

MOTOR VEHICLES:

Safety glass required (1) when car is used for carrying passengers for hire; (2) when car is sold in the State of Missouri and designed for carrying passengers.

May 20, 1936.

5-71



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

Dear Mr. Brown:

This is to acknowledge your letter enclosing correspondence you had with Percy W. Gullic, Alton, Missouri, relative to your refusal to register his motor vehicle because it is not fully equipped with safety glass.

Laws of Missouri, 1935, pages 295 to 297, relates to the necessity of motor vehicles to be equipped with safety glass. Said act falls into two classifications: (1) Motor vehicles operated upon the highways which are "designed or used for the purpose of carrying passengers for hire, or designed or used for the purpose of carrying school children." Section 1. And (2) sale of motor vehicles in Missouri "designed for the purpose of carrying passengers." Section 2.

It is to be noted under Section 1, supra, that the statute makes it unlawful after January 1, 1936, to operate on the public highways a motor vehicles manufactured or assembled after said date, designed or used for the purpose of carrying passengers for hire or used as a school bus. Section 1 does not relate to a passenger car used by an individual for pleasure. A motor vehicle may be designed and used for transporting passengers, yet, the transporting of said passengers must be for hire and if the motor vehicle is not used for the transporting of passengers for hire, Section 1 of the act does not apply.

Section 2 of the act relates to the sale of motor vehicles designed for the purpose of carrying passengers, and provides as follows:

May 20, 1936.

"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."

You will note from a reading of the above section that the unlawful act consists in the selling in the State of Missouri a motor vehicle designed for the purpose of carrying passengers unless such vehicle be equipped with safety glass. In other words, to violate Section 2 the sale must be made in the State of Missouri. A motor vehicle purchased in another state and operated in this State would not have to be equipped with safety glass if such vehicle was not operated or used for the purpose of carrying passengers for hire. To illustrate: If a person goes to a neighboring state and purchases an automobile and used and operates such in Missouri for the transporting of himself and members of his family or friends, and not for hire, but for pleasure or accomodation, said vehicle would not have to be equipped with safety glass as the sale was not made in the State of Missouri. Section 2 prohibits the sale of motor vehicles designed for carrying of passengers, unless equipped with safety glass, but does not prohibit the operating of motor vehicles designed for carrying passengers. However, if the vehicle is used for the carrying of passengers for hire, then Section 1 would be violated, unless equipped with safety glass.

The facts presented by Mr. Gullie show that he purchased his automobile in the State of Arkansas and that it will not be used for the purpose of hauling passengers for hire. Consequently, Mr. Gullie's automobile would not have to be equipped with safety glass and your Department could not require it to be so equipped or refuse to register and license said vehicle, in our opinion. However, we believe that your Department could require Mr. Gullie to make an affidavit to the effect

Hon. Dwight H. Brown

-3-

May 20, 1936.

that the purchase of his automobile was by virtue of a sale made in the State of Arkansas.

We refer you to our opinion to you, dated October 26, 1935, which also treats of the subject herein discussed. We are returning herewith your file.

Yours very truly,

James L. HornBostel  
Assistant Attorney-General

APPROVED:

---

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

JLH:EG  
Enc.