

AUTOMOBILE DEALERS:

Automobile dealer opening branch offices in other towns must register each place of business maintained under a different dealer's registration number.

131  
January 30th  
1934.



Hon. B. M. Casteel, Superintendent,  
Missouri State Highway Patrol,  
Jefferson City, Missouri.

Dear Mr. Casteel:-

We have your letter of November 27, 1933, in which was contained a request for an opinion as follows:

"This question in regard to the use of dealers registration plates has been raised:

'A dealer as defined in Section 7759 R. S. Mo. 1929, whose home office is in Kansas City, has opened branches in several other towns. Must each place of business maintained by this dealer be registered under a different dealer's registration number?'

"Thanking you in advance for your opinion in this matter, I am,

Yours very truly,

B. M. CASTEEL,  
Superintendent,

By L. B. Howard,  
Captain, Cmdg., HQ Troop."

In construing the statutes on the matter above referred to we are not aided by any decisions of this state. The matter has never been before our courts nor so far as we are able to discern has it been before the courts of other states. A study of the wording of the statutes in question, however, and an application of the rudimentary principles of statutory construction enables us to render what we consider to be an equitable and just opinion in the premises.

Section 7759, Revised Statutes of Missouri, 1929, provides in part as follows:

"Sec. 7759. Definitions.--Wherever in this article, or in any proceeding under this article, the following words or terms are used, they shall be deemed

and taken to have the meanings ascribed to them as follows: \* \* \* \* \* 'Dealer'. Any person, firm, corporation, association, agent or sub-agent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers."

Section 7764, Revised Statutes of Missouri, 1929, provides in part as follows:

"Sec. 7764. Registration of manufacturers and dealers.--(a) All manufacturers and dealers shall, instead of registering each motor vehicle manufactured or dealt in, make application upon a blank to be furnished by the commissioner for a distinctive number for all the motor vehicles owned or controlled by such manufacturer or dealer, said application to contain: (1) a brief description of each type of motor vehicle manufactured, or dealt in, including character of the motive power, amount thereof, stated in figures of horsepower, and (2) the name and business address of such manufacturer or dealer; (3) the weight and rated live load capacity of commercial motor vehicles."

With advertence to the part of Section 7759 above quoted we notice that the definition of the word "dealer" is quite broad. The use of the words "agent or sub-agent" is illuminating. Obviously this could not mean that every salesman working for a motor car company would have to have a separate dealer's registration. The only sensible meaning then is that the words must refer to separate places of business, or branches, of a central dealer.

Proceeding then to the part of Section 7764 above quoted we see the provisions for the registration of "dealers" as defined in the earlier section. Since it was the obvious intent of the legislature to include such branches in the definition of the word "dealer", this provision must apply to such branches. Let it further be noted that subsection (a) (2) of Section 7764 provides that "the name and

Hon. B. M. Casteel

-3-

January 30, 1934.

business address" of the dealer shall be furnished in the application. This information is, of course, required so that each registration number and duplicate numbers may be allocated to cars operating out of a single definite address, thereby providing a check-up for the various agencies of law enforcement. It will also be noted that the words "name and business address" are not pluralized but are singular, evidencing the legislative conception that business could only be done at one address under the same registration number.

The above reasoning proceeds in harmony with the obvious legislative intent and since it is a wellknown rule of law that, where possible, effect must be given to the legislative intent expressed or implied, we feel that our view must be in accordance therewith. In other words, if a dealer opens branches in other places each place of business must be under a different registration number.

Very truly yours,

GMHJr:LC

CHAS. M. HOWELL, Jr.  
Assistant Attorney General.

Approved:

---

Attorney General.