

MOTOR VEHICLE LICENSE FEES: License fee for trailers and semi-trailers should be based on live load capacity of such trailer or semi-trailer.

12-27

December 19, 1934.

FILED
SS

Mr. V. H. Steward,
Commissioner of Motor Vehicles,
Secretary of State's Office,
Jefferson City, Missouri.

Dear Sir:

This department is in receipt of your letter of December 4 requesting an opinion as to the following state of facts:

"Some question has arisen as to the proper method of computing license fees, and the amount of license fee that should be paid and collected for trailers and semi-trailers, provided for under Section 7761, page 98, Laws of Missouri, Extra Session 1933-1934."

Section 7761, Laws of Mo. Extra Session 1933-34, at page 100, provides in part as follows:

"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."

In order to determine the question here before us, it is necessary to define the phrase "live load capacity". In 38 Corpus Juris, p. 70 the phrase "live load capacity" is defined as follows:

"Of a chassis or truck, the amount of freight it will carry, exclusive of the weight of the chassis and body."

In the case of Oldfield v. International Motor Company, 113 A. 632, the Court had before it a question involving a warranty of "live load capacity". The Court said:

As it is conceded that the 'live load capacity' of a chassis or truck means the amount of freight it will carry, exclusive of the weight of the chassis and body, and as the contract expressly guaranteed that the chassis would have a live load capacity of 10,000 pounds, it is equally apparent that if the chassis or truck in question did not have the capacity so specified and guaranteed it was not a compliance with the terms of the contract."

CONCLUSION

In view of the foregoing, it is the opinion of this department that by reason of Section 7761, Laws of Mo. Extra Session 1933-34, page 99-100, the license fee that should be paid and collected for trailers and semi-trailers should be based according to the live load capacity of such trailer or semi-trailer, the "live load capacity" being the amount of freight the trailer or semi-trailer could carry exclusive of the weight of the chassis and body.

Respectfully submitted,

JWH:AH

JOHN W. HOFFMAN, Jr.,
Assistant Attorney General

APPROVED:

ROY MCKITTRICK,
Attorney General.