

Answer by letter-Wieler

March 5, 1969

OPINION LETTER NO. 98



Honorable Walter E. Allen
Prosecuting Attorney
Linn County
112 West Brooks
Brookfield, Missouri 64628

Dear Mr. Allen:

This is in response to your request for an opinion from this office as to whether or not the rural fire department in the Marceline area, which is incorporated as a non-profit corporation, must purchase license plates for its fire truck.

Section 301.010 (19), RSMo 1959, of the Missouri statutes on motor vehicle licensing defines "owner" to include any person, firm, corporation, or association who holds the legal title to a vehicle. Section 301.020 requires every owner of a motor vehicle, which shall be operated or driven upon the highways of the state, to apply for registration with the Office of the Director of Revenue, except as otherwise expressly provided within the chapter.

Section 301.260 (2), RSMo 1959, specifically exempts fire apparatus from the provisions of Sections 301.010 to 301.440, provided it is owned by any municipality of this state and being operated within the limits of such municipality. Therefore, in order for the Marceline area rural fire department to be exempt from the licensing provisions, it must qualify as a municipality.

It is our opinion that this non-profit corporation cannot be considered to be a municipality. It is true that the term "municipality" includes more than simply cities and towns. In *St. Louis Housing Authority v. City of St. Louis*, 239 S.W.2d 289, 294 (Mo. En Banc 1951), the term was found to include a non-profit agency which was specifically empowered by statute to exercise public and essential governmental functions. However, such is not the case

Honorable Walter E. Allen

here. This rural fire department does not operate under any such statutory authority. Rather, it is simply an organization of private citizens who have incorporated to provide for their own safety.

Therefore, it is our opinion that the rural fire department in the Marceline area will have to license its fire truck in accordance with Missouri law.

Yours very truly,

JOHN C. DANFORTH
Attorney General