

**Common Carrier, Collection of License From. License, Collection of From Common Carrier.**

Under the provisions of Sec. 2774 of the Revised Codes, but one license is required of a common carrier, which said license must be procured from the state treasurer, or from the county treasurer of the county within which its principal office is located. If the county treasurer of the county wherein the principal office of the carrier is located has knowledge of violation of this law, he should make complaint to the county attorney of his county, who should prosecute the offender.

February 20th, 1913.

Hon. W. C. Rae,  
State Treasurer,  
Helena, Montana.

Dear Sir:

Referring to your verbal inquiry,

“As to the method to be pursued in collecting a license from a common carrier doing business in more than one county in the state, and as to whether or not a license should be required by each county,”

I beg to call your attention to Sec. 2774, Revised Codes. It is therein provided that such common carrier must procure a state license from the state treasurer or from the county treasurer of the county where its principal office is located; hence, but one license can be required, and that license may be obtained either from the state treasurer or from the county treasurer. Since the county treasurer is in a better position to take care of the local situation, I would suggest that you have the county treasurer of the county wherein the principal office of the common carrier is located attend to the matter. Section 2780 provides a penalty for any person commencing or carrying on a business for which a license is required, without first taking out or procuring such license; hence, if the county treasurer of the county wherein the principal office of the carrier is located, has knowledge of the violation of this law, he should make complaint to the county attorney, who should prosecute the offender.

Very truly yours,

D. M. KELLY,  
Attorney General.