to refer to Section 17 of the original act, same being Burns 25-216, which provides certain matters which must be set out in articles of incorporation.

It is, therefore, my opinion that a corporation filing amended articles must meet all the requirements of Section 17 of the 1929 Act, but as provided in Burns 25-225 may only "* * * differ from the existing articles in the respects authorized by the resolution of amendment, * * *" and inasmuch as the corporation in question has already properly adopted the provisions of the 1929 Act, there is nothing in the provision for adopting amended articles which in any way authorizes or requires a change in the name under which the corporation must operate.

OFFICIAL OPINION NO. 49

August 28, 1950.

Hon. Hugh W. Abbett, Chairman,
Public Service Commission of Indiana,
State House,
Indianapolis, Indiana.

Dear Sir:

You have requested my opinion relative to the exemption provision of the Indiana Motor Carrier Act to the Extent that it applies to non-profit, cooperative associations. Your letter lays the ground work for your request by stating that the Indiana Farm Bureau Cooperative Association, Inc. is incorporated under the Indiana Agricultural Cooperative Act and is principally engaged in marketing the products of those member associations and furnishing such associations agricultural supplies and equipment. The member associations consist of approximately eighty-six County Farm Bureau Cooperative Associations located throughout the State, which are likewise organized and incorporated under the Indiana Agricultural Act. Your letter further states that "the County Associations send their trucks to the State Associations' warehouses in Indianapolis to pick up supplies and equipment and it is the desire of the Indiana Farm Bureau Cooperative Association, Inc., to make use of the County Associations' trucking equipment for the transportation of incoming merchandise for
the State Association to be delivered at the warehouses, for which service the State Association proposes to reimburse the County Association”.

Your letter then specifically asks if the following exemptions found in Section-2, subparagraph (g), of Chapter 222 of the Acts of 1941 would be applicable to this situation. This particular exemption provisions reads as follows:

The provisions of this Act should not apply:

“To motor vehicles controlled and operated by any nonprofit cooperative association, or by a federation of such cooperative association, if such federation possesses no greater powers or purposes than such cooperative association.” (Our emphasis.)

I must assume from your letter that the trucks from the County Association are actually owned by those separate corporate entities. Although, it is stated in the letter that the State Association will reimburse the County Associations for the trucking services it seems quite definite that the motor vehicles will in this operation be controlled and operated by the County Organizations. The County Organizations are by their nature and by the Act under which they are organized declared to be nonprofit associations.

The County Farm Bureau Associations here involved are organized under the “Indiana Agricultural Cooperative Act”, same being Burns 15-1601 through 1630. The declared purpose of this Act is to encourage the production and the marketing of the agricultural products through cooperation. The powers given such organizations do not include the right to engage in the business of carrying property for hire or acting as a contract carrier.

Therefore, it is my opinion that although the County organization is not within the scope of the Indiana Motor Carrier Act, it has no corporate power to perform the services outlined in your question.