

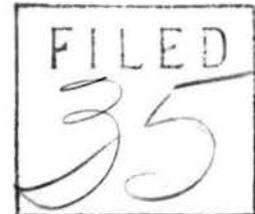
MOTOR VEHICLES:

Lessee for more than ten days required to obtain certificate of registration and license plates even though car had been leased before.

October 4, 1938

10-7

Honorable W. W. Graves
Prosecuting Attorney
Jackson County
Kansas City, Missouri



Dear Sir:

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

"I would appreciate an opinion from your office on the following question:

"If the owner of a motor vehicle leases the same to another for a period greater than ten days successively is the lessee required to file a new application for registration, pay new fees and obtain new license plates. As a matter of fact, some trucks are leased to dozens of different people during the year for periods greater than ten days, and, if each lessee is required to buy a new set of license plates, the State would collect dozens of times, although the actual ownership was never changed?"

Article 1, Chapter 41, R. S. Mo. 1929, deals with regulations and license fees for motor vehicles.

Section 7759 thereof defines the term owner as including "any person, firm, corporation or association owning or renting a motor vehicle or having the exclusive use thereof under lease, or otherwise, for a period greater than ten days successively."

Section 7761, as amended, Laws, 1933, Extra Session, provides in substance, that every owner of a motor vehicle or trailer which shall be operated upon the highways shall file an application for registration and shall pay certain fees therein enumerated, for which he receives a certificate of ownership and a set of license plates.

Section 7774 provides that upon the transfer of ownership of any motor vehicle, its certificate of registration and the right to use the number plates shall expire.

The purpose of the registration and numbering of motor vehicles is to reduce the danger of injury to pedestrians and other travellers from the careless management of automobiles and to furnish a means of ascertaining the identity of persons violating the laws and ordinances regulating the speed and the operation of machines upon the highways. *Blashfield on Automobiles*, page 241; 2 R. C. L., 1176.

In *Unwen v. State*, 73 N. J. L 529, it is said:

"For the purpose of aiding in the identification of each machine and of those who are responsible for its movements and conduct, the provisions of the license and registration statutes are designed."

The courts are in accord to the effect that a license to operate a motor vehicle is a personal privilege granted to the licensee. 42 *Corpus Juris*, 728.

The fee imposed by the statute is a privilege or excise tax, and not a property tax upon the vehicle. This view is set forth in *State ex rel. McClung v. Becker*, 288 Mo. 607, 233 S. W. 54, as follows:

"* * * The State maintains roads and bridges at great expense and exacts a license fee for the privilege of driving or operating these high-powered vehicles thereon. It is clear therefore that the registration fee is not a tax on the vehicle, but upon the

October 4, 1938

privilege of operating it on the highways of the State."

In view of the statements quoted above the reason why each successive lessee of a motor vehicle is required to obtain a new certificate of registration and new license plates becomes apparent. In case there is an accident or a violation of the laws regulating the operation of machines upon the highways there must be some way of ascertaining the person responsible. Since the lessee is to have exclusive use of the motor vehicle, then it should be registered in his name so that such information would be readily available.

CONCLUSION

It is, therefore, the opinion of this department that any lessee of a motor vehicle, having exclusive use thereof for more than ten days is required to obtain a new certificate of registration and license plates and pay the required fee even though the motor vehicle has been registered several times in that year by other lessees.

Respectfully submitted

ARTHUR O'KEEFE
Assistant Attorney General

APPROVED:

J. E. TAYLOR
(Acting) Attorney General

AO:DA