

MOTOR VEHICLE SAFETY
RESPONSIBILITY ACT:
MOTOR VEHICLES:
SAFETY RESPONSIBILITY
UNIT:

The Missouri State Highway Patrol or any peace officer, at the direction of the Director of Revenue, may secure the possession of the registration of a jointly owned vehicle where an operating joint-owner of a motor vehicle has caused the suspension of registration of such motor vehicle through violation of provisions of the Safety Responsibility Law.

OPINION NO. 29 (1966)
330 (1965)

June 28, 1966

Honorable Carroll M. Blackwell
Prosecuting Attorney
Callaway County
Fulton, Missouri



Dear Mr. Blackwell:

Your request for an official opinion from this office reads as follows:

"A request has been made by me for an opinion involving Section #303.330, RSMo 1959. Under this provision any person whose registration has been suspended may have his vehicle registration taken by the Highway Patrol or any peace officer for surrender to the Director of Safety Responsibility. My question involves the situation where a vehicle is registered in joint ownership and due to the conduct of one of the joint owners, in violation of the responsibility law, the vehicle registration is suspended. May a peace officer lift the vehicle registration plate from that vehicle where one of the joint owners has violated that law but where the lifting of the registration may affect the other joint owner who may be an innocent party."

The pertinent statutory provisions of the Safety Responsibility Law follow:

Section 303.020, RSMo Cum. Supp. 1965, provides in part as follows:

"As used in this chapter the following words and phrases shall mean:

* * * * *

"(8) 'Operator', a person who is in actual physical control of a motor vehicle;

Honorable Carroll M. Blackwell

"(9) 'Owner', a person who holds the legal title to a motor vehicle; or in the event a motor 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 motor vehicle is entitled to possession thereof, then such conditional vendee or lessee or mortgagor;

"(11) 'Registration', registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles;"

Section 303.030, RSMo Cum. Supp. 1965, provides in part as follows:

"2. The director shall, within forty-five days after the receipt of such report of a motor vehicle accident, suspend the license of each operator, and all registrations of each owner of a motor vehicle, in any manner involved in such accident, . . . ; provided notice of such suspension shall be sent by the director to such operator and owner not less than ten days prior to the effective date of such suspension and shall state the amount required as security. (Emphasis added)

* * * * *

"4. This section shall not apply under the conditions stated in section 303.070, nor:

"(1) To such operator or owner if such owner had in effect at the time of such accident an automobile liability policy with respect to the motor vehicle involved in such accident;

"(2) To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him;

Honorable Carroll M. Blackwell

"(3) To such operator or owner if the liability of such operator or owner for damages resulting from such accident is, in the judgment of the director, covered by any other form of liability insurance policy or bond; nor

"(4) To any person qualifying as a self-insurer under section 303.220, or to any person operating a motor vehicle for such self-insurer."

Section 303.070, RSMo 1959:

"The requirements as to security and suspension in Section 303.030, shall not apply:

"(1) To the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such operator or owner;

"(2) To the operator or the owner of a motor vehicle legally parked at the time of the accident;

"(3) To the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission;"

These sections provide that where one, not the owner of a motor vehicle drives such motor vehicle with the knowledge and consent of the owner, and is involved in an accident, the owner is subject to the suspension provisions of Section 303.030, Subsection 2, in that this section covers "each owner of a motor vehicle in any manner involved in such accident." This means that when a vehicle is involved in an accident all the owners thereof are subject to the suspension provisions of the statute.

Further, there is nothing contained in Sections 303.030, Subsection 4, or 303.070, to remove or except a non-operating, joint owner from compliance with the security requirements of this chapter.

Honorable Carroll M. Blackwell

The section under consideration, Section 303.330, RSMo 1959, provides:

"Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this chapter, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the director shall immediately return his license and registration to the director. If any person shall fail to return to the director the license or registration as provided herein, the director shall forthwith direct the Missouri state highway patrol or any peace officer to secure possession thereof and return the same to the director."

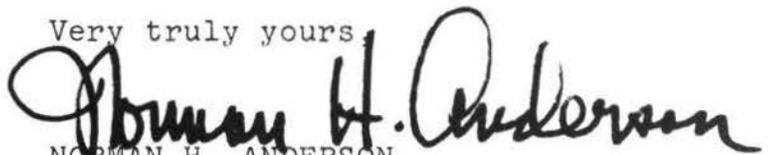
We have already noted that a non-operating, joint owner is one whose registrations must be suspended under Section 303.030, Subsection 2, absent his compliance with the other provisions of the Safety Responsibility Law. Reading Section 303.330 with this in mind, there appears to be no question that a joint owner is a "person" as this term is used in this section; and, as such, he is amenable to the loss of his registration plates.

CONCLUSION

It is the opinion of this department that the Missouri State Highway Patrol or any peace officer, at the direction of the Director of Revenue, may secure the possession of the registration of a jointly owned vehicle where an operating joint-owner of a motor vehicle has caused the suspension of registration of such motor vehicle through violation of provisions of the Safety Responsibility Law.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Donald R. Wilson.

Very truly yours



NORMAN H. ANDERSON
Attorney General