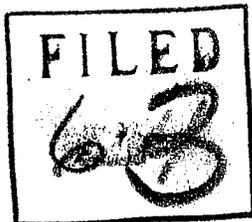


MOTOR VEHICLES:
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REGISTRATION RECIPROCITY:

Motor vehicle owned by Alabama corporation and used for commercial purposes or "for hire" hauling in Missouri must be registered in the State of Missouri.



October 8, 1954

Honorable Elvis A. Mooney
Prosecuting Attorney
Stoddard County
Bloomfield, Missouri

Dear Sir:

Reference is made to your request for an official opinion of this department reading as follows:

"This office is confronted with the following problem:

"A corporation organized under and existing by virtue of the Laws of the State of Alabama is totally owned by stockholders resident in the State of Missouri; all officers of the corporation also are residents of the State of Missouri; this corporation has no registered business address in the State of Missouri and has not qualified, according to law, to do business in Missouri.

"The above corporation owns a truck licensed in the State of Alabama, but not licensed in the State of Missouri, which picks up produce in various States and passes through the State of Missouri with its load; occasionally this produce is discharged in the State of Missouri; the produce is owned by this corporation while in transit and until discharged from its truck.

"Will you please inform this office whether or not a truck so owned and operated should be licensed in Missouri? This information

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is requested for the Highway Patrol in connection with the operation of the State Weighing Station at Dexter, in Stoddard County."

Reciprocity with respect to the registration of motor vehicles in the State of Missouri has been extended to nonresidents under the provisions of Section 301.270 RSMo 1949, which reads as follows:

"A nonresident owner, except as otherwise herein provided, owning any motor vehicle which has been duly registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in the state has displayed upon it the number plate or plates issued for such vehicle in the place of residence of such owner may operate or permit the operation of such vehicle within this state without registering such vehicle or paying any fee to this state, provided that the provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, country or other place of residence of such nonresident owner like exemptions are granted to vehicles registered under the laws of and owned by residents of this state."

Simply stated, this statute extends the same degree of exemption from registration to nonresidents as the state of domicile of such nonresidents extends to residents of the State of Missouri. We therefore, of necessity, must examine pertinent statutory enactments of the State of Alabama in order to determine the answer to your question.

The Alabama reciprocity statute is found as Section 707, Title 51, Code of Alabama 1940. This section reads as follows:

"The provisions of the foregoing sections relative to registration and display of registration numbers shall not apply to a motor vehicle owned by a non-resident of this state and not used for hire (or used for commercial purposes) in this state, for

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a period of thirty days from date of entering the state, provided that the owner thereof shall have complied with the provisions of the law of the foreign country, state, territory or federal district of his residence relative to registration of motor vehicles and the display of registration numbers thereon, and shall conspicuously display his registration number as required thereby; provided further, that nothing herein shall be construed to permit the use of motor vehicles for hire (or for commercial purposes) by non-residents without complying with the provisions of this article. Provided further, that motor vehicles of non-residents used for commercial purposes and making not more than two trips per month, each such trip to be of not more than five days duration, may secure permit from the probate judge of the first county in this state which he enters, under such rules as the department of revenue may prescribe and upon the payment to the probate judge of a permit fee of one dollar and an issuance fee of fifty cents which permit shall grant the holder thereof two trips as above set forth during the month in which said permit is issued. Provided, that motor vehicles of non-residents used for hire and making not more than three trips during any period of three months in this state and which pay all mileage taxes required by law, may secure a permit from the department of revenue under such rules as the department of revenue may prescribe and upon the payment to the probate judge of a five dollar fee and an issuance fee of fifty cents for each trip of the first county entered in this state; provided each trip shall be reported to the department of revenue and said probate judge and no such motor vehicle shall make more than three trips in this state during any three month period and no such motor vehicle shall carry anything but goods to be transferred from without the state to points within the state, but such motor vehicle may, on its return trip, secure permit from a probate

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judge after the additional payment of five dollars and an issuance fee of fifty cents, to carry goods on its return trip from points within Alabama to points without Alabama. Said permit shall be issued for a specified motor vehicle and shall not be transferable to any other person or any other vehicle. The department of revenue of Alabama is hereby authorized to make reciprocal agreements with other states for an exchange of rights for the operation of motor vehicles that will be considered as a fair exchange of rights and privileges. The said rights and privileges to be in effect as long as both contracting parties recognize the rights of the other. The above reciprocal agreement can be annulled on a notice issued to either party by the other party thereto within thirty days thereafter."

It appears from your letter of inquiry that the operations conducted by the Alabama corporation within the State of Missouri are for "commercial purposes" as that term is used in the applicable Alabama statute. We assume that the operations conducted are more or less regular and recurring, inasmuch as nothing to the contrary appears from your letter of inquiry.

Upon this basis, we therefore are led to the conclusion that no exemption from Missouri statutes relating to registration is to be enjoyed by the Alabama corporation owning the motor vehicle. The Alabama reciprocity statute specifically excludes from its application motor vehicles owned by nonresidents which are used either for hire or for commercial purposes in that state.

Further, we believe that even though the operations conducted in Missouri by the Alabama corporation are intermittent and irregular, such motor vehicle would still be required to be registered in this state. It is true that the State of Alabama has made provisions for the issuance of temporary permits to nonresidents who conduct operations limited in number within that state, but no similar provision appears in the registration laws of the State of Missouri. Therefore, we believe that it would be necessary to comply with such registration laws of this state in any event.

In addition to the foregoing, we note that under Section 243, Title 48, Code of Alabama 1940, a mileage tax is imposed

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upon motor transportation companies which are under the jurisdiction and control of the Public Utilities Commission of the State of Alabama. Again, the State of Missouri has no similar tax, usually denominated a "mileage tax."

CONCLUSION

In the premises, we are of the opinion that a motor vehicle owned by an Alabama corporation which is used for commercial purposes within the State of Missouri is required to be registered in accordance with the laws of this state.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Will F. Berry, Jr.

Yours very truly,

John M. Dalton
Attorney General

WFB/vtl