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STATE CAPITOL  
PHOENIX, ARIZONA

January 13, 1965

DEPARTMENT OF LAW LETTER OPINION NO. 65-8-L (R-62)

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REQUESTED BY: DAVID H. CAMPBELL  
Superintendent, Motor Vehicle Division

OPINION BY: DARRELL F. SMITH  
The Attorney General

QUESTION: (1) Do the provisions of A.R.S. Sec. 40-613 require the issuance of A.C.C. plates to all interstate carriers filing information with the Arizona Corporation under the provisions of A.R.S. Sec. 40-606?

(2) Does A.R.S. Sec. 28-221(E) exempt proportionally registered interstate fleets from obtaining A.C.C. plates under the provisions of A.R.S. Sec. 40-613?

ANSWER: (1) Yes.

(2) Yes.

(1) A.R.S. Sec. 40-613 states in part:

"Every motor vehicle, trailer or semi-trailer operated in the business of a motor carrier shall annually be registered with the commission...."

A.R.S. Sec. 40-606 provides, before operating as a common carrier in interstate commerce, a person shall provide the corporation commission certain information. The statute thereupon concludes:

"B. The commission may make necessary and reasonable rules and regulations in respect to the operation of interstate motor carriers as it deems necessary and proper."

The language of A.R.S. Sec. 40-613 does not exempt common motor carriers from being registered annually,

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but when read in conjunction with A.R.S. Sec. 40-606, refers to vehicles operated interstate as well as intrastate. Therefore, it can be concluded that interstate carriers filing information under A.R.S. Sec. 40-606 must be issued A.C.C. plates under Sec. 40-613.

(2) Proportional registration of interstate fleet vehicles is provided for by A.R.S. Sec. 28-221, added by Laws 1964, Ch. 14 Sec. 2. A.R.S. Sec. 28-221(E) provides:

"E. Proportionally registered interstate fleet vehicles so registered and identified in accordance with this section and Sec. 28-226 shall be deemed to be fully licensed and registered in this state for any type of movement or operation, except that, in those instances in which a grant of authority is required for intrastate movement or operation, no such vehicle shall be operated in intrastate commerce in this state unless the owner or operator thereof has been granted intrastate authority or rights by the corporation commission and unless the vehicle is being operated in conformity with such authority or rights."

To paraphrase, proportionally registered fleet vehicles which are operated solely in interstate operations or movements are fully registered for all purposes. However, if such vehicles are also operated in intrastate commerce, they must be operated under the authority and in conformity with rights which may be granted by the corporation commission.

Therefore, interstate fleet vehicles proportionally registered under A.R.S. Sec. 28-221 which are not used in intrastate operations in Arizona are exempt from the filing requirements of A.R.S. Sec. 40-606 and the A.C.C. plate requirements of A.R.S. Sec. 40-613, but those proportionally registered vehicles which are used in intrastate operations in Arizona must comply with filing and plate requirements of A.R.S. Sec. 40-601, et seq.

Respectfully submitted,

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DARRELL F. SMITH  
The Attorney General

PCG:mr