

MOTOR VEHICLES:

Non-resident owner must display plates.
Receipt of registration not sufficient.

August 21, 1939

g-v

FILED
15

Colonel B. M. Casteel, Superintendent
Missouri State Highway Patrol
Jefferson City, 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 Illinois purchases a car and, not being able to obtain his registration plates for such car immediately, makes a proper application for such registration and is given a notarized receipt indicating that he has made such application. Finding it necessary to travel in the state of Missouri before the plates are mailed from the Springfield registration office, he is faced with a doubt as to whether or not operation without registration plates and carrying only the receipt for registration is sufficient for valid operation in the state of Missouri.

"We will appreciate your opinion, covering such a typical case as that mentioned, as to whether or not the operator or owner is subject to arrest and prosecution and if such a vehicle as that described may be detained or removed from operation on the highways until the proper registration plates are secured and displayed on the vehicle."

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."

There is no doubt that "the power of the state to regulate the use of motor vehicles on its highways extends to non-residents as well as to residents." *Storaasli v. Minn.*, 51 S. Ct. 354, 283 U. S. 57, 75 L. Ed. 839.

We believe the statute is plain and unambiguous in its requirement that non-resident motorists, in order to be exempt from registration in the state of Missouri, must display "the number plate or plates issued for such vehicle in place of residence of such owner."

Moreover, as said in 17 R. C. L., 522:

"Those who seek shelter under an exemption law must present a clear

August 21, 1939

case, free from all doubt, as such laws, being in derogation of the general rule, must be strictly construed against the person claiming the exemption and in favor of the public. * * * * "

Therefore, a non-resident owner of a motor vehicle must display number plates of the state of which he is a resident in order to bring himself within the statute exempting non-residents from the Missouri Motor Vehicle Laws.

CONCLUSION.

It is, therefore, the opinion of this department that a non-resident owner of a motor vehicle must display number plates of the place of which he is a resident upon his vehicle in order to be exempt from registering such vehicle in Missouri.

A receipt for registration alone from the state in which the car is registered is not sufficient for valid operation in the state of Missouri.

Respectfully submitted

ARTHUR O'KEEFE
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

AC'K:DA