

MOTOR VEHICLES: Trailers belonging to political subdivisions are ~~not~~ exempt from registration.

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Gentlemen:

We are in receipt of your request for an opinion based on the following statement of facts:

"The Little River Drainage District is a political subdivision of the State and exempt from payment of motor vehicle license fees on motor vehicles used by it in the conduct of the district. There is no question about the correctness of this as a legal proposition.

"A few weeks ago The Little River District purchased a small dragline excavating machine for doing maintenance work on the ditches of the district. In order to transport this machine from one place in the district to another, it also purchased a low-wheel trailer so that the dragline might be driven on the trailer and then transported over the highways from one job to another.

"Application has now been made by a Superintendent of one of the CCC Camps to borrow or rent this trailer in order to move some of the CCC owned equipment from one ditch to another where they are doing work for other drainage districts. You understand that the CCC organization works in cooperation with various drainage districts in a cooperative cost arrangement whereby the drainage districts pay for certain items of expense and the labor is furnished by the CCC enrollees.

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"The cost of transporting the CCC machine from one district to another or from one location in the same district to another location in the same district is required to be paid by the drainage district for whom CCC does the work. Hence arises the request for the use of this trailer in some of this cooperative work between CCC and other drainage districts.

"The drainage districts, like this district, are political subdivisions of the State and are not required to pay motor vehicle license fees, being expressly exempt under the statute.

"The frequency of the use of the new trailer for such purpose would be only at remote periods and under CCC regulations cannot be for any extended distance beyond the location of the CCC Camp.

"The Little River Drainage District, through its Board of Supervisors, has evidenced a willingness to let other drainage districts and CCC Camps use the trailer, upon condition that they would pay a reasonable charge for such use, but subject to result of conference with you.

"The question now arises as to whether or not, under the above state of facts, The Little River District (owner of the trailer) would be required to pay a motor vehicle license fee on the trailer because of the rental it would receive from the other district. If such a requirement be made, then this district will, of necessity, be required to refuse the use of the trailer to the CCC and other drainage districts because the capacity of the trailer is quite large and would carry a high license fee and the compensation which it would get from an occasional use in 'loaning' the trailer to another district would not be equal to the amount of the license fee, should The Little River District be required to pay such a fee."

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Section 7767 (b) R. S. Mo. 1929, provides the following exemption for political subdivisions:

"Motor vehicles used as ambulances, patrol wagons and fire apparatus, owned by any municipality of this state, shall be exempt from all of the provisions of this article while being operated within the limits of such municipality, but the municipality may regulate the speed and use of such motor vehicles owned by them; and all other motor vehicles owned by municipalities, counties and other political subdivisions of the state shall be exempt from the provisions of this article requiring registration, proof of ownership and display of number plates: Provided, however, that there shall be displayed on each side of such motor vehicle, in letters not less than 3 inches in height with a stroke of not less than 3/8 of an inch wide, the name of such municipality, county or political subdivision, the department thereof, and a distinguishing number. No officer, or employe of the municipality, county or subdivision, or any other person shall operate such a motor vehicle unless the same is marked as herein provided, and no officer, employe or other person shall use such a motor vehicle for other than official purposes."

It is to be noted that the exemption relates only to "motor vehicles," and the question arises whether a trailer is a motor vehicle within the meaning of the above section?

Section 7759 R. S. Mo. 1929, provides in part that:

"Whenever in this article, or in any proceeding under this article, the following words or terms are used, they shall be deemed and taken to have the meanings ascribed to them as follows:
* * *

'Motor vehicle.' Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors.

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'Trailer.' Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on tracks, including a semi-trailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle."

In the case of State v. Schwartzmann Service 40 S. W. (2d) (Mo. App.) 479, a trailer, attached to a semi-trailer and tractor was held to be a "motor vehicle" within the statute prohibiting the operation on highways of motor vehicles having excessive gross weights. The court in its opinion said l. c. 481:

"In the strict literal sense, maybe, a motor vehicle is one which is propelled by motor power directly transmitted from the motor of the vehicle to the wheels of the vehicle through its own mechanism; but there can be no question that a trailer attached to and propelled by such a motor vehicle, is itself, in a broad sense, ~~motor-propelled~~, and, in that broad sense is a motor vehicle."

A statute, our courts have said, should not be given an unreasonable construction, where it can be given a reasonable construction, State ex rel. St. Louis Public Service Company v. Public Service Commission 326 Mo. 1169, and further that a statute will not be construed to lead to absurd results if it is susceptible to reasonable interpretation, State v. Irvine 335 Mo. 261, 72 S. W. (2d) 96. It seems absurd and unreasonable to conclude that the Legislature would grant an exemption to a self-propelled vehicle and require the registration of a trailer propelled over the highways by such self-propelled vehicle.

The Legislature obviously never intended such restricted definition of the term "motor vehicle" as used in Section 7759, supra, be given to the term as used in Section 7767 (b), supra, and we are therefore of the

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opinion that trailers belonging to political subdivisions are exempt from registration.

The next question is whether by reason of the rental of the trailer to the CCC the political subdivision would be required to register the trailer?

Section 7761 R. S. Mo. 1929, provides for the registration of motor vehicles and trailers by owners in part 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, * * * an application for registration * * *. Upon the filing of such application, * * * the commissioner shall assign a number to such motor vehicle, and * * * issue and deliver to the owner a certificate of registration."

In the rental of the trailer the title or ownership would still remain in the political subdivision, and the latter being exempt, the fact that rental would be received would in our opinion not destroy the exemption so as to require registration of the trailer.

Respectfully submitted,

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Assistant Attorney General.

APPROVED:

COVELL R. HEWITT
(Acting) Attorney General

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