which is securely closed.

The provisions of this subdivision shall not apply to persons or corporations operating an agency or agencies for public service, who or which are subject to the jurisdiction, supervision and regulations prescribed by or pursuant to the public service law nor to their agents or employees when engaged in the business of such persons or corporations.

2. No operator of any motor vehicle commonly known as an auto truck shall operate such auto truck, nor shall the owner thereof permit it to be operated, in excess of five miles, while there are in excess of five persons under eighteen years of age in the body of such truck unless at least one person over eighteen years of age also rides in the body of said truck.