

March 8, 1962



Honorable George H. Morgan  
Member  
Missouri House of Representatives  
12312 South 71 Highway  
Grandview, Missouri

Dear Mr. Morgan:

Concerning your letter of January 11 and our letter of January 17, 1962, respecting an opinion concerning the Kansas City Police Department, we have done additional research into the problem of their conducting spot checks for city auto licenses and have also been able to develop a minimum amount of factual data concerning the manner in which these checks are conducted.

As is quite obvious, such spot checks are bound to result in some inconvenience and delay in flow of traffic. However, our courts have come to regard the use of roads and highways and city streets as a privilege and not as a matter of right. Likewise, the granting of a license in connection with same is also regarded as a privilege and not as a contract or franchise. Thus, some reasonable inspection of vehicles using public ways is necessary in order that the city may enforce its licensing provisions as set forth in its ordinances "Article XXVII, Section 58.2200, Section 58.2220, etc."

The state statutes pertaining to the power of arrest in the Kansas City Police Department (Chapter 84) would seem to cover this procedure and would certainly permit arrests where violations are found by virtue of such spot checks, there being no unlawful search and seizure involved in that the ordinance requires that the license sticker be displayed in plain view.

The only type of organized check of licenses of which we can obtain any information is as follows: A police car is placed some distance back of an electric signal controlled intersection. This police car displays a large sign indicating that a vehicle license inspection check point is ahead. A police officer is stationed at the intersection who checks to determine which vehicles are displaying a current license sticker. The operator of any vehicle not displaying a current license sticker is either given a traffic ticket or is permitted to show that for one reason or another he does not come within the ordinance requiring such licenses.

We feel that such a procedure as set forth above is reasonably designed to enforce the ordinance previously referred to.

Very truly yours,

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THOMAS F. EAGLETON  
Attorney General

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