

MOTOR VEHICLES:

Placing of motor number
on unnumbered motor as-
signed by state of Iowa
to motor installed in
that state, said motor
now being located in
State of Missouri

Stamping of motor number on motor located
in State of Missouri, which motor had previously
been installed in automobile in state of Iowa,
the automobile having subsequently been sold to
a Missouri dealer, and in turn sold by said
dealer to a resident of Missouri not in conflict
with Missouri law, and upon showing of proper
evidence of assignment by proper authorities in
state of Iowa of said number to the said motor,
and proper evidence of ownership of automobile
by present owner, certificate of registration
should be issued to said owner by Missouri Motor
Vehicle Department.

March 3, 1949.

Honorable Ronald J. Fuller
Prosecuting Attorney
Phelps County
Rolla, Missouri

3.14

#38



Dear Sir:

This will acknowledge your letter of February 10,
1949, in which you request an opinion of this department.
Your letter is as follows:

"Request an opinion from Attorney-
General Department on the status of
title to a motor vehicle.

"Facts": A local used car dealer sold to
a local buyer, a used car which the dealer
had purchased in the State of Iowa. The
car when sold to the dealer bore no motor
number, on the certificate of title, nor
on the motor itself, and was re-sold to
the local purchaser in the same condition.
Upon investigation it was found that the
motor had been replaced in Iowa, but the
number had not been placed on the new
motor while the car remained in Iowa.
The used car dealer returned to Iowa and
obtained the motor number for the certi-
ficate of title.

"Question": May the Iowa motor number be placed
on the motor while the car is situated
in the State of Missouri without comply-
ing with the provisions of Section 8397,
R.S. 1939?"

We have considered the question propounded by you and have taken into consideration section 8397, R.S.A. Mo., 1939, which section you cited. Said section is in part as follows:

"Nothing in this article shall be construed to prohibit the owner of a certificate of title to a motor vehicle heretofore issued by the Secretary of State of Missouri, or hereafter issued by the Director of Revenue from removing the motor engine from such motor vehicle and replacing same by a reconditioned motor or engine of the same make or manufacture, and giving such replaced motor or engine the same number as the removed motor or engine bore on having same installed."

The remaining portion of the section quoted is devoted to the proscribing of the procedure to be followed in giving the number of the old motor to the newly installed motor. We are of the opinion that said section 8397 above quoted is not applicable to the facts outlined in your opinion request because, as will be seen from the language of the statute quoted above, the applicability of said section is limited to those owners of certificates of title whose certificates of title were issued by the Secretary of State of the State of Missouri, or the Director of Revenue of the State of Missouri, and do not extend to those owners whose certificates of title were issued by another state, as was the case with the local dealer to whom you refer in your letter, who acquired his certificate of title in the state of Iowa.

We are of the opinion that the statute applicable to your state of facts is section 8369, R.S.A., Mo., 1939. The following is a quotation therefrom:

"(a) Every owner of a motor vehicle* * * which shall be operated or driven upon the highways of this state shall * * * cause to be filed * * * in the office of the commissioner, an application for registration

on a blank to be furnished by the commissioner for that purpose containing (1) a brief description of the motor vehicle to be registered, including the name of the manufacturer, the motor number and character, the amount and * * * (2) the name, residence and business address of the owner of such motor vehicle; * * * (3) * * *.

(b) Upon the filing of such application, exhibition of certificate of ownership and payment of the fees hereinafter provided, the commissioner shall assign a number to such motor vehicle, and without other expense to the applicant shall issue and deliver to the owner a certificate of registration in such form as the commissioner shall prescribe, * * *.

As will be seen from the language last above quoted, the application for the certificate of registration must show the motor number, and before said certificate of registration shall be granted, the certificate of ownership must be exhibited to the commissioner, or representative.

Ordinarily the certificate of title of the vender would show the motor number, but in the case described by you such certificate of title of the Missouri dealer, which was made to him in Iowa, did not show the motor number for the reason that a motor different from the motor originally in the automobile had been installed in said automobile in the state of Iowa, which newly installed motor had no number, and for the further reason that the matter of having a new number assigned to said motor by the state of Iowa had been neglected.

Your statement of facts in your opinion request shows, however, that the local dealer in your county who acquired the automobile in Iowa has now procured the assignment of a

motor number to the newly installed motor in Iowa, and we assume that this new motor number was procured from the Motor Vehicle Department of that state, and has been regularly procured in compliance with the Iowa law.

CONCLUSION.

Under the circumstances above outlined partly stated by you and partly assumed by us, we are of the opinion that it is proper for the new motor number recently assigned by the Motor Vehicle Department of the state of Iowa to be stamped on the motor while located, as it now is, in this state. We are of the further opinion that when proper evidence of ownership by the present owner, together with proper evidence of the assignment of the motor number to the motor by the proper authorities in the state of Iowa, and also evidence of the presence of the assigned number on the motor itself is presented to the Commissioner of Motor Vehicles of the State of Missouri, or his duly constituted representative, a certificate of registration should be issued to the owner.

Respectfully submitted

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Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General

SMW:p