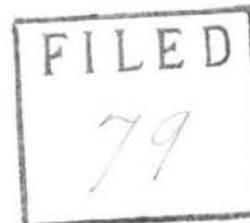


PUBLIC SERVICE COMMISSION: What constitutes "suburban territory"
in Sec. 5264, 1931 Laws, p. 305 ✓

April 26th, 1933



Hon. Harry P. Rosecan,
Prosecuting Attorney,
City of St. Louis, Mo.

Dear Mr. Rosecan:-

I acknowledge receipt of your letter of April 11th, addressed to the Attorney General, wherein you request an opinion respecting the use of the term "suburban territory" as it might apply to the territory East of the City of St. Louis, said territory being in the State of Illinois, your request being as follows:

"We have an inquiry concerning the transportation of products from the State of Illinois to residents of St. Louis, and I would like to have your interpretation concerning the use of the term 'suburban territory' as it appears in the 1931 Session Acts, pp. 304, and 305, section 5264, subdivision E., especially regarding its extension eastward into Illinois territory."

The applicable part of subdivision E, section 5264 as contained in the 1931 Session Acts, p. 304 reads as follows:

"(E) The term 'suburban territory' when used in this act, 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."

While there is nothing in the definition to exclude territory in another state, it was undoubtedly not the intention of the legislature to include territory in another state. So long as they operated in Illinois, they are not subject to the regulation of the Public Service Commission. When they cross the state line they may, under certain circumstances, become subject to regulation. However, your inquiry indicates that they come directly to the City of St. Louis from Illinois. They would, therefore be immune to regulation while in the City of St. Louis under the provisions of subdivision (b) of ~~section~~ 5264 as found in the Laws of 1931, which reads as follows:

"* * * Provided however this act shall not be construed as to apply to motor vehicles used in the transportation of passengers or property for hire, operating over and along regular routes within a municipal corporation. * * *".

Hon. Harry P. Rosecan

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April 26th, 1933

It is accordingly the opinion of this office that such shippers would be excluded from the terms of the 1931 Session Acts, pp. 304, to 316.

Respectfully submitted,

HARRY G. WALTNER, Jr.,
Assistant Attorney General

APPROVED:

ROY McKITTRICK
Attorney General

HGW/mh