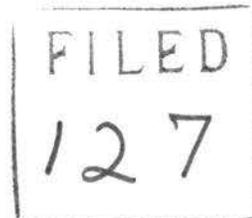


HIGHWAY PATROL: Section 307.365(5), RSMo Supp. 1971,  
MOTOR VEHICLES: dealing with the refunding of moneys  
MOTOR VEHICLE INSPECTION: for vehicle safety inspection stick-  
ers of those inspection stations which  
discontinue operation, are suspended or revoked, is applicable only  
to those inspection stations which discontinued operation, were sus-  
pended or revoked, after the effective date of Section 307.365(5),  
RSMo Supp. 1971, the 28th day of September, 1971.

OPINION NO. 127

May 26, 1972

Colonel E. I. Hockaday  
Superintendent  
Missouri State Highway Patrol  
1510 East Elm Street  
Jefferson City, Missouri 65101



Dear Colonel Hockaday:

This is in reply to your request for an opinion of this office concerning the applicability of the recently enacted Section 307.365(5), RSMo Supp. 1971. That section, in pertinent part, reads as follows:

" . . . [t]he owner or operator of any inspection station who discontinues operation during the period that a station permit is valid or whose station permit is suspended or revoked shall return all official signs and posters and any current unused inspection stickers, seals or other devices to the superintendent of the Missouri state highway patrol and shall receive a full refund on request except for official signs and posters, providing the request is made during the calendar year or within sixty days thereafter in the manner prescribed by the superintendent of the Missouri state highway patrol. . . ."

In relation to the foregoing section, you ask ". . . from what date shall the Highway Patrol honor requests for such refunds?".

The Supreme Court of Missouri has consistently stated that the general rule of statutory construction requires a court to ascertain the intent of the legislation from the language used, and to consider all words in their ordinary and plain meaning. State ex rel. Eaton v. Gmelich (Mo. Sup. 1907) 106 S.W. 618; State ex rel.

Colonel E. I. Hockaday

and to Use of Kolen v. Southwestern Bell Telephone Co. (Mo. Sup. 1927) 292 S.W.2d 1037; and State ex rel. Cooper v. Cloyd (Mo. Sup. 1971) 461 S.W.2d 833. Additionally, the rule is stated that statutes are construed to operate prospectively and will not generally be given retrospective application unless that intent is manifest on the face of the statute or manifest by necessary or unavoidable implication. Schulenberg & Bockler v. Campbell (Mo. Sup. 1851) 14 Mo. 491; State ex rel. Clay Equipment Corporation v. Jensen (Mo. Sup. 1963) 363 S.W.2d 666; and State ex rel. Breshears v. Missouri State Employees' Retirement System (Mo. Sup. 1962) 362 S.W.2d 571.

As you indicate, the effective date of Section 307.365(5), RSMo Supp. 1971, was the 28th day of September, 1971. Our application of the foregoing general principles involving statutory construction to section 307.365(5) fails to indicate a legislative intention manifest on the face of the statute that the provisions of this section are to be applied retrospectively. Thus, it is the conclusion of this office that Section 307.365(5) dealing with the refunding of moneys for vehicle safety inspection stickers of those inspection stations which discontinue operation, are suspended or revoked, is applicable only to those inspection stations which had discontinued operation, were suspended or revoked, after the effective date of Section 307.365(5), the 28th day of September, 1971.

#### CONCLUSION

It is therefore the opinion of this office that Section 307.365(5), RSMo Supp. 1971, dealing with the refunding of moneys for vehicle safety inspection stickers of those inspection stations which discontinue operation, are suspended or revoked, is applicable only to those inspection stations which discontinued operation, were suspended or revoked, after the effective date of Section 307.365(5), RSMo Supp. 1971, the 28th day of September, 1971.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Kenneth Romines.

Yours very truly,



JOHN C. DANFORTH  
Attorney General