

MOTOR VEHICLES: Reciprocity or comity between states is recognized by Section 7768, R. S. Mo. 1929, as it relates to licenses of motor vehicles.

February 25, 1937

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Mr. Richard C. Ashby  
Prosecuting Attorney  
Livingston County  
Chillicothe, Missouri

Dear Mr. Ashby:

This department is in receipt of your letter of February 16th relating to the following question:

"The Highway Patrol has asked me to obtain an opinion on this proposition. Kansas and Iowa licenses expire December 1 of each year, and they are allowed a period of grace until February 1. From February 1, they can use their old licenses, but they must pay a penalty of fifty cents per month after that date. The question now arises to the officers whether a car from one of those states operating upon last year's license and past the period of grace, which is February 1, allowed by those states and by this state, may operate in this state on last year's license past the period of grace so allowed by those states and this state even though they may operate upon payment of a penalty. That is to say, may a car using an outstate license of last year operate past February 1 even though there is a provision in their state for the operation of the car upon payment of

the penalty."

The Secretary of State of Missouri, who also has under his jurisdiction and control the registration of motor vehicles, we are informed, has certain reciprocity agreements with the other states respecting licenses for motor vehicles.

We are informed that such an agreement exists from year to year with the states of Kansas and Iowa. The agreement is made by Section 7768, R. S. Mo., as amended, 1929, which is as follows:

"A nonresident owner, except as otherwise herein provided, owning any motor vehicle which has been duly registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in the state has displayed upon it the number plate or plates issued for such vehicle in the place of residence of such owner may operate or permit the operation of such vehicle within this state without registering such vehicle or paying any fee to this state, 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."

We are, therefore, of the opinion that if reciprocity, or comity, exists between the State of Missouri, and any other state, as contained in section 7768, quoted supra, that it is not a violation for a non-resident operator to operate a motor vehicle in the State of Missouri. It would

appear from the facts as contained in your letter the states of Kansas and Iowa place a penalty on an operator of a motor vehicle after December 1st of each year by operating the same after the expiration of the year for which the license was issued. But we call your attention to the fact that the reciprocity agreements mentioned herein in Section 7768 must be based on the "current year" as used in the section.

17 Corpus Juris, page 411, defines the "current year" as follows:

"The year running, passing, current, on its progress, ordinarily the calendar year, although the context may show an intention to refer to a year other than the calendar year."

You state in your letter that "from February 1, they can use their old licenses, but they must pay a penalty of fifty cents per month after that date."

"Comity" is defined in 11 Corpus Juris, page 1235 as follows:

"Generally, complaisance, concession; courtesy between equals; friendly civility; respect, reciprocity; a disposition to accommodate; good will; the granting of a privilege, not of right but of good will; a willingness to grant a privilege, not as a matter of right, but out of deference and good will."

In the decision of State v. Nichols 99 Pac. 876, the court, in speaking of comity between states, said:

"Comity depends not alone upon a disposition to favor the citizen of another state or country, but rests upon well settled principles of practice, expediency, and convenience. It is a rule recognized

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by courts and applied within bounds of discretion. It is based upon the statute law or decisions of courts of general jurisdiction of other states or countries, rather than upon our own. These will be recognized and given force if it be found that they do not conflict with the local law, inflict an injustice on our own citizens, or violate the public policy of the state."

In Missouri, what is commonly termed the "deadline" for obtaining licenses was February 15. To permit citizens of another state to operate motor vehicles in our state, after the above date, especially when the laws of the foreign state recognize its own "deadline" February 1, the licensee being permitted to operate the motor vehicle by paying a penalty each month would be, as said in the Nichols decision, to inflict an injustice on our own citizens or violate the public policy of the state in conflict with our laws.

We are, therefore, of the opinion that citizens of Iowa and Kansas cannot operate motor vehicles in this state on licenses issued by such states for the year 1936, by reason of reciprocity with this state, after February 15, 1937.

Respectfully submitted,

OLLIVER W. NOLEN  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

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