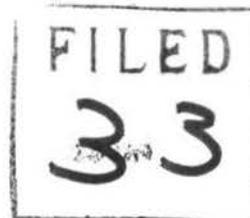


CRIMINAL LAW:
MOTOR VEHICLES:

Under reciprocal provisions, a resident of Michigan may operate a motor vehicle for a period of 90 days in any 1 year without registering same with the Commissioner of Motor Vehicles.

February 18, 1948



Honorable D. W. Gilmore
Prosecuting Attorney
Scott County
Benton, Missouri

Dear