

MOTOR VEHICLES:  
LOCAL COMMERCIAL  
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COMMERCIAL MOTOR  
VEHICLES:

(1) An owner of a vehicle registered as a non-farm local commercial motor vehicle is in violation of Section 301.010 (10), RSMo, if it is found at a point beyond the twenty-five miles from the municipality of operation but within twenty-five miles from the municipality of registration; (2) There is no requirement in Section 301.020, RSMo, that in registering a local commercial vehicle, the owner designate the municipality from which to compute the twenty-five mile radius, and; (3) There is no requirement in the statutes that the municipality designated on the side of the vehicle in compliance with Section 301.330, RSMo, be the same as the municipality from which the vehicle is registered.

OPINION NO. 136

May 10, 1965



Mr. Hugh H. Waggoner  
Superintendent  
Missouri State Highway Patrol  
Jefferson City, Missouri

Dear Mr. Waggoner:

Your recent request for an opinion of this office raised several questions concerning local commercial vehicles.

You first asked for the answer to a hypothetical fact situation which you posed as follows:

"To illustrate the point in question, John Doe, who resides in Jefferson City, Missouri, owns a commercial motor vehicle. In complying with Section 301.330 he shows on the doors of his vehicle with appropriate lettering 'John Doe, Jefferson City, Missouri, Gross Weight 54,000 pounds, Local.' He then is observed with his truck at Vienna, Missouri, which is considerably beyond the twenty-five (25) mile radius of Jefferson City, Missouri. He does not contend that he is operating the truck in connection with any farm. He produces a registration receipt on the vehicle, and it shows an address of Westphalia, Missouri. Vienna is within twenty-five (25) miles of Westphalia.

"Mr. Doe contends he has complied with the provisions of Section 301.330 pertaining to markings since he has shown his name, the address from which the vehicle is operated (Jefferson City), the gross weight for which licensed, and has shown the word 'Local.' He further contends that he is not in violation on his local license as he is operating the vehicle with a twenty-five (25) mile radius of a municipality, Westphalia."

We understand that you want to know first, if John Doe has violated the law pertaining to local commercial vehicles by being outside the twenty-five mile radius of the municipality designated on the side of the truck, while within the twenty-five mile radius of the municipality from which the truck was registered.

Secondly, if, in registering a commercial motor vehicle with a local license, the owner must designate the municipality from which to compute the twenty-five mile radius? And if so, thirdly, must the municipality so designated be the same municipality as that shown on the side of the vehicle in compliance with Section 301.330, RSMo?

The answer to your second question, hence your third question also, is in the negative. We find no statute which would require a person obtaining a local commercial vehicle license to designate the municipality from which to compute the twenty-five mile area, therefore, there can be no requirement that the name of the municipality on the side of the truck be identical with the municipality of registration.

Section 301.010, RSMo, defines a non-farm local commercial motor vehicle as:

"(10) . . . a commercial motor vehicle whose operations are confined to a municipality and that area extending not more than twenty-five miles therefrom . . ."

Section 301.330, RSMo, provides:

"All commercial motor vehicles shall display in a conspicuous place on both sides thereof:

- (1) The name of the owner;
- (2) The address from which such motor vehicle is operated;
- (3) The gross weight for which said vehicle is licensed;

(4) Local commercial vehicles in addition shall display in a conspicuous place the word 'local'."

It is to be noted that these two statutes refer to the place of operating the commercial vehicle and not the place of registration or the business address of the owner. It is possible that the owner's business address and the place where one of his commercial vehicles operates from may be in different municipalities. Thus, Section 301.020, RSMo., providing for registration of motor vehicles, which requires:

"(2) The name, residence and business address of the owner of such motor vehicle;"

does not require the owner to designate the place of operation of such vehicle. It is only coincidental that in many situations the business address of the owner is the same as the place of operation of the vehicle.

In answer to your first question, as to whether John Doe is in violation of Sections 301.010 to 301.440, RSMo, when he is found operating his vehicle at a point outside the twenty-five mile radius of the municipality designated on the side of the vehicle, it is the opinion of this office that such is a violation.

Section 301.010 (10), RSMo, clearly limits the operation of a local commercial vehicle solely within the area extending twenty-five miles from one municipality. The language used in the statute is ". . . a municipality." This language was changed by amendment in 1951 from "any municipality." Thus the legislature clearly expressed its intent that a person holding a local commercial vehicle license may operate only near one municipality. That he would not be in compliance with the law if he were outside the twenty-five mile area around that municipality, but within the twenty-five mile area of some other municipality. See enclosed opinion to Honorable D. W. Sherman, Jr., dated February 20, 1953. Such operation of the vehicle would remove it from the classification of local and require a person who wished to operate his vehicle in such manner to purchase the more expensive "beyond local" license plates.

The owner of a local commercial vehicle is required by Section 301.330, supra, to display on both sides of the vehicle, "the address from which such motor vehicle is operated" and the word "local." This statute does not require the "business address" of the owner as does the registration statute, Section 301.020, supra, but rather the address from which the vehicle is operated. A non-farm local commercial vehicle may be operated only in one municipality and within a twenty-five mile area therefrom. Therefore, the owner of such non-farm local commercial vehicle is required by law to designate on the

Mr. Hugh H. Waggoner

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side of the vehicle, the municipality from which to compute the twenty-five mile area.

If such owner designates a municipality other than the one from which he operates the vehicle, he is in violation of the statute. If such vehicle is found at a point in excess of twenty-five miles from the municipality designated on the side of the vehicle, he is in violation of Section 301.010 (10), supra. It is no defense that the vehicle was registered at a municipality less than twenty-five miles from where he was found, but more than twenty-five miles from the municipality of operation. It is the place of operation that determines whether the law has been violated, not the place of registration.

#### CONCLUSION

Therefore, it is the opinion of this office that: (1) An owner of a vehicle registered as a non-farm local commercial motor vehicle is in violation of Section 301.010 (10), RSMo, if it is found at a point beyond the twenty-five miles from the municipality of operation but within twenty-five miles from the municipality of registration; (2) There is no requirement in Section 301.020, RSMo, that in registering a local commercial vehicle, the owner designate the municipality from which to compute the twenty-five mile radius, and; (3) There is no requirement in the statutes that the municipality designated on the side of the vehicle in compliance with Section 301.330, RSMo, be the same as the municipality from which the vehicle is registered.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Jeremiah D. Finnegan.

Very truly yours,

  
NORMAN H. ANDERSON  
Attorney General

Enclosure