

RECIPROCITY LICENSE LAW:

Applies to persons operating
under Kansas license tags. ✓

May 20, 1933. ✓₅₂₂



Mr. Dewey A. Routh,
Prosecuting Attorney,
Nevada, Missouri.

Dear Mr. Routh:

This Department acknowledges receipt of your
letter dated May 15, 1933, as follows:

"We have been bothered in Vernon County with
the following situation:

A considerable number of Kansas cars bearing
the 1932 license plates are found upon the roads
of this county. The Kansas Legislature has
modified their law so that their citizens may
operate their automobiles upon the highways of
Kansas with the 1932 tags, provided, however,
that when they do buy their new 1933 tags, they
must pay a penalty of fifty cents a month for
each month they have operated their car from
the time the 1932 tags became invalid until the
time of the purchase of the 1933 tags.

We have arrested and fined several Kansas
citizens for operating their cars on the highways
of Missouri with 1932 tags and have met with
considerable criticism in each case. I would
like your opinion as to whether a Kansas citizen
may operate his automobile in Missouri under
the reciprocity law and not be subject to fine
in Missouri under the Missouri Statutes, or
whether he would be subject to fine in Missouri."

In answer to the above inquiry, we are assuming
that the State of Kansas now has a reciprocity automobile
license law.

Section 7768, R. S. Mo. 1929, provides as follows:

"A nonresident owner, except as otherwise herein

provided, owning any motor vehicle which has been duly registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in the state has displayed upon it the number plate or plates issued for such vehicle in the place of residence of such owner may operate or permit the operation of such vehicle within this state without registering such vehicle or paying any fee to this state, provided that the provisions of this Section shall be operative as to a vehicle owned by a non-resident of this state only to the extent that under the laws of the state, country or other place of residence of such nonresident owner like exemptions are granted to vehicles registered under the laws of and owned by residents of this state."

The purpose of the reciprocity automobile license laws is, of course, that legally licensed operators of motor vehicles in Kansas may operate their automobiles within the State of Missouri without acquiring a Missouri license, and persons duly licensed to operate motor vehicles in Missouri may operate them in the State of Kansas without the acquiring of the Kansas license. The above Section provides "that a non-resident, except as otherwise herein provided, owning any motor vehicle which has been duly registered for the current year, in the state, etc." We do not believe that the term, "current year" necessarily means that the operators of Kansas must have a 1933 license tag upon their automobile. The Legislature of Kansas has permitted persons to operate in 1933, by the use of 1932 license plates, plus a penalty of 50¢ per month, as set out in your letter. Persons conforming to those provisions are duly licensed operators within the State of Kansas, and are duly registered for the "current year" in Kansas.

All that is contemplated by the reciprocity laws is that a person be duly licensed under the laws of the state where he resides. It is not necessary, in order to take advantage of the reciprocity law, that the state of Kansas exact any license fee. It may charge none or it may charge more or less than the fee charged by this state; that being a matter of purely state concern. These laws do not contemplate that the requirements in the various states shall be uniform or that one state shall have any control over the terms or provisions of the laws of sister states.

According to the modified law of Kansas, persons operating under the 1932 license tags are legally operating, according to the requirements of the Statutes of Kansas. If they have complied with the requirements of the laws of Kansas regarding the licensing of their automobiles, then under Section

Mr. Dewey A. Routh,

-3-

May 20, 1933.

7768 they are entitled to operate for certain purposes their automobiles within the State of Missouri without subjecting themselves to arrest or fine.

Very truly yours,

Assistant Attorney General.

APPROVED:

Attorney General.

FWH:S