

March 3, 1937

Mr. R. K. Wood  
House of Representatives  
State House  
Phoenix, Arizona

Dear Sir:

Your request for an opinion concerning the constitutionality of the amendment to Senate Bill 16, by adding a new sub-section which exempts certain classes of vehicles from the Un-laden weight fee, is answered herewith.

It is the opinion of this office that the exceptions as contained in this sub-section are reasonable and not discriminatory, and are therefore constitutional. This opinion is based upon the following reasons; it is a general rule that statutes which impose a tax on motor carriers for hire, and exempt from operation thereof, private motor carriers transporting their live stock and farm products to market, are not discriminatory. The reason for this is that it is primarily for the legislature to determine the classification of objects of taxation and the courts will not interfere unless such classification is clearly arbitrary and unreasonable.

Furthermore, this power of classification which is vested in the Legislature implies the right to sub-classify if there is a reasonable basis therefor. The matter of exempting the owner of vehicles, transporting his own agricultural or livestock products, has been before the courts many times, and it has been repeatedly held that this classification and exemption is reasonable and has been upheld. Therefore, the matters contained in this sub-section, which sets forth certain exemptions, are constitutional.

Yours very truly,

JOE CONWAY  
Attorney General

J. M. JOHNSON  
Assistant Attorney General

E. G. FRAZIER  
Special Assistant  
Attorney General