

MOTOR VEHICLES: Procedure to be followed in removing a motor or engine from a motor vehicle and replacing same by a new motor or reconditioned engine.

December 12, 1935



Hon. Charles A. Enos,
Chief of Police,
St. Joseph, Missouri.

Dear Sir:

This Department is in receipt of your letter of December 10th wherein you state as follows:

"For the information of the department we would like to have the opinion of the Attorney General's Office on the following question as we have had several cases called to our attention recently.

"An automobile dealer sells a new car, the motor 'goes bad' and dealer obtains new motor from factory in exchange for old one. The new motor carries no identifying numbers. If, in the presence of commissioned officers, may dealer lawfully stamp with the original motor number in order for it to correspond with the various secret motor numbers stamped on different parts of the car. If this cannot be done, what procedure should be followed."

Laws of Missouri, 1935, Section 7781-A, page 299, sets out the procedure to be followed in removing a motor or engine from a motor vehicle and replacing same by a new motor or reconditioned engine, and provides in part as follows:

"Nothing in this article shall be construed to prohibit the owner of a certificate of title to a motor vehicle issued by

the Secretary of State of Missouri from removing the motor or engine from such motor vehicle and replacing same by a reconditioned motor or engine of the same make or manufacture, and giving such replaced motor or engine the same number as the removed motor or engine bore on having same installed.

"Such owner shall joint with the person removing said motor or engine and replacing the motor or engine in said vehicle in an affidavit, which affidavit shall show the number of the engine or motor removed from said motor vehicle covered by said certificate of title, the date of such removal and the reason for such removal, and shall give a description of the motor or engine replaced in said motor vehicle, which replaced engine or motor shall bear the same number as the motor or engine removed, but shall be preceded by the symbol 'RC'. Said affidavit, together with the original certificate of title shall then be sent to the Secretary of State at Jefferson City, Missouri, with a fee of \$1.00, for registration of such change in motors or engines. On receipt of same it shall be the duty of the Secretary of State to file the affidavit, and such certificate, in his office, and issue a new certificate of title covering said motor vehicle in the name of the owner thereof, as shown by the certificate filed, and to deliver said new certificate to such owner."

Section 7781-A, supra, requires, among other things, that the replaced engine or motor bear the same number as the motor or engine removed, but makes no provision that the number be stamped on the new motor in the presence of commissioned officers. Absent such statutory provision, we are of the opinion that a joint affidavit to such effect by the owner and the person removing and replacing same, together with compliance of the other terms of the above section, is

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the procedure to be followed in removing a motor or engine from a motor vehicle and replacing same by a new or re-conditioned motor.

Respectfully submitted,

WM. ORR SAWYERS,
Assistant Attorney General.

APPROVED:

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

MW:HR