

Common Carrier, License Of. Hack Drivers, When Subject to License. Statutory Construction. Carriers of Passengers. License for.

A common carrier of passengers who operates only within the boundaries of a city or town is not liable for the payment of the license fee provided in Section 2774, Revised Codes.

April 10, 1912.

Hon. E. E. Esselstyn,
State Treasurer,
Helena, Montana.

Dear Sir:

I acknowledge receipt of the letter addressed to you by C. E. Reel, of Pony, Montana, by which you submit to this office the question as to whether the license required by the provisions of Sec. 2774, Revised Codes, applies to the running of a hack within a city or town where passengers are carried for hire.

This law applies generally to all carriers of passengers for hire, "from one place within this state to another place within this state." At the time of the enactment of this law, March 14th, 1903, the general law prohibiting the state from imposing a license tax upon persons engaged in interstate business, and this law had been so declared by the supreme court of this state.

State v. Northern P. E. Co., 27 Mont. 421;
77 Pac. 405.

The "carrying of passengers" necessarily means some movement of the passenger. If then any carrying of the passenger for hire without regard to the place or distance subjects the carrier to the payment of this license, it would necessarily follow that the phrase "from one place within this state to another place within this state" is without any meaning whatsoever. But it is a fundamental law of construction that every part of the statute must be given a meaning which is to be determined not only from the language used but from the context. In the law an incorporated city or town is regarded as one place, hence to give this phrase of the law any meaning we must reach the conclusion that the carrying of passengers for hire within the corporate limits of the city or town does not subject the carrier to the payment of this license, but that if he crosses the boundaries of such city or town for however short a distance he becomes liable and must secure the license.

Yours very truly,

ALBERT J. GALEN,

Attorney General.