



**THE ATTORNEY GENERAL  
OF TEXAS**

Gerald C. Mann

AUSTIN 11, TEXAS

~~XXXXXXXXXXXXXXXXXXXX~~  
ATTORNEY GENERAL

Honorable G. G. Roane  
County Attorney  
Fort Bend County  
Richmond, Texas

Opinion No. 0-4464

Re: Construction of Subsection (e),  
Section 1, of Article 6687b; Sub-  
section (c), Section 1, of Article  
911a, and Section 5 of Article  
911a, Vernon's Texas Civil Stat-  
utes

Dear Sir:

We acknowledge receipt of your request for an opinion of this department upon the following facts:

"There are ten men living here in this County who are working at Freeport, and for their mutual saving, they have bought a large sedan and are operating this car between Rosenberg and Freeport. They own this car and on account of the shortage of rubber they will be able to get tires and go to and from their work at Freeport. They do not carry any other persons and are not operating a bus, but as above indicated these ten men have gone together and are operating the one car.

"This morning one of the patrolmen asked me whether or not these men were operating a bus and I told him that in my opinion they were not, but that I would write for an opinion from your Department. I would appreciate you advising me right away."

While your request does not so state, we infer therefrom that you have reference to whether or not these men are operating a "motor bus" as contemplated by the statutes above referred to.

Subsection (e), Section 5, Article 6687b, supra, reads as follows:

"(e) 'Motor Bus.' Every vehicle, except those operated by muscular power or exclusively on stationary rails or tracks, which is used in transporting persons between or through two or more incorporated cities and towns for compensation (or hire), whether operated over fixed routes or otherwise; except such of said vehicles as are operated exclusively within the limits of incorporated cities and towns and suburban additions thereto."

Subsection (c), Section 1 of Article 911a, reads in part as follows:

"The term 'motor bus company' when used in this act \* \* \* means every corporation or person as herein defined \* \* \* owning, controlling, operating or managing any motor propelled passenger vehicle, not usually operated on or over rails, and engaged in the business of transporting persons for compensation or hire over the public highways within the State of Texas, whether operating over fixed routes or fixed schedules or otherwise \* \* \*." (underscoring ours)

Section 5 of Article 911a provides as follows:

"No motor-bus company shall hereafter regularly operate for the transportation of persons as passengers for compensation or hire over the public highways of this state without first having obtained from the commission under the provisions of this Act \* \* \* a certificate or permit declaring that the public convenience and necessity require such operation. \* \* \*."

While your request does not so state, we assume therefrom that no person is operating the motor vehicle in question for compensation or hire. In order for the vehicle to come within the provisions of the above quoted statutes, it is necessary that the operation be for compensation or hire.

You are, therefore, advised that the vehicle in question is not a motor bus within the provisions of the Articles of above reference.

We have had before us a similar question in our opinion No. 0-4317 and are attaching hereto a copy of that opinion.

Trusting that the foregoing fully answers your inquiry, we are

APPROVED MAR 13, 1942

/s/ Grover Sellers  
FIRST ASSISTANT  
ATTORNEY GENERAL

RHC:ej /cm  
Encl.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ Richard H. Cocke  
Richard H. Cocke  
Assistant

APPROVED  
Opinion  
Committee  
By /s/ BWB  
Chairman