

MOTOR VEHICLES: Reciprocity in regard to vehicles hauling for  
RECIPROCITY: hire exists between the State of Missouri and  
the State of Florida in interstate movements.

FILED  
27

January 14, 1955

Honorable Irvin D. Emerson  
Assistant Prosecuting Attorney  
Jefferson County  
Hillsboro, Missouri

Dear Sir:

This office is in receipt of an opinion request which is quoted in part for brevity as follows:

"\* \* \* \* \*

"The question is specifically is whether under reciprocity between the two above mentioned states can a person from Florida operating on a Florida license haul interstate into Missouri and pick up a load in Missouri to be delivered at Little Rock, Arkansas?

"\* \* \* \* \*

In our opinion, if reciprocity or comity exists between the State of Missouri and the State of Florida, it must be in accordance with Section 301.270, RSMo 1949, which is as follows:

"A nonresident owner, except as otherwise herein provided, owning any motor vehicle which has been duly registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in the state has displayed upon it the number plate or plates issued for such vehicle in the place of residence of such owner may operate or permit the operation of such vehicle within this state without registering such vehicle or paying any fee to this state, provided that the

Honorable Irvin D. Emerson

provisions of this section shall be operative as to a vehicle owned by a non-resident of this state only to the extent that under the laws of the state, country or other place of residence of such non-resident owner like exemptions are granted to vehicles registered under the laws of and owned by residents of this state."

The State of Florida has reciprocity statutes. They are found in Chapter 320, Sections 320.37 to 320.39 of the Revised Statutes of Florida of 1953. These statutes, while permitting reciprocity to ordinary pleasure motor vehicles, do not apply, as our above reciprocity section applies, to motor vehicles hauling for hire. In fact, the final sentence of the general reciprocity section, Section 320.37 of the Laws of Florida 1953, is as follows:

"\* \* \*; but such exemption shall not apply to motor vehicles operated for hire."

In a special reciprocity section in regard to motor vehicles operating for hire in the State of Florida, under the terms of Section 320.39 mentioned above, the Motor Vehicle Commissioner, the State Road Department and the Railroad Commission are permitted to negotiate and consummate with the proper authorities of the several states of the United States reciprocity agreements whereby residents of such other states operating motor vehicles properly licensed and registered in their respective states may have such privileges and exemptions in Florida as the state of their residence allows to motor vehicles duly licensed and registered in Florida in the operation of motor vehicles in such other states. Such an agreement does not become effective until it has been approved by the Governor of the State of Florida.

For the purposes of this opinion, it must be said here that we do not find that any official of the State of Missouri has been empowered to negotiate any agreement or agreements under the provisions of the above section of the statutes; on the contrary, the right of reciprocity with respect to the regular license fees imposed on motor vehicles must be determined by reference to the statutory law of the foreign state under consideration.

The State of Florida now enforces its motor vehicle registration law in regard to motor vehicles hauling for hire in accordance with an agreement entered into by its commission

Honorable Irvin D. Emerson

mentioned above, and Honorable Morris Osburn, Chairman of the Missouri Public Service Commission in 1947, and Honorable Hinkle Statler, then Commissioner of Motor Vehicles. This agreement was signed by the person in Florida required by statute to sign such an agreement. Although it has been said that no such authority existed in our State, the document dated March 1, 1947, is in existence today and is given full force and effect as to nonresidence of Missouri in Florida by that State. It must be concluded then that under the laws of Florida, in accordance with the reciprocity agreement mentioned, the provisions as follows are in effect:

"1. Motor vehicles which are owned, properly licensed and otherwise taxed and operated by bonafide residents of either Florida or Missouri shall be allowed to operate in both states while engaged exclusively in interstate commerce transporting goods, wares or merchandise including horticultural, agricultural products and logs, lumber or other forest products, fish, oysters, shrimp and dairy products and live-stock.

"2. Motor vehicles which are owned, properly licensed and otherwise taxed and operated by bonafide residents of either Florida or Missouri shall be allowed to operate in both states while engaged exclusively in interstate commerce transporting passengers for compensation."

The provisions of Section 301.270, RSMo 1949, operating to the same extent to a vehicle owned by a resident of Florida as the laws of Florida operate as to a vehicle owned by a resident of Missouri, are binding on Missouri when recognized and treated in Florida under the law of Florida.

#### CONCLUSION

In the premises, it is the opinion of this office that a person from Florida operating on a Florida license may haul interstate into Missouri from Arkansas, or into Arkansas from Missouri, without first registering his vehicle in Missouri.

The foregoing opinion, which I hereby approve, was prepared by my assistant, James W. Paris.

Yours very truly,

JWF:ma:da

JOHN M. DALTON  
Attorney General