

MOTOR VEHICLES: A member of an automobile dealer's family  
LICENSES: may legally operate a vehicle with a  
MOTOR VEHICLE LICENSES: dealer's license plate only if the vehicle  
is held for sale by the dealer and the  
family member is an officer or employee of the dealership. If the  
family member is an officer or employee of the dealership, such  
vehicle may be used not only for business purposes but also for pri-  
vate reasons.

August 18, 1970

OPINION NO. 355

Honorable James L. Paul  
Prosecuting Attorney  
McDonald County Courthouse  
Pineville, Missouri 64856



Dear Mr. Paul:

This is in response to your request for an official opinion from this office on the question of whether a motor vehicle dealer is making illegal use of his dealer's license plates by allowing members of his family to operate, for their own personal use and enjoyment, vehicles which are owned by the dealership and which display dealer's license plates.

Section 301.250, RSMo 1969, provides:

"1. All manufacturers and dealers shall, instead of registering each motor vehicle manufactured or dealt in, make a verified application upon a blank to be furnished by the director of revenue, for a distinctive number for all the motor vehicles owned or controlled by such manufacturer or dealer, said application to contain:

\* \* \*

"3. The dealer plates may be displayed on any motor vehicle used by an employee or officer and owned by the manufacturer or dealer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle.

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"4. . . . For the purposes of this section a dealer is any person, firm, corporation, association, agent or subagent, engaged in the business of selling or exchanging new, used, or reconstructed motor vehicles or trailers and who buys and sells, or exchanges four or more new, used or reconstructed motor vehicles or trailers in any one calendar year."

Section 301.250 makes it clear that a dealer's license plate is not a general and unlimited license. Rather, it is a license which legally may be displayed only upon a certain restrictive class of vehicles which are used by a certain class of people.

The first limitation is that a dealer's license may be displayed only upon a vehicle which is being held for sale by a dealer. This fact is shown by an examination of Section 301.250, supra, which states that a dealer's plate may be validly displayed upon a vehicle only if the vehicle is "owned by the . . . dealer" (subsection 3) and "dealt in" by the dealer (subsection 1). Furthermore, a dealer's plate may not be displayed "upon any regularly used service or wrecker vehicle" (subsection 3). This wording which limits the use of a dealer's plate to a motor vehicle "dealt in" clearly indicates that the intent of the legislature was to include only vehicles held for sale by a dealer.

Secondly, the unambiguous wording of Section 301.250.3, RSMo 1969, permits the display of a dealer's license upon a vehicle only if the vehicle is being "used by an employee or officer" of the dealership. In addition, this subsection prohibits the display of a dealer's license on a vehicle which is "hired or loaned to others." As a result, whether or not a person may validly operate a dealer owned vehicle, which displays a dealer's license plate, depends upon whether that person is an employee or officer of the dealership. This applies with equal force to a member of a dealer's family as it does to anyone else. Thus, a member of the family referred to in your request may legally operate the vehicles displaying dealer's license plates if, and only if, he is an officer or employee of the dealership. If he is not an officer or employee of the business, then his operation of a vehicle with a dealer's plate is illegal in that he is operating, in effect, an unlicensed vehicle.

If the family member is an officer or employee of the business, the question arises as to whether he may use the vehicle for his own personal purposes. Since Section 301.250, supra, is silent on this point, it is necessary to consider the intent of the legislature. *St. Louis County v. State Highway Commission*, 409 S.W.2d 149 (Mo.1966). In construing a statute or ordinance, an examination of the historical development of the legislation, including changes therein and related statutes or ordinances, is permitted. *Murrell v. Wolff*, 408 S.W.2d 842 (Mo.1966).

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It is important to note that Section 301.250, supra, is derived from Section 301.250, RSMo 1949, which limited the use of dealer's license plates as follows:

"3. Display of duplicate number plates: Such duplicate number plates may be displayed on any motor vehicle used in the business of the manufacturer or dealer, but shall not be displayed on any motor vehicle or trailer used for the private purposes of any such manufacturer, dealer or their employees, or on any motor vehicle or trailer hired or loaned to others." (Emphasis added)

This wording clearly limited the use of a dealer owned vehicle, displaying a dealer's license plate, to business only.

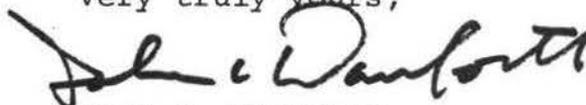
However, in 1957, the subsection was changed by an amendment which substituted the words "by an employee or officer and owned by" for the words "in the business of," and further substituted the last provision of the subsection beginning with the words "but shall not be displayed" for the provision "but shall not be displayed on any motor vehicle . . . used for the private purposes of any such . . . dealer or their employees . . ." A.L.1957, page 635. The most reasonable explanation for this amendment is that the legislature intended to broaden the permissible use of dealer owned vehicles. The purpose of the amendment appears to be to remove the limitations with respect to business use only, and to allow a dealer owned vehicle to be used by employees and officers for their own private purposes. Accordingly, it is the view of this office that a person who is an officer or employee of a dealership may legally operate, for purely private purposes, a vehicle owned by the dealership which displays a dealer's license plate.

#### CONCLUSION

Therefore, it is the opinion of this office that a member of an automobile dealer's family may legally operate a vehicle with a dealer's license plate only if the vehicle is held for sale by the dealer and the family member is an officer or employee of the dealership. If the family member is an officer or employee of the dealership, such vehicle may be used not only for business purposes but also for private reasons.

The foregoing opinion, which I hereby approve, was prepared by my assistant, John E. Park.

Very truly yours,



JOHN C. DANFORTH  
Attorney General