

AGRICULTURE: Persons starting operation of disposal
RENDERING PLANTS: plant and operating vehicles in connection
LICENSES: therewith must pay full amount of license
for calendar year.

September 25, 1950

9-28-50



Dr. H. E. Curry
State Veterinarian
Jefferson City, Missouri

Dear Sir:

This is in answer to your letter of recent date requesting an official opinion of this department, reading as follows:

"We are enclosing letter from Mr. R. A. Sloan of the Midwest Packing Company, Inc., Des Moines, Iowa, advising that they have purchased the Missouri Tankage Company, Blackwater, Missouri.

"You will note that Mr. Sloan desires to know the amount of fee they will be required to pay for a license to operate the rendering plant, also the amount of the license fee for the four trucks, which they will operate in connection with the plant."

The letter from the Midwest Packing Company, Inc., states that such company has purchased the Missouri Tankage Company, Blackwater, Missouri, and took over the operation of the plant September 14, 1950, and will operate such plant under the trade name of Missouri Tankage Company. Such letter further asks you to advise the company what the proper license fees are, stating that the company will operate not over four trucks. We are further informed that the Midwest Packing Company purchased the assets of the Missouri Tankage Company, but did not purchase the stock of such corporation.

Section 14493-c, Laws of Missouri, 1941, page 290, provides as follows:

"Any person desiring a license under this act to engage or continue in the business of operating a disposal plant for bodies of dead animals, shall file an application

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for such license with the state veterinarian, on a form provided by him without charge, which application shall set forth the name and residence of the applicant, the location of his place of business, the particular method, or methods, which he intends to employ, or is employing, in the transportation and in the disposal of the bodies of such dead animals; the number and location of all sub-stations he desires to operate, if any; the number and kind of vehicles he will use; and such other essential information relative thereto as the state veterinarian, by his rules and regulations, may require. Such application shall be accompanied by an initial installment of fifty dollars (\$50.00) on the total annual license fee, to apply upon the expenses imposed by this act."

Section 14493-d, Laws of Missouri, 1941, page 290, provides as follows:

"Upon receipt of such application, accompanied by the fee, the state veterinarian, or some person appointed and designated by him, shall, within thirty days, ascertain whether or not such applicant is a responsible and suitable person to conduct such business, and that if the disposal plant of such applicant, as herein defined, and if the methods of operation thereof comply with all the provisions of this act and with the rules and regulations herein authorized, and if such business is located in a place permitted by this act, he shall thereupon issue to such applicant a certificate to that effect."

Section 14493-e, Laws of Missouri, 1941, page 290, provides as follows:

"Upon payment by the applicant of twenty-five dollars (\$25.00) additional, the state veterinarian shall issue to such applicant a license and four vehicle certificates and metal discs bearing the applicant's name and license number, one of which discs shall be attached to each vehicle so used, which license shall entitle him to operate one

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disposal plant and which certificates shall entitle him to operate not more than four vehicles for transporting bodies in such business; Provided, however, That for each such additional vehicle the licensee desires to operate he shall pay an additional annual fee of five dollars (\$5.00) and procure an additional vehicle certificate and disc, and for each sub-station located elsewhere than on the grounds of the disposal plant he shall pay an additional annual license fee of twenty dollars (\$20.00) and procure a sub-station license."

Section 14493-f, Laws of Missouri, 1947, Vol. I, page 26, provides as follows:

"All licenses and vehicle certificates issued under this act shall remain effective until and unless voluntarily surrendered, or suspended or revoked, as provided in this act; conditioned, however, upon payment to the state veterinarian on or before January 15 of each calendar year subsequent to the year of issue, of the required total annual license and other fees herein provided for and specified, as aforesaid, which payment shall operate, without further application, to continue such licenses and vehicle certificates in full effect during each calendar year for which such license and other fees shall be paid, unless sooner surrendered, or suspended or revoked, as herein provided."

It is to be noted that under the provisions of Section 14493-f, quoted supra, licenses issued under provisions of Section 14493-c and Section 14493-e are for the period from the date of issuance until the following January 14, when such licenses are renewed for a period of one year by a like payment. We find no provision in the law for a partial payment for a license for less than a period of one year. Therefore, it is our view that the license requirements as set forth in Sections 14493-c and 14493-e must be met by the Midwest Packing Company, Inc., in order to obtain licenses at this time.

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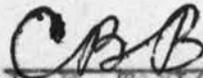
CONCLUSION

It is the opinion of this department that the Midwest Packing Company, Inc., which has purchased the assets and trade name of the Missouri Tankage Company of Blackwater, Missouri, and which Midwest Packing Company will operate the plant under the trade name of Missouri Tankage Company, must make the full payments required by Sections 14493-c and 14493-e, Laws of Missouri, 1941, page 290, before licenses for such plant can be issued.

Respectfully submitted,

C. B. BURNS, JR.
Assistant Attorney General

APPROVED:



J. E. TAYLOR
Attorney General

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