

AUTOMOBILE DEALERS:
AUTOMOBILE INSPECTION:
PRIVATE AUTOMOBILE INSPECTION
PERMITS:
MUNICIPALITIES:

The Superintendent of the Missouri State Highway Patrol may issue private official inspection station permits to automobile dealers, municipalities and other governmental entities having one or more vehicles and/or trailers with a gross weight

in excess of 6,000 lbs. They meet the requirement of having the vehicles to be inspected registered in their names by virtue of qualifying for the registration exemption set out in Section 301.250, RSMo 1959.

OPINION NO. 253

June 18, 1968



Colonel E. I. Hockaday
Superintendent
Missouri State Highway Patrol
Jefferson City, Missouri

Dear Colonel Hockaday:

This is in response to your request for an opinion concerning the issuance of "private official inspection station permits" to automobile dealers under the provisions of Section 304.720.3 RSMo 1967 Cum. Supp.

Section 304.720, in pertinent part, provides that private permits may be issued to persons, organizations and governmental entities ". . . having registered in his or its name in this state one or more motor vehicles and/or trailers having a gross weight in excess of six thousand pounds and who maintains approved inspection facilities and has qualified personnel. . ."

However, ". . . private stations shall inspect only vehicles registered or to be registered in the name of the person or organization described on the application for permit."

The statute further provides "No fee shall be charged for a permit issued to a governmental entity."

You have expressed concern as follows:

"It would seem to me that the purposes of the act would be promoted by having car dealers licensed as private inspection stations if they do not choose to become public inspection stations. I am hesitant to authorize such licenses however, because of the use of the words 'registered or to be registered in the name of the person or organization'. Cars held by dealers for sale are not registered in their names."

There is a patent ambiguity in the language of the statute which would defeat an important part of its purpose if literally applied, namely an obvious intent that governmental entities be allowed to act as "private" inspection stations so as to inspect their own vehicles but they can do so only if they have the vehicles "registered" in their own names.

The word "registered" is not defined in Chapter 304 but we believe it clear that it means "registered" for licensing purposes as set out in Chapter 301. No other intelligent application can be made of the word in context.

Governmental entities, under Section 301.260 RSMo, 1959, are exempt from the vehicle registration provisions and therefore they do not have vehicles "registered" in their names. Yet, there is a clear and positive intent expressed in the statute that they be permitted to inspect their own vehicles so that the word "registered" must have some other meaning in this context or else be ignored as not applicable.

The ordinary rules of construction require that each word in a statute be given its plain or technical meaning according to the context in which it appears. But to do so in all respects to the word "registered" in the statute at issue would vitiate important parts of its provisions and defeat some of its major purposes. Consequently, we must look elsewhere to other rules of construction so as to give effect to all of the law.

In *Joplin v. Water Words*, 386 S.W.2d 369, 373, it is said:

" . . . on the principle that the reason of the law should prevail over the letter of the law, courts on numerous occasions, confronted with ambiguous or contradictory language, have adopted a construction which modified the literal meaning of the words, or in extreme cases have stricken out words or clauses regarded as improvidently inserted, in order to make all sections of a law harmonize with the plain intent or apparent purpose of the legislature. . . "

The manifest intent of the legislative provision subject of this opinion is to establish a system of qualified motor vehicle inspection for the protection and welfare of the public. The important thing is to assure the public that such inspection and certification as is done is done in sufficiently equipped facilities by qualified personnel. When that is accomplished the law will be served.

Thus, in those situations obviously falling within the letter of the "private official inspection station" provisions of Section 304.720, private inspection permits may be issued only where the vehicles are registered or to be registered in the name of the person or organization to do the inspecting. But where, as here, there are special exemptions provided from the registration laws which would otherwise prevent a person, organization or governmental entity from qualifying as a private inspection station because vehicles are not technically "registered" in their names, vehicle ownership and/or possession sufficient to qualify for the registration exemption must be regarded as tantamount to "registration" within the meaning of Section 304.720 and "private" inspection permits may be issued to those so qualifying.

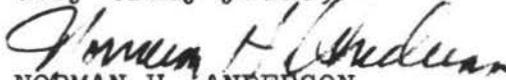
Automobile dealers are exempt from registering vehicles owned or controlled and delt in by them under the terms of Section 301.250 RSMo, 1959, and consequently meet the "registration" requirement of Section 304.720 RSMo, 1967 Cum. Supp., by virtue of such exemption under the reasoning set out above.

CONCLUSION

The Superintendent of the Missouri State Highway Patrol may issue private official inspection station permits to automobile dealers, municipalities and other governmental entities having one or more vehicles and/or trailers with a gross weight in excess of six thousand pounds. They meet the requirement of having the vehicles to be inspected registered in their names by virtue of qualifying for the registration exemption set out in Section 301.250 RSMo, 1959.

The foregoing opinion which I hereby approve was prepared by my Assistant, Mr. Howard L. McFadden.

Very truly yours,



NORMAN H. ANDERSON
Attorney General