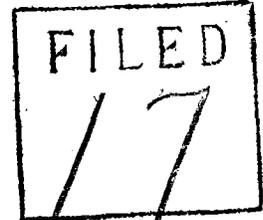


MOTOR VEHICLES: Trucks belonging to a corporation with headquarters in Ohio and stationed and  
FOREIGN CORPORATION: registered only in the State of Illinois must also register in the State of Missouri.

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February 24, 1941

Mr. E. P. Clark  
Sergeant-Major  
General Headquarters  
Missouri State Highway Patrol  
Jefferson City, Missouri



Dear Sir:

This will acknowledge receipt of your request for an official opinion under date of January 31, 1941, which reads as follows:

"1. The driver of a truck belonging to the Kroger Grocery and Baking Company was arrested in Cape Girardeau, Missouri, recently for failure to have Missouri registration plates on his vehicle.

"2. The Kroger Grocery and Baking Company has its head quarters in the State of Ohio, while some of the trucks belonging to this company are stationed at Carbondale, Illinois, and are domiciled and registered in that state. These trucks do not bear Ohio license.

"3. It is the opinion of the arresting officer that these Kroger trucks registered in Illinois are not included in the reciprocity agreement with that state. This conclusion is drawn by reversing the meaning of the Illinois reciprocity agreement as written in the Motor Vehicles Law. It is also the opinion of the arresting officer that, should the reciprocity agreement with the State of Ohio apply in this case, it

will not be necessary for these trucks to be registered in Missouri.

"4. It is requested that the Attorney General's Office be consulted to determine whether or not Missouri registration will be required on these trucks."

Of course, the answer to this request depends to a large extent upon the reciprocal provisions of the respective states. Here we have a nonresident corporation of this state and such corporation is a resident of the State of Ohio. However, said corporation owns some trucks which are stationed in the State of Illinois and have been registered in Illinois. The question is -- Can these trucks belonging to this corporation, the Kroger Grocery and Baking Company, a resident of Ohio, which are only registered in Illinois, operate in this State without first registering same in the State of Missouri?

In construing statutory provisions the cardinal rule is to determine the legislative intent and to give it that meaning if possible (Wallace v. Woods, 102 S. W. (2d) 91, 340 Mo. 452.

The reason for the enactment of such a reciprocal law is to keep the owner of a motor vehicle from having to register same in every state in which he might enter, providing, he has complied with the laws of the state wherein he is a resident and further that such state has a similar reciprocal provision which grants the same and like privilege to the resident of this state. Prior to 1929, the law in this state provided any motor vehicle may be operated in this state if registered in another state. The Fifty-fifth General Assembly amended the act so as to recognize nonresident licenses only if such recognition is made to registered Missouri residents in that state.

In Volume 42 of Corpus Juris, Section 88, page 671, the general principle is stated:

"Under some statutes and agreements between states a nonresident who has complied with the laws of his home state in respect of licensing and registering his motor vehicle or obtaining an operator's license is given, for a limited period at least, the privilege of operating his motor vehicle over the highways of another state without having obtained a license or registered his car therein, provided, under some regulations, the owner or operator has complied with certain conditions prescribed by the local legislation, such as displaying the distinguishing number or mark required by his state on his machine, or securing a local identifying tag or marker, and provided similar privileges are granted to residents by the state of such nonresident. A municipality cannot require a license or license fee of a nonresident owner in conflict with this exemption."

A careful examination of the reciprocal law of Ohio, the state where this corporation is a resident, and also the Missouri reciprocal law, will disclose that they are very similar and import the same meaning.

We find in Throckmorton's Ohio Code Annotated, 1940, Section 6306:

"The owner of every motor vehicle which is duly registered in any state, district, country or sovereignty other than the State of Ohio shall be exempt from the foregoing sections of this chapter and the penal statutes relating thereto, provided the owner thereof has complied with the provisions of law in regard to motor vehicles in the state of his residence and complies with such provisions while operating and driving such motor

vehicle upon the public roads or highways of this state, and further provided that such provisions of law of such other state make substantially like and equal exemptions to the owners of motor vehicles registered in this state.

"Reciprocal agreements between this and any other state, district or country necessary in administering the provisions of this section shall be made as provided in section 6306-1 of the General Code."

The reciprocal law in this State, Section 7768, R. S. Mo. 1929, reads 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 provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the State, country or other place of residence of such nonresident owner like exemptions are granted to vehicles registered under the laws of and owned by residents of this state."

