

MOTOR VEHICLES: Motor vehicles shall display to the front and sides of such vehicles white lights. The Commissioner of Motor Vehicles is authorized to determine whether or not lights submitted by manufacturers meet the requirements of the statutes.

September 7, 1938 9/30



Hon. V. H. Steward, Commissioner
Motor Vehicle Department
Jefferson City, Missouri

Dear Mr. Steward:

This will acknowledge your request for an opinion reading as follows:

"Section 7778 of R. S. Missouri 1929 provides that it is the duty of the Commissioner of Motor Vehicles to approve the kind and type of lamps that may be sold within this State by manufacturers.

At the present time we have numerous requests for approval from various manufacturers concerning various types of signal lamps, spot lights or fog lights. Manufacturers are submitting for our approval spot lights which are used in foggy weather, which have amber colored lenses, or other colors than white.

We are familiar with the previous opinion of your office with respect to the requirement of motor vehicles using no other than white lights but such opinion does not cover the precise situation with which we are concerned.

We direct your attention to this Section 7778 regarding dirigible search lights,

or lights commonly known as spot lights.
This part of the section reads:

'Dirigible search lights, or lights commonly known as spot lights, shall not be used on highways within the limits of municipalities except in emergencies or when headlights are inadequate owing to rain or fog, and then only: PROVIDED, the shaft of condensed light is directed downward below the level of the lamp, and at no time into the eyes of other persons, but such lights may be used at any time on public highways outside of the limits of municipalities: PROVIDED, their light is directed as hereinbefore required. No search light, or spot light, shall be equipped with a bulb stronger than twenty-one (21) candle power; such search lights and spot lights shall be so constructed and mounted that their light and direction can be fully and easily controlled from the driver's seat while the vehicle is in motion. (Laws 1921, 1st Ex. Sess. p. 76)'

May we call your particular attention to the fact that no motor vehicle is permitted to display or project to the front or sides any other than white lights but that with respect to dirigible or spot lights the legislature has made no requirements as to those kind of lights."

From a review of your request for an opinion, it is believed that you are of the opinion that the portion of the statute which you have set forth would permit the use of lights other than white since the legislature has made no requirement as to the kind of light which is to be used in search lights or spot lights. However, a careful consideration of this portion of the statute which you have set forth clearly indicates to us that search lights and spot lights

are the kind and type of lights which must be operated so that they may "be fully and easily controlled from the driver's seat." Therefore, if a light is mounted on the front of a motor vehicle and directed downward under the head lamp, such light must be controlled from the driver's seat and be white as hereinafter pointed out.

From this observation we are lead to a consideration of the statute as a whole, as it is fundamental in the construction of the statutes that effect must be given to every word, clause, sentence and paragraph. The reason for this rule of construction is at once apparent. Unless such a construction be given to a statute, it would serve to make inoperative other portions of the statute and we can not presume that such was the intention of the legislature. State ex rel Daues 14 S. W. (2nd) 990.

Section 7778 Revised Statutes of Missouri 1929 provides in part:

"For the purpose of revealing its position and direction, a motor vehicle, while on the highway, whether in operation or at rest, during the period from one-half hour after sunset to one-half hour before sunrise, and at all times when fog or other atmospheric conditions render the operation of motor vehicles dangerous on the highway, shall carry lighted signal lamps as herein required; such lamps shall be so constructed, mounted and adjusted as to project the required kind of light so that it shall be plainly visible under normal atmospheric conditions from a distance of at least five hundred feet in the direction projected. Motor vehicles and motortricycles shall display at least two white lights mounted at the front and directed forward, and one red light mounted at the back and directed to the rear.
* * * * *. No vehicle shall

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display or project to the front or sides any other than white light, or such shades as are commonly known and recognized as white, and no vehicle shall display at the back, or project toward the rear, any other than a red light."

A reading of this portion of the statute clearly indicates that it was enacted in view of promoting the safety of persons on the highways. *Blashfield Vol. II p. 858; Berry Vol. II p. 452.* Hence, such a statute should receive a liberal construction in harmony with the purpose underlying the enactment. *Lusk vs. Public Service Commission 210 S. W. 72; State ex rel vs. Becker 233 S. W. 641.*

Your particular attention is directed to the strongly worded inhibition reading as follows, "No vehicle shall display or project to the front or sides any other than white lights, or such shades as are commonly known and recognized as white". Another portion of the same statute reads:

"Head lamps shall be equipped with lamps bulbs of such candle power as is necessary to reveal objects one hundred and fifty (150) feet ahead"

When we consider these portions of the statute together, and we consider them plain without room for construction, it obviously follows that motor vehicles must display at least two white lights or such shades as are commonly recognized as white mounted at the front and be of such intensity as to be visible under normal atmospheric conditions at least five hundred (500) feet in the direction the vehicle is traveling and be able to reveal objects one hundred fifty (150) feet ahead.

A detailed examination of this lengthy statute with respect as to the requirement of the various types of lights does not reveal any portion of the same to limit the application of the use of the white lights or lights of such shades as are commonly known and recognized as white. The only requirement in this respect relates to the intensity of the light projected. Therefore, it follows that searchlights

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or spot lights must be white or of such shades as are commonly known and recognized as white.

If manufacturers are submitting lights to you for approval which are of a color other than white and such lights are commonly known and recognized as being white and meet the requirements of the statute with respect to revealing objects and being visible within the specified distances, then such lights should be approved. On the other hand, if such lights submitted are not white or of such shades as are commonly known and recognized as white, they should be disapproved. In this respect we observe that the legislature, in the same section of the statute, said that:

"The Commissioner shall make, or cause to be made such indoor and road tests as he may deem necessary."

And further:

"In the event he shall find the lenses or device complies with the requirements of this article he shall issue to the applicant a certificate so stating and designate thereon the classification and maximum candle power of bulbs permitted for such lenses or device."

Obviously, these portions of the statute were enacted for the purpose of having the Commissioner of Motor Vehicles determine whether or not lights meet the requirements of the statute. Therefore, as to whether or not a particular color is white or of such shade of white as is commonly known and recognized as being white, is a question of fact just as is the requirement as to the efficiency of lights. Hence, this department can not pass upon questions of fact since it is limited to deciding questions of law. 6 C. J. p. 811, pp 16.

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CONCLUSION

In view of the above, it is the opinion of this department that no motor vehicle shall display or project any less than two white lights mounted at the front and directed forward, nor shall any motor vehicle display or project to the front or sides any other than white lights or such shades as are commonly known and recognized as being white.

Respectfully submitted,

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Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

RCS:RT