

WAREHOUSEMAN: Warehouseman licensed under Chapter 415, RSMo 1949,  
LOCKER PLANTS: are excluded from Sections 196.450 to 196.515,  
RSMo 1949, by Section 196.510, supra.

March 5, 1959



Mr. Harvey L. Johnston  
Director - Dairy Division  
Department of Agriculture  
Jefferson Building  
Jefferson City, Missouri

Dear Mr. Johnston:

This office is in receipt of your recent letter in which you ask us to render an opinion on the following matter:

"We have a company in the ice and cold storage business who also rents lockers to the public. The plant qualifies under the definitions in section 196.450 (6) Locker (7) Locker Plant (8) Locker Room.

The management contends that the part of section 196.510 that reads (nor shall the provisions of sections 196.450 to 196.515 apply to any warehouseman licensed under the provisions of chapter 415, RSMo 1949.) frees them from licensing and regulation by the Commissioner of Agriculture in their locker rental business.

We respectfully request an opinion on the question.

Does holding a warehouse license exempt the locker rental part of a plant from regulation under sections 196.450 to 196.515?"

Sections 196.450 to 196.515, RSMo 1949, were enacted to regulate the operation of plants for the cold storage of food in individual lockers. (See Laws of Missouri 1945, page 940.) It is obvious from reading the aforesaid Act that the Legislature's

Mr. Harvey L. Johnston

primary intention in enacting this law was to protect the health of the general public. Provisions are made for inspecting the plants for sanitary conditions and definite requirements are set out as to how the food must be handled, etc.

Section 196.450, supra, defines the terms "locker" and "locker plants" as follows:

"(6) 'Locker' means the individual sections or compartments of a capacity of not to exceed fifty cubic feet, in the locker room of a locker plant;

(7) 'Locker plant' means a location or establishment in which space in individual lockers is rented for the storage of food;"

It is apparent from what you say in your letter that a certain company, licensed as a warehouseman under Chapter 415, RSMo 1949, is renting "lockers" and operating a "locker plant" as these terms are defined by Section 196.450, supra. It would seem, therefore, that said company or warehouseman would have to comply with the requirements of the above mentioned Act since they are apparently embraced within its terms.

However, we call your attention to Section 196.510, supra, which reads, in part, as follows:

" \* \* \* Operators of locker plants shall not be construed to be warehousemen, nor shall receipts or other instruments issued by such persons in the operation contracts of their business be construed to be warehouse receipts or subject to the laws applicable thereto, nor shall the provisions of sections 196.450 to 196.515 apply to any warehouseman licensed under the provisions of chapter 415, RSMo 1949."

The above quoted part of Section 196.510, supra, states in clear language that the provisions of Sections 196.450 to 196.515, do not apply to warehousemen licensed under Chapter 415, supra.

Mr. Harvey L. Johnston

Its provisions are mandatory and unqualified. We do not believe this provision is subject to construction or that its terms can be ignored. Nor do we think we are in a position to say whether the Legislature intentionally or inadvertently excluded warehousemen from the provisions of the aforesaid Act.

CONCLUSION

We, therefore, conclude that Section 196.510, supra, excludes licensed warehousemen from the provisions of Sections 196.450 to 196.515, supra, and renders said Act inapplicable to them.

The foregoing opinion, which I hereby approve, was prepared by my assistant, J. Burleigh Arnold.

Yours very truly,

John M. Dalton  
Attorney General

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