

MOTOR VEHICLES:

Owner of body retains certificate of  
title when motor is sold.

February 7, 1940

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Honorable John H. Glassco  
Chief of Police  
St. Louis, Missouri

Dear Sir:

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

"A question has arisen regarding  
the true status of reconditioned  
motors. When a motor has been  
removed from a motor vehicle does  
the certificate of title remain  
with the owner of the body or is  
it transferred to the buyer of  
the motor?"

"We realize that such a certifi-  
cate of title might be rendered  
nugatory by such procedure since  
there is no longer any 'motor  
vehicle' in existence.

"Will you please give us an opinion  
upon this question at your earliest  
convenience."

Section 7759, R. S. Missouri 1929, defines  
a motor vehicle as, "Any self-propelled vehicle not  
operated exclusively upon tracks, except farm tractors."

Section 7774, R. S. Missouri 1929, provides  
that any owner of a motor vehicle or trailer may make  
application to the Commissioner of Motor Vehicles for  
a certificate of ownership giving certain information  
required by the statute. The Commissioner ascertains  
if the facts stated in the application are true and  
if satisfied that the applicant is the "lawful owner

of such motor vehicle" shall issue a certificate of ownership to the applicant. The statute further provides that:

"\* \* \* \* \*  
The certificate shall contain a description, manufacturer's or other identifying number, and other evidences of identification of the motor vehicle or trailer, as the commissioner may deem necessary, together with a statement of any liens or encumbrances which the application may show to be thereon. The fee for each original certificate so issued shall be \$1.00, in addition to the fee for registration of such motor vehicle or trailer. The certificate shall be good for the life of the motor vehicle or trailer, so long as the same is owned or held by the original holder of the certificate, and shall not have to be renewed annually. \* \* \* \* \*

In the event of a sale or transfer of ownership of a motor vehicle or trailer for which a certificate of ownership has been issued the holder of such certificate shall endorse on the same an assignment thereof, with warranty of title in form printed thereon, and prescribed by the commissioner, \* \* \* \* \*

The buyer shall then present such certificate, assigned as aforesaid, to the commissioner, at the time of making application for the registration of such motor vehicle or trailer, whereupon a new certificate of ownership shall be issued to the buyer, the fee therefor being \$1.00.

\* \* \* \* \*

provides in part as follows:

"Nothing in this article shall be construed to prohibit the owner of a certificate of title to a motor vehicle issued by the Secretary of State of Missouri from removing the motor or engine from such motor vehicle and replacing same by a reconditioned motor or engine of the same make or manufacture, and giving such replaced motor or engine the same number as the removed motor or engine bore on having same installed.

"Such owner shall joint with the person removing said motor or engine and replacing the motor or engine in said vehicle in an affidavit, which affidavit shall show the number of the engine or motor removed from said motor vehicle covered by said certificate of title, the date of such removal and the reason for such removal, and shall give a description of the motor or engine replaced in said motor vehicle, which replaced engine or motor shall bear the same number as the motor or engine removed, but shall be preceded by the symbol 'RC'. Said affidavit, together with the original certificate of title shall then be sent to the Secretary of State at Jefferson City, Missouri, with a fee of \$1.00, for registration of such change in motors or engines. On receipt of same it shall be the duty of the Secretary of State to file the affidavit, and such certificate, in his office, and issue a new certificate of title covering said motor vehicle in the name of the owner thereof, as shown by the certificate filed, and to deliver said new certificate to such owner. \* \* "

It will be seen that the Legislature has only provided for a certificate of title to be issued for a motor vehicle. There is no provision in the law for a certificate of title for a vehicle only, or for a motor, but both must be present in order that the owner thereof may obtain or hold a certificate of title.

When the motor of an automobile is taken therefrom and sold, then said automobile is no longer a motor vehicle. Since the certificate of title under Section 7774, supra, attaches only to a motor vehicle, then we believe it is apparent that if the motor is sold that said certificate of title should not be delivered or passed with said motor.

This interpretation is not only compatible with Section 7774, supra, but is strengthened by the requirements of Section 7781, supra.

Under that section it will be seen that when the owner of a motor vehicle removes the motor therefrom and replaces it with another motor, then a new certificate of title must be taken out. In order to obtain this new certificate of title the original certificate of title must be sent to the Secretary of State. Therefore, unless the original certificate of title was retained by the owner of the body he would be unable to obtain a new certificate when a reconditioned motor is placed in the body. To hold that the certificate of title should be transferred to the buyer of the motor would lead to a situation which would be impractical if not absurd.

A statement of what would occur if the certificate followed the motor will perhaps show why the owner of the body should retain the certificate of title. "A", owner of a motor vehicle, sells the motor to "B" and assigns the certificate of title to "B"; "A" then purchases a reconditioned motor and installs it in his vehicle. "B" sells his motor and replaces it with the motor which he bought from "A". "A" and "B" wish to obtain new certificates of title required by the statute. In order for "A" to obtain a certificate he must send in his original certificate which is now in possession of "B" and the only certificate that "A" does have is

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the one that he obtained with his reconditioned motor which is not the original certificate as required by the statute. "B", in order to obtain a new certificate, must send in the certificate which he acquired from "A" and which originally covers "A's" motor vehicle. Such a situation would lead to confusion and would abnegate the purpose sought to be accomplished by the reconditioned motor statute.

Under the reconditioned motor statute, Section 7781a, it was the intent of the legislature that when a motor was replaced by a reconditioned motor that the auto was to be considered as the same motor vehicle except with a new motor. This is shown by the fact that the same number that is on the original motor is placed upon the reconditioned motor with the symbol "RC" added. The identity of the car follows the body rather than the motor.

CONCLUSION.

It is, therefore, the opinion of this department that when a motor is sold by the owner of the motor vehicle that the certificate of title is retained by the owner and is not transferred to the purchaser of the motor.

Respectfully submitted

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Assistant Attorney General

APPROVED:

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