Now, if the only question in this request was whether or not trucks properly registered in Ohio may operate in Missouri, without registering first in this state, the answer would be in the affirmative. But here we are confronted with a different situation -- we are faced with a nonresident corporation whose headquarters are in Ohio, but some trucks belonging to this corporation are situated and registered in Illinois. The question for determination-- Is our reciprocal law broad enough to permit the operation of these trucks in this state under the Illinois registration? The Ohio reciprocal provision is not applicable for the reason the trucks are not even registered in the State of Ohio, and therefore, cannot display at all times upon said motor vehicles Ohio license plates as provided in both reciprocal laws of Ohio and Missouri. There is some question as to whether this corporation might be a resident of Ohio, and at the same time be a resident of the State of Illinois. However, we consider such question need not be determined to answer this opinion.

To determine this issue we shall examine the Illinois reciprocal provision regarding the operation of motor vehicles in other states, which reads as follows:

"Except as is herein provided for foreign corporations, the provisions of sections 8, 9, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 9k, 10, 14, 17 and 27 of this Act shall not apply to any motor vehicle or motor bicycle owned by nonresidents of this State if the owner thereof has complied with the law requiring the registration of motor vehicles or motor bicycles or the names of the owners thereof in force in the city, state, foreign country or province, territory or Federal district of his residence; and the registration number showing the initial or abbreviation of the name of such city, state, foreign country or province, territory or Federal district, is displayed on such vehicle substantially as is provided in Section 14 of this Act; Provided, that the provisions of this section shall be operative as to a motor vehicle or

motor bicycle owned by a non-resident of this State only to the extent that under the laws of the city, state, foreign country or province, territory or Federal district of his residence, like exemptions and privileges are granted to motor vehicles or motor bicycles duly registered under the laws of and owned by residents of this State. If, under the laws of such city, state, foreign country or province, territory or Federal district, motor vehicles or motor bicycles owned by residents of this State, operating upon the highways of such city, state, foreign country or province, territory or Federal district, are required to pay the registration fee and carry the license plates or pay any other fee or tax to such city, state, foreign country or province, territory or Federal district, the motor vehicles or motor bicycles owned by residents of such city, state, foreign country or province, territory or Federal district, and operating upon the highways of this State shall comply with the provisions of sections 8, 9, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 9k, 10, 14, 17 and 27 of this Act. Foreign corporations, partnerships and individuals owning, maintaining or operating places of business in this State and using motor vehicles or motor bicycles in connection with such places of business, shall comply with the provisions of sections 8, 9, 9b, 9c, 9d, 9e, 9f, 9g, 9h, 9i, 9j, 9k, 10, 14, 17 and 27 of this Act insofar as the motor vehicles and motor bicycles used in connection with such places of business are concerned."

In view of the above reciprocal provision of Illinois, even if this company was a resident of Illinois as well as Ohio, it would not be exempt from the registration of its motor vehicles stationed in Illinois and using the highways in this state, for the reason there is an exception contained in the Illinois reciprocal provision which requires such

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foreign corporation to register in the State of Illinois. Such a provision is not included in the Missouri reciprocal provision pertaining to the State of Missouri.

This department, in an opinion to Col. E. M. Casteel, under date of July 7, 1938, ruled that a motor vehicle registered in the State of Colorado but operating solely between a point in Oklahoma and St. Louis, Missouri, is not required to be registered in the State of Missouri due to the fact that both the states of Colorado and Missouri have complete reciprocity with each other. Had these trucks in Illinois been registered in Ohio the same conclusion would be applicable in the case, but the facts in this case are different in that the trucks were registered in Illinois instead of Ohio where the corporation is a resident.

Therefore, it is the opinion of this Department that whether or not these trucks belonging to this corporation, which are stationed in the State of Illinois and registered in Illinois, may operate in this State without first registering in Missouri, shall be determined by the reciprocity provisions of the States of Illinois and Missouri. That since the reciprocal provision of the State of Illinois requires the registration in Illinois of any motor vehicles belonging to any foreign corporation, partnership and individual owning, maintaining or operating places of business in the State of Illinois, while no such provision is contained in the Motor Vehicle Act of the State of Missouri, there is not full reciprocity between the two states. Therefore, it will be necessary that these trucks stationed in Illinois be registered in the State of Missouri.

Respectfully submitted,

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Assistant Attorney General

APPROVED:

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COVELL R. HEWITT  
(Acting) Attorney General

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