

**MOTOR VEHICLES:**

Passenger cars manufactured, assembled and sold after January 1, 1936, must be equipped with "safety glass."

Trucks need not be equipped with "safety glass" if passengers are not carried for hire.

October 26, 1935. 10-29



Honorable Dwight H. Brown  
Secretary of State  
Jefferson City, Missouri

Dear Mr. Brown:

This is to acknowledge your letter dated October 21, 1935, as follows:

"We are enclosing a copy of House Bill 176 pertaining to safety glass in motor vehicles. We quote a letter which was received this morning asking for an interpretation of the law as to whether or not it applies to trucks:

'According to House Bill #176 recently passed, the State of Missouri requires safety glass in all vehicles sold on and after January 1st, 1936.

'From our interpretation of the intent of this law, it applies only to passenger cars and buses, and not to trucks.

'Will you kindly confirm the above, or give us your interpretation of this law?'

"Please give us your opinion on this as we are having quite a number of inquiries."

October 26, 1935.

House Bill No. 176, referred to in your letter, is found in Laws of Missouri, 1935, pages 295 to 297, and said Act, Section 2, provides as follows:

"It shall be unlawful after January first, nineteen hundred and thirty-six, to sell in the State of Missouri, any motor vehicle, manufactured or assembled after said date, and designed for the purpose of carrying passengers, unless such vehicle be equipped in all doors, windows, rear windows and windshields with safety glass."

A reading of the above section shows that any motor vehicle designed for the purpose of carrying passengers must be equipped with "safety glass." A passenger automobile is designed (manufactured) primarily for the purpose of carrying passengers, while a truck is designed (manufactured) for the purpose of carrying property.

Section 7759, R. S. Mo. 1929, defines "motor vehicle" as follows:

"'Motor vehicle.' Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors."

Webster's New International Dictionary defines "design" --- "To produce a scheme or plan for the making of anything."

If the manufacturer of an automobile primarily designed a vehicle for the purpose of carrying passengers, then that vehicle would have to have the "safety glass." If a motor vehicle was primarily designed for the purpose of carrying freight or property, then it would not have to have "safety glass." However, any vehicle (truck, bus or passenger car) used for the purpose of carrying passengers for hire must be equipped with "safety glass."

Section 1 of said Act provides as follows:

"It shall be unlawful after January first, nineteen hundred and thirty-six, to operate on any public highway or street, in this state, a motor vehicle registered in the State of Missouri, manufactured or assembled after said date, designed or used for the purpose of carrying passengers for hire, or designed or used for the purpose of carrying school children, unless such vehicle be equipped in all doors, windows and windshields with safety glass."

For a definition of the word "passenger" we invite your attention to State v. Rector, 40 S. W. (2d) 639.

From the above it is our opinion that a motor vehicle designed for the purpose of carrying freight or property, such as a truck, would not have to be equipped with "safety glass."

Section 4 of the Act, which provides in part as follows:

"The Secretary of State \* \* \* \* \* shall not issue a license for any motor vehicle unless such motor vehicle is equipped as provided in the act, with such approved types of safety glass.",

would be authority on the part of the Secretary of State to require a statement from every person seeking to register a motor vehicle that same was equipped with "safety glass," and if not so equipped, then an affidavit that said vehicle was not designed for the purpose of carrying passengers, or that said vehicle was not designed or would be used for the purpose of carrying passengers for hire.

Hon. Dwight H. Brown

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Oct. 26, 1935.

The requiring of a statement or affidavit, as above suggested, is all that is necessary on the part of your Department to comply with the provisions of Section 4, supra.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General

APPROVED:

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JOHN W. HOFFMAN, Jr.,  
(Acting) Attorney-General.

JLH:EG