

MOTOR VEHICLES: Sale of defaced or altered serial
number on automobile tires

October 19, 1937

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Mr. Emory C. Medlin
Prosecuting Attorney
Barry County
Cassville, Missouri



Dear Sir:

This is to acknowledge receipt of your letter of October 18, 1937, in which you request an opinion as to Section 7781 of the Motor Vehicle Laws, and also ask whether or not a dealer can sell tires which have not been marked C. M. V. Your letter is as follows:

"I'm calling your attention to Section 7781 Motor Vehicle Laws, removing, altering, or defacing manufactured numbers. It seems that there are a number of places in Springfield who handle used tires, and practically all of the serial numbers have been removed from them. A great many of the tires are manufactured in Illinois.

"As I read that section it is a violation of the law and I don't see any way around it. I just wonder if your attention has been called to it, or if you know of any way where they could sell tires which hasn't been marked by C. M. V. and followed up by the letters Mo.

"I would appreciate your opinion in regard to this matter as the

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officers are handicapped in running down stolen cars, where the country is flooded with tires with serial numbers removed."

I am referring you to paragraph (b) of Section 7781, which has not been repealed but which has been affected by additional Section 7781-a, in the Session Laws of 1935. In this section the Legislature provided for the registration of tires on which the serial number had been destroyed, removed, covered, altered or defaced.

Section 7781, Revised Statutes Missouri 1929, provided that tires, as set out, should be registered within thirty (30) days from the taking effect of the article, which time has elapsed.

Section 7781-a was an additional section to provide for the registration where tires had been defaced since the act of section 7781. The penalty under Section 7781, Revised Statutes Missouri 1929, is covered by Section 7786, paragraph (d).

The statute, 7781, is not ambiguous in any respect and prescribes a penalty, so it is not necessary to interpret the construction of same. *Betz v. Kansas City Southern Railway Company*, 284 S. W. 1. c. 462.

This section, along with other sections, has been passed on by the Supreme Court as to the legal effect and constitutionality in the case of *Star Square Auto Supply Co., et al. v. Gerk, et al.* 30 S. W. (2d) 447.

CONCLUSION

Taking into consideration Section 7781-a of the Session Laws of 1935 there is only one method

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by which tires can be sold that have been defaced, and that is by the owner of the tires complying with Section 7781-a, page 299, Laws of Missouri 1935, and the tires must be marked with the number given by the Commissioner of Motor Vehicles before they can be sold.

Respectfully submitted,

W. J. BURKE
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APPROVED:

J. E. TAYLOR
(Acting) Attorney General

WJB LC