

and air transport companies selling transportation within the State of Montana are not required to have ticket agents' licenses.

May 18, 1935.

Hon. Sam W. Mitchell
Secretary of State
The Capitol

This will acknowledge receipt of your letter of April 19, which is as follows:

"It will be appreciated if you will advise this office whether, under the provisions of Section 6565, ticket agents' licenses are required of and should be issued to bus lines and air transport companies selling transportation within the State of Montana."

Section 6565 R. C. M. 1921 makes it the duty of the owners of any railroad or steamboat for the transportation of passengers, to provide their ticket agents with certificates showing their authority to sell tickets. The agents are then required to exhibit such certificate to the Secretary of State and obtain from him a license, paying a fee of \$1.00 therefor. Section 6568 R. C. M. 1921 makes it the duty of agents to publicly display their certificates and licenses, and Sections 6566 and 6567 R. C. M. 1921 make it unlawful and prescribe punishment for selling tickets without having obtained the aforesaid certificate and license.

It will be noted that no reference of any sort is made in any of the above sections to bus lines and air transport companies, but that they are all specifically limited to railroads or steamboats used for transporting passengers. In order then to construe these sections to apply to the companies concerning which you inquire, it would be necessary to interpolate the words "bus lines and air transport companies" in all of the above sections. To so construe these statutes would be tantamount to legislation, making acts criminal that have not been prohibited by the legislature. This the courts will not do. (*Shubat v. Glacier County*, 93 Mont. 160, 18 Pac. (2) 614; *State v. Lutey Brothers*, 55 Mont. 545, 179 Pac. 457; *State v. Tuffs*, 54

Opinion No. 106.

**Licenses—Ticket Agents—Bus Agents
—Air Transport Agents.**

HELD: Ticket agents for bus lines

Mont. 20, 165 Pac. 1107; McLaughlin v. Bardsen, 50 Mont. 177, 145 Pac. 954; Story v. Dixon, 64 Mont. 206, 208 Pac. 592).

Accordingly, the question submitted by you is answered in the negative.