

DEPARTMENT OF PENAL INSTITUTIONS:  
MOTOR VEHICLES:

Department of Penal  
Institutions has right  
to manufacture license  
plates and road signs  
under Senate Bill 204.

*Laws 37*

May 11, 1933



Honorable George C. Johnson  
Superintendent of Industries  
Jefferson City, Missouri

Dear Mr. Johnson:

This Department acknowledges receipt  
of your letter dated May 4, 1933, in which you state  
in part as follows:

"It is vitally important that we know  
whether there is any doubt of the  
constitutionality of Senate Bill No.  
204, which authorizes the manufacture  
of license plates by the Penitentiary.  
It is necessary that we purchase and  
install additional machinery for this  
purpose, calling for a considerable  
outlay of money. We dislike to  
proceed in the matter on an  
uncertainty \* \* \* \* \*

We assume your inquiry with reference to  
Senate Bill number 204 was prompted by the ruling of the  
Supreme Court in State ex rel Department of Penal  
Institutions, et al, v. Becker, et al, 47 S. W. (2nd)  
781.

In the above case the Supreme Court held  
that part of the Motor Vehicle Act found in Extra Session  
Acts, 1921, page 76, authorizing the Motor Vehicle  
Commissioner to contract with the prison board for the  
manufacture of plates and badges to be unconstitutional,  
but on the ground that the part of the Act just referred  
to was not germane to the main purpose of the Motor  
Vehicle Act, but in the opinion in that case the court

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clearly recognizes that if a legal statutory enactment was passed by the Legislature, then the penal board would have the right to manufacture the plates and badges referred to in the 1921 Session Acts, supra. At page 782 of the opinion the court said:

"Relators must point to the statute authorizing the prison board to manufacture license plates and chauffeurs' badges for the state. In other words, the board must be authorized to enter into the contract in question".

House Bill Number 204 is a separate independent act. The purpose of the bill is to authorize the manufacture in the state penitentiary signs used by the State Highway Department and license plates required for motor vehicles, all of which is clearly expressed in the title to the bill and we are of the opinion if and when signed by the Governor and if and when the same goes into effect in due course, no emergency clause being attached, the Department of Penal Institutions will have a legal right to do the things they are empowered by Senate Bill number 204 to do.

Very truly yours,

GILBERT LAMB  
Assistant Attorney General,

APPROVED:

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Attorney General.

GL:LC