

We can find no definition of taxicabs either by statute or by court decision in Ohio, but they are frequently defined in municipal ordinances regulating them. They are definitely and generally accepted and included in the class of common carriers. In *Donnelly vs. Philadelphia and Reading Railway Co.*, 53 Pa. Super. Ct. 78, there is the following definition:

“The name is a coined one to describe a conveyance similar to a hackney carriage operated by electric or steam power and held for public hire at designated places subject to municipal control.”

Taxicabs from their nature would be presumed to be operating over an irregular route serving the public on call and carrying passengers to whatever destinations the passengers designate. One usually finds in municipal ordinances controlling and regulating taxicabs a provision against “cruising,” an operation which is hard to describe but is generally understood to mean driving slowly up and down main thoroughfares in search of passengers. From your letter it would appear that this is substantially what drivers you refer to are doing outside of the limits of the city of Cambridge. There is no decision in Ohio exactly in point on this question, but in *People vs. Case*, 231 Mich. 246, it was held that the establishing of a taxicab service under schedule, or even intermittent, for the purpose of rendering a general auto-bus service in competition with regulated auto-bus service, without a permit to do so, is a violation of the Michigan motor transportation law.

The facts set forth in your letter are insufficient to give a definite answer to your questions, however, applying the reasoning of this Michigan decision to the general situation, I am of the opinion that if the facts show the taxi drivers to be operating intermittently without the limits of a city over the route of a certificated motor transportation company, and for the purpose of picking up and transporting passengers to points along such route, they lose their identity as such, and are violating the motor transportation law, but that if the operations are casual or on call of the passengers carried, or if the passengers are carried to points off of the route of the motor transportation company, there is no violation of such law.

Respectfully,
GILBERT BETTMAN,
Attorney General.

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APPROVAL, BONDS OF SANDUSKY COUNTY—\$55,000.00.

COLUMBUS, OHIO, June 1, 1929.

Industrial Commission of Ohio, Columbus, Ohio.