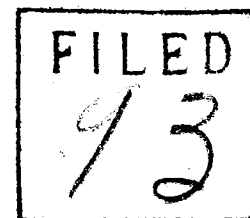


**MOTOR VEHICLES:** Motor scooter is a motor vehicle; must be registered and licensed, and driver's license law applies to persons operating same.

September 7, 1945



Honorable Hugh H. Waggoner  
Superintendent  
Missouri State Highway Patrol  
Jefferson City, Missouri

Dear Col. Waggoner:

The Attorney General wishes to acknowledge receipt of your request of September 6, 1945, for an opinion upon the questions contained in the following letter:

"A situation has arisen in St. Louis County wherein boys and girls ranging in ages from twelve to fifteen years are operating motor scooters. The chiefs of police in the incorporated cities of St. Louis County and the sheriff's office are not clear on the section of law pertaining to licensing of such vehicles, and as to whether boys and girls of that age are within the law in operating them.

"This department has been called upon by the people of St. Louis County to attend a meeting to be held next Tuesday, September 11, for the purpose of determining whether these individuals can legally own and operate these motor scooters and still be within the law.

"Request your advice or opinion as to whether or not anyone under the age of sixteen years would be permitted to own and operate a motor scooter."

The State in the exercise of its police power has enacted laws controlling the operation of vehicles upon the public

highways. The laws relating to self-propelled vehicles are found in Chapter 45, Article 1, R. S. Mo. 1939. Section 8367 of this article contains definitions of the terms used in the article, and the following definitions are pertinent to your inquiry:

"'Motor vehicle.' Any self-propelled vehicle not operated exclusively upon tracks."

"'Motorcycle.' A motor vehicle operated on two wheels."

"'Motor tricycle.' A motor vehicle operated on three wheels, including a motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel."

Your letter does not contain any description of a "motor scooter" and the writer is not familiar with the construction of one. However, if a motor scooter is self-propelled and not operated exclusively on tracks, then it would be a motor vehicle. If the motor scooter you have in mind is operated on two wheels, as some of them are, then the definition of a "motorcycle" would cover the motor scooter, and if operated on three wheels then the motor scooter would come under the classification of "motortricycle."

Section 8369, Art. 1, Chap. 45, requires the registration of all motor vehicles operated on the highways of this State. This section is, in part, as follows:

"Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, shall except as herein otherwise expressly provided, cause to be filed, by mail or otherwise, 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, and amount of motive

power, stated in figures of horsepower;  
 (2) the name, residence and business address of the owner of such motor vehicle;  
 (3) if said motor vehicle be a commercial vehicle the weight of the vehicle and its rated capacity of live load, in pounds or seating capacity; (4) if such motor vehicle be a specially constructed or reconstructed motor vehicle, the application shall so state and the owner shall furnish the commissioner such additional information as he shall require.

"(b) Upon the filing of such application, exhibition of certificate of ownership and the 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, and a plate, or set of plates, bearing such number."

This section also contains the schedule of fees to be charged for the registration of motor vehicles, a part of which schedule is as follows:

"For motor vehicles other than commercial motor vehicles and motorcycles and motor-tricycles.

Less than 12 horsepower . . . . .	\$ 5.00
12 horsepower and less than 24 horsepower . . . . .	8.50
24 horsepower and less than 36 horsepower . . . . .	11.00
36 horsepower and less than 48 horsepower . . . . .	20.00
48 horsepower and less than 60 horsepower . . . . .	25.00
60 horsepower and less than 72 horsepower . . . . .	31.50
72 horsepower and more . . . . .	37.50
Motorcycles . . . . .	6.00
Motortricycles . . . . .	7.50"

A motor scooter being a self-propelled vehicle not operated exclusively on tracks, regardless of what trade name or manufacturer's name may be applied to it, under the definitions herein set out is a motor vehicle and as such must be registered and the registration fee fixed for a vehicle of the class to which it belongs must be paid. And whenever any such motor scooter is operated upon the highways of this State, it must have displayed thereon the registration plate or plates required, showing the registration number.

In Article 3 of Chapter 45, R. S. Mo. 1939, is the "Driver's License Law." Section 8443 of this article and chapter contains definitions of the terms used in the article and attention is directed to these definitions:

"(a) Motor vehicle. Any self-propelled vehicle not operated exclusively upon tracks.

"(b) Farm tractor. Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, threshing machines, and other implements of husbandry.

"(c) School bus. Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

"(d) Person. Every natural person, firm, copartnership, association or corporation.

"(e) Operator. Every person, other than a chauffeur or registered operator, who is in actual physical control of a motor vehicle upon a highway.

"(f) 'Chauffeur'. An operator (a) who operates a motor vehicle in the transportation of persons or property, and who receives compensation for such service in wages, salary, commission or fare or (b) who as owner or employee operates a motor vehicle carrying passengers or property for hire.

"(f-1) 'Registered operator.' An operator, other than a chauffeur, who regularly operates a motor vehicle of another person in the course of, or as an incident to his employment, but whose principal occupation is not the operating of such motor vehicle.

"(g) Owner. A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this article.

"(h) Nonresident. Every person who is not a resident of this State.

"(i) 'Highway.' Any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality.

"(j) Commissioner. The commissioner of motor vehicles of this State.

"(k) Department. The department of motor vehicles of this State acting directly or through its only authorized officers and agents."

Section 8444 of this article and chapter requires that persons operating a motor vehicle upon the highways shall be licensed as operators. This section is as follows:

"(a) It shall be unlawful for any person except those hereinafter expressly exempted to drive any motor vehicle upon any highway in this state unless such person has a valid license as an operator under the provisions of this article.

"(b) Any person holding a valid chauffeur's license or registered operator's license, as provided in Sections 8372 and 8373, need not procure an operator's license."

Section 8445 of the same article and chapter contains a list of persons who are exempt from the application of the Driver's License Law. This section is as follows:

"1. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.

"2. A nonresident who is at least sixteen (16) years of age and who has in his immediate possession a valid operator's license issued to him in his home State or country may operate a motor vehicle in this State only as an operator.

"3. A nonresident who is at least eighteen (18) years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home State or country may operate a motor vehicle in this State either as an operator or chauffeur, except any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this State.

"4. Any nonresident who is at least eighteen (18) years of age, whose home State or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than sixty (60) days in any calendar year, if the motor vehicle so operated is duly registered in the home State or country of such nonresident."

And Section 8446 of the same article and chapter prohibits the Commissioner from issuing a license to certain persons. Said section provides:

"The commissioner shall not issue any license hereunder:

"1. To any person, as an operator, who is under the age of sixteen (16) years;

"2. To any person, as an operator, whose license has been suspended during such suspension nor to any person whose license has been revoked, until the expiration of one (1) year after such license was revoked."

Under the Driver's License Law a person under the age of sixteen (16) cannot procure a driver's license and could therefore not operate any type of motor vehicle, for which a driver's license is required, upon the highways of Missouri.

Conclusion

From the foregoing it is the opinion of this office that a motor scooter is a motor vehicle and as such must be registered and licensed and that the provisions of the Driver's License Law apply to a person operating a motor scooter upon the highways of this State.

Respectfully submitted,

W. O. JACKSON  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
Attorney General

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