

Opinion No. 25-3823

April 25, 1925

BY: JAMES N. BUJAC, Assistant Attorney General

TO: Requested April 17, 1925, by Hon. R. H. Carter, State Comptroller, Santa Fe, New Mexico.

Operators of taxicabs cannot be required to pay a license fee by a city, town or village other than that in which they hold their stand to serve the public, for occasional trips thereto.

OPINION

Your request is substantially as follows:

"Can a city, town, or village require the operator of a taxicab to pay a license for operating said taxicab therein when the said operator holds his stand to serve the public in another town and only makes occasional trips to the city, town or village seeking to require a license."

From this I am presuming that the operator holds his stand to serve the public in one town and that he occasionally has a passenger to take to the other town and does not pick up passengers in the second town for transportation to another point within the corporate limits of the second town. Section 8, Chapter 96, Session Laws of 1923, provides:

"Cities, towns and villages may license operators of, and regulate the use of such vehicles operated for hire within their Corporate limits."

The State of Arkansas has a statute the provisions of which are substantially the same as those of Section 8, above quoted and the Supreme Court of that State in passing upon this question in the case of McDonald v. City of Paragould, 179 S. W. 335, held the law does not apply to the transportation of passengers from points within the City limits to points outside and vice versa.

Applying this principle to the premises I am of the opinion that operators of taxicabs cannot be required to pay a license fee by a city, town, or village, other than that in which they hold their stand to serve the public, for occasional trips thereto.