

MOTOR VEHICLES - Safety Responsibility Law applicable to judgments for less than \$1,000.00 for property damages.

December 7, 1949

Mr. John H. Allison  
Supervisor, Motor Vehicle Registration  
Department of Revenue  
Jefferson City, Missouri



Attention: Mr. K. F. Davis  
Financial Responsibility Division

Gentlemen:

We have received your request for an opinion of this department, which request is as follows:

"This department would like to have an opinion from your office as to whether a Plaintiff in a suit for damages, under the Motor Safety Responsibility Laws of 1945, can sue and secure judgment for damages in sums less than \$1000."

You enclose copy of a petition filed in the magistrate court of the City of St. Louis in which judgment for \$1,000.00, for damage to the plaintiff's automobile was sought against the defendant by reason of the defendant's truck colliding with plaintiff's automobile. A certificate of the clerk of the magistrate court shows that judgment was rendered on June 14, 1949, in favor of the plaintiff and against the defendant in the sum of \$458.16, together with costs amounting to \$9.50, making a total of \$466.66. The clerk further certified that such judgment remains unsatisfied.

In view of the enclosures we presume that the object of your inquiry is to determine whether or not the provisions of the motor vehicle safety responsibility law, Laws of Missouri, 1945, page 1207, should be invoked where a judgment has been recovered for property damages for a sum less than \$1,000.00.

Section 1 of the Act in question defines a judgment as follows:

"Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been

perfected, or by final affirmation on appeal rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on any agreement or settlement for such damages."

Section 4 (a) of the Act provides:

"The commissioner also shall suspend the license and all registration certificates or cards and registration plates issued to any person upon receiving authenticated report, as hereinafter provided, that such person has failed for a period of 30 days to satisfy any final judgment in amounts and upon a cause of action, as hereinafter stated."

Section 6 of the Act provides in part:

"Every judgment herein referred to shall, for the purposes of this act, be deemed satisfied:

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"3. When \$1,000.00 has been credited upon any judgment or judgments rendered in excess of that amount for damage to property of others as a result of any one accident."

There is no direct provision in the Act to the effect that judgment for property damage in the amount of less than \$1,000.00 should not be grounds for invoking the provisions of the Act. The only provision of the Act from which such might be implied is subdivision 3 of Section 6, quoted supra. We feel, however, that no such meaning can be given this provision. In our opinion this provision means that in the event that a judgment in excess of \$1,000.00 is recovered for property damage, payment of \$1,000.00

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on such judgment shall be deemed a satisfaction thereof for purposes of the Act. Nowhere is there any indication that the Act is not intended to apply in case of a judgment for less than \$1,000.00.

We call your attention to the fact that the record certified by the magistrate court does not clearly show that the judgment in this case had become final. The judgment was rendered on June 14, 1949, and under Section 130 of the magistrate court law, Laws of Missouri, 1945, page 765, 800, notice of appeal must have been filed within ten days of the judgment. However, the certificate of the magistrate does not show on its face that no notice of appeal was filed, and the certificate concerning the minute entries does not purport to be a full and complete record of such entries.

#### CONCLUSION

Therefore, it is the opinion of this Department that the provisions of the Motor Vehicle Safety Responsibility Act, Laws of Missouri, 1945, page 1207, must be invoked by the Director of Motor Vehicle Registration upon receipt of certificate showing judgment for less than \$1000.00 for property damages, resulting from the ownership, maintenance or use of a motor vehicle, when judgment has become final and has remained unsatisfied for thirty days.

Respectfully submitted,

ROBERT R. WELBORN  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

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