

September 11, 1969

OPINION LETTER No. 323

Honorable Gladys Marriott  
State Representative - 16th District  
9001 Leeds Road  
Kansas City, Missouri 64129

Dear Mrs. Marriott:

This letter is in answer to your opinion request concerning the question of whether or not Divers Equipment and Repair Service, Inc., a corporation doing business in Kansas City, would be in violation of Section 563.721, RSMo Supp. 1967, (the Sunday Closing Law) if it offered for sale a line of supplies relating to diving purposes.

We understand that a large portion of the business concerns breathing systems, air cylinders, assorted safety devices and the like.

Although we cannot pass upon numerous items in the inventory that are held for sale because we have no precise and exact description of such items, nevertheless it is our opinion that the sale of air cylinders and sale of other hardware items for use with the cylinders is, in fact, the sale of "hardware" as prohibited by Section 563.721. We are also of the opinion that the sale of special purpose watches is prohibited by the generic prohibition of the section. We note in that respect that watches are listed separately from jewelry.

Insofar as the sale of underwater garments is concerned, since such items probably are made of metal and other materials, we find it difficult without further information to state whether such garments constitute either "clothing and wearing apparel" or "hardware", both of which are prohibited expressly by the provisions of the section.

Yours very truly,

JOHN C. DANFORTH  
Attorney General