

4176.

APPROVAL, BONDS OF NEW LEXINGTON EXEMPTED VILLAGE SCHOOL
DISTRICT, PERRY COUNTY, OHIO, \$16,000.00.

COLUMBUS, OHIO, April 20, 1935.

Retirement Board, State Teachers Retirement System, Columbus, Ohio.

4177.

TRANSPORTATION—MOTOR TRANSPORTATION COMPANY DEFINED—
PRIVATE MOTOR CARRIERS DEFINED—JURISDICTION OF PUBLIC
UTILITIES COMMISSION.

SYLLABUS:

1. *Individuals who own motor trucks and who are engaged in hauling gravel, cement and dirt for private contractors, employed in constructing dam sites in the State of Ohio, and who do not hold themselves out for the transportation "for hire" for the public in general, do not come within the definition of a "motor transportation company" as defined in Section 614-84 of the General Code, and are not required to secure a certificate of public convenience and necessity from the Public Utilities Commission of Ohio in accordance with the provisions of Section 614-84, General Code.*

2. *Such individuals, however, do come within the provisions of Section 614-103, et seq., of the General Code, defining "private motor carriers", and are subject to the jurisdiction of the Public Utilities Commission of Ohio, by virtue of Section 614-105 of the General Code, and consequently must secure a private carrier permit authorizing them to engage in the business in which they are employed.*

COLUMBUS, OHIO, April 22, 1935.

HON. J. S. HARE, *Prosecuting Attorney, New Philadelphia, Ohio.*

DEAR SIR:—Your letter of recent date is as follows:

"The Muskingum Conservancy District operating under the authority of 6828-1, et seq., of the General Code of Ohio, is constructing a number of dams in this county for flood control and water conservation. The contracts for building these dams have been let to private corporations, who in turn employ individuals, who own motor trucks to haul earth at the dam sites, sometimes using the public highways and sometimes not, at other times these individuals will haul gravel and cement over the highways from various places in building these dams for the contractor.

I am writing to inquire whether it is necessary for such individuals to secure a certificate of public convenience and necessity from the Public Utilities Commission as provided for in section 614-84, et seq., of the General Code of Ohio. Do such individuals, who do not furnish transportation for hire 'for the public in general' come under the definition of 'transportation companies' as provided for in section 614-84 of the General Code? Previous to working