

MOTOR VEHICLE: A motor vehicle registration license is un-
REGISTRATION: necessary where the motor vehicle is used
LICENSE: exclusively on the private property of the
owner.



June 25, 1953

Honorable Jim Banner
Representative, Camden County
Camdenton, Missouri

Dear Sir:

This is in reply to your request for an official opinion from my office received on June 17, 1953. This request is as follows:

"I would like to have an opinion and here is my proposition.

"I have just opened a cave which is three fourths of a mile from the Glaize arm of the Lake. Now this would be my own private road and I would like to use an old school bus to transport my customers from the lake to the cave. There would be no charge to the customers for transporting them. And what I want to know is, would I have to buy license for this bus if I kept it on my own private road? It is a 36 passenger bus and I think if I had to buy license it would prohibit me from using it."

It will be noted in the language of the statute that one of the conditions making necessary the registration of a motor vehicle and that it shall be operated or driven upon the highways of this State. Section 301.020, RSMo 1949, in pertinent part is as follows:

"301.020. Registration of motor vehicles. Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose, containing:"

Honorable Jim Banner:

From the context of your letter it is presumed that the proposed thirty-six passenger bus will not be used at all for the above purpose.

In the case of State ex rel. D.C. McClung vs. Becker, 288 Mo. 607, the court stated at l.c. 612, as follows:

"* * * The owner of such vehicle may operate it on his own premises without being subject to the payment of the registration fee imposed by the statute. In such case he will pay the general property tax. The State maintains roads and bridges at great expense and exacts a license fee for the privilege of driving or operating these high-powered vehicles thereon. It is clear therefore that the registration fee is not a tax on the vehicle, but upon the privilege of operating it on the highways of the State."

It may be seen that since the proposed use of this motor vehicle is to be confined entirely to property belonging to you registration and license will not be necessary.

CONCLUSION

Therefore, it is the opinion of this office that a motor vehicle registration license is unnecessary where the motor vehicle is used exclusively on the private property of the owner.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. James W. Faris.

Yours very truly,

JOHN M. DALTON
Attorney General

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