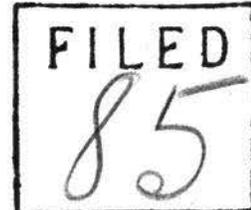


MOTOR VEHICLES: Non-residents who purchase motor vehicles in Missouri may be issued certificate of ownership.

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Honorable V. H. Steward
Commissioner of Motor Vehicles
Office of Secretary of State
Jefferson City, Missouri



Dear Sir:

This Department is in receipt of your request for an opinion which reads as follows:

"We request that you furnish this department at your earliest convenience a written opinion concerning the following matter:

"The Motor Vehicle Departments of some of the States, especially Illinois, require that a resident of their State who purchases a new car from a Missouri dealer, either have a Missouri title for the car or else pay a \$15.00 inspection fee to his State. The question arises, does this department have authority to issue, or should it issue, certificate of title to residents of other States for new motor vehicles when the unit is to be registered in such other State.

"Further, the State of California refuses to accept assigned or re-assigned Missouri certificates of title where the same have been assigned or re-assigned unto residents of that State and who desire to register the unit in Cal-

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ifornia, and advise the California purchaser that he first obtain Missouri title. Does this department have authority to issue, or should it issue, Missouri certificate of title to residents of California under these circumstances and for the main purpose of registering the car in that State."

Section 7774-c R. S. Mo. 1929 provides for the issuance of a certificate of ownership to the owner of a motor vehicle or trailer. The statute requires application to be made to the Commissioner of Motor Vehicles and certain facts to be given, and a fee of one dollar to be paid. The statute is lengthy, and to quote such verbatim would avail nothing in this opinion.

Perhaps the most fundamental rule of statutory construction is that the intention of the Legislature should be ascertained and given effect. *Toker vs. Missouri Power & Light Co.*, 80 S. W. (2d) 691, 336 Mo. 592; *O'Malley vs. Continental Life Ins. Co.* 75 S. W. (2d) 837, 335 Mo. 1115.

The purpose of Section 7774, supra, is given in *State ex rel. Insurance Company vs. Cox*, 268 S. W. 87, 306 Mo. 537, as follows:

"This law was passed as a general welfare safeguard to prevent the trafficking in stolen cars, and, in order to prevent that evil which had become prevalent, the Legislature saw fit to require that parties dealing in motor cars comply with certain regulations. The statute is not only a statute for the general welfare, but incidentally is one for the raising of revenue, *****."

The Section at no place makes the requirement

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that the applicant for certificate of ownership must be a resident of Missouri. It will be seen that the issuance of certificates of ownership to non-residents who purchase cars in Missouri will fulfill the purpose for which the law was passed. It enables the state to have a record of such automobile in the case of theft or loss, and also provides revenue for the state. To deny the right to issue such titles would be to defeat the stated purpose of law. We believe it is a reasonable construction of Section 7774 to hold that the Commissioner of Motor Vehicles may issue a certificate of ownership to a non-resident who purchases a motor vehicle or trailer in the State of Missouri.

CONCLUSION

It is therefore the opinion of this Department that non-residents who purchase motor vehicles or trailers in the State of Missouri may apply and have issued to them certificates of ownership by the Commissioner of Motor Vehicles upon meeting the requirements of the statute.

Respectfully submitted,

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APPROVED:

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