

tained in the final paragraph of your letter must be answered in the negative.

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**POLICE, INDIANA STATE: Motor carriers, exemption in suburban territory of city or town.**

November 10, 1937.

Hon. Don L. Kooken,  
Supervising Lieutenant,  
Indiana State Police,  
Indianapolis, Indiana.

Dear Sir:

This is in answer to your inquiry of November 9, 1937, requesting an interpretation of sections 2 and 3 of the Motor Vehicle Act of the State of Indiana (Acts of 1935, Chap. 287, page 1412).

You submit the following facts:

“A truck operator has been engaged in carrying property for hire between the town of Brownsburg and the city of Indianapolis. He has no permit or certificate from the Public Service Commission, but has complied with other requirements of the motor vehicle laws as to license, weight tax, et cetera. The question is, whether or not his vehicle and his operation is exempt under the provision which permits operation within a city or town without authority from the Public Service Commission.”

The statute which requires motor carriers for hire to secure a certificate or permit from the Public Service Commission before they can operate upon any public highway contains the following clause:

“Sec. 3. The provisions of this Act shall not apply:  
“(a) To motor vehicles other than the common carriers of persons engaged exclusively in transporting persons and/or property between point of origin and point of destination, and/or the suburban territory of such city or town, as herein defined.”\* \* \*

There are other provisions and exemption clauses in the Act, but they are not pertinent to the problem we are considering.

Section 2 of the Act defines "suburban territory" as follows:

"The term 'suburban territory' means territory wholly within the State of Indiana which extends not more than one mile beyond the corporate limits of any municipality in this state, and one mile additional for each fifty thousand population or major fraction thereof."

It is understood that the population of the city of Indianapolis is at least 380,000. This would permit a vehicle operation between the point of origin in Indianapolis and a point of destination nine miles beyond the corporation line of the city of Indianapolis. A motor carrier of property for hire within this distance is exempt from the provisions which require authority from the Public Service Commission.

Your inquiry suggests a further problem. Suppose that within the suburban territory of a city or town there is located another city or town, would the distance within the exempted suburban territory be extended to the limit of such other city or town? I do not think so. The statute clearly states that the territory served by the vehicle shall be within the same city or town, or within "the suburban territory of such city or town." This does not permit the extension of the suburban territory because the limits of a suburban territory of one city may extend through or into some other city or town.

In the particular case to which you refer the motor carrier is within the provision of the law if he confines his operations within the nine mile suburban territory. Otherwise, his vehicle and operation is not exempted from the provisions of the Motor Vehicle Act.