

OPINION
47-51

February 15, 1947 (OPINION)

CORPORATIONS

RE: Foreign - Sale of Stock by - Common Carrier Excepted Under Section
10-0403

Your letter of February 13, addressed to this office, has been received, with reference to the proposed sale of stock by the Midwest Motor Express, Incorporated.

You inquire whether the sale of stock by this corporation would come within any of the exemptions enumerated in section 10-0403.

Under subdivision 3 of said section, any security issued or guaranteed as to principal, interest, or dividends by a corporation owning or operating a railroad or other public service utility, if the corporation is subject to regulation or supervision either as to its rates and charges, or as to the issue of securities by a public service commission or by a board, body, or official having like powers, is exempt.

Since the Midwest Motor Express is a public service utility and is classified as a common carrier, it is under the supervision of the Public Service Commission as to its rates and charges. Its stock, therefore, would come within the exemption provided by said subdivision 3 of section 10-0403.

My recollection is that one of the officers of said company discussed this matter with me informally about a year ago, and I think perhaps I suggested at that time that the securities offered for sale by said company would not be exempt; however, I am satisfied that its securities or stock are exempt under said subdivision 3.

NELS G. JOHNSON

Attorney General