

"Brakes, Independently Operating," Definition. Statute, Construction of. Independently Operating Brakes, Defined.

The words, "Independently operating brakes," can mean but one thing, that is that each of them, where there are two, shall be so effective as to entirely control the car by itself.

November 22nd, 1913.

Railroad and Public Service Commission,
Helena, Montana.

Gentlemen:

I am in receipt of yours of the 18th inst., asking for my interpretation of Sec. 1 of Chap. 80, Laws of the Thirteenth Legislative

Assembly of the State of Montana. The specific question arises upon the proper interpretation of the phrase:

"Shall be fitted with at least two independently operating brakes."

You ask: "Has this chapter been complied with if the electric short circuiting brake is ineffective in controlling or holding the car without the use of the hand brake."

The words "independently operating brakes" can mean but one thing; that is that each of them, where there are two, shall be so effective as to entirely control the car by itself. Certainly the legislature when it used the words "independently operating" did not mean that one should be dependent upon the other for effectiveness.

You are therefore advised that in a case where one of the brakes is ineffective without the use of the other, that the law in question has not been complied with.

Yours very truly,

D. M. KELLY,
Attorney General.