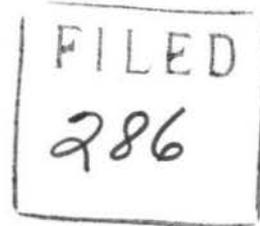


May 26, 1971

Answer by letter-Mansur

OPINION LETTER NO. 286

Honorable Gene McNary
Prosecuting Attorney
St. Louis County Courthouse
Clayton, Missouri 63105



Dear Mr. McNary:

This is in response to your request for an opinion from this office as follows:

"This is a request for an opinion concerning the enforcement of the Billboard Provision of Chapter 226 R.S. Mo. We are confronted with the question as to whether an interstate trucking company which uses interstate highways and attaches frames with posters to each side of the trailer is in violation of this Chapter. These posters advertise products sold nationally and are apparently for advertising purposes only since the products carried in the trailers are not necessarily those on the posters.

"I would appreciate an opinion as to whether this is a violation under Sections 226.500-600 R.S. Mo."

In substance you inquire whether a truck or trailer traveling on interstate highways with posters on the side of the trailer truck is in violation of Sections 226.500 to 226.600, RSMo 1969.

Section 226.500, RSMo, to which you refer, provides:

"The general assembly finds and declares that outdoor advertising is a legitimate commercial

Honorable Gene McNary

use of private property adjacent to the interstate and primary highway systems and that it is necessary to regulate and control same to promote highway safety, to promote convenience and enjoyment of highway travel, and to preserve the natural scenic beauty of highways and adjacent areas. The general assembly further declares it to be the policy of this state that the erection and maintenance of outdoor advertising in areas adjacent to the interstate and primary highway systems be regulated in accordance with sections 226.500 to 226.600 and rules and regulations promulgated by the state highway commission pursuant thereto." (emphasis supplied)

The cardinal rule of statutory construction is to seek the intention of the lawmakers and, if possible effectuate that intention, and should ascribe to the language used its plain and rational meaning. State ex rel. LeNeve v. Moore, 408 S.W.2d 47. The intent and purpose of the law as expressed by the legislature governs. State ex rel. Publishing Co. v. Hackmann, 314 Mo. 33.

The intent and purpose of the General Assembly to enacting Section 226.600, RSMo, as stated in Section 226.500 is to regulate and control outdoor advertising on private property adjacent to the interstate and primary highways of this state. There is no language used in the act indicating that it applies to any form of advertising on the interstate or primary highways or on the right-of-way of such highways.

It is the opinion of this office that a truck or trailer traveling on interstate highways with advertising posters mounted thereon does not violate the provisions of Sections 226.500 to 226.600, RSMo.

Yours very truly,

JOHN C. DANFORTH
Attorney General