

Gentlemen:

Some little time since, you requested an opinion relative to Section 3847.26, R. C. M., 1935, referring particularly to your right to collect \$2.00 for the filing of tariffs, time schedules and supplements thereto. What you were particularly interested in is our opinion as to how this particular section might affect railroad companies.

In answering your question we note that Chapter 310, Volume 2 of our statutes, would seem to indicate that the entire chapter relates to motor carriers. The motor carrier law was passed in 1931 and is expressed in Chapter 184 of the Laws of that year. Section 3847.26 is a section that was passed as Chapter 100, Laws of 1935, and undoubtedly meant to cover other reports than that of the motor carriers as is evidenced by the title of the Act, which reads as follows:

"An Act Prescribing the Fees and Charges to be Made by the Public Service Commission in Connection With the Filing of Reports and Other Documents; * * *"

It would look as if Section 3847.26 was possibly misplaced in codifying. Section 1 of Chapter 100, Laws of 1935, refers to **fees required for filing various documents**. There is no limitation nor is there any exception relieving the railroad company from paying such fees and filing such tariffs and schedules unless such railroad company is doing business relating **solely** to interstate commerce and it is our opinion that no railroad company doing business in the State of Montana comes within the exception.

It is therefore our opinion that the railroad company, like all others coming within the purview of Chapter 100, Laws of 1935, should pay the fees required by Section 1 of said Chapter.

Opinion No. 193.

Public Service Commission—Motor Carriers—Railroads—Fees, for Filing Documents.

HELD: Section 3847.26, R. C. M., 1935, prescribing fees for filing certain documents with the Public Service Commission, applies to railroads as well as motor carriers.

January 29, 1940.

Board of Railroad Commissioners
The Capitol
Attention of Mr. John W. Bonner,
Counsel