

MOTOR VEHICLE LAWS:

753
Illinois Trucks temporarily
in Missouri need not procure
Missouri license.

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April 12th, 1939.

Hon. B. M. Casteel,
Superintendent and Colonel,
Missouri State Highway Patrol,
Jefferson City, Missouri.



Dear Sir:

We have received your request for an opinion on a letter from Mr. Thomas L. Leigh, Captain, Commanding Troop "C", which reads as follows:

- "1. Mr. R. J. Moore of the Blackwell Corporation, 2000 St. Clair Avenue, East St. Louis, Illinois, was in this office today and presented the following question:
2. His company has a contract for a road repair job in St. Louis County. The trucks which he proposed to use are Illinois trucks and licensed in Illinois only. He wants to know if it will be necessary to buy Missouri licenses for these trucks.
3. Request that a ruling on this question be secured."

Replying thereto, Section 7761, R. S. Mo. 1929, was repealed by the Extra Session, 1933-34, and a new section enacted in lieu thereof. See Laws of Missouri, Extra Session, 1933-34, p. 99. Said section provides:

"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,"

an application for registration containing a brief description of the motor vehicle sought to be registered, the name of the manufacturer, the motor number, amount of motive power, the name, residence and business address of the owner, etc. It further provides that the schedule of registration fees shall be as therein set out.

Section 7768, R. S. Mo. 1929, provides that "a non-resident owner, except as otherwise herein provided, owning any motor vehicle which has been duly registered" at the place where the owner is a resident, and which has displayed upon it the number plates, etc., of such owner may operate or permit the operation of such vehicle within this state without registering such vehicle,

"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."

The Revised Motor Vehicle Laws of Illinois, compiled in 1935 by Edward J. Hughes, Secretary of State, at page 13 and Section 20 thereof is as follows:

"Except as is herein provided for foreign corporations, the provisions of sections 8, 9, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 9k, 10, 14, 17 and 27 of this Act shall not apply to any motor vehicle or motor bicycle owned by non-residents of this State if the owner thereof has complied with the law requiring the registration of motor vehicles or motor bicycles or the names of the owners thereof in force in the city, state, foreign country or province, territory or Federal district of his residence; and the registration number showing the initial or abbreviation of the name of such city, state, foreign country or province, territory or Federal district, is displayed on such vehicle substantially as is provided in section 14 of this Act; Provided, that the provisions of this section shall be operative as to a motor vehicle or motor bicycle owned by a non-resident of this State only to the extent that under the laws of the city, state, foreign country or province, territory or Federal district of his residence, like exemptions and privileges are granted to motor vehicles or motor bicycles duly registered under the laws of and owned by residents of this State. If, under the laws of such city, state, foreign country

or province, territory or Federal district, motor vehicles or motor bicycles owned by residents of this State, operating upon the highways of such city, state, foreign country or province, territory or Federal district, are required to pay the registration fee and carry the license plates or pay any other fee or tax to such city, state, foreign country or province, territory or Federal district, the motor vehicles or motor bicycles owned by residents of such city, state, foreign country or province, territory or Federal district, and operating upon the highways of this State shall comply with the provisions of sections 8, 9, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 9k, 10, 14, 17 and 27 of this Act. Foreign corporations, partnerships and individuals owning, maintaining or operating places of business in this State and using motor vehicles or motor bicycles in connection with such places of business, shall comply with the provisions of sections 8, 9, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 9k, 10, 14, 17 and 27 of this Act insofar as the motor vehicles and motor bicycles used in connection with such places of business are concerned."

From the above provisions of the Laws of Illinois it would appear that a truck being temporarily used in Illinois and which was properly licensed under the Laws of Missouri, and owned by a resident of Missouri, would not be required by the Laws of Illinois to have a license issued from the State of Illinois, and under the provisions of the Laws of Missouri, Section 7768, supra, the truck owners about which you make inquiry would not be

Col. E. M. Casteel

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required to procure a license from the State of Missouri for their trucks which are temporarily within Missouri.

Very truly yours,

DRAKE WATSON,
Assistant Attorney General

APPROVED:

HARRY H. KAY
(Acting) Attorney General

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