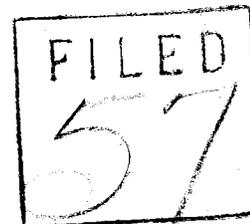


MOTOR VEHICLES: Kansas resident with previous year's license may be prosecuted in Missouri after February 1st.

April 14, 1938

4-16

Mr. G. Logan Marr
Prosecuting Attorney
Morgan County
Versailles, Missouri



Dear Sir:

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

"A resident of the State of Kansas who is temporarily residing in Versailles, has been operating a motor vehicle belonging to a third party, a resident of the State of Kansas. This operator of this motor vehicle has been operating the same with Kansas State License Tags for 1937. The deadline for Kansas tags 1937 expired on February 1st, 1938; so the Missouri State Highway bulletin states.

I do not have a copy of the Kansas laws, but the defendant informs me that he has until July 1st, 1938 to buy a Kansas license for the cars, provided a 50¢ per month penalty is paid in addition to the full license.

Sergeant Paul E. Corl advises me that this statement is true provided the car in Kansas is not operated but stays in the garage until the 1st day of July, 1938.

I have filed an information against the defendant under section 7768 which deals with the reciprocity law. Has this defendant violated the Missouri law, under this state of the facts?"

Section 7768 R. S. Missouri 1929, provides 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."

This provision provides for reciprocity between Missouri and other states in regard to licenses for motor vehicles.

Black's Legal Dictionary defines "reciprocity" as

"Mutuality; interchange of favors between persons or nations".

The purpose of the above statute was to allow the use of the highways of this State by nonresidents without the payment of a license fee provided the motor vehicles were legally licensed in those states which grant similar privileges to the owners of motor vehicles licensed in this state. In other words, the State of Missouri out of deference and good will extended to nonresidents the right to use our highways if they were legally licensed in their own state and if their state granted the same privileges to citizens of Missouri.

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It will be noted that Section 7768 supra provides that the nonresident owners must have registered their motor vehicle "for the current year".

While, as 17 C.J. page 411 points out, "current year" means "ordinarily the calendar year* * *the context may show an intention to refer to a year other than the calendar year".

We believe in the instant statute that the term "current year" refers to the time during which a motor vehicle license is legal and valid, i. e. the term of months during which the license may be used.

We must therefore look to the statute of Kansas to determine the duration during which a license is good. Chapter 8, Section 143 of the 1933 Supplement to Revised Statutes of Kansas 1923, provides as follows:

"The annual fees herein provided shall be due January first of each year and payable on or before February first in each year. If said fee is not paid by said date a penalty of fifty cents (50¢) shall be added to the fee charged herein, for each month or fraction thereof until paid:* * * *The owner of any motor cycle, motor vehicle, motor truck, motor trailer, semitrailer or electrically propelled vehicle who fails to pay the registration fee or fees herein provided on the date when the same becomes due and payable shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a penalty in the sum of one dollar (\$1) for each month or fraction thereof during which such fee has remained unpaid after it became due and payable; and in addition thereto shall be subject to such other punishment as is provided in this act."

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The above Kansas statute provides that the registration fee is due and payable on February 1st, and if such license is not obtained then the person operating the motor vehicle becomes liable for prosecution for a misdemeanor. The fifty cent penalty obviously pertains to those who fail to secure their license before February 1st, and for such failure are taxed at the rate of fifty cents a month. It does not refer to cars that are in operation but rather to cars which are not operated until after the "dead line" of February 1st. Therefore, it will be seen that the party in question being amenable to the Laws of the State of Kansas was required to have his license by February 1st, or thereby become liable to be prosecuted for a misdemeanor and payment of a penalty. Under the reciprocity statute Section 7768 supra, this State grants privileges to nonresidents only if they are registered for the current year in their own state. The party in question at the time of his arrest was not registered for the current year in Kansas and had no right to operate the motor vehicle on the highways of that state. Therefore, the reciprocity statute does not apply and the person is amenable to the laws of Missouri dealing with persons who operate vehicles without licenses.

CONCLUSION

It is therefore the opinion of this Department that a resident of Kansas who uses the highways of Missouri after February 1st without having obtained a license for that year from the State of Kansas thereby becomes liable to prosecution in Missouri.

Respectfully submitted,

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Assistant Attorney General

APPROVED:

J. E. TAYLOR
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AO:MM