

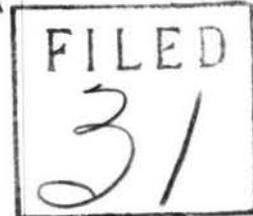
Buyer and seller commits crime when no title to an automobile is passed.

CRIMINAL LAW: Violation of Section 7774, Subsection (c) Laws of Missouri, 1939, page 519-520 is a crime and a criminal prosecution will lie against either buyer or seller.

---

January 13, 1940

Hon. Arkley Frieze  
Prosecuting Attorney  
Dade County  
Greenfield, Missouri



Dear Sir:

We are in receipt of your request for an opinion dated January 9th, 1940, which reads in part as follows:

"I would like very much to have an opinion from your office upon the following question: Will a criminal prosecution lie against one who either buys or sells an automobile under sub-section (c) of Sec. 7774 R. S. 1929 who when there is an understanding between the parties to the transaction that no title to the automobile is to be passed between the parties?"

Section 7774, Subsection (c), Laws of Missouri, 1939, pages 519-520, reads in part as follows:

"\* \* In the event of a sale or transfer of ownership of a motor vehicle or trailer for which a certificate of ownership has been issued the holder of such certificate shall endorse on the same an assignment

January 13, 1940

thereof, with warranty of title in form printed thereon, and prescribed by the commissioner, with a statement of all liens or encumbrances on said motor vehicle or trailer, and deliver the same to the buyer at the time of the delivery to him of said motor vehicle or trailer. \* \* \*

The above portions of Section 774 clearly require an assignment of the certificate of ownership (commonly called "title") whenever there is a sale or transfer of ownership of the vehicle. They further provide that it shall be unlawful for the buyer or seller to fail to comply with the provision as to the assignment and passing of the certificate of ownership. The penalty section of our Statutes referable to Section 7774, supra, is Section 7786 R. S. Missouri, 1929, Subsection (d) which reads as follows:

"Any person who violates any of the other provisions of this article shall, upon conviction thereof, be punished by a fine of not less than five dollars (\$5.00) or more than five hundred dollars (\$500.00) or by imprisonment in the county jail for a term not exceeding two years, or by both such fine and imprisonment."

The above provisions are clear and unambiguous, and there is no room for construction.

CONCLUSION

It is therefore the opinion of this Department that

Hon. Arkley Frieze

(3)

January 13, 1940

a criminal prosecution will lie under Section 7774,  
Subsection (c), Laws of Missouri, 1939, pages 519-520,  
for failure to comply with its terms.

Respectfully submitted,

W. J. BURKE  
Assistant Attorney General

APPROVED:

---

TYRE W. BURTON  
(Acting) Attorney General

RPCW:RW