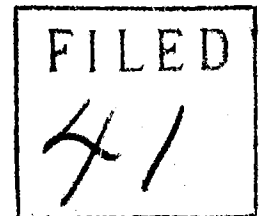


MISSOURI REAL ESTATE  
COMMISSION:

Fees to be charged for real estate  
licenses issued to copartnerships,  
associations or corporations.

March 30, 1946



Missouri Real Estate Commission  
222 Monroe Street  
Jefferson City, Missouri

Attention: Mr. J. W. Hobbs, Secretary

Gentlemen:

Reference is made to your letter requesting an official opinion of this office, and reading as follows:

"May the members of the Missouri Real Estate Commission request an opinion in regard to the wording of Section 2 and Section 9 in regard to a fee for a copartnership, association or corporation, as it appears the wording of these sections may be ambiguous. The Commission is interested in defining what the correct charge should be for the corporation, copartnership or association license."

The sections referred to in your letter of inquiry are found in Laws of Missouri, 1941, page 424, and read as follows:

"Section 2. A corporation, copartnership or association shall be granted a license when individual licenses have been issued to every member or officer of such copartnership, association or corporation who actively participates in its brokerage business, and to every person who acts as a salesman for such copartnership, association or corporation." (Emphasis ours.)

"Section 9. The annual fee for a real estate broker's license shall be \$5.00.

When issued to a copartnership, association or corporation, there shall be an additional annual fee of \$2.00 for each member or officer who actively participates in the real estate business. The annual fee for such real estate salesman's license shall be \$2.50. \* \* \* " (Emphasis ours.)

Your attention is further directed to a portion of Section 3 of the Act, which reads as follows:

"Section 3. A real estate broker is any person, copartnership association or corporation, foreign or domestic, who advertises, claims to be or holds himself out to the public as a LICENSED real estate broker or dealer \* \* \*."

It is, of course, a primary rule of construction of statutes that the intent of the law making body be ascertained. We quote from American Bridge Co. v. Smith, 179 S. W. (2d) 12, l. c. 15:

"The primary rule of construction of statutes is to ascertain the lawmakers' intent, from the words used if possible; and to put upon the language of the Legislature, honestly and faithfully, its plain and rational meaning and to promote its object, and the 'manifest purpose of the statute, considered historically,' Cummins v. Kansas City Public Service Co., 334 Mo. 872, 66 S. W. 2d 920, 925; Artophone Corporation v. Coale, 345 Mo. 344, 133 S. W. 2d 343."

Further, your attention is directed to a portion of Section 655, R. S. Mo. 1939, as follows:

"The construction of all statutes of this state shall be by the following additional rules, unless such construction be plainly repugnant to the intent of the legislature, or of the context of the same statute: First, words and phrases shall be taken in their plain or ordinary and usual sense, but technical words and phrases having a peculiar and appropriate meaning in law shall be

understood according to their technical import; \* \* \* "

Examining the sections of the Missouri Real Estate Commission Law referred to in your letter, we find that there are no words of technical or peculiar meaning used therein. In accordance with the above cited declaration of principle and the statute quoted, we must look to the common and ordinary meaning of the words used therein.

Section 2 plainly provides that a corporation, copartnership or association shall be granted a license only when individual licenses have been secured by every member or officer of such organization and by each person acting as a salesman for such organization. This is but in accordance with the entire scheme of licensing of persons engaged in the real estate business, and simply requires those persons who act in other than their individual capacity to conform with the requirements imposed upon persons acting as individuals.

Section 9 provides that the fee for any person securing such an individual broker's license shall be \$5.00 per annum, and that the fee for each real estate salesman's license shall be \$2.50. In the light of the definition of "real estate broker" found in Section 3, quoted supra, it is apparent that the corporation, copartnership or association must also secure a real estate broker's license in its corporate or partnership entity. After having provided for these fees, the Legislature has specifically provided, in the second sentence of Section 9, for an "additional" annual fee of \$2.00 for each member or officer who actively participates in the business of the organization.

"Additional" is defined in Webster's New International Dictionary, Second Edition, as follows: "added; coming by way of addition; extra." Applying this definition of the term to the language used in the second sentence of Section 9, we immediately discover the legislative intent to impose extra fees upon persons acting as members or officers of a copartnership, association or corporation, over and above those charged persons acting in their individual capacity.

#### CONCLUSION

In the premises, we are of the opinion that the aggregate fees to be charged a newly formed corporation, copartnership or

association are to be determined by totalling the sums of \$5.00 for the corporation, copartnership or association license, \$2.00 for each of such members or officers who shall actively participate or engage in the real estate business conducted by such corporation, copartnership or association, together with the sum of \$2.50 for each salesman employed by such corporation, copartnership or association. It is, of course, necessary that each member or officer of such corporation, copartnership or association shall also have the individual broker's license required by Section 2 of the Act.

Respectfully submitted,

WILL F. BERRY, Jr.  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

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