

Motor Trucks—Automobiles—Licenses.

Owners of motor trucks contracting with companies or individuals to distribute their products and having no equity in the business of such company or individual come within the provisions of section 2, chapter 184, laws of 1931, and must have a state "Class C" motor carriers' license.

Board of Railroad Commissioners,
Helena, Montana.

April 9, 1932.

Gentlemen:

You have requested my opinion on the following question:

Many of the major oil companies doing business in this state have contracted with individuals owning motor trucks to distribute their products in their respective localities, that is, the truck owner is under contract or agreement with the oil company to unload tank cars as per orders placed with him, the truck owner having no equity in the oil business. Does this constitute the truck owner a "Class C" motor carrier as defined by section 2 of chapter 184 of the laws of 1931?

Said section provides as follows:

"Class C motor carriers shall embrace all motor carriers operating motor vehicles for distributing, delivering or collecting wares, merchandise, or commodities, or transporting persons, where the remuneration is fixed and the transportation service furnished under a contract, charter, agreement, or undertaking."

In my opinion, motor truck operators operating as above set forth come within the provisions of this statute and should be licensed by the state.

Very truly yours,

L. A. FOOT,
Attorney General.