

Railroad Commission—Cities and Towns—Automobiles—Licenses—Motor Vehicles.

All motor vehicles licensed by the railroad commission under chapter 154 laws of 1923, and which operate within the limits of any city or town, are subject to reasonable regulations by the municipality including regulatory licenses not destructive of the general purpose of the legislation above referred to.

Edmond G. Toomey, Esq..

June 29, 1926.

Secretary Board of Railroad Commissioners,
Helena, Montana.

My dear Mr. Toomey:

You have submitted the following question for an opinion: A transportation company is licensed by the board of railroad commissioners of the state under chapter 154, laws of 1923. It operates motor vehicles as a common carrier for hire both outside of and in and out of a city. Has the city any jurisdiction over such motor vehicles?

It is apparent from the language of subdivision c of section 1 of the act above cited that jurisdiction is conferred by the act on the railroad commissioners over all motor vehicles operated as common carriers which do not operate *exclusively* within the limits of an incorporated city or town.

Section 3 of the act above cited reads in part as follows:

“Cities and towns may enact and enforce reasonable regulations and regulatory ordinances including the imposing of regulatory licenses not destructive of the general purposes of this act.”

The question for determination then would seem to be this: Does the language last above quoted apply to vehicles operated exclusively within a city or town or does it comprehend motor vehicles which have been licensed by the board of railroad commissioners and which operate in and out of a city or town? It is my opinion that the language quoted was intended to apply to such motor vehicles as are licensed by the board of railroad commissioners and which operate in and out of cities and towns. Otherwise, the provision quoted would seem to be a useless one. The railroad commission has no authority to license vehicles operated exclusively within the corporate limits of a city, and, prior to the enactment of chapter 154, *supra*, the cities possessed the power to license and regulate the operation of motor vehicles within their limits.

It is, therefore, my opinion that all motor vehicles licensed by the railroad commission under chapter 154, laws of 1923, and which operate within the limits of any city or town, are subject to reasonable regulations by the municipality, including regulatory licenses not destructive of the general purpose of the legislation above referred to.

Very truly yours,

L. A. FOOT,
Attorney General.