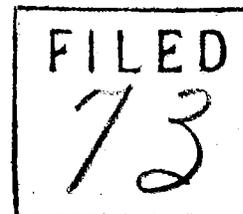


MOTOR VEHICLE: Under the facts stated the truck in question is a commercial motor vehicle.



July 18, 1945

Honorable W. Oliver Rasch
Prosecuting Attorney
Jefferson County
Festus, Missouri

Dear Sir:

We are in receipt of your letter of June 30, 1945, requesting an official opinion from this department, which reads:

"Haversticks at DeSoto are engaged in the Well Drilling business. They have a truck on which is mounted Well Drilling equipment. The gross weight of this truck with the Well Drilling equipment mounted is 22,140 lbs. In a years time it travels approximately 200 miles, over the highways of this state, some of the trips being more than 25 miles in length.

"In determining the annual license fee, should this truck be classified as a motor vehicle other than commercial vehicles or as a commercial motor vehicle? If it is classified as a commercial vehicle will the fee be for a local or beyond local commercial vehicle?"

From the facts stated in your letter it is apparent that the truck in question is used solely for carrying the well drilling equipment belonging to the owner and used in his business and that same is mounted upon the truck.

Section 8367, R. S. Mo. 1939, defines "commercial motor

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vehicle" and "motor vehicle" for purpose of Article 1, Chapter 45, Regulations and License Fees, as follows:

"Wherever in this article, or in any proceeding under this article, the following words or terms are used, they shall be deemed and taken to have the meanings ascribed to them as follows: * * * * 'Commercial motor vehicle.' A motor vehicle designed or regularly used for carrying (a) freight and merchandise, or (b) more than eight passengers. * * * * 'Motor vehicle.' Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors. * * * * "

In view of the foregoing definitions we are of the opinion that the truck in question comes within the definition of a "commercial motor vehicle," since it is at least designed for carrying freight.

Section 8369, Laws 1943, pages 664, 665 and 666, provides for the registration of owners and fees required for commercial motor vehicles and motor vehicles, both local and beyond local, and reads in part:

"Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, shall except as herein otherwise expressly provided, cause to be filed, by mail or otherwise, in the office of the Commissioner, an application for registration on a blank to be furnished by the Commissioner for that purpose, containing: (1) a brief description of the motor vehicle to be registered, including the name of the manufacturer, the motor number and character, and amount of motive power, stated in figures of horsepower; (2) the name, residence and business address of the owner of such motor vehicle; (3) if said motor vehicle be a commercial vehicle the weight of the vehicle and the desired load in pounds;

(4) if such motor vehicle be a specially constructed or reconstructed motor vehicle, the application shall so state and the owner shall furnish the Commissioner such additional information as he shall require.

* * * * *

"Registration fees made payable to the State Treasurer shall be remitted to the Commissioner with the application for registration for the remainder of the calendar year on the basis of the license fees now provided by Section 8369 and Section 8370, Revised Statutes of Missouri, 1939; the license fees provided by this Act shall become effective on and after January 1, 1944.

"For motor vehicles other than commercial motor vehicles and motorcycles and motortricycles:

Less than 12 horsepower	\$ 5.00
12 horsepower and less than 24 horsepower	8.50
24 horsepower and less than 36 horsepower	11.00
36 horsepower and less than 48 horsepower	20.00
48 horsepower and less than 60 horsepower	25.00
60 horsepower and less than 72 horsepower	31.50
72 horsepower and more	37.50
Motorcycles	6.00
Motortricycles	7.50

"For commercial motor vehicles having a gross weight of:

Under 1,500 pounds	\$10.00
1,500 pounds to 10,000 pounds	15.00
10,000 pounds to 12,000 pounds	20.00
12,000 pounds to 18,000 pounds	30.00
18,000 pounds to 20,000 pounds	40.00
20,000 pounds to 22,000 pounds	50.00
22,000 pounds to 28,000 pounds	65.00

28,000 pounds to 32,000 pounds .	\$100.00
32,000 pounds to 38,000 pounds .	125.00
38,000 pounds to 42,000 pounds .	150.00
42,000 pounds to 44,000 pounds .	175.00
Over 44,000 pounds	200.00

* * * * *

"For each local commercial motor vehicle there shall be paid a fee equal to one-third of the fee specified above for other commercial motor vehicles, provided, however, no vehicle fee shall be less than \$10.00.

"The term 'local commercial motor vehicle' includes every 'commercial motor vehicle' as defined in Section 8367, Revised Statutes of Missouri, 1939, while operating within this state and used for the transportation of persons or property:

"1. Wholly within any municipality or urban community, or

"2. Wholly within any municipality or urban community and a zone extending 25 air miles from the boundaries of any municipality or urban community, or contiguous municipality or urban community, or

"(3) In making hauls not exceeding 25 miles in length, or

"(4) When controlled or operated by any person or persons principally engaged in farming when used exclusively in the transportation of agricultural products or live stock to or from a farm or farms, or in the transportation of supplies to or from a farm or farms.

"Each commercial vehicle shall prominently display in a conspicuous place on said vehicle the name of the owner thereof, the address from which such motor vehicle is operated and the weight for which said motor vehicle is licensed;

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provided further, that local commercial vehicles, in addition to the above information, shall prominently display on such vehicles in a conspicuous place the word 'Local'."

Unquestionably this truck could not come within the foregoing provision of Section 8369, supra, as a local commercial vehicle, for the reason it is occasionally used for a greater distance than 25 miles. Furthermore, it is not used by a person principally engaged in farming and used exclusively for transportation of agricultural products or live stock to or from a farm, or transportation of supplies to or from a farm.

Section 8370, Laws 1943, page 666, provides that the fees of a commercial motor vehicle shall be based upon the gross weight of the vehicle or any combination of vehicles and the maximum load to be carried at any one time. Said section reads in part:

"In determining fees based on the horsepower of vehicles propelled by internal combustion engines, said horsepower shall be computed and recorded upon the following formula established by the National Automobile Chamber of Commerce.

* * * * *

"Fees of commercial motor vehicles shall be based on the gross weight of the vehicle or any combination of vehicles and the maximum load to be carried at any one time during the licensed period."

Therefore, it is the opinion of this department that, in view of the foregoing statutory definitions, the truck in question is a commercial motor vehicle and is not a local commercial vehicle, as defined in Section 8369; supra. The license fee required for a commercial motor vehicle, not local and weighing 22,140 pounds with equipment, is \$65.00.

Respectfully submitted,

APPROVED:

AUBREY R. HAMMETT, JR.
Assistant Attorney General

J. E. TAYLOR
Attorney General
ARH:ML