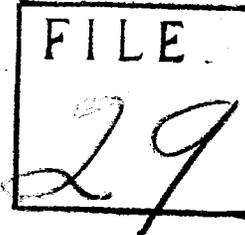


MOTOR VEHICLES: Automobile owned by a Maryland Corporation, when used in interstate business, is not required to have Missouri Registration Plates.

August 28, 1941

Honorable James P. Finnegan
Prosecuting Attorney
Municipal Courts Building
City of St. Louis
St. Louis, Missouri



Dear Sir:

We are in receipt of your request for an opinion from this department under date of August 23, 1941, which reads as follows:

"I would like to have your opinion on the following matter which has been directed to our attention by several of the Police Officials of this City: Where an automobile owned by a foreign corporation and bearing State License Plates of that foreign jurisdiction, is used in this State by an employee of that corporation, which employee is a resident of this State, the problem has arisen of whether or not that car should bear Missouri State License Plates?

"To be concrete, the company manufacturing Cat's Paw Heels is a Maryland corporation, and their automobile bears Maryland State License Plates, and a resident of the City of St. Louis, Missouri, is an employee of that company, and uses that automobile in and out of the State. Is that person required to have Missouri State License Plates on that car?"

The statute of Missouri pertaining to reciprocity between states on the question of the registration of motor vehicles is set out in Section 8375, R. S. Missouri 1939, which reads 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."

Under the above section it mentions that it is applicable to nonresident owners and applies to the operation of a motor vehicle by the owner or his permission to another to operate the vehicle within this state when properly registered in the state of the nonresident owner.

Section 8369, R. S. Missouri 1939, which is the main section for the registration of motor vehicles in the State of Missouri, specifically states "every owner of a motor vehicle or trailer." Section 8367, R. S. Missouri 1939, defines the word "owner" as follows:

"* * The term owner shall include any person, firm, corporation or association, owning or renting a motor vehicle, or having the exclusive use thereof under lease, or otherwise, for a period greater than ten days successively.
'Person.' Includes firm, corporation, partnership or association. * * * *"

Under Section 8375, supra, it specifically sets out

this clause "* * 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 * *."

In your request you state that the motor vehicle in question is owned by the Cat's Paw Heels and is a Maryland Corporation and bears Maryland State license plates. You also state that the operator of the car is a resident of the City of St. Louis. The fact that the operator of the car is a resident of this state does not alter the law of reciprocity for the reason that Section 8369, supra, only provides that the owner shall register each and every automobile operated in this state which section does not apply where under Section 8375, supra, a nonresident owner is exempt under that reciprocity section.

The only question involved in this opinion is whether or not equal reciprocity has been granted by the State of Maryland as is granted nonresidents in the State of Missouri.

Article 56, Section 187, Annotated Code of Maryland, Volume 2 of 1939, partially provides as follows:

"Any person or operator not a resident of this State, who shall have complied with the laws of the State in which he resides, requiring the registration of motor vehicles and licensing of operators thereof, and the display of identification or registration numbers on such vehicles, and who shall cause the identification number of such State, in accordance with the laws thereof and none other, together with the initial letter or letters of said State to be displayed on his motor vehicle as in this subtitle provided, while used or operated upon the public highways of this State, may use the highways of this State without obtaining a registration certificate or operator's license from the Commissioner of Motor Vehicles as hereinbefore prescribed; provided the State of which he is a resident and the registration certificate which he displays shall extend the same privilege to residents

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of this State; * * * * *

The above section has several provisos which are not set out in the above partial quotation, but these provisos do not apply under the facts set out in your request. An examination of the reciprocal law of Maryland, the state where the corporation, the Cat's Paw Heels is a resident, and also an examination of the Missouri reciprocal law in that respect on its face shows that they are very similar and import the same meaning.

CONCLUSION

It is, therefore, the opinion of this department that the motor vehicle owned by the Cat's Paw Heels, a Maryland Corporation, which motor vehicle bears Maryland state license plates, and the driver or operator of said motor vehicle is a resident of the City of St. Louis, Missouri, the corporation has complied with the motor vehicle laws of this state and the operator of said motor vehicle is not required to have Missouri State license plates on that car.

We base our opinion upon the comparison of the reciprocity laws of Missouri and Maryland and on the further fact as stated in your request that the operator of the car is a resident of this state and is used for interstate business.

Respectfully submitted

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APPROVED:

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