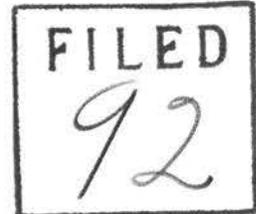


CRIMINAL LAW: Illinois licensee entitled to recognition under reciprocity.

June 25, 1943



Honorable Jasper R. Vettori
Associate Prosecuting Attorney
Municipal Courts Building
St. Louis, Missouri

Dear Mr. Vettori:

Under date of June 21, 1943, you wrote this office requesting an opinion, as follows:

"This office desires an opinion to cover the following facts and circumstances:

"'A' has been a resident of this city for the past year working in a defense plant but maintains a home in the State of Illinois where his family reside. He lives in a rooming house here and visits his family over the week-end. He has an automobile which he has been operating in this state ever since he has been here and has an Illinois Registration Certificate, an Illinois State Drivers' License and Illinois State Plates. He was arrested recently and charged with failure to have Missouri State Vehicle and Drivers' License and his counsel contends that under the circumstances he does not need them.

"We will appreciate your opinion in the premises."

The States of Missouri and Illinois both have statutes requiring the registration and licensing of motor vehicles. The Missouri statutes are found in Article 1, Chapter 45, R. S. Mo. 1939. Section 8369 of this Article and Chapter contains provisions requiring the registration of motor vehicles.

The Illinois Motor Vehicle Registration Law is found in Chapter 25 $\frac{1}{2}$, I. R. S. 1941, Bar Association Edition. Section 8

of this Chapter requires the registration of motor vehicles and is followed by several other sections classifying motor vehicles for registration purposes, and the Chapter further contains other sections which are not here pertinent.

The States of Missouri and Illinois each have a statute which exempts non-resident owners of motor vehicles from the operation of the laws requiring registration. The Missouri statute which exempts non-residents is Section 8375 of Article 1, Chapter 45 R. S. Mo. 1939:

"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."

The Illinois statute granting exemption from the operation of the Illinois Registration Statute to non-resident owners is Section 22, Chapter 95½, I. R. S. 1941 and is 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 non-residents 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."

Both states also have laws requiring a drivers' license or operators' license. The Missouri Drivers' License Law is found in Article 3, Chapter 45, R. S. Mo. 1939, and this Law contains provisions which exempt non-residents from the application of the Law. Attention is directed to Section 8444,

Article 3, Chapter 45, R. S. Mo. 1939, as follows:

"(a) It shall be unlawful for any person except those hereinafter expressly exempted to drive any motor vehicle upon any highway in this state unless such person has a valid license as an operator under the provisions of this article.

"(b) Any person holding a valid chauffeur's license or registered operator's license, as provided in Sections 8372 and 8373, need not procure an operator's license."

And to the following portion of 8445:

"The following persons are exempt from license hereunder: * * * *

"2. A nonresident who is at least sixteen (16) years of age and who has in his immediate possession a valid operator's license issued to him in his home State or country may operate a motor vehicle in this State only as an operator."

The Illinois statute requiring a driver's or operator's license is Section 34a of Chapter 95 $\frac{1}{2}$ I. R. S. 1941, which section is as follows:

"On and after May 1, 1939 in the case of operators and on and after January 1, 1939; in case of chauffeurs, no person except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this State, unless such person has a valid license as an operator or chauffeur under the provisions of this Act, an operator being hereby defined to mean any person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway. Any person holding a valid chauffeur's license hereunder need not procure an operator's license. Provided, however, that the following persons are exempt from the requirements of this Section:

"1. Any person while operating a motor vehicle in the service of the Army, Navy, or Marine Corps of the United States;

"2. Any person while driving or operating a road machine, farm tractor or implement of husbandry temporarily drawn, moved, or propelled on a highway;

"3. A non-resident of this State who is at least fifteen years of age and who has in his immediate possession a valid operator's license issued to him in his home State or Country, may operate a motor vehicle in this State only as an operator;

"4. A non-resident who is at least eighteen years of age and who has in his immediate possession a valid chauffeur's license issued to him in his State or Country may operate a motor vehicle in this State either as an operator or chauffeur except that any such person must be licensed as a chauffeur hereunder before accepting employment as a chauffeur from a resident of this State;

"5. Any non-resident who is at least fifteen years of age, whose home State or Country does not require the licensing of operators, while operating a motor vehicle as an operator only, for a period of not more than 90 days in any calendar year, if the motor vehicle so operated is duly registered in the home State or Country of such non-resident.

"The provisions of this section granting exemptions to non-residents shall be operative only when under the laws of the State, foreign country or province, territory or federal district of such non-resident, like exemption and privileges are granted to licensed resident operators and chauffeurs of this State."

Attention is directed to the fact that this Illinois statute contains an exemption clause exempting non-residents which is quite similar to the Missouri exemption statute.

Under the statutes of the two states, it is apparent that registration of a motor vehicle in one of the states and regis-

Hon. Jasper R. Vettori

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tration as a licensed operator in one of these two states may be given recognition in the other state.

CONCLUSION

If the State of Illinois gives full recognition to a Missouri Motor Vehicle License and Missouri Driver's License as it is authorized to do by statute, then it is the opinion of the writer that there should be no prosecution under the state of facts set out in your letter.

Respectfully submitted,

W. O. JACKSON
Assistant Attorney-General

APPROVED:

ROY McKITTRICK
Attorney-General

WOJ:PD