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A resident of Missouri who is a partner of a Kansas firm that is a registered motor vehicle dealer in Kansas may operate a motor vehicle owned by the Kansas firm in Missouri using only the Kansas dealership license plates.

October 1, 1970

OPINION NO. 298

Honorable John Crow
Prosecuting Attorney
Greene County Court House
Springfield, Missouri 65802



Dear Mr. Crow:

This is in reply to your request for an official opinion of this office concerning the following question:

"May a resident of Missouri who is a registered motor vehicle dealer in an adjoining state operate one of his motor vehicles in Missouri using only his dealer's license issued by the adjoining state?"

Our inquiry subsequent to the receipt of your original request has revealed that the motor vehicle in question is owned by a Kansas car dealership, a partnership firm with Kansas residency, of which the individual in question is a partner.

Chapter 301 of the Revised Statutes of Missouri deals with registration and licensing of motor vehicles. Section 301.020 provides that every owner of a motor vehicle which shall be operated or driven upon the highways of this state shall annually file an application for registration "except as herein otherwise expressly provided." This section alone would appear to require any motor vehicle operated in Missouri to have a Missouri license, regardless of the residence of the owner.

However, Section 301.271, RSMo 1969, provides, so far as is pertinent here, that:

" . . . a nonresident owner, owning any motor vehicle which has been duly registered for the

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current year in the state, District of Columbia, territory or possession of the United States, foreign country or other place of which the owner is a resident, and which at all times when operated in this state has displayed upon it the number plate issued for the vehicle in the place of residence of such owner, may operate or permit the operation of such vehicle within this state without registering such vehicle or paying any such registration fee to this state; but the provisions of this subsection shall be operative to allow such owner to operate or permit the operation of such vehicle owned by a nonresident of this state only to the extent that under the laws of the state, District of Columbia, territory or possession of the United States, foreign country or other place of residence of the nonresident owner, substantially equivalent exemptions are granted to residents of Missouri for the operation of vehicles duly registered in Missouri."

If the motor vehicle in question is the property of a nonresident owner, nonresident being defined in Section 301.010 as "a resident of a state or country other than the state of Missouri" and owner being defined so as to include ". . . any person, firm, corporation or association, who holds the legal title of a vehicle . . .", then we believe it would be permissible, by virtue of Section 301.271, cited above, for the nonresident owner to ". . . permit the operation of such vehicle within this state without registering such vehicle or paying any such registration fee to this state . . ." only to the extent that under the laws of the state of the nonresident owner substantially equivalent exemptions are granted to Missouri residents for the operation of vehicles duly registered in Missouri.

It is our opinion that the term "owner" includes a partnership and that the Kansas partnership in question qualifies as a "nonresident owner." Therefore, the partnership may operate or permit the operation of the motor vehicle in question in Missouri, subject of course to whether Kansas grants reciprocity to Missouri residents. This certainly would include the operation of the motor vehicle by a partner of the firm. See 40 Am.Jur., Partnership, Sections 107 and 115, on ownership and control of personal property by partners and partnerships.

Kansas does grant reciprocity under K.S.A.1969 Supp.8-138a, which reads as follows:

"Nonresident owners licensed in state of residence; reciprocal privileges. The provisions of this section shall apply only to the nonresident owner or owners of any motor vehicle constructed and operated primarily for the transportation of the driver or the driver and one or more nonpaying passengers. Such nonresident owners, when duly licensed in the

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state of residence, are hereby granted the privilege of operation of any such vehicle within this state to the extent that reciprocal privileges are granted to residents of this state by the state of residence of such nonresident owner. [L.1968,ch.180,s.4;July 1.]"

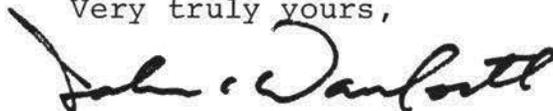
As to the question of the purposes for which a vehicle may be operated with dealer's license plates, your attention is directed to the enclosed Attorney General Opinion No. 355, issued to the Honorable James L. Paul, dated August 18, 1970, interpreting Missouri law, and to the enclosed copy of the portion of Kansas Administrative Regulations setting forth Kansas law on the subject.

CONCLUSION

It is therefore the conclusion of this office that a resident of Missouri who is a partner of a Kansas firm that is a registered motor vehicle dealer in Kansas may operate a motor vehicle owned by the Kansas firm in Missouri using only the Kansas dealership license plates.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Walter W. Nowotny, Jr.

Very truly yours,



JOHN C. DANFORTH
Attorney General

Enclosures:

OP.No.355-Paul-1970
Kans. Adm.Reg.