

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

January 4, 1950

Jack Buzard, Director
Motor Carrier Division
Arizona Corporation Commission
Phoenix, Arizona

Dear Mr. Buzard:

This is to confirm our oral opinion given some time ago on the questions raised by your letter of June 6, 1949. Your letter states:

"Please give us an interpretation as to the handling of one-trip leases, copy of lease attached hereto. For example, The Highway Department collects a weight and plate fee at Ports of Entry. Can they legally do this until they have cleared through us? Should they clear through us by collecting the \$2.00 Lease filing fee, as set out in H. B. 135? Are we to collect this Lease Fee, the same as for Common Carrier leases?"

We are of the opinion that House Bill 125, Chapter 106 of the 19th Legislature, requires the Corporation Commission and not the Highway Department to collect lease filing fees. This can and should be done with the cooperation of the Highway Department, however, the actual collection of monies should be done by your Commission and not by the Highway Department. Section 66-513 (b), as amended by the 19th Legislature, states:

"Fees--Disposition.--The following fees shall be paid to the commission * * * 6. Two dollars (\$2.00) for filing lease applications. * * * All fees paid to

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the commission under the provisions of this article shall forthwith, upon the receipt thereof, be deposited with the state treasurer." (Emphasis supplied)

We suggest that you request the cooperation of the Highway Department in the collection and forwarding to your Commission of copies of one trip leases at all Ports of Entry; whereupon the Commission can bill the lessee carrier for the filing fees.

All carriers operating leased equipment on a long-term basis may, of course, file their leases directly with the Commission and pay the filing fee, such equipment will carry ACC plates. Leases by bona fide private carriers of non-certificated equipment are, however, outside of your jurisdiction and are not to be accepted for filing.

Trusting the above answers your inquiry, I am

Very truly yours,

FRED O. WILSON
Attorney General

JOSEPH P. RALSTON
Assistant Attorney General

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