

**MOTOR VEHICLES :**

License registration fee, amounts to be charged under recent act discussed.

1/12  
January 11, 1934.



Hon. V. H. Steward  
Commissioner of Motor Vehicles  
Office of Secretary of State  
Jefferson City, Missouri

Dear Mr. Steward:

This office acknowledges receipt of your letter dated January 10, 1934, as follows:

"Please refer to a recent act of the General Assembly which repeals Sections 7761, 7762 and 7769 revised statutes 1929, and enacted in lieu thereof two new sections, namely, 7761 and 7769, which sections relate to registration of motor vehicles, chauffeurs, registered operators, etc. Your opinion is requested as to the amount of fees to be charged the following:

1. Motor Vehicles and Trailers.
2. Manufacturers and Dealers.
3. Chauffeurs.
4. Operators."

As stated in your letter, the present Legislature (57th, Extra Session) passed an act which repealed Sections 7761, 7762 and 7769 R. S. Mo., 1929, and enacted in lieu thereof two new sections known as Sections 7761 and 7769, relating to same subject, which act was approved by the Governor January 6th, 1934. An emergency clause was provided, thus making the act effective immediately upon approval. The repealed 1929 statutes, supra,

pertained to the following; (1) Section 7761 to the registration of owners of motor vehicles and trailers; (2) Section 7762 to the increasing of registration fees; and municipal licenses; (3) Section 7769 to the date of registration for motor vehicles, trailers, chauffeurs, registered operators and dealers and further providing for the prorating of fees relative to the registration of a motor vehicle by an owner.

I.

In interpreting statutes it is well to keep in mind the language of the Supreme Court of Missouri in the case of *Meyering v. Miller*, 51 S. W. (2d) 65, wherein it was said, l. c. 68:

"The primary rule of construction of statutes or ordinances is to ascertain and give effect to the lawmakers' intent. 2 Lewis' Sutherland on Stat. Const. (2d Ed.) Section 363. The rule of strict construction 'has lost much of its force and importance in recent times, since it has become more and more generally recognized that the paramount duty of the judicial interpreter is to put upon the language of the legislature, honestly and faithfully, its plain and rational meaning and to promote its object.' Endlich on Interpretation of Statutes, Section 329; Maxwell on Statutes (5th Ed.) 425."

And further,

"Likewise, it has been said that strict construction 'is not a precise but a relative term. It is not the exact converse of liberal construction, for it does not consist in giving words the narrowest meaning of which they are susceptible.'"

Thus, we look to the four corners of the act to gather the intent of the Legislature. A reading of same shows that the Legislature primarily intended to do two things: First, to reduce

the fees on automobile registration; second, to change the renewal and expiration date on automobile registration, and registration of manufacturers and dealers, chauffeurs, and operators.

II.

MOTOR VEHICLES AND TRAILERS.

We look to the act to ascertain the fees charged for the registration of motor vehicles and trailers. Note these provisions, to-wit:

"Section 1. That sections 7761, 7762, and 7769, of the Revised Statutes of Missouri for 1929 be and the same are hereby repealed and two new sections enacted in lieu thereof to be known as sections 7761 and 7769 and to read as follows:

Section 7761. (a) \* \* \* \* \*

(c) Registration fees made payable to the State Treasurer shall be remitted to the Commissioner with the application for registration for that part of the calendar year of 1934, beginning with February 1, 1934, and ending December 31, 1934, at 11/12 of the schedule amounts hereinafter shown, and for the full calendar year of 1935 and each full calendar year thereafter in accordance with the following schedules:

For motor vehicles other than commercial motor vehicles and motorcycles and motortricycles.

|   |        |
|---|--------|
| Less than 12 horsepower .....               | \$5.00 |
| 12 horsepower and less than 24 horsepower.. | 8.50   |
| 24 horsepower and less than 36 horsepower.. | 11.00  |
| 36 horsepower and less than 48 horsepower.. | 20.00  |
| 48 horsepower and less than 60 horsepower.. | 25.00  |
| 60 horsepower and less than 72 horsepower.. | 31.50  |
| 72 horsepower and more .....                | 37.50  |
| Motorcycles .....                           | 6.00   |
| Motortricycles.....                         | 7.50   |

For commercial motor vehicles having a capacity of:

|                                   |         |
|-----------------------------------|---------|
| Less than 2 tons .....            | \$10.50 |
| 2 tons and less than 5 tons ..... | 18.00   |
| 5 tons and less than 6 tons ..... | 27.00   |
| 6 tons and less than 7 tons ..... | 30.00   |
| 7 tons and less than 8 tons ..... | 36.00   |

and for every ton or major fraction thereof in excess of 8 tons, \$15.00 per ton.

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

\* \* \* \* \*

Section 7769. (a) \* \* \* \* \*

(b) If application for the registration of a motor vehicle by an owner is made during the period between the 1st day of July and ending the last day of September, only one-half of the full annual fee shall be paid; if application for such registration is made during the period beginning the 1st day of October and ending the last day of December, one-fourth of the full annual fee shall be paid."

We call attention to the fact that the horsepower of the motor vehicle determines the license fee. Such was also the manner in which the license fees were arrived at under the 1929 Statutes. For illustration, take the first fee provided for motor vehicles other than commercial vehicles, motorcycles and motortricycles of less than 12 horsepower, which under the present act is \$5.00, and under the 1929 Statutes was \$7.50. However, for the year 1934 the registration fee to be charged on motor vehicles is 11/12 of the amount provided in the above schedule. That is to say, for example, if an owner of motor vehicles of less than 12 horsepower registers

his motor vehicle between February 1st, and June 30th, 1934, he will pay 11/12 of \$5.00, or \$4.59; if between the first day of July and the 30th day of September, 1934, he will pay one-half of \$5.00, or \$2.50; if between the first day of October and the last day of December, 1934, he will pay one-fourth of \$5.00, or \$1.25. In other words, the registration fee for the year 1934 is 11/12 of the schedule hereinbefore set out up to June 30th, and after that one-half or one-fourth of the schedule as provided therein. We call your attention to the fact that the registration of motor vehicles for the calendar year of 1934 begins February 1st, 1934, and ends December 31st, 1934; the fee for trailers being:

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

### III.

#### MANUFACTURES AND DEALERS.

Section 7769 (a) of the recent act provides as follows:

"Registration of motor vehicles, trailers, chauffeurs, registered operators and dealers shall be renewed annually, upon the payment of fees provided herein, to take effect on February 1st for the remainder of the year 1934, and thereafter on the 1st day of January in each year, and all certificates of registration and number plates issued hereunder shall expire on the succeeding 31st day of December."

Section 7769 R. S. No. 1929, which was repealed, provided that the registration of manufacturers and dealers should be renewed annually on the first day of February in each year. The new statute merely changes the date of registration.

Section 7764 R. S. Mo., 1929, provides in part the following:

"(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.

(b) Fees and plates for manufacturers and dealers: On the payment of a registration fee of \$21.00 there shall be assigned to such manufacturer or dealer a certificate of registration in such form as the commissioner shall prescribe, and two sets of number plates bearing such number. As many duplicate sets of number plates as may be desired may be obtained upon the payment of a fee of \$10.50 for each duplicate set."

A reading of above shows that manufacturers and dealers do not register each motor vehicle dealt in but pay in lieu thereof a registration fee and a further fee if additional plates are required. All motor vehicles operated on the highways of this State must have license plates and a dealer merely transfers them from one car to another, using his plates. Thus, the car on which a dealer's plates are used is not registered in the sense of a privately owned motor vehicle but in lieu thereof the dealer pays the fee provided in Section 7764, supra. And no provision is made in that section for a reduction of the fee in the event the dealer applies at the first of the year, the last of the year, or the middle of the year. In other words, a dealer seeking to be registered as such pays the same fee if he becomes registered at the first of the year or any other time thereafter.

It is, therefore, our opinion that the registration fee of a manufacturer or dealer will be that as provided in Section 7764, R. S. Mo., 1929.

IV.

CHAUFFEURS.

Section 7765 R. S. Mo., 1929, pertains to "chauffeurs" and in part reads:

"(a) Every person desiring to operate a motor vehicle as a chauffeur shall file in the office of the commissioner a statement containing his name, age, address and the trade name, style and motive power of the motor vehicles he is competent to operate, on a blank to be furnished for that purpose by the commissioner. Etc.

(b) Upon the filing of such statement and photographs, if the commissioner is satisfied as to the competency and good character of such applicant, he shall assign to him a number and upon the payment of a fee of \$3.00 he shall issue and deliver to such applicant a certificate of registration which shall contain etc."

It is our opinion that the fee of registered chauffeurs shall be that as provided for in Section 7765, supra.

V.

OPERATORS.

Section 7766 R. S. Mo., 1929, provides in part as follows:

"(a) Every person desiring to operate a motor vehicle as a registered operator shall file in the office of the commissioner a statement etc.

(b) Upon the filing of such statement and the payment of a fee of \$3.00, the commissioner shall issue and deliver to the applicant a certificate of registration, which shall contain etc."

It is our opinion that a registered operator shall pay the fee as provided for in Section 7766, supra.

The Legislature clearly provided that owners of motor vehicles should pay certain fees. Likewise, ~~they~~ provided that manufacturers and dealers, chauffeurs, and operators should pay certain fees. The Legislature changed the fees to be charged the owners of motor vehicles and trailers but did not vary or change the law pertaining to manufacturers and dealers, chauffeurs, or operators, other than to change the date such were to be registered.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General.

APPROVED:

---

ROY McKITTRICK  
Attorney-General.

JLH:EG