

## Opinion No. 21-3041

July 19, 1921

**BY:** HARRY S. BOWMAN, Attorney General

**TO:** State Corporation Commission, Santa Fe, New Mexico.

### **Jurisdiction of Corporation Commission Over Automobile Passenger and Freight Carriers.**

#### **OPINION**

{\*76} Replying to your verbal request for an opinion regarding the status of truck and automobile carriers, both of freight and passengers, and asking if such carriers would be subject to the jurisdiction of the Commission as common carriers, I would advise you as follows:

It is almost impossible to determine whether or not persons, firms or corporations may be ruled to be common carriers unless the manner of operation and the class of business done is set out in detail.

As I understand your inquiry, you desire to know whether the persons who operate trucks in the Estancia Valley carrying freight from point to point, the passenger service automobiles running from Albuquerque to Estancia and return and from Santa Fe to Albuquerque and return, and similar conveyances, may be classed as common carriers.

Common carriers have been variously defined.

"A common carrier is one who transports such passengers as choose to employ him from place to place for reward." *Burke vs. State*, 119 N.Y. Sup. 1089.

{\*77} If the concerns mentioned are carrying on a business such as that defined in the two above mentioned cases, they would be deemed common carriers and subject to the regulations of the State Corporation Commission.

From what I know of the class of business done by, and the methods of operation of the persons conducting the freight and passenger service heretofore mentioned, I would class them as common carriers.