

VEHICLES: Amateur radio operators, applying for license plates containing call letters need only pay  
RADIO OPERATORS: \$1.00 fee and are not required to repay regular license fee.



December 20, 1951

12-20-51

Honorable Anthony D. Pickrell  
House of Representatives  
Sixty-Sixth General Assembly  
State of Missouri  
Capitol Building  
Jefferson City, Missouri

Dear Sir:

This is in reply to your request for an opinion which reads as follows:

"House Bill No. 242, enacted by the 66th General Assembly provides that licensed amateur radio operators may obtain license plates for their automobiles containing the call numbers of their radio license instead of the regular license numbers.

"It is my understanding that there is a \$1.00 fee to be charged for the exchange of presently held numbered plates for the plate containing their call letters. However, there seems to be some question as to whether or not, in addition to the \$1.00 charge, the licensed amateur must also pay another regular license fee. In other words, if an amateur radio operator's automobile license expired in November 1951 and he has renewed this regular license paying the regular fee, must he again pay this regular fee when applying for his call letter license or is the payment of \$1.00 sufficient to take care of this."

At the outset, we believe it is well to set forth cer-

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tain rules to be followed in the construction of statutes. In the case of State v. Ball, 171 S.W.2d 787, the court has set out the rules which we believe to be applicable in the consideration of House Bill No. 242. At l.c. 792 the court said:

"The primary rule for the construction of statutes is to ascertain the law makers' intention from the words used in the statute. Wallace v. Woods, 340 Mo. 452, 102 S.W.2d 91.

\* \* \* \* \*

"The general rule as to statutory construction has been stated as follows: 'The intent is the vital part, the essence of the law, and the primary rule of construction is to ascertain and give effect to that intent. \* \* Intent is the spirit which gives life to a legislative enactment. In construing statutes the proper course is to start out and follow the true intent of the Legislature and to adopt that sense which harmonizes best with the context and promotes in the fullest manner the apparent policy and objects of the Legislature.' Sutherland on Statutory Construction, 2d Ed., Vol. 2, Sec. 363."

House Bill No. 242 is primarily a statute which has for its main purpose the substitution of call letters in lieu of numerals on the motor vehicle license plates of amateur radio operators. That part of House Bill No. 242 providing for the payment of fees is Section 1, and reads as follows:

"Owners of motor vehicles who are residents of the state of Missouri, and who hold an unrevoked and unexpired official amateur radio license issued by the Federal Communications Commission, upon application, accompanied by proof of ownership of such amateur radio station license, complying with

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the state motor vehicle laws relating to registration and licensing of motor vehicles as contained in chapter 301, RSMo 1949, and upon the payment of the regular license fee for tags as prescribed under section 301.060 of said chapter 301, and the payment of an additional fee of one dollar, shall be issued a license plate, as prescribed by section 301.130 of said chapter 301, for private passenger cars, upon which, in lieu of the numbers as prescribed by said section 301.130, shall be inscribed the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission."  
(Emphasis ours.)

Thus we see that the only provision for payment is the regular license fee for tags, prescribed under Section 301.060, RSMo 1949, plus an additional fee of \$1.00. If a licensed radio amateur has paid the regular license fee for his motor vehicle, we do not believe that the provisions of House Bill No. 242 would require another payment of the regular fee.

In essence, a motor vehicle license plate serves two general purposes. One is for ready identification of the ownership of a motor vehicle and the other is a receipt showing payment of the required license fee for the operation of a motor vehicle upon the roads and highways of the state. It is our understanding that the real purpose of House Bill No. 242 is to readily identify radio amateurs for the aid which they are able to give during emergencies.

House Bill No. 242 was not intended as a revenue measure. The additional payment of the \$1.00 was to help defray the costs of the issuance of the special plates. If House Bill No. 242 were construed to provide for the second payment of the regular license fee, we do not believe that the intended purpose of the law would be effected. We believe this is rather evident because such a requirement would undoubtedly have a deterring effect upon radio amateurs and prevent their applying for and using the special license plates.

We believe it was the intention of the Legislature to encourage the purchase of these plates, and certainly the

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requirement for the payment of a license fee could not be said to be an encouraging factor in accomplishing this purpose.

Although we believe the above to be sufficient, it might be well to point out that the opposite construction could result in House Bill No. 242 being declared invalid as in conflict with constitutional provisions. It is possible that such an interpretation could well be held as a violation of the equal protection clause.

Considering all of the above, we believe that it was the intention of the Legislature that a duly licensed radio amateur shall be issued a license plate upon which is inscribed the call letters of such applicant by the single payment of the fee as set out in Section 301.060, and an additional fee of \$1.00.

Thus in the hypothetical case mentioned in your opinion request, the licensed amateur radio operator would be entitled to a license tag containing his call letters upon proper application and the payment of \$1.00.

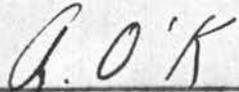
#### CONCLUSION

Therefore, it is the opinion of this department that a licensed amateur radio operator may make application for a license plate on which is inscribed his call letters upon the payment of the additional fee of \$1.00, as provided for in House Bill No. 242, and that there is no requirement for the repayment of the license fee prescribed in Section 301.060, RSMo 1949.

Respectfully submitted,

JOHN R. BATY  
Assistant Attorney General

Approved:

  
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J. E. TAYLOR  
Attorney General of Missouri

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