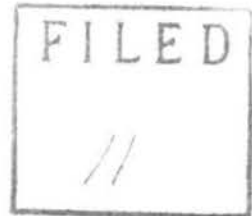


IN RE: Public Service Commission--

Authority over taxicabs. Sec. 5264 and 5265.
Laws of 1931, p. 304.

APR 10 1933



Mr. Geo. D. Brownfield,
Prosecuting Attorney,
Boonville, Missouri.

Dear Mr. Brownfield:-

I acknowledge receipt of your letter of March 29th wherein you request an opinion as follows:

" Will you please advise me whether or not the provisions of the Public Service Commission law applies to taxicab drivers who run a motor vehicle with the carrying capacity not to exceed five persons; that is, whether or not such owners of taxicabs have to have a permit granted by the Public Service Commission in order to operate same more than one mile beyond the corporate limits. "

In Article 8 of Chapter 33 Revised Statutes of Missouri 1929 we find the law governing the authority of the Public Service Commission over motor vehicles operated over public highways. This Article was repealed in 1931 and a new Article enacted as set forth in pages 304 to 316, Laws of 1931.

In paragraph "d" of Section 5264, we find the term "taxicab" defined as follows:

"(d) The term "taxicab", when used in this act, shall mean every motor vehicle designated and/or constructed to accomodate 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 fre confined to the area within the corporate limits of cities of the state and suburban territory as herein defined."

The exceptions to the operations of the act are set out in Section 5265. The pertinent parts of this Section are as follows:

"SEC. 5265. EXEMPTIONS--POLICE CONTROL OVER HIGHWAYS.--The provisions of this act shall not apply to any * * * taxicab, as herein defined; * * *."

It is therefore apparent that so long as the taxicabs under consideration operate principally within the corporate limits of Boonville and within one mile beyond said corporate limits, that they would not be required to have a permit granted by the Public Service Commission. The question then arises as to what interpretation is to be placed upon the phrase "principal operations."

Principal has been defined in the case of *Kelty v. Burgess*, 115 Pac. 583; 84 Kans. 678, as being

"* * the word 'principal' the main, chief, leading, highest in value, character or importance, most considerable or important."

It is defined in *Corpus Juris* at Vol. 49, p. 1349, as follows:

"Chief; highest in rank, authority, character, importance or degree; leading; main; most considerable or important."

The definition as above given from *Corpus Juris* is practically identical to that given in Webster's.

Further observing the wording of the statute, it is apparent that principal operations refer to the taxicab and not necessarily to the scope or type of business done by the owner of the taxicab or taxicab company.

The extent of the operation of a taxicab would logically and necessarily be determined by the mileage traveled and it would follow that if the largest amount of miles or the most considerable part of business done were traveled or done by the taxicab or taxicab company in the limits of Boonville or the suburban territory as described in Sec. 5264, that such motor vehicle would not be subject to the regulations of the Public Service Commission.

It is therefore the opinion of this office that so long as the taxicabs referred to in your request are operated chiefly within

Mr. Geo. D. Brownfield

-3-

April 10th, 1933

the territorial limits of Boonville and the suburban territory, as defined in the act, that such taxicabs are not subject to the control of the Public Service Commission.

Respectfully submitted,

HARRY G. WALTNER, Jr.,
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

HGW/mh