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OFFICES OF THE
ATTORNEY GENERAL OF MISSOURI
JEFFERSON CITY

December 28, 1973

AMENDED OPINION LETTER NO. 352

Mr. James R. Spradling
Director of Revenue
Room 401, Jefferson Building
Jefferson City, Missouri 65101

Dear Mr. Spradling:

This is in response to your request for an opinion as to whether or not commercial motor vehicles may be licensed for fractional portions of a year with an accompanying reduction in the annual license fees.

It is our information that certain commercial motor vehicle owners have taken the position that they can register their vehicle each year in June for the remaining six months of the year, but that no registration would apply to this vehicle for period from January to June as long as the vehicle were not being used.

Their reasoning is based upon the language in Section 301.030, sub. 3, RSMo 1969, which states in pertinent part:

" . . . The fees for all renewal prorate licensed vehicles shall be payable not later than the last day of February of each year, except when such vehicle is licensed between April first and July first the fee shall be three-fourths the annual fee, when licensed between July first and October first the fee shall be one-half the annual fee and when licensed on or after October first the fee shall be one-fourth the annual fee. . . ."

However, in tracing the historical development of commercial motor vehicle licensing and registration, it becomes clear that

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the terms "prorate registration" and "prorate licensed vehicles" refer to a certain type of commercial motor vehicle only, and not to all commercial motor vehicles. Prior to 1958, all commercial motor vehicles were treated alike. They were registered and licensed under the provisions of subsection 3 of Section 301.030, which reads as follows:

"All commercial motor vehicles must be registered with the director on a calendar year basis. The fee on all such commercial motor vehicles shall be payable not later than January 15 of each year, except when such vehicle is licensed between April 1 and July 1 the fee shall be three-fourths the annual fee, when licensed between July 1 and October 1 the fee shall be one-half the annual fee and when licensed on or after October 1 the fee shall be one-fourth the annual fee. Local commercial motor vehicle license plates shall not be the same color as license plates which are to be used on other commercial motor vehicles. Local commercial motor vehicle license plates shall also be so stamped, marked or designed as to indicate they are to be used only on local commercial motor vehicles. In addition, all commercial motor vehicle license plates shall be so stamped or marked with a letter, figure or other emblem as to indicate the gross weight for which issued." (Laws of Missouri, 1951, pages 698-699)

However, in 1958, the legislature passed legislation setting up the Missouri Highway Reciprocity Commission. See Sections 301.271 to 301.279, RSMo 1969. The Commission was empowered to enter into agreements with other states whereby commercial motor vehicles could be licensed in this state on an apportionment or prorate basis determined by the number of miles traveled on and the use made of Missouri highways. See Section 301.277(2), RSMo 1969. This then set up two types of commercial motor vehicle licenses, full-fee licenses for those owners who could not qualify or were not subject to any applicable agreement, and prorate licenses for those owners whose vehicles were subject to any prorate agreement entered into with other jurisdictions by the Missouri Highway Reciprocity Commission.

In 1965, subsection 3 of Section 301.030 was changed into its present form. See Laws of Missouri, 1965, page 468. It now reads:

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"All commercial motor vehicles must be registered with the director on a calendar year basis. The application for renewal prorated registration shall be made on or before December first of each year. The fee on all commercial motor vehicles, trailers, semitrailers or driveaway vehicles shall be payable not later than January fifteenth of each year. The fees for all renewal prorated licensed vehicles shall be payable not later than the last day of February of each year, except when such vehicle is licensed between April first and July first the fee shall be three-fourths the annual fee, when licensed between July first and October first the fee shall be one-half the annual fee and when licensed on or after October first the fee shall be one-fourth the annual fee. Local commercial motor vehicle license plates shall not be the same color as license plates which are to be used on other commercial motor vehicles. Local commercial motor vehicle license plates shall also be so stamped, marked or designed as to indicate they are to be used only on local commercial motor vehicles. In addition, all commercial motor vehicle license plates shall be so stamped or marked with a letter, figure or other emblem as to indicate the gross weight for which issued."

As can be seen, there is no provision in this particular section for fractional registration of a full-fee commercial motor vehicle license. The law states that full-fee commercial motor vehicles are to be registered on a calendar year basis and the annual fee is payable not later than January fifteenth of each year.

However, the full-fee licensing requirements for commercial motor vehicles licensed for 12,000 pounds or less has been changed by an act of the 77th General Assembly. House Bill No. 25, which became effective September 28, 1973, provides as follows:

"SECTION 1. Chapter 301, RSMo, is amended by inserting therein one new section to be known as section 301.035 and to read as follows:

301.035.

1. Notwithstanding other provisions of

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this chapter, commencing January 1, 1974, commercial motor vehicles to be licensed for twelve thousand pounds or less shall be registered on a monthly series basis in the manner provided for motor vehicles other than commercial motor vehicles.

2. During the time necessary to change over from the present system of annual calendar year registration to the monthly series system, all commercial motor vehicles to be licensed for twelve thousand pounds or less shall be registered for one of twelve registration periods, which shall vary in length from a minimum of six consecutive calendar months to a maximum of seventeen calendar months. In the order of the receipt of applications for registration for the vehicles by the owners thereof, the director shall allocate to each of the twelve registration periods the number of the vehicles that will in his judgment distribute as uniformly as practicable the clerical work of registering the vehicles throughout the twelve month period in which registration shall expire and come up for renewal. Each period shall commence January 1, 1974. The first period shall expire June 30, 1974; the second, July 31, 1974; the third, August 31, 1974; the fourth, September 30, 1974; the fifth, October 31, 1974; the sixth, November 30, 1974; the seventh, December 31, 1974; the eighth, January 31, 1975; the ninth, February 28, 1975; the tenth, March 31, 1975; the eleventh, April 30, 1975; the twelfth, May 31, 1975. Upon the expiration of the initial registration period, the vehicles so registered shall thereafter be registered for twelve month periods.

3. The fees for registrations of such vehicles may be prorated and the prorated fee shall be paid in the manner provided in section 301.030. Applications for prorate registration shall be made at the time and in the manner prescribed by the director of revenue."

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Therefore, it is our opinion that an owner cannot register a full-fee commercial motor vehicle licensed in excess of 12,000 pounds for a fractional portion of a year and thereby escape the full annual fee for that vehicle. As of January 1, 1974, commercial motor vehicles licensed for 12,000 pounds or less are to be registered in accordance with the provisions of House Bill No. 25.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General