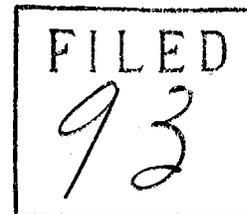


MOTOR VEHICLES: Passenger car used commercially subject to commercial motor vehicle fees.

February 16, 1946



2/20

Hon. Hugh H. Waggoner, Superintendent
Missouri State Highway Patrol
Jefferson City, Missouri

Dear Sir:

We are in receipt of your request for our official opinion, as follows:

"We respectfully request that you furnish this department with an opinion on the following question in connection with section 8369, Laws of 1945:

"A man uses his passenger car to tow a four-wheel trailer, hauling freight for hire, the trailer capable of carrying a load of four or five tons. Should the passenger car have truck license plates and what size license should he be required to purchase?"

Section 8369, Laws of 1945, page 664, provides registration fees for two types of vehicles, commercial and "motor vehicles other than commercial."

Section 8367, R. S. Mo. 1939, gives the following definition of a "commercial motor vehicle":

"A motor vehicle designed or regularly used for carrying (a) freight and merchandise, or (b) more than eight passengers."

Since you state in your request that the vehicle concerned is used for hauling freight for hire, it would be defined as a "commercial motor vehicle," and the fees set out in the following portion of Section 8369, Laws of 1945, page 664, would be applicable:

"For commercial motor vehicles having a gross weight of:

Under 1,500 pounds	\$10.00
1,500 pounds to 10,000 pounds.....	15.00
10,000 pounds to 12,000 pounds.....	20.00
12,000 pounds to 18,000 pounds.....	30.00
18,000 pounds to 20,000 pounds.....	40.00
20,000 pounds to 22,000 pounds.....	50.00
22,000 pounds to 28,000 pounds.....	65.00
28,000 pounds to 32,000 pounds.....	100.00
32,000 pounds to 38,000 pounds.....	125.00
38,000 pounds to 42,000 pounds.....	150.00
42,000 pounds to 44,000 pounds.....	175.00
Over 44,000 pounds.....	200.00

"For each trailer or semi-trailer there shall be paid a fee of three dollars (\$3.00). The fees for tractors used in any combination with trailers or semi-trailers or both trailers and semi-trailers shall be computed on the total gross weight of the vehicles in the combination with load." (Italics ours.)

If the passenger car mentioned in your request can be considered a "tractor" within the meaning of the italicized sentence quoted just above, then the fee to be paid on such car used for commercial purposes would be that provided for the gross weight of the passenger car, four-wheel trailer and such load as either or both contained.

The word "tractor" is defined in Section 8367, R. S. Mo. 1939, as:

"Any motor vehicle, designed primarily for agricultural use or used as a traveling power plant or for drawing other vehicles or farm or road building implements and having no provision for carrying loads independently." (Italics ours.)

While a passenger car is not ordinarily used in such a capacity, yet if the owner sees fit to use such a vehicle for drawing a trailer, it must be held to fall within the general terms of the italicized portion of the definition just quoted and be subject to the appropriate fee.

It should be noted that in Section 8369, Laws of 1943, page 664, provision is made that commercial motor vehicles which

Hon. Hugh H. Waggoner - 3

have limited use geographically are subject only to a portion of the fees provided for vehicles having a statewide use.

CONCLUSION

In view of the above, it is our conclusion that a commercial motor vehicle consisting of a passenger car as tractor and a four-wheel trailer, hauling freight for hire, is subject to the fees set out in Section 8369, Laws of 1943, page 664, computed on the total gross weight of the vehicles in the combination with load.

Respectfully submitted,

ROBERT L. HYDER
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

RLH:HR