

**Automobiles—Motor Vehicles—Carriers—License.**

Owners of automobiles and motor vehicles regularly soliciting and carrying passengers for hire in the manner set forth in the opinion come within the provisions of chapter 154, laws of 1923, and must procure a license as provided therein.

Board of Railroad Commissioners,  
Helena, Montana.

December 6, 1924.

Gentlemen :

You have called my attention to the opinion rendered by this office to you on May 9, 1924, relative to the provisions of chapter 154, laws of 1923.

In that opinion it was held that the owners of automobiles who are not engaged in the business of a carrier, but who operate their cars in going to and from their work and carry their friends who are also going to and from work, and are working at the same place, where they do so merely as an incident to their work and as an accommodation to their friends, not offering to carry all, they do not come within the provisions of the act and are not required to take out a license, even though a charge is made for the service. It will appear upon a careful reading of that opinion that it does not cover the situation referred to in your letter. From your letter it appears that the facts are as follows:

Owners of automobiles "pick up passengers on the streets of Helena, sometimes at the same points and at the same hours as street cars and other licensed carriers, and other times without regard thereto and carry such passengers for hire from the city of Helena to points outside thereof, particularly to East Helena and to Fort William Henry Harrison. The operators of these vehicles always charge a stipend; they run every day; they solicit passengers, and in a number of instances have equipped touring cars with special bodies to accommodate numbers of passengers. Some of these operators are employed at industrial plants

to which, and from which they transport their fellow workers, while others are not, but in any event they are regularly carrying not less than twenty or thirty persons a day for hire, and so holding out, without any regard for chapter 154, laws of 1923, and with no protection to the persons carried by way of indemnity insurance."

From the facts recited by you it is apparent that the owners of the automobiles in question make a business of carrying passengers for hire and do not do so merely as an incident to their other work.

It is, therefore, my opinion that automobile owners operating in the manner indicated in your letter are subject to the provisions of chapter 154, laws of 1923.

Very truly yours,

L. A. FOOT,  
Attorney General.