

MOTOR VEHICLES: : A person who is not a farmer may use a "local  
: commercial motor vehicle" within the meaning  
LICENSE FEES: : of Section 301.010, et seq., to haul freight  
: for hire so long as such activities are con-  
: fined to a municipality and an area extending  
: not more than twenty-five miles therefrom.  
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November 23, 1954

Honorable Alden S. Lance  
Prosecuting Attorney  
Andrew County  
Savannah, Missouri

Dear Mr. Lance:

By your letter of November 19th, 1954, you re-  
quested an opinion of this office as follows:

"In your opinion dated February 20, 1953,  
concerning local commercial motor vehicles,  
I note that Paragraph '2' of your conclusion  
states that 'a farmer operating on a local  
commercial motor vehicle license may not  
make a for hire haul.' This opinion was  
rendered in connection with Section 301.010,  
R.S. Mo. 1949, Paragraph '10', which defines  
a local commercial motor vehicle.

"I would like an opinion from your office as  
to whether or not this definition of a local  
commercial motor vehicle would permit a per-  
son not a farmer to haul for hire on a local  
license where his activities were confined  
to a municipality or to a municipality and  
that area extending not more than 25 miles  
therefrom. Since the definition states 'a  
commercial motor vehicle whose operations  
are confined solely to a municipality and  
that area extending not more than 25 miles  
therefrom', I would assume that a person  
not a farmer would be able to haul for hire  
so long as his activities were confined to  
a municipality and an area extending not  
more than 25 miles therefrom; but it has  
been discussed considerably in my county,

Honorable Alden S. Lance:

and I would like an opinion from your office to clarify the situation."

This office rendered on February 20, 1953, an opinion to Honorable D. W. Sherman, Jr., Prosecuting Attorney of Lafayette County, wherein it was concluded:

"(1) That a farmer operating his truck on a local commercial motor vehicle license may travel beyond the twenty-five mile limit when he has no load on his truck and is on a pleasure trip.

"(2) That a farmer operating on a local commercial motor vehicle license may not make a 'for hire haul.'

"(3) That a man, not a farmer, operating on a local commercial motor vehicle license, may not go beyond the twenty-five mile limit on a pleasure trip.

"(4) That a person, not a farmer, operating on a local commercial motor vehicle license, may not legally move from job to job in excess of the twenty-five mile limit."

Section 301.060, (all statutory citations herein are RSMo Cumulative Supplement of 1953), sets forth the annual registration fees for various motor vehicles. That section is too long to quote. It is sufficient to say that the fees for local commercial motor vehicles are considerably lower than the fees for commercial motor vehicles. Local commercial motor vehicle license plates differ from commercial motor vehicle license plates. Section 301.030.

A "commercial motor vehicle" is defined by Section 301.010, (1) as follows:

"(1) 'Commercial motor vehicle,' a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers;"

Honorable Alden S. Lance:

A "local commercial motor vehicle" is defined by Section 301.010 (10) to be:

"(10) 'Local commercial motor vehicle,' a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than twenty-five miles therefrom; or a commercial motor vehicle whose property carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle, to or from a farm owned by such person or under his control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm;"

Reading the first clause of Paragraph 10 of Section 301.010 in conjunction with Paragraph 1 of that section, gives the following definition of a local commercial motor vehicle: "A motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers, whose operations are confined solely to a municipality and that area extending not more than twenty-five miles therefrom."

This clearly indicates that a person not a farmer may "haul for hire" within the prescribed area.

#### CONCLUSION

It is, therefore, the opinion of this office that a person who is not a farmer may use a "local commercial motor vehicle" within the meaning of Section 301.010 et seq., to haul freight for hire so long as such activities are confined to a municipality and an area extending not more than twenty-five miles therefrom.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Paul McGhee.

Very truly yours,

JOHN M. DALTON  
Attorney General

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