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**MOTOR VEHICLE - REGISTRATION - SHALL TRACTORS AS DEFINED IN THE MISSOURI MOTOR VEHICLE LAW, OPERATED IN CONNECTION WITH ROAD CONSTRUCTION WORK ON HIGHWAY? BE REQUIRED TO CARRY REGISTRATION PLATES?**

*1-31*  
January 31, 1934.



*See Op.  
8/24/35  
7/7/36*  
Honorable B. M. Gasteel, Superintendent  
Missouri State Highway Patrol  
Jefferson City, Missouri

Attention: Captain L. B. Howard.

Dear Sir:

Your letter of inquiry, January 30, 1934, relative to the arrest of A. W. Mosley while operating a tractor on highway 71 without license plates, received; stating further this operation was not a construction activity since the tractor was merely being moved from a finished road job to a project about to start, and desiring an opinion as to whether or not a tractor, as defined in the Missouri Motor Vehicle law as stated herein is required to carry registration plates.

In reply to your inquiry, I will state first that Section 5264, as amended by Session Acts of 1931 at page 304, gives the following definition:

"(a) The term 'motor vehicle', when used in this act, means any automobile, automobile truck, motor bus, truck, bus, or any other self-propelled vehicle not operated on driven upon fixed rails or tracks."

Section 7761, R. S. Mo. 1929, says:

"(a) Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, shall, except as herein otherwise expressly provided, cause to be filed, by mail or otherwise, in the office of the commissioner, an application for registra-

tion on a blank to be furnished by the commissioner for that purpose, \* \* \* \*.

"(b) Upon the filing of such application, exhibition of certificate of ownership and the payment of the fees hereinafter provided, the commissioner shall assign a number to such motor vehicle, and without other expense to the applicant shall issue and deliver to the owner a certificate of registration in such form as the commissioner shall prescribe, and a plate, or a set of plates, bearing such number."

Under Section 7776, R. S. No. 1929, the last paragraph of sub-section "b" provides that

"in special cases motor vehicles whose weight, including loads, exceed those herein prescribed may be operated under special permits granted as hereinafter provided."

And paragraph "g" provides:

"Farm tractors when using the highways in traveling from one field or farm to another or to or from places of delivery or repair are exempt from the provisions of this article relating to registration and display of number plates, but shall comply with all the other provisions hereof."

These parties cannot claim, as an excuse that this was a farm tractor under the last above quoted paragraph.

They cannot claim that they were actually working on the highway as they had finished the work they were working on, so that they were not in the employe of the State

Section 7767, R. S. Mo. of 1929, states that the commissioner shall issue certificates for all cars owned by the State of Missouri and shall assign for each of such cars two plates bearing the words "State of Missouri, Official Car \* \* \* ", with the number inserted thereon, which plate shall be displayed on such cars when they are being used on the highway. This section also provides:

"No officer, or employe of the municipality, county or subdivision, or any other person shall operate such a motor vehicle unless same is marked as herein provided, \* \* \* \*".

The general purpose of the law is to require every person operating a "motor vehicle" ( hereinbefore defined) to carry a tag or plate bearing numbers easily identified and checked up on (in case of accidents or other mishaps). The statute should be construed accordingly and its general purpose, when being construed, should not be overlooked.

Ross v. Kansas City St. Jos. Ry. Co., 111 Mo. 19,  
Supply Co. v. Smith, 182 App. 1.c. 238,  
Downing v. La Shot, 202 App. 1.c. 515,  
Keene v. Wyatt, 160 Mo. 1.c. 16.

It is our opinion under the circumstances detailed and from the fact they failed to have a special permit, and that they failed to have regular plates, or failed to have special license plates mentioned and provided for as herein above referred to, as they do not come under any exceptions of the law herein referred, they would be and are required to carry registration plates when on the highway under the facts above enumerated, and are liable under the law for failure to do so.

Yours very truly,

APPROVED:

ROY MCKITTRICK  
Attorney-General.

GEORGE B. STROTHER  
Assistant Attorney-General.

GBS/J