

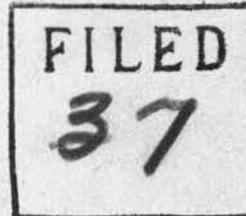
Highway Patrol:  
Motor Vehicles:

*Highway*

Patrol may approve plexiglas as safety glass.

11/27/50

October 27, 1950



Hon. David E. Harrison, Superintendent  
Missouri State Highway Patrol  
Jefferson City, Missouri

Dear Mr. Harrison:

This is in reply to your recent request for an official opinion of this department which reads as follows:

"We are in receipt of a letter from the Bohm and Heas Company, makers of Plexiglas, a plastic glazing material, for approval of their product for the glazing of openings to the right and left of the driver in army type and civilian type four-wheel drive utility vehicles popularly described as Jeeps.

"Section 8391 of the Revised Statutes of Missouri 1939, defines safety glass as glass so treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from external sources or by glass when the glass is cracked or broken.

"Plexiglas meets the specifications of the American Standards Association for the type of glazing for which approval is requested. However, since it is not actually glass but is a synthetic, organic, plastic material, we are in doubt as to our authority to grant approval for its use.

"It is respectfully requested that you inform us whether or not plexiglas may be approved for use as a glazing material under the Revised Statutes of Missouri 1939."

Hon. David E. Harrison

Section 8390, R. S. Mo. 1939, provides:

"It shall be unlawful after January first, nineteen hundred and thirty-six, to sell in the State of Missouri, any motor vehicle, manufactured or assembled after said date, and designed for the purpose of carrying passengers, unless such vehicle be equipped in all doors, windows, rear windows and windshields with safety glass."

Section 8392b, Laws of Missouri 1945, page 1201, provides:

"It shall be the duty of the Director of Revenue to refuse to issue a license for any motor vehicle manufactured or assembled after January 1, 1936 unless such motor vehicle is equipped as provided in Sections 8389, 8390 and 8391, Revised Statutes of Missouri, 1939, with such types of "safety glass" as have been heretofore approved by the Secretary of State or may hereafter be approved by the State Highway Patrol."

"Safety glass" is defined by Section 8391, R. S. Mo. 1939:

"The term 'safety glass,' as used in sections 8389, 8390 and 8392 shall be construed as meaning glass so treated or combined with other materials as to reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from external sources or by glass when the glass is cracked or broken."

The State Highway Patrol's duty to approve various types of safety glass is provided for by Section 8392, Laws of Missouri, 1945, page 1200:

"The State Highway Patrol shall maintain a list of approved types of glass which conform to the requirement of Section 8391 and shall furnish a copy of such

Hon. David E. Harrison

list to the Director of Revenue and thereafter shall keep the Director of Revenue informed as to any changes in or additions to such list."

Assuming that plexiglas is a material which does reduce, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from external sources or by fragments of the plexiglas when same is cracked or broken, the question is whether or not it may be approved as safety glass since plexiglas is not technically glass but rather a plastic material.

The court, in *State ex rel. v. State Board of Health*, 65 S. W. (2d) 943, 334 Mo. 220, stated with regard to statutory construction at l. c. 950:

"It may be considered trite to again observe that the primary and fundamental purpose in statutory construction is to ascertain and give effect to the legislative intent nevertheless such is always the end sought and the numerous rules for the interpretation or construction of statutes are merely aids in the quest. But such rules should not be so applied as to restrict or confine the operation of a statute within narrower limits or bounds than manifestly intended by the Legislature and whether the proper construction of a statute should be strict or liberal it certainly should be such as to effectuate the obvious purpose of its enactment and the evident legislative intent. Reference should be had to the policy adopted by the Legislature in reference to the subject matter, the object of the statute, and the mischief it strikes at or seeks to prevent, as well as the remedy provided. \* \* \* \* \*

While plexiglas is not technically glass, it is a material which serves the same purpose as glass when used in motor vehicles and possesses those same qualities as glass which makes such use beneficial. Furthermore, the obvious intent

Hon. David E. Harrison

of the Legislature in passing these safety glass provisions was to require as a safety measure a material which would afford greater protection to occupants of motor vehicles and the general public present at the scene of an accident. Therefore, we feel that Section 8390, supra, is broad enough to include a material such as plexiglas if same satisfies the definition therein. A more technical interpretation would only defeat the obvious intent of the Legislature to provide the greatest protection possible to the general public in this regard.

CONCLUSION

It is therefore the opinion of this department that the State Highway Patrol has the authority to list plexiglas as an approved type of safety glass if it is found to satisfy the standards required of safety glass by Section 8390, R. S. Mo. 1939.

Respectfully submitted

RICHARD H. VOSS  
Assistant Attorney General

APPROVED:

  
\_\_\_\_\_  
J. E. TAYLOR  
ATTORNEY GENERAL

RHV:A