

AUG. LICENSE: License required when Oklahoma automobile enters Missouri, absent reciprocity.

9-3

August 30, 1935.



Honorable Wayne V. Slankard,
Prosecuting Attorney,
Newton County,
Neosho, Missouri.

Dear Sir:

We acknowledge receipt of your inquiry of August 22nd, which is as follows:

"Under Section 7768, R. S. Mo. 1929, I would like to know whether or not a truck in this state from Oklahoma is required to be registered? Said truck being at the time unloaded and bearing Oklahoma tags."

Replying thereto, Section 7761, R. S. Mo. 1929, was repealed by the Extra Session, 1933-34, and a new section enacted in lieu thereof. See Laws of Missouri, Extra Session, 1933-34, p. 99. Said section provides:

"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"

an application for registration containing a brief description of the motor vehicle sought to be registered, the name of the manufacturer, the motor number, amount of motive power, the name, residence and business address of the owner, etc. It further provides that the schedule of registration fees shall be as therein set out.

Section 7768, R. S. Mo. 1929, provides that "a non-resident owner, except as otherwise herein provided, owning any motor vehicle which has been duly registered" at the

place where the owner is a resident, and which has displayed upon it the number plates, etc., of such owner may operate or permit the operation of such vehicle within this state without registering such vehicle

"provided that the provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, country or other place of residence of such nonresident owner like exemptions are granted to vehicles registered under the laws of and owned by residents of this state."

Section 10281 of the General Laws of Oklahoma, 1931, provides that:

"Any foreign motor vehicle bearing a legal native tag or mark showing that it has complied with the laws of the state or country from which it came relating to the registration and licensing of vehicles, may use the roads and streets of this state without obtaining additional license or registration within this state for the same period of time that the laws of the state or country in which such foreign motor vehicle is registered permit motor vehicles lawfully registered in this state to use the roads and streets of such state or country. Provided in event that the laws of any other state or country fix no definite period of time which motor vehicles lawfully registered in this state shall be entitled to use the roads and streets of such state or country, motor vehicles from such state or country shall be permitted to use the roads and streets of this state for not more than sixty (60) days in any one calendar year without obtaining additional license or registration within this state. Provided, that foreign motor vehicles used for commercial purposes within this state shall be registered and licensed in this state * *."

It will be noted that, absent the reciprocity spoken of in Section 7768 of the Missouri laws, our law Section 7761, Extra Session Laws of 1933-34, requires "every owner of a motor vehicle or trailer which shall be operated or driven upon the highways of this state" to be licensed.

We find no provision in the Oklahoma laws empowering the Oklahoma State Highway Commission to suspend the requirement as set out in the latter part of the above quoted Oklahoma law, to-wit, "that foreign motor vehicles used for commercial purposes within this state shall be registered and licensed in this state." That being true, it would be a violation of the laws of Oklahoma for Missouri busses and trucks or any other motor vehicles used for commercial purposes and driven over the highways of the State of Oklahoma to be so used without first being licensed under the laws of Oklahoma, and under the reciprocity statute of this state, such motor vehicles are required to be registered under the Missouri law when owned and licensed under the Oklahoma law and used for commercial purposes on the highways of the State of Missouri.

Conclusion

Under the facts as set out hereabove, our opinion is that motor vehicles which are owned by residents of Oklahoma and are operated or driven upon the highways of this state for commercial purposes are required to be registered in this state, and if such motor vehicles are operated or driven upon the highways of this state without so being registered, it is a violation of the law.

Yours very truly,

DRAKE WATSON,
Assistant Attorney General.

APPROVED:

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