

July 22, 1965



Honorable James L. Paul
Prosecuting Attorney of McDonald County
Pineville, Missouri 64856

Dear Mr. Paul:

This is in answer to your request for an opinion of this office which asks:

"Are school teachers, employed within the Reorganized School District in the state of Missouri but living in Arkansas or Oklahoma and commuting back and forth, and being paid from the school district funds of the district in which they are teaching, required to purchase motor vehicle license for the cars used in the commuting?"

Subsection 1 of Section 301.271, RSMo concerns reciprocity in registration with other states. This section reads as follows:

"1. Unless otherwise provided by duly executed agreements entered into pursuant to Sections 301.271 to 301.279, a nonresident owner, owning any motor vehicle which has been duly registered for the current year in the state, District of Columbia, territory or possession of the United States, foreign 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 issued for the 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 such registration fee to this state; but the provisions of this subsection shall be operative to allow such owner to operate or permit the operation of such vehicle owned by a nonresident of this state only to the extent

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that under the laws of the state, District of Columbia, territory or possession of the United States, foreign country or other place of residence of the nonresident owner, substantially equivalent exemptions are granted to resident of Missouri for the operation of vehicles duly registered in Missouri."

We are informed by the State Highway Reciprocity Commission that there is no agreement between Missouri and Arkansas nor between Missouri and Oklahoma which covers passenger automobiles in this situation.

Under the provisions of Section 301.271, RSMo., Missouri grants reciprocity to those persons living in Arkansas and Oklahoma, who commute to work in Missouri to the extent that such states permit Missouri residents who commute to work in such states to operate their passenger motor vehicles in such states without registering such motor vehicles or paying registration fees on such vehicles to such states.

Section 75-238, Arkansas Statutes Annotated provides as follows:

"Any motor vehicle or motorcycle belonging to any person who is a non-resident of this State and who has registered such motor vehicle or motorcycle in and has complied with all the laws of the state, territory, Federal District of the United States or any Province of the Dominion of Canada in which he resided with respect to the registration of motor vehicles and the display of registration numbers and who shall conspicuously display such registration number as required thereby, may be operated in this State as follows, to-wit:

* * * * *

"Third, a privately owned and duly registered motor vehicle not operated for hire but for the purpose of going to and from his place of regular employment, and the making of trips for the purchasing of goods, wares and merchandise; providing said owner lives outside this state:

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Section 75-239, Arkansas Statutes Annotated provides as follows:

"The provisions of this law [§§ 75-238, 75-239] shall be operative as to a vehicle owned by non-resident of this state only to the extent that under the laws of the state, territory, Federal District of the United States or any Province of the Dominion of Canada, 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."

In a letter to this office, dated June 18, 1965, Mr. W. H. L. Woodyard, Director of the Motor Vehicle Division of the Department of Revenue, of Arkansas, wrote as follows:

"It has always been the policy of this department to permit residents of another State to go back and forth to their place of employment in this State without being required to purchase Arkansas license."

Since Missouri residents commuting to work in Arkansas are not required to register their passenger motor vehicles or pay registration fees to such state under the provisions of Section 75.238, Arkansas Statutes, Annotated and under the ruling of the Motor Vehicle Division of the Arkansas Department of Revenue, Arkansas residents whose passenger motor vehicles have been properly registered for the current year in such state and who commute to work in Missouri are not required to register such vehicles or pay a registration fee to this State.

Section 22.12, Title 47, Oklahoma Statutes Annotated provides in part as follows:

"Any automobile, motorcycle or house trailer within this State, owned or possessed by a visiting non-resident and which is properly registered in its native State for the current year shall be registered with a duly authorized Motor License Agent of the Commission without fee, if such application is made within fifteen (15) days after date of entry into this State, and such registration and license shall terminate upon the expiration of sixty (60) days from the date of

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entry into the State. If such vehicle enters the State thereafter during the calendar year, or remains here for any period in excess of sixty (60) days, it is deemed to be subject to tax in this State and shall be forthwith reregistered upon the same terms and conditions that resident owners are required to register such vehicles in this State and shall be subject to a penalty of ten cents (\$.10) per day from such date to the date of registration, such penalty to continue to accrue for a period of thirty (30) days upon failure to register, after which time, it shall be equal to the license fee due, and any such vehicle may be seized and held at any time for any such delinquency and sold for non-payment of the license fees in the same manner that domestic vehicles may be seized and sold."

Such Section appears to require registration of passenger motor vehicles of non-residents of Oklahoma, if the vehicle is in the State of Oklahoma for a period in excess of sixty days. However, such statute is interpreted by the public officials of Oklahoma as exempting from registration passenger motor vehicles of non-residents which vehicles are properly licensed in the state in which the operator is a resident, when the operator commutes to work in Oklahoma, daily.

In a letter to this office dated April 25, 1965, Mr. Joseph C. Muskrat, an Assistant Attorney General of Oklahoma, wrote as follows:

"It has been the practice of the Oklahoma Tax Commission to require the licensing of the commuter's vehicle unless the commuting is done on a daily basis. Therefore, if the commuter were home only on weekends, his automobile would be required to be registered in Oklahoma."

In a letter to this office dated June 8, 1965, Mr. F. D. Murphy, Director of the Motor Vehicles Division of the Oklahoma Tax Commission wrote as follows:

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"Section 22.12, Title 47, O. S. 1961 provides in part, 'Any automobile within this state owned or possessed by a visiting non-resident which is properly registered in its native state for the current year shall be registered with a duly authorized Motor License Agent of the Commission without fee if such application is made within 15 days after the date of entry into this state, and such license shall terminate upon the expiration of 60 days from the date of entry into this state. If such vehicle enters the state thereafter during the calendar year or remains here for any period in excess of 60 days, it is deemed to be subject to tax in this state and shall be forthwith reregistered upon the same terms and conditions that resident owners are required to register such vehicle in this state.'

"The above provision is the only provision in the Oklahoma Motor Vehicle Law dealing with non-resident owned automobiles being operated in Oklahoma and refers to visiting non-residents rather than persons who accept employment in Oklahoma.

"Ordinarily we require all persons who are gainfully employed in Oklahoma to register any automobile owned or possessed and being operated upon the highways of this state. However, for a number of years it has been the practice of most states to not require the registration of a vehicle in the state where a person is working provided he is commuting daily from the state in which he lives, and provided further his vehicle is properly registered in the state where he is a legal resident. This practice is generally followed in the mining area in the northeastern corner of Oklahoma where residents of Kansas and Missouri are working in the mines but return to their homes each night."

It is, therefore, our view that Arkansas residents whose passenger motor vehicles are properly registered in such state and who commute to work in Missouri are not required to register such vehicles in this State.

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It is further our view that residents of Oklahoma whose passenger motor vehicles are properly registered in such state and who commute to work in Missouri are not required to register such vehicles in this state, only if such persons commute to work in this State from Oklahoma daily.

Respectfully submitted,

NORMAN H. ANDERSON
Attorney General

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