

RE: MOTOR VEHICLES: Commissioner of Motor Vehicles may show tonnage capacity on license plates for commercial vehicles.

April 5, 1937.

H-8

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



Dear Sir:

This Department is in receipt of your request for an opinion as to the following:

"Does the State Motor Vehicle Commissioner have authority or would have authority under the law to show or place upon license plates issued for commercial motor vehicles, the authorized tonnage capacity of the commercial vehicle for which the license plate is purchased?"

Article I, Chapter 41 of the Revised Statutes of Missouri, as amended, entitled "Motor Vehicles - Regulations and License Fees" is a revenue measure. The Supreme Court in the case of State ex rel v. Becker, 233 S. W. 54, in speaking of this Act, said:

"It is therefore avowedly a revenue measure. The owner of such vehicle may operate it on his own premises without being subject to the payment of the registration fee imposed by the statute. In such case he will pay the general property tax. The state maintains roads and bridges at great expense and exacts a license fee for the privilege of driving or operating these high-powered vehicles thereon. It is clear, therefore, that the registration fee is not a tax on the vehicle but upon the privilege of operating it on the highways of the state."

The intention of the Legislature in enacting Section 7770, Laws of Missouri 1935, page 297, must necessarily be developed from a consideration of the purpose of the whole Article, in this case the collection of revenue. If, as alleged, the showing of the authorized tonnage capacity of commercial vehicles on the license plates of such vehicles will result in increased revenue to the State by reducing evasion of registration fees provided for in Section 7761, Laws of Missouri (Extra Session) 1935-1934 P. 99, then certainly the necessary authority

to require such showing should be construed from Section 7770 if possible to do so without doing violence to the express wording of the Section.

However, this Section of our laws is so clear and unambiguous as not to require, in our minds at least, any legal interpretation. Two sentences of said section specifically authorize the Commissioner of Motor Vehicles to make this showing of the authorized tonnage capacity of commercial vehicles on the license plates.

The first sentence of said Section provides as follows:

"The commissioner shall, without expense to the owner, issue and deliver to him such number plates bearing the name or the abbreviated name of the state and the number assigned as may be necessary to properly carry out the provisions of this article."

It will be noticed that while this sentence requires the name of the state or an abbreviation thereof and the number assigned, it does not require these to the exclusion of other indicia. The main purpose of the sentence is to require the issuance "of such number plates \*\*\*\*\* as may be necessary to properly carry out the provisions of this article". We take it that in a revenue measure the efficient collection of the revenue is "necessary to properly carry out the provisions" of the measure.

In addition to this legislative sanction of the proposed plan, however, we have the following express authorization found in the last sentence of Section 7770, sub-section (a), as follows:

"The commissioner may provide for the arrangement of such numbers in groups, or otherwise, and for other distinguishing marks on such plates."

#### CONCLUSION

In view of the foregoing, it is the opinion of this Department that the Commissioner of Motor Vehicles is authorized by Section 7770, Laws of Missouri 1935, page 297, to require that license plates issued for commercial motor vehicles show the authorized tonnage capacity of the vehicle for which the license is purchased.

Respectfully submitted,

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JOHN W. HOFFMAN, JR., Assistant  
Attorney General.

APPROVED:

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(Acting) Attorney General.  
JWH:EG