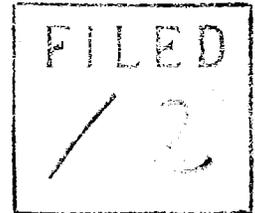


MOTOR VEHICLES: Trucks which farmers use to transport agricultural products, livestock, or supplies to or from a farm or farms which are designed or regularly used for carrying freight and merchandise are "local commercial motor vehicles" and must contain the information on the vehicles, as required by Section 8369, Mo. R.S.A.

October 22, 1947



Honorable Herbert S. Brown
Prosecuting Attorney
Grundy County
Trenton, Missouri

Dear Sir:

This is in reply to your letter of October 15, 1947, wherein you requested an opinion relative to a certain regulation for motor vehicles. Said letter reads as follows:

"I wish to request an official opinion from your office concerning the following:

"Reference is made to Section 8369, R.S., Missouri, 1939, as amended by the laws of Missouri 1943, pages 664 to 666 inclusive. You will note that Section 8369, R. S., Missouri, 1939, as amended by the laws of Missouri, 1943 at page 666 reads, in part, as follows and I quote:

"Each commercial vehicle shall prominently display in a conspicuous place on said vehicle the name of the owner thereof, the address from which such motor vehicle is operated and the weight for which said motor vehicle is licensed; provided further, that local commercial vehicle, in addition to the above information, shall prominently display on such vehicles in a conspicuous place the word 'Local'."

"Section 8367, R. S., Missouri, 1939, as amended by the Laws of Missouri, 1945, at page 1195, which is the definition of certain terms, defines a 'commercial motor vehicle' as and I quote:

"A motor vehicle designed or regularly used for carrying (a) freight and merchandise, or (b) more than eight passengers."

"Several farmers in this community appear to be of the opinion that the above quoted law does not require them to put the required signs on small half ton or three-quarter ton capacity trucks which they operate for their own use in and about their farm business, and which trucks they use only to carry their own produce to market and to return farm supplies to their farms.

"Therefore, the specific question on which I desire your opinion is whether or not an individual farmer is required to place the signs on his truck as required by Section 8369, R. S., Missouri, 1939, as amended, when he only uses the same for his own use, and not for hire. In this connection can it be said that any standard make light truck that is commonly used for farm purposes is a truck 'designed' for carrying freight and merchandise.

"Could you not as well say that a regular passenger car with a trunk space in the rear was designed for carrying freight and merchandise? Of course, I do not believe the law goes that far, but I wonder if the Legislature intended for every small farmer to be required to put these signs on his truck that he uses only for his own farm business.

"Your opinion as to this matter will be appreciated."

Section 8367, Mo. R.S.A., defines certain words used in the Article which includes Section 8369, to which I shall later refer, and reads in part as follows:

"Wherever in this article, or in any proceeding under this article, the following words or terms are used, they shall be deemed and taken to have the meanings ascribed to them as follows:

* * * * 'Commercial motor vehicle.' A motor vehicle designed or regularly used for carrying (a) freight and merchandise, or (b) more than eight passengers.* * * *"

Section 8369, Mo. R.S.A., relates to registration, fees, etc. of motor vehicles, and reads in part as follows:

"The term 'local commercial motor vehicle' includes every 'commercial motor vehicle' as defined in Section 8367, of this act, while operating within this state and used for the transportation of persons or property:

"1. Wholly within any municipality or urban community, or

"2. Wholly within any municipality or urban community and a zone extending 25 air miles from the boundaries of any municipality or urban community, or contiguous municipality or urban community, or

"3. In making hauls not exceeding 25 miles in length, or

"4. When controlled or operated by any person or persons principally engaged in farming when used exclusively in the transportation of agricultural products or livestock to or from a farm or farms, or in the transportation of supplies to or from a farm or farms.

"Each commercial vehicle shall prominently display in a conspicuous place on said vehicle the name of the owner thereof, the address from which such motor vehicle is operated and the weight for which said motor vehicle is licensed; provided further, that local commercial vehicles, in addition to the above information, shall prominently display on such vehicles in a conspicuous place the word 'Local'."

From an examination of these two above quoted sections, we find that the term "local commercial motor vehicle" may be

applied to any vehicle which qualifies under the definition of "commercial motor vehicle" while operating within this state and used for the transportation of persons or property, if it comes within one of the four enumerated descriptions. Do these vehicles to which you refer then come within the above described category so as to constitute them "local commercial motor vehicles"? As was pointed out above through Section 8367, supra, a "commercial motor vehicle" is defined as "a motor vehicle designed or regularly used for carrying freight and merchandise * * *." We think it cannot be seriously questioned that the motor vehicles to which you refer; namely, the "small half ton or three-quarter ton capacity trucks which they" (farmers) "operate for their own use in and about their farm business, and which trucks they use only to carry their own produce to market and to return farm supplies to their farms," are vehicles designed for carrying freight and merchandise. The word "freight" we think, as used herein, is not intended to include only the hauling of cargoes for hire. Webster defines "freight" as "goods or merchandise, originally as carried by sea, now also as transported by land." Since, then, the vehicles in question may be classified as "commercial motor vehicles," as defined by Section 8367, supra, we find that Section 8369, supra, says that "local commercial motor vehicle" shall be applied to every commercial motor vehicle operating within this state and used for the transportation of persons or property when used in one of the four enumerated conditions. We think it clear that the vehicles to which you refer would come within category four and were intended to be defined as "local commercial motor vehicles." It would necessarily follow then that the proviso of the last above quoted paragraph would be controlling as to such vehicles, and that on such vehicles the enumerated information must be present, along with the word "local."

We think such an interpretation as indicated above is but an application of well established principles of statutory construction as, for example, expressed in *Hannibal Trust Company v. Elzea*, 315 No. 485, where the court said at l.c. 500:

"* * * As said by this court, en Banc, in *Grier v. Railway Co.*, 286 No. 1. c. 534: 'The primary rule for the interpretation of statutes is that the legislative intention is to be ascertained by means of the words it has used. All other rules are incidental and mere aids to be invoked when the meaning is clouded. When the language is not only plain, but admits of but one meaning, these auxiliary rules have no

office to fill. In such case there is no room for construction.' * * *"

And again at l.c. 500 the court said:

"Again, in the interpretation of statutes, words in common use are to be construed in their natural, plain and ordinary signification.* * *"

CONCLUSION

It is, therefore, the opinion of this department that farmers are required to display the information as required by Section 8369, supra, on small capacity trucks which they operate for their own use in and about their own farm business, and which trucks they use only to carry their own produce to market and to return farm supplies to their farms. This being so because they are "local commercial motor vehicles," as defined by Sections 8367 and 8369, Mo. R.S.A., supra.

Respectfully submitted,

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APPROVED:

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WCC:LR