

MOTOR VEHICLES: Farmers operating motor vehicles within this state carrying their own farm products must display their name and address and weight of the vehicle. Also display the word "'Local'" on said motor vehicle.

August 24, 1944



Honorable Edwin W. Mills
Prosecuting Attorney
St. Clair County
Osceola, Missouri

Dear Sir:

We are in receipt of your letter of August 22, wherein you state as follows:

"There is general confusion as to whether under Section 8369, Subdivision 4, Laws of Missouri of 1943, every truck is required to display the name, address and licensed weight thereof.

"I have been asked frequently if farmers now have to display their names, addresses and licensed weights on their trucks when they haul their own produce, live stock and merchandise exclusively. I have advised in the negative and personally I believe this to be correct; but others, including some of the highway troopers, seem to think otherwise.

"Section 8367, R. S. 1939, defines commercial vehicles as: Those designed or regularly used for carrying freight and merchandise, or (b) more than eight passengers.

"The 20th Cent. Unabridged Dictionary, among other definitions of freight: 'To hire for the transportation of goods or merchandise'. Linked with its definitions of freight is the idea of transporting for hire or compensation, i.e. 'The price paid for transporting goods by land or sea.'

"A passenger is defined in the same authority as: One who travels by some public conveyance, as an elevator, ship, railroad train, street car, coach, etc.

"It seems clear that the drivers of school buses carrying more than eight passengers will have to comply with this new law.

"While personally I believe that in the light of the above definitions the new law does not require a farmer or other person hauling his own produce, live-stock or merchandise on his own account exclusively to display his name, address and licensed weight of vehicle thereon, yet in view of the general confusion in the matter which may affect such owners traveling outside their own home counties, I will greatly appreciate an opinion from your department which will receive statewide publicity and will certainly be in the public interest.

"I therefore respectfully request that such opinion be rendered."

Laws of Missouri, 1943, Section 8369, page 664 provides for registration of motor vehicles, and among other things sets out the registration fees of commercial motor vehicles and local commercial motor vehicles. The latter term is then defined by the above section as follows:

"The term 'local commercial motor vehicle' includes every 'commercial motor vehicle' as defined in Section 8367, Revised Statutes of Missouri, 1939, while operating within this state and used for the transportation of persons or property:

"1. Wholly within any municipality or urban community, or

"2. Wholly within any municipality or urban community and a zone extending 25 air miles from the boundaries of any municipality or urban community or contiguous municipality or urban community, or

"3. In making hauls not exceeding 25 miles in length, or

"4. When controlled or operated by any person or persons principally engaged in farming when used exclusively in the transportation of agricultural products or live stock to or from a farm or farms, or in the transportation of supplies to or from a farm or farms.

"Each commercial vehicle shall prominently display in a conspicuous place on said vehicle the name of the owner thereof, the address from which such motor vehicle is operated and the weight for which said motor vehicle is licensed; provided further, that local commercial vehicles, in addition to the above information, shall prominently display on such vehicles in a conspicuous place the word 'Local'."

On January 19, 1944, this department, in an opinion to Honorable Theo. R. Schneider, Prosecuting Attorney of Bates County, construed the above section and held any person or persons owning a truck which is principally used in the transportation of agricultural products or live stock to and from a farm or farms, or in the transportation of supplies to or from a farm or farms, is a "local commercial motor vehicle" within the meaning of Section 8369, Laws of Missouri, 1943, page 664. We reassert the conclusion hereinabove reached, and include a copy of said opinion.

The above section specifically provides in clear and unambiguous language that each commercial vehicle shall prominently display in a conspicuous place the name and address of the owner, and the weight of the vehicle, and further, that in the case of local commercial vehicles, there shall also be displayed the word "'Local'".

The case of State v. Thatcher, 338 Mo. 622, 92 S. W. (2d) 640 the Court held where the language of the statute is clear and unambiguous, there is nothing to construe and intent contrary to the evident intent can not rationally or permissibly be implied.

The intent here is to clearly have all commercial vehicles marked, including those confined to local agricultural operations, so that in the policing of the highways a rapid determination can be made whether the vehicle has paid the proper registration fee and who is the owner of the vehicle.

You direct our attention to Section 8367, R. S. Mo. 1939, which provides in part as follows:

"Wherever 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: * * *

'Commercial motor vehicle.' A Motor vehicle de-
 signed or regularly used for carrying (a) freight
 and merchandise, or (b) more than eight passengers.
 * * * * *

The Legislature has seen fit to define the meaning of
 the term "Commercial motor vehicle". You undertake to define
 certain terms in the definition in order to show that the
 requirement that each commercial motor vehicle display the
 name and address of the owner and the weight of the vehicle
 applies only to vehicles for hire.

Your theory is that since "The term 'local commercial
 vehicle' includes every 'commercial motor vehicle' as de-
 fined in Section 8367, R. S. Mo. 1939, * * *," and since the
 meaning of the latter term is one for hire it has no applica-
 tion to farm vehicles which are strictly not for hire. The
 difficulty of such a theory is that the Legislature has not
 seen fit to so restrict its definition.

In view of the following cases there can be no question
 but that the Legislature has the power to define the meaning
 that shall be ascribed to the various terms used in its own
 enactments. In the case of *St. Louis v. Nash*, 181 S. W.
 1145, 266 Mo. 523 l.c.530 the Court said:

"There is but little doubt we opine that within
 limits not necessary here to discuss (since ob-
 viously the boundaries are wide enough to include
 the facts here), a legislative body may define
 the objects affected or designed so to be by its
 own enactments, and that we are bound ordinarily
 in construing its acts or ordinances to follow
 its own definitions.* * *"

In the case of *State ex rel. Exchange Bank v. Allison*,
 56 S. W. 467, 155 Mo. 325 l.c. 330 the court said:

"But when the legislature issues a codification
 or revision of laws and as a part of it lays down
 definitions and rules of construction of terms
 therein used, the courts get at the meaning of
 the lawmakers by applying those definitions to
 those terms, and following those rules of construc-
 tion. The definition under those circumstances
 is authoritative, and to be read into the statute
 as a part of itself.* * *"

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Again in the case of St. ex rel McKinley Pub. Co. v. Hackmann, 314 Mo. 33, 288 S. W. 1007, l.c. 1010 the Court said:

"Aside from this, the power of a Legislature to define the objects effected, or sought to be effected, by its own enactments is beyond controversy.
* * * *"

If the Legislature desired to restrict its definition of "commercial motor vehicles" as those designed or regularly used for carrying freight and merchandise for hire it could very easily have done so. Thus Section 8367, R. S. Mo. 1939, defining the word "chauffeur" states in part that "(b) who as owner or employee operates a motor vehicle carrying passengers or property for hire."

From the foregoing we are of the opinion that farr or other persons operating within this State and hauling ^{cars} own products, livestock, or merchandise exclusively must his prominently display his name and address on the vehicle, the weight of the vehicle, and in addition must prominently display in a conspicuous place the word "Local".

Respectfully submitted,

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APPROVED:

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