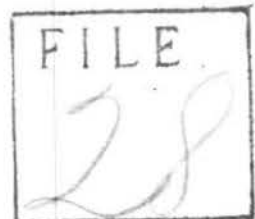


STATE PURCHASING AGENT: Station wagon is a passenger car
and cost cannot exceed \$900.00.

April 29, 1942

Mr. Ted Ferguson
State Purchasing Agent
Jefferson City, Missouri



Dear Mr. Ferguson:

This department is in receipt of your request for
an official opinion, which reads as follows:

"I have a request from the State Board of Health to purchase one station wagon automobile. Will you please advise me at your earliest opportunity if, in your opinion, Section 72 of House Bill 581 is applicable in this instance. The funds for payment of same, I understand, are chargeable against Venereal Disease Control Fund under Section 81 of the same bill.

"This station wagon will be used primarily for the transportation of patients to a proposed hospital to be located at Monett, Missouri. For your information, it is my understanding that the automobile manufacturers list station wagons entirely separate from their regular passenger cars. However, neither are they listed as trucks."

Laws of Missouri 1941, page 219, Section 72, provides
as follows:

"Passenger cars shall not cost in excess of \$900.--No passenger car shall

be purchased from the funds appropriated by this Act for the use of any officer or employee of any department, board, bureau, commission or institution for which any appropriation is made by this Act at a cost, including any automobile traded in, to exceed \$900.00 each."

The question presented in your request is whether a station wagon is a "passenger car" within the meaning of the above section. A station wagon is defined in Webster's New International Dictionary, Second Edition, as:

"An automobile with a wooden or wood-colored body built to resemble that of a light open wagon, with two or more cross seats and a flat top."

We believe it is common knowledge that a station wagon is used primarily for the conveyance of persons rather than property and its chief advantage is its ability to convey a larger number of persons than an ordinary automobile, because of its greater number of seats.

In *Hall v. Federal Life Insurance Company*, 71 S. W. (2d) 762, a car is defined as any vehicle primarily intended for the transportation of persons.

As pointed out in *Monroe's Admr. v. Federal Union Life Insurance Company*, 65 S. W. (2d) 680, 251 Ky. 570:

"The words 'automobile' and 'car' are used interchangeably; 'car' being a substitute or synonym for 'automobile.'"

In *State v. Rector*, 40 S. W. (2d) 639, 328 Mo. 669, our Supreme Court said:

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"The word passenger is defined as a passerthrough or passerby, wayfarer or traveler."

With the above definitions in mind, we believe that "passenger car" as used in Laws of Missouri, 1941, page 219, supra, means an automobile which is constructed and used for the conveyance of persons and is contradistinguished from a "truck", which is constructed and used for the conveyance of property. This distinction is found in those cases dealing with accident insurance policies covering injury or death while riding in a "passenger" automobile. *Poncino v. Sierra Nevada Life and Casualty Company*, 286 Pac. 729, 104 Cal. App. 671; *Taft v. Md. Casualty Company*, 191 S. E. 10, 211 N. C. 507; *In re Temple*, 20 Fed. Supp. 593.

CONCLUSION

It is, therefore, the opinion of this department that a station wagon is a "passenger car" within the meaning of Laws of Missouri, 1941, page 219, Section 72.

Respectfully submitted,

ARTHUR O'KEEFE
Assistant Attorney-General

APPROVED:

ROY MCKITTRICK
Attorney-General

AO'K:CP