

MOTOR VEHICLE - Trailer or semi-trailers registered according to the maximum weight carrying capacity of such - live load capacity.

7-30  
July 24th, 1934



Captain Thomas L. Leigh,  
State Highway Patrol,  
Commanding Troop "C"  
Kirkwood, Missouri.

Dear Captain Leigh:

This is to acknowledge your letter as follows:

"We would like to have the opinion of your department on certain questions that have come up in connection with the interpretation of Section 7762.

The above section provides among other things, 'For each trailer that shall be paid a fee equal to one-half of that provided for commercial vehicles, for each semi-trailer that shall be paid a fee equal to one-fourth of that provided for commercial vehicles, according to the live load capacity of such trailer or semi-trailer.' We have discovered a situation as follows:

Certain commercial operators are operating trailers upon which they are paying a nominal license fee for two or three tons capacity, yet when these operators ask for a Public Service Commission permit they buy and pay for permits ranging all the way from four to ten tons and they haul this weight. Obviously, a trailer which will carry ten tons of weight has more than two or three tons capacity and it has occurred to us that the size of the Public Service Commission permit and the weight actually carried is the proper standard by which to judge live load capacity and that these trucks and trailer which are hauling ten tons ought to pay a ten ton license fee.

Could, in the opinion of your department, these operators be compelled to purchase

license plates of a size equal to the load they are actually carrying. I am quite sure that if they could the revenues from this source would be greatly increased."

Section 7761, Laws of Missouri 1933-1934, Extra Session, page 100, in part reads as follows:

"For each trailer there shall be paid a fee equal to one-half (1/2) of that provided for commercial motor vehicles and for each semi-trailer there shall be paid a fee equal to one-quarter (1/4) of that provided for commercial motor vehicles, according to the live load capacity of such trailer or semi-trailer."

Thus the Legislature has determined by statute what the fee shall be on all trailers or semi-trailers such being determined according to the live load capacity of same.

Section 7759, Revised Statutes of Missouri 1929, defines 'live load' as follows:

"'Live load'. The weight of the cargo or passengers of a commercial motor vehicle in addition to that of the chassis and body of the vehicle."

Section 7761, supra, further provides:

"(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 registration on a blank to be furnished by the commissioner for that purpose, containing: \* \* \* (3) if said motor vehicle be a commercial vehicle the weight of the vehicle and its rated capacity of live load, in pounds or seating capacity."

Thus, when a semi-trailer or trailer is registered and plates procured therefor, it is necessary for the owner thereof in making his application to state the maximum weight carrying capacity of the trailer or semi-trailer and if such is falsified then in our opinion, the trailer or semi-trailer is improperly registered and would subject the person so operating the trailer or semi-trailer to prosecution.

Captain Thomas L. Leigh

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We direct your attention to Section 7783, Revised Statutes of Missouri 1929, para. (h), which reads:

"(h) False statements: No person shall wilfully or knowingly make a false statement in any application for the registration of a motor vehicle or trailer, \* \* \*. All blanks or forms issued by the commissioner for the purpose of making application for registration of certificate of ownership shall conspicuously bear on the face thereof the following words: 'Any false statement in this application is a violation of the law and may be punished by fine or imprisonment or both.' "

Section 7770, Revised Statutes of Missouri 1929, pertains to license plates.

From the above and foregoing, it is our opinion that any commercial operator operating a trailer or semi-trailer on license plates procured through fraud and misrepresentation is subject to prosecution, and further, that these operators could be compelled to register the trailer or semi-trailer according to the live load capacity of such.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General

APPROVED:

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ROY McKITTRICK  
Attorney-General

JLH/mh