

MOTOR VEHICLES: May occasionally operate beyond suburban
PUBLIC SERVICE COMMISSION: territory.
TAXICABS:

November 21, 1941

Honorable James P. Hull
Ass't Prosecuting Attorney
Buchanan County
St. Joseph, Missouri



Dear Mr. Hull:

This will acknowledge receipt of your request,
for an official opinion, which reads as follows:

"Can a taxicab make an occasional
trip beyond the suburban limits
of a city in which it operates as
defined in (e) of Section 5720 R. S.
1939 to haul passengers for hire
without obtaining a P. S. C. permit."

Section 5721, R. S. Missouri 1939, provides
that the provisions of Article 8, Chapter 35, R. S.
Missouri 1939, shall not apply to taxicabs as herein de-
fined.

"The provisions of this article
shall not apply to any motor
vehicle of a carrying capacity
of not to exceed five persons, or
one ton of freight, when operated
under contract with the federal
government for carrying the United
States mail and when on the trip
provided in said contract; nor to
any motor vehicle owned, controlled
or operated as a school bus; nor

nor taxicab, as herein defined; nor to motor vehicles used exclusively in transporting farm and dairy products from the farm or dairy to a creamery, warehouse, or other original storage or market, and transporting stocker and feeder livestock from market to farm or from farm to farm nor to motor vehicles used exclusively in the distribution of newspapers from the publisher to subscribers or distributors. No provision of this article shall be so construed as to deprive any county or municipality within this state of the right of police control over the use of its public highways, or the state highway commission of the right of police control over the use of state highways. This article shall not apply to trucks used in work for the state or any civil subdivision thereof."

Article 8, Chapter 35, hereinabove referred to requires certain motor carriers to be requested by the Public Service Commission to obtain permits, etc. Taxicabs as used in this article is defined in Section 5720, subdivision (d) and reads:

"The term 'taxicab', when used in this article, shall mean every motor vehicle designated and/or constructed to accommodate and transport passengers, not more than five in number, exclusive of the driver, and fitted with taximeters and/ or using or having some other device, method or system, to indicate and determine the passenger fare charged for distance traveled, and the principal operations of which taxicabs are confined to the

area within the corporate limits of cities of the state and suburban territory as herein defined."

"Suburban territory" as used in subsection (d), hereinabove quoted, is defined in Section 5720, subsection (e), and reads:

"The term 'suburban territory', when used in this article, means that territory extending one mile beyond the corporate limits of any municipality in this state and one mile additional for each 50,000 population or portion thereof: Provided that when more than one municipality is contained within the limits of any such territory so described, motor carriers operating in and out of any such municipalities within said territory shall be permitted to operate anywhere within the limits of the larger territory so described."

A cardinal rule of statutory construction is to determine the intention of the legislature. (Tooker v. Missouri Power & Light Company, 80 S. W. (2d) 691.)

In view of the foregoing statutory provisions, as a general rule a taxicab operating in the city of St. Joseph, whose population exceeds 80,000 inhabitants, would be permitted to operate outside the corporate limits of St. Joseph at no greater distance than three miles. However, the legislature in using the following words found in Section 5720, subsection (d) defining taxicab; " * * * and the principal operations of which taxicabs are confined to the area within the corporate limits of cities of the state and suburban territory as herein defined.", apparently intended to permit such taxicabs

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to make an occasional trip beyond the suburban territory as herein defined. Obviously, the reason for restricting the operations of taxicabs to the various cities and the suburban territory adjoining said cities with the exception of an occasional trip is to eliminate competition with busses and motor carriers, which are required under Article 8, Chapter 35, R. S. Missouri 1939, to obtain permits and to come within the rules and regulations of the Public Service Commission. An occasional trip beyond the limits would not be of sufficient consequences to be considered as competition to such motor carriers.

Therefore, it is the opinion of this Department that taxicabs in St. Joseph may make an occasional trip beyond the suburban limits of said city.

Respectfully submitted,

AUBREY R. MANNETT, JR.
Assistant Attorney General

APPROVED:

VANE C. THURLO
(Acting) Attorney General

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