

MOTOR VEHICLES: A motor vehicle used to transport other motor vehicles whould have to be registered and have license plates designed and provided for "commercial motor vehicles" as defined.

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Hon. V. H. Steward  
Commissioner of Motor Vehicles  
Jefferson City, Missouri

Dear Mr. Steward:

This is to acknowledge your letter as follows:

"It has just been called to my attention that Transport Companies, registered with my department as Registered Dealers and who are using their transports in hauling or moving new cars from manufacturer to dealer, have been arrested or questioned by State Police Officers with reference to the use of Dealers license upon their transports.

"Some of these transport companies while they have made application for and been issued Dealers license, are probably not Dealers 'in fact', and since the question has been raised as to whether or not these Transport Companies should be allowed to transport motor vehicles using Dealers license plates upon their transports, and especially in hauling for hire, we kindly request that your department furnish us an opinion fully covering the matter."

Article 1, Chapter 41, R. S. Mo. 1929, pertains to "motor vehicles" and a reading of said chapter shows that every motor vehicle operating upon the highways of the State

of Missouri must bear license plates. In order to obtain license plates the vehicle must be registered. Provision is also made for certain exemptions when the motor vehicle is owned by counties and municipalities. Section 7767, R. S. Mo. 1929. Manufacturers and dealers must have license plates. Section 7764, R. S. Mo. 1929. Owners must have license plates on their vehicles. Section 7761, Laws of Missouri, 1933, Extra Session, page 99.

Section 7759, R. S. Mo. 1929, defines the word "dealer" as follows:

"Dealer.' Any person, firm, corporation, association, agent or sub-agent engaged in the sale or exchange of new, used or reconstructed motor vehicles or trailers."

It is to be noted that the transport companies do not come within the definition of the word "dealers." Consequently, said transport companies should not be permitted to register and obtain "dealers plates." Section 7761, supra, provides that owners of motor vehicles or trailers which will be operated on the highways of the State of Missouri must be registered. And upon such registration a set of plates bearing numbers is given to said owners.

Provision is further made for the classification of motor vehicles into those that are designated (a) as other than commercial vehicles, and (b) those designated as commercial vehicles. A separate fee is exacted for each of said vehicles. Referring to Section 7759, supra, it is seen that a "commercial vehicle" is defined as follows:

"A motor vehicle designed or regularly used for carrying (a) freight and merchandise, or (b) more than eight passengers."

The transport companies have motor vehicles which are designed and regularly used for carrying freight and merchandise,

to-wit, automobiles. Thus, having established the vehicle and the use to which it is put as being a "commercial motor vehicle," said vehicle should be registered as such and appropriate license plates issued covering said "commercial motor vehicle" so used by the transport companies. In other words, the transport automobiles would be in the same classification as trucks and would bear the same type of license plates, in our opinion.

You state that "Transport Companies, registered with my department as Registered Dealers \* \* \* \*, have been arrested or questioned by State Police Officers with reference to the use of Dealers license upon their transports." If said transport companies were acting in good faith and were following instructions from your Department as to the use of said dealers license plates, then it is our further opinion that said transport companies should not be penalized by fine or otherwise, but that such transport companies should be given an opportunity to purchase and become equipped with the proper "commercial motor vehicle plates."

Yours very truly,

James L. HornBostel  
Assistant Attorney-General

APPROVED:

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

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