

BUS AND TRUCK LAW: Trucks not for hire nor common carriers do not have to have license to deliver from Iowa into Missouri.

September 12, 1933.



Hon. W.R. Fimmen,
County Attorney,
Davis County,
Bloomfield, Iowa.

Dear Sir:

The office of the Attorney General of the State of Missouri acknowledges receipt of your letter of August 12, 1933, which is as follows:

"I have had considerable complaint in regard to Missouri Officials picking up Iowa trucks for various violations, and I am now writing you in regard to a client of mine who is the owner of an Ice and Bottling Company. They are selling their products in Missouri and are delivering them in their own trucks. I am writing to inquire whether this company must have a Missouri license or a Missouri permit."

For your information, under the Bus and Truck Law of Missouri we have what we term the "motor carrier". A party engaging in that type of business is required to obtain a Certificate of Convenience and Necessity and pay certain license fees. The definition of "motor carrier" is as follows:

"The term 'motor carrier', when used in this act, means any person, firm, partnership, association, joint-stock company, corporation, lessee, trustee, or receiver appointed by any court whatsoever, operating any motor vehicle with or without trailer or trailers attached, upon any public highway for the transportation of persons or property or both or of providing or furnishing such transportation service, for hire as a common carrier. Provided, however, this act shall not be so construed as to apply to motor vehicles used in the transportation

of passengers or property for hire, operating over and along regular routes within any municipal corporation or a municipal corporation and the suburban territory adjacent thereto forming a part of transportation system within such municipal corporation or such municipal corporation and adjacent suburban territory, where the major part of such system is within the limits of such municipal corporation!"

The term "contract hauler" refers to one who receives on proper application and hearing a permit, the definition of "contract hauler" being as follows:

"The term 'contract hauler', when used in this act, means any person, firm or corporation engaged, as his or its principal business, in the transportation for compensation or hire of persons and/or property for a particular person, persons, or corporation to or from a particular place or places under special or individual agreement or agreements and not operating as a common carrier and not operating exclusively within the corporate limits of an incorporated city or town, or exclusively within the corporate limits of such city or town and its suburban territory as herein defined."

We note in your letter that your client conducts and ice and bottling business and does the delivering in the company's own trucks. The Public Service Commission, whose duty it is to carry out the terms of the Bus and Truck Law of Missouri, has no jurisdiction over persons who are hauling their own property on their own trucks. The Public Service Commission of Missouri made the following ruling in their bulletin of June 3, 1933:

"There is no reciprocity agreement between Missouri and any other state, insofar as the operations of a truck or bus for hire is concerned, nor is there any law authorizing such agreement."

As the trucks in question are not "for hire", and are not common carriers, it is the opinion of this department that it is

Hon. W.R. Finnen

-3-

Sept. 12, 1933.

not necessary for them to have a license to deliver their products in Missouri.

Respectfully submitted,

OLLIVER W. NOLEN,
Assistant Attorney General.

APPROVED:

ROY McKITTRICK,
Attorney General

OWN:AH