

Opinion No. 347, Answered by Letter
(Howard L. McFadden)

October 19, 1962



Honorable Lewis B. Hoff
Prosecuting Attorney
Cedar County
Stockton, Missouri

Dear Sir:

This is in reference to your recent request for an opinion concerning reciprocity to be afforded an automobile (we assume you do not refer to a commercial motor vehicle of any sort) owned and licensed in Kansas by a Kansas resident but permanently kept and operated in Missouri by a Missouri resident who is the brother of the Kansas owner.

As suggested by you, 301.271 R.S.Mo. 1959 controls and reciprocity must be granted where the Kansas resident is the "owner" within the meaning of 301.010(19) R.S.Mo. 1959 if Kansas grants similar reciprocity to vehicles owned by Missouri residents and registered in Missouri. Owner in this state means:

"Owner", the term owner shall include any person, firm, corporation or association, who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law;"

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It means essentially the same thing under 1961 Supplement to General Statutes of Kansas 8-126(n).

Kansas does grant such reciprocity under 1961 Supplement to General Statutes of Kansas 8-138 as construed in State v. Teeslink, 177 K 268, 278 P2 591. For your information the pertinent Kansas statute is as follows:

"8-138. Registration by nonresidents.

(a) A nonresident owner, except as otherwise provided in this section, owning any foreign vehicle which has been duly registered for the current calendar year in the state, country or other place of which the owner is a resident, and which at all times when operated in this 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 fees to this state. (b) A nonresident owner of a foreign vehicle, including any foreign corporation, operated within this state for the transportation of persons or property for compensation between points within the state, shall register such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this state (c) Every nonresident, including any foreign corporation carrying on intrastate business within this state and owning and regularly operating in such business any motor vehicle, trailer or semitrailer within this state, shall be required to register each such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this state: Provided

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that any exemption granted in this section to nonresidents shall apply to motor vehicles owned by nonresidents only to the extent that the laws of the state in which the owner resides guarantees like exemptions and privileges to motor vehicles owned and operated by residents of Kansas, or to the extent that the proper authorities of the state in which such owner resides grant exemptions or reciprocity of privileges to motor vehicles owned and operated by residents of Kansas: Provided further, That all officers in the state of Kansas charged with the enforcement of this act shall grant to all nonresident owners of motor vehicles privileges of operation within this state equal to the privileges granted in such foreign states to motor vehicles owned and operated therein by residents of Kansas."

Yours very truly,

THOMAS F. EAGLETON
Attorney General

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