

MOTOR VEHICLES:
MOTOR VEHICLE REGISTRATION:
LICENSES:
STATUTES:
CITIES, TOWNS AND VILLAGES:

Vehicles leased by a city and used by the police department of the city must be registered and licensed upon application of the person, firm, corporation or association holding legal title to such vehicles unless such vehicles are the subject of an agreement of lease with the right of purchase upon performance of conditions stated in an agreement for lease.

December 14, 1965

OPINION NO. 444

Honorable J. R. Fritz
Prosecuting Attorney for Pettis County
Sedalia, Missouri



Dear Mr. Fritz:

This letter is in response to your request for an opinion of this office concerning the licensing of motor vehicles used by the police department of a city of the third class when such vehicles are leased by the city, under the provisions of Section 301.260 (2) RSMo. You inquire as to whether under these circumstances the city has sufficient "ownership" to operate such vehicles within the city limits without a license if such vehicle is properly lettered under the provisions of the statute; and further, what licensing requirements must be satisfied in the event such vehicle is operated outside the limits of such city.

Section 301.020 RSMo states in part:

"Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose"

The motor vehicle registration law applies to owners. Section 301.010 RSMo defines the term "owner" to "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

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possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this law."

Section 301.260 (2) RSMo exempts certain vehicles from the operation of the registering and licensing requirements of Section 301, which vehicles are "owned" by a city. The term "owned" used in said Section 301.260 (2) connotes the same elements of ownership as does the word "owner" in said Section 301.010, by application of the presumption in law that identical words used in different parts of the same statute are intended to have the same meaning throughout the act. 82 C.J.S. Statutes Section 316 P. 553. The case of Morgan v. Jewell Const. Co., Mo. App., 91 S.W. 2d 638 quotes with approval the following language from In re Dees, 50 Cal. App. 11, 194 Pac. 717:

"It is fundamental that where one form of expression is used throughout a statute dealing with a number of things it will ordinarily be adjudged to have been used to achieve the same purpose."

Vehicles leased by a city are not owned by the city except in case of a lease with the right of purchase as set out in the above quoted part of Section 301.010. The persons, firms, corporations or associations holding legal title to such vehicles are required to apply for registration of the vehicles pursuant to said Section 301.020 unless the vehicles are subject to a lease with the right of purchase upon performance of the conditions stated in the agreement.

We assume from your opinion request that the lease in question does not provide for the right of purchase by the lessee upon performance of the conditions in the lease agreement. Since the vehicles described in your inquiry must be licensed, there is no need to consider the last part of your inquiry concerning the licensing of such vehicles which may be operated outside of the city limits.

CONCLUSION

It is the opinion of the Attorney General that vehicles leased by a city and used by the police department of the city must be registered and licensed upon application of the person, firm, corporation or association holding legal title to such vehicles, unless such vehicles are the subject of an agreement of lease with the right of purchase upon performance of conditions stated in an agreement for lease.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Donald L. Randolph.

Very truly yours,


NORMAN H. ANDERSON
Attorney General