

MOTOR VEHICLE:
COMMERCIAL MOTOR VEHICLE:

A motor vehicle designed as a passenger carrying vehicle but regularly used to transport freight and merchandise is required to be registered as a commercial motor vehicle.

OPINION NO. 311

August 25, 1969



Honorable Harold L. Caskey
Prosecuting Attorney
Bates County
206 North Main
Butler, Missouri 64730

Dear Mr. Caskey:

In your letter of June 23, 1969, you requested an opinion from this office as follows:

"I am requesting an opinion from your office in the following set of circumstances. If one has already been prepared would you please provide me with a copy of the same. If not would you please submit one.

"A merchant from Hume, Missouri, owner and operator of a TV Sales and Service is the owner of a Dodge van. He has removed the set of seats from the rear and used the vehicle for the purpose of hauling cargo to and from Kansas City and also uses the vehicle to haul TV sets to and from customers. Is this individual compelled to purchase and display on that vehicle a truck license."

We assume the "Dodge Van" in question was designed by the manufacturer as a passenger carrying vehicle.

Chapter 301, RSMo 1959, covers the registration and licensing of motor vehicles in this state. Section 301.010, RSMo 1959, defines the

Honorable Harold L. Caskey

different types of motor vehicles that are required to be registered and licensed and provides in part:

"1. 'Commercial motor vehicle', a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers; . . ."

Motor vehicles that are usually referred to in common parlance as "trucks" are not designated as such in this chapter.

In an opinion issued by this office on December 24, 1959, to Honorable Paul E. Williams, Prosecuting Attorney, Pike County, Bowling Green, Missouri; we held that a one-half ton pickup truck used primarily for the transportation of persons and not regularly used for transportation of freight or merchandise is a commercial vehicle under the above statute and required to be registered as such under the provisions of Chapter 301, RSMo. It defines the terms "designed" and "freight and merchandise" as used in this statute. A copy of this opinion is enclosed herewith. We believe TV sets and cargo are "freight and merchandise", when held and transported for commercial purposes.

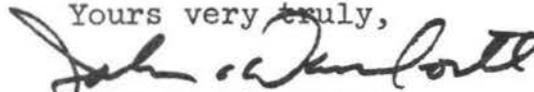
The above statute defines a commercial motor vehicle as one "designed" or used for "carrying freight and merchandise" or more than eight passengers. The basis of the opinion referred to was the fact the pickup truck was "designed" for hauling freight or merchandise even though it was not used for that purpose. Attention is called to the fact that this statute describes a commercial motor vehicle as one "designed" or "regularly used" for carrying freight or merchandise. The fact that a motor vehicle is regularly used to haul freight or merchandise brings it within the provision of this statute and requires it to be registered as a commercial motor vehicle.

CONCLUSION

It is the opinion of this department that a motor vehicle designed as a passenger carrying vehicle but regularly used for hauling freight or merchandise is a commercial motor vehicle and is required to be registered and licensed as such under the provisions of Chapter 301, RSMo.

The foregoing opinion, which I hereby approve, was prepared by my assistant Moody Mansur.

Yours very truly,


JOHN C. DANFORTH
Attorney General