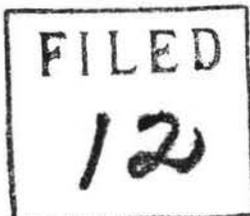


MOTOR VEHICLES: The term "owner" in Section 301.010, Laws Mo. 1951,  
DIRECTOR OF REVENUE: means: (1) The holder of the legal title. (2) The  
LICENSE: vendee when the vehicle is subject to an agreement for  
conditional sale. (3) The vendee when the vehicle is  
subject to an agreement on a lease with a condition of

JOHN M. DALTON  
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sale. (4) A mortgagor in the event he is entitled to possession of the vehicle; in accordance with the definition in said section.



XXXXXXXXXX

J. C. Johnsen

Honorable David A. Bryan  
Supervisor, Motor Vehicle Registration  
Department of Revenue  
State of Missouri  
Jefferson City, Missouri

Dear Sir:

This office is in receipt of your request for an official opinion which reads as follows:

"We respectfully request an official opinion as to the meaning of the term 'Owner' as defined in Section 301.010, Paragraph 18, Conference Committee Substitution for Amended Senate Committee Substitution for House Bill No. 283, particularly as it relates to the operation of motor vehicles and trailers upon Missouri Highways under Lease Agreement.

"Also, will the registration, that is, the License Plate, be issued in the name of the Lessor or the Lessee?"

The definition of "owner" which was Paragraph 18 in Section 301.010 of Conference Committee Substitution for Amended Senate Committee Substitution for House Bill No. 283, now found in Laws of Missouri, 1951, page 696, Paragraph 18, is as follows:

"'Owner,' the term owner shall include any person, firm, corporation or association, who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the

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agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act;"

The word "owner" can be interpreted to have a great variety of meanings in regard to real or personal property. In Volume 73, C.J.S., Section 13, page 189, it is stated:

"As applied miscellaneously, various persons or classes of persons have been held to be or not to be 'owners,' depending on the circumstances of the particular case.

"As applied miscellaneously, the term 'owner' has been held to include an agent; a manager and attorney in fact; a bona fide claimant; and administrator to whom a leasehold interest descends; the beneficiary of a trust; a corporation; executors; a guardian in possession of, and exercising complete control over, ward's property; encumbrancers; a judgment creditor; a mortgagee purchaser at a foreclosure sale; a married woman; a mortgagor or his assigns; the purchaser at a tax sale; a receiver; a state; a stockholder in a corporation who is also a director, manager, and clerk; the principal stockholders in a lessee corporation; trustees; a trustee in bankruptcy; and a trust company."

It will be seen that it is necessary to limit such a word by statutory definition. The initial sentence of Section 301.010, Laws Mo. 1951, is as follows:

"As used in Chapters 301 and 304, RSMo. 1949, the following terms mean."

We believe that the definition that follows in paragraph 18 is controlling as to the interpretation of the word "owner" used in the Motor Vehicle Registration Law of Missouri. The term

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"owner" is used many times throughout Chapters 301 and 304, of the Revised Statutes of Missouri, 1949, to which it applies in accordance with the quotation above. It was certainly the intention of the Legislature that this word have a definite, certain and precise meaning.

We conclude that this definition includes these four classes of persons: (1) The holder of the legal title; or (2) the vendee when the vehicle is subject to an agreement for conditional sale and said vendee is entitled to immediate possession of the vehicle; or (3) the lessee when the vehicle is the subject of an agreement on a lease with the right of purchase upon performance of the condition stated in the agreement and with an immediate right of possession vested in the conditional vendee or (4) a mortgagor in the event said mortgagor is entitled to possession of the vehicle.

It is our opinion that since the term "owner" has been defined by the Legislature this definition should be followed in regard to the use of the word in Chapters 301 and 304 as it is so defined.

We must abide by the definition in regard to the registration of a vehicle wherein the word "owner" is used. Section 301.020, RSMo. 1949, is in part as follows:

"Every owner of a motor vehicle or trailer which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall file by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose, containing: \* \* \*"

A vehicle may be the subject of an agreement for conditional lease with the right of purchase thereof upon performance of the condition stated in the agreement and with an immediate right of possession vested in the lessee, and when it is, the lessee is then the owner as defined and may register the vehicle in his, the lessee's own name. Then the lessor of that same motor vehicle does not have the right to register it although he holds the legal title as the definition limits ownership to the holder of the legal title, or the lessee under the conditions we have stated, or a purchaser under a conditional sale, or a mortgagor as qualified in the definition. The lessor in the above case is disqualified as owner and the lessee has become the owner under the definition.

Since Section 301.020, supra, requires registration by the owner, a lessee, not having an agreement for conditional lease

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with the right of purchase upon performance of the conditions stated in the agreement and not having an immediate right of possession vested in himself, is not entitled to register a motor vehicle.

CONCLUSION

Therefore, it is the opinion of this office that the term "owner" as used in Paragraph 18, Laws of Missouri, 1951, page 696, means any person, firm, corporation or association who holds the legal title of a vehicle, or if the vehicle be the subject of an agreement for conditional sale or lease with right of purchase, then the vendee or lessee in the event he has the immediate right of possession, or if the vehicle is the subject of a chattel mortgage, then the mortgagor of the vehicle if he is entitled to possession.

Where a license plate is required to be issued for a motor vehicle it should be issued to the owner of the vehicle as defined in Section 301.010, Laws Mo. 1951, page 696. A lessee of a vehicle not qualifying as an owner under the definition is not entitled to have it registered in his name.

The foregoing opinion, which I hereby approve, was written by my assistant, Mr. James W. Paris.

Yours very truly,

JOHN M. DALTON  
Attorney General