

CRIMINAL LAW:
FINES AND PENALTIES:
PENALTIES AND FINES:
MOTOR CARRIERS:
PUBLIC SERVICE COMMISSION:

Opinion No. 296 answered by
letter. (Downey)

August 24, 1965



Honorable Richard E. Snider
Assistant Prosecuting Attorney
Cape Girardeau County
P. O. Box 430
Cape Girardeau, Missouri

Dear Mr. Snider:

Reference is made to your letter of July 14, 1965, requesting the official opinion of this office as to the applicability of the penalty provisions of Section 390.176 (1), RSMo 1959, to misdemeanor violations by motor carriers of the provisions of Chapter 304 RSMo 1959. An opinion of this office upon a question closely related to the one which you have raised was issued on November 10, 1960, to Mr. Ike Skelton, Jr., Prosecuting Attorney of Lafayette County. A copy of this opinion is enclosed.

The penalties applicable to motor carriers by Section 390.176 refer to the penalty actions available to the Public Service Commission provided for by Section 390.156. These penalty actions are civil actions although such proceedings are quasi criminal in nature. A judgment entered against a motor carrier in such proceedings is not a criminal conviction upon a misdemeanor charge. Any such judgment imposes a civil penalty as opposed to a criminal fine.

The imposition of fines upon misdemeanor convictions arising from charges based upon the provisions of Chapter 304 is made pursuant to the specific provisions of that chapter. For example, specific fines are provided for by Sections 304.-026, 304.110, 304.240 and 304.540. Section 304.570 is a catch-all provision which provides for fines applicable to Chapter 304 generally where punishment is not otherwise provided.

Honorable Richard E. Snider

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It is my opinion that Section 390.176 (1), RSMo 1959, does not provide fines as punishment for misdemeanor violations by motor carriers arising under the provisions of Chapter 304 RSMo 1959.

Very truly yours,

NORMAN H. ANDERSON
Attorney General

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Enclosure 1