

MOTOR VEHICLES: Reciprocity existing between the States of Missouri and Minnesota.

April 17, 1947



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Honorable William C. Lochmoeller
Prosecuting Attorney
City of St. Louis
St. Louis, Missouri

Dear Sir:

Reference is made to your letter of recent date, requesting an official opinion of this office, and reading as follows:

"A question has arisen concerning the requirement of automotive licenses under the system of reciprocity mentioned in Section 7768 of the Motor Vehicle Laws, as published in 1940, and inasmuch as you will be asked for an opinion by the Merchants Transfer Company, with offices at 327 South Fourth Street, we think it best to communicate the facts to you and ask that you favor us with the benefit of your assistance.

"This concern is a Minnesota corporation and has a Public Service Commission permit by virtue of which they travel our highways. They operate in the City of St. Louis, at the address given above, a terminal, and the question at hand has arisen by reason of the fact that the operator of one of their trucks was arrested under date of February 27, 1947, while operating one of the units of the Company bearing 1947 Minnesota license plates.

"Section 7768 establishes a system of reciprocity which is, however, qualified by the Minnesota Statute which like ours grants, - full reciprocity, except for motor vehicles engaged in transporting persons or property for hire if they go beyond the cor-

porate limits of a border municipality; also except trucks and tractor trailer units used for intra-state hauling.'

"To reach St. Louis these trucks use a route which takes them down through the northern part of the State by way of Wentzville, thence to the City, and it is my humble opinion that in view of the Minnesota Statute of Reciprocity they require Missouri plates. The manager of their local office, however, points to that section of the Missouri Reciprocity Statute which reads as follows:

"Full reciprocity as to license plates to all motor vehicles. Vehicles operated for hire must obtain permit from Public Service Commission, Jefferson City, Missouri'. As I understand it, that Section merely provides for a certificate of convenience and necessity, but in no wise impairs the licensing regulations which fundamentally are designed to raise revenue, which in turn is apportioned for the maintenance of streets and highways. This concern operates a large number of automotive units which, by reason of their size and tonnage, do our highways no little harm, and yet if their theory be correct they are immune from bearing their proportionate cost of the upkeep.

"This is the first instance of its kind that has been directed to our attention, and before we cause an investigation to be made to determine if there are others, we desire the benefit of your counsel and guidance."

You have referred to Section 7768 of the Motor Vehicle Laws as being that pertinent to the matter under consideration. We note that the section numbering mentioned was that found in the Revised Statutes of 1929, the present statute being Section 8375, R. S. Mo. 1939.

The section which you have referred to is known as the Missouri Reciprocal Statute and reads as follows:

"A nonresident owner, except as otherwise herein provided, owning any motor vehicle which has been duly registered for the cur-

rent 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." (Emphasis ours.)

You will note that the exemption contained in the statute quoted is granted only to the extent that the state of domicile of nonresidents grants exemption to residents of Missouri. It, therefore, becomes pertinent to determine what reciprocal exemptions are granted residents of Missouri under applicable Minnesota statutes.

These statutes are found as Sections 168.18 to 168.23, inclusive, Minnesota Statutes, 1945.

Section 168.18 extends reciprocal permission to a nonresident auto owner to operate a motor vehicle upon the public highways of the State of Minnesota upon such nonresident having complied with the registration laws of the state of his domicile. Three conditions are attached to the grant of such exemption from the Minnesota registration laws: (1) That similar exemptions and privileges are granted to motor vehicles registered under the laws of and owned by residents of Minnesota, (2) that any such motor vehicle, when so operated in the State of Minnesota, display all license number plates or similar insignia required by the laws of the state of domicile, and (3) that the nonresident motor vehicle owner first file with the registrar of motor vehicles of Minnesota a verified statement disclosing information relative to the ownership and description of the motor vehicle, together with an agreement that, by the use of the highways of the State of Minnesota, such nonresident consents that service by mail, made in accordance with the terms of the statute, shall amount to personal service upon such nonresident in the event of litigation arising as a result of the operation of such motor vehicle within the State of Minnesota.

Section 168.19 authorizes the registrar of the State of Minnesota to issue to such nonresident a certificate disclosing that such nonresident is entitled to operate his motor vehicle upon the highways of the State of Minnesota.

Section 168.20 provides penalties for fraudulent registration.

Section 168.21 authorizes the registrar of motor vehicles of the State of Minnesota to promulgate such rules and regulations as may be reasonably necessary to carry out the provisions of the act.

Section 168.22 subordinates the reciprocity provisions of the Minnesota statutes to all laws, treaties, agreements and policies existing between Canadian provinces and the State of Minnesota.

Section 168.23 contains the limitations generally applicable to the grant of reciprocity to nonresident owners. We deem it pertinent to set forth this section verbatim:

"Sections 168.18 to 168.23 shall not apply to a passenger motor vehicle owned by a resident of any state, District of Columbia or any Canadian province temporarily residing in this state while regularly employed therein under contract for a term of six months or more.

"Every non-resident, including any foreign corporation carrying on business except as herein provided within this state and owning and operating in such business any motor vehicle in intrastate commerce within this state shall be required to register each such vehicle and pay the same tax and penalties, if any, therefor as is required with reference to like vehicles owned by residents of Minnesota.

"The reciprocity privileges provided by sections 168.18 to 168.23 shall apply also to motor vehicles exclusively used as school buses and not for hire." (Emphasis ours.)

You will note that the limitations found in the quoted statute, in so far as they are pertinent to the matter under discus-

sion, do require the registration and payment of license fees on motor vehicles used in Minnesota in intrastate commerce by nonresidents of that state. Therefore, under the terms of the Missouri Reciprocity Statute, similar requirements would exist with respect to motor vehicles used in intrastate commerce within Missouri and owned by residents of Minnesota.

Referring to your letter of inquiry, we note that the Minnesota corporation mentioned therein operates a terminal in the City of St. Louis, and we also note a further reference to the route of the motor vehicles in and out of the City of St. Louis as being through the City of Wentzville. We are unable to determine from your letter of inquiry whether, by these references, it is meant that the motor vehicles, or some number of them, are engaged in intrastate commerce within the State of Missouri. Such being the case, our conclusion must necessarily be in the alternative.

CONCLUSION

In the premises, we are of the opinion that under the Missouri reciprocal registration and licensing statutes, motor vehicles owned by a resident of the State of Minnesota, if used solely in interstate commerce to and from the State of Missouri, are exempt from the Missouri registration and licensing laws, provided that such motor vehicles have been duly registered and licensed within the State of Minnesota.

We are further of the opinion that under the Missouri reciprocal registration and licensing statutes, motor vehicles owned by a resident of the State of Minnesota, if used in any manner in intrastate commerce within the State of Missouri, are subject to the Missouri registration and licensing laws, even though such motor vehicles may be duly registered and licensed under the laws of the State of Minnesota.

Respectfully submitted,

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APPROVED:

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