

MOTOR VEHICLE: Any truck driven or operated on
the highways must be registered.

February 16, 1939

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Col. B. M. Casteel, Supt.
Missouri State Highway Patrol
Jefferson City, Missouri

Dear Sir:

We are in receipt of your letter of February 14th, 1939, in which you request an opinion on the following:

"1. Sgt. James S. Poage, St. Joseph, has requested information as to whether or not a truck with a hammer mill (feed grinder) attached wherein the motor of the truck is used also as a power plant for the feed grinder, need be registered under the present motor vehicle laws.

"2. Several of these are operating in Sgt. Poage's territory, some of them having an additional power plant attached. It is the opinion of Sgt. Poage and the Prosecuting Attorney's office that these vehicles should be registered, but there is some doubt in their opinion as to registration of the first described vehicles."

Section 7761 Laws of Missouri, Extra Session, 1933-34, page 99, par. (a), partially reads as follows:

"Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, shall except as herein otherwise expressly provided, cause to be filed, by mail or otherwise, in the office of the commissioner, an application for registration on a blank

to be furnished by the commissioner for that purpose * * * * *

Paragraph (b) thereof reads as follows:

"Upon the filing of such application, exhibition of certificate of ownership and the payment of the fees hereinafter provided, the commissioner shall assign a number to such motor vehicle, and without other expense to the applicant shall issue and deliver to the owner a certificate of registration in such form as the commissioner shall prescribe, and a plate, or set of plates, bearing such number."

Paragraph (c) thereof partially reads as follows:

* * "For commercial motor vehicles having a capacity of:

Less than 2 tons.....	\$10.50
2 tons and less than 5 tons.....	18.00
5 tons and less than 6 tons.....	27.00
6 tons and less than 7 tons.....	30.00
7 tons and less than 8 tons.....	36.00

and for every ton or major fraction thereof in excess of 8 tons, \$15.00 per ton.* * "

This statute is not ambiguous and provides that motor vehicles operated or driven upon the highways of the state must be registered.

In 59 C. J., page 952, it is said:

"The intention of the legislature is to be obtained primarily from the language used in the statute. The court must impartially and without bias review the written words of the act, being aided in their interpretation by the canons of con-

struction. Where the language of a statute is plain and unambiguous, there is no occasion for construction, even though other meanings could be found; and the court cannot indulge in speculation as to the probable or possible qualifications which might have been in the mind of the legislature, but the statute must be given effect according to its plain and obvious meaning," citing *Gendron v. Dwight Chapin & Co.*, (App.) 37 S. W. (2d) 486; *Betz v. Kansas City So. R. Co.*, 284 S. W. 453, 314 Mo. 390; *Crier v. Kansas City, C. C. & St. J. Ry. Co.*, 228 S. W. 454, 286 Mo. 523.

59 C. J., at page 961, sets out the following:

"In construing a statute to give effect to the intent or purpose of the legislature, the object of the statute must be kept in mind, and such construction placed upon it as will, if possible, effect its purpose, and render it valid, even though it be somewhat indefinite. To this end it should be given a reasonable or liberal construction; and if susceptible of more than one construction, it must be given that which will best effect its purpose rather than one which would defeat it, even though such construction is not within the strict literal interpretation of the statute, and even though both are equally reasonable. Where there is no valid reason for one of two constructions, the one for which there is no reason should not be adopted. The legislature cannot be held to have intended something beyond its authority in order to qualify the language it has used," citing *Betz v. Columbia Telephone Co.*, (App.) 24 S. W. (2d) 224.

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2/16/39

CONCLUSION

In view of the above authorities it is the opinion of this department that motor trucks with a hammer mill, or feed grinder, attached, wherein the motor of the truck is used also as a power plant for the feed grinder, and motor trucks equipped with additional power plant attached, must be registered under section 7761 Extra Session Laws of Missouri, 1933-34, page 99 if the motor truck is driven or operated on the highways.

Respectfully submitted,

W. J. BURKE
Assistant Attorney General

APPROVED:

J. W. BUFFINGTON
(Acting) Attorney General

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