

MOTOR VEHICLES:

LICENSES:

The Department of Revenue has the right, and duty to collect the fees for motor vehicle registration as provided in Senate Bill No. 242, 75th General Assembly. The Department of Revenue must

collect these fees regardless of whether one or two license plates are provided pursuant to Senate Bill No. 242. While the Department of Revenue must collect the increased fees provided for in Senate Bill No. 242, the Department of Revenue need not provide two license plates until January 1, 1971.

November 25, 1969

OPINION NO. 488

Honorable R. J. King, Jr.
State Representative
39th District, St. Louis County
816 South Hanley Road
Clayton, Missouri 63105



Dear Mr. King:

This is in response to your request for an opinion on whether the Department of Revenue can collect the increased license registration fee, pursuant to Senate Bill No. 242, 75th General Assembly, prior to the time that dual license plates will be issued (sometime before January 1, 1971). Senate Bill No. 242, 75th General Assembly, (now Sections 301.020, 301.055, 301.057, 301.059, 301.060, 301.061, 301.063, 301.065, 301.067, 301.069, 301.080, 301.110, 301.130, 301.137, 301.150, Laws 1969, p. _____, Mo.Leg.Serv. p. 432), provides a schedule in Sections 301.055 to 301.069 for the registration fees for various types of motor vehicles in the State of Missouri. Uniformly, each of these fees is exactly fifty cents higher than the former fees for the same types of vehicles found in Section 301.060, RSMo 1959, (repealed by Senate Bill No. 242). Section 301.130, sub-section 2, Laws 1969, p. _____, Mo.Leg.Serv. p. 432, provides that the Director of Revenue shall mail two license plates to each applicant. Section 301.130, sub-section 6, Laws 1969, p. _____, Mo.Leg.Serv. p. 432, requires that every vehicle shall display, on the front and back, the license plates issued to them by the Department of Revenue. Section 301.150, sub-section 3, sub-section A, Laws 1969, p. _____, Mo.Leg.Serv. p. 432, provides:

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"The Department of Revenue shall issue license plates as provided under this act no later than January 1, 1971."

The sub-section A, cited above, states expressly that it applies to the issuance of license plates; it does not mention registration fees. The sections of Senate Bill No. 242 that provide for license fees contain no enactment similar to sub-section A, supra, nor any provisions stating that the registration fees shall not go into effect until two license plates are issued. Read on their face, the provisions increasing all of the registration fees by fifty cents merely do just that, and there is no contingency or purpose written into the law that the only reason they are being increased is to provide for the extra license that is to be issued prior to January 1, 1971. If it had been the legislature's intention to provide that the extra fifty cent increase in license fees was solely for the purpose of paying for the extra license plate now required, the legislature would have put such a provision into the law. As the law stands on its face, it is merely an increase in the license fees required to be paid to register a motor vehicle, and the law does not state that the increased fees are to pay for the extra license plate.

Section 1.130, RSMo 1959, provides that all laws passed by the General Assembly shall become effective ninety days after the adjournment of the session at which the laws were enacted, but if the law specifically contains an "emergency" provision in the body or the preamble of the act, or if it is an appropriation bill for the current expenses of the state government, for the maintenance of state institutions, or support of public schools, then the law takes effect at the hour and minute of its approval by the Governor. In some cases, the legislature can also provide that the law shall also take effect subsequent to ninety days after the adjournment of the session at which it is enacted. Senate Bill No. 242 contains no such emergency or appropriation provisions. Therefore, it takes effect pursuant to Section 1.130, RSMo 1959, cited above. The 75th General Assembly adjourned at midnight July 15, 1969, therefore, Senate Bill No. 242, having been approved by the Governor, became effective October 13, 1969. There were no provisions whatsoever calling for a different time for the fee provisions of Senate Bill No. 242 to take effect. Therefore, not only does the Department of Revenue have the power to collect the increased fees pursuant to Senate Bill No. 242, the department has the duty to collect the fees as those fees are, at this time, the fees that are currently in force for the registration of motor vehicles. The law (Senate Bill No. 242) in no way connects the registration fees to the number of license plates issued. Although the section of the law requiring the Director of Revenue to issue two license plates is also currently

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in force, the legislature provided, in the law itself, that the Director of Revenue need not follow those specific provisions until January 1, 1971. No such clause is present, however, relating to increased registration fees.

CONCLUSION

Therefore, it is the conclusion of this office that the Department of Revenue has the right, and duty to collect the fees for motor vehicle registration as provided in Senate Bill No. 242, 75th General Assembly. The Department of Revenue must collect these fees regardless of whether one or two license plates are provided pursuant to Senate Bill No. 242. While the Department of Revenue must collect the increased fees provided for in Senate Bill No. 242, the Department of Revenue need not provide two license plates until January 1, 1971.

The above opinion, in which I concur, was prepared for me by my assistant, Thomas L. Patten.

Very truly yours,



JOHN C. DANFORTH
Attorney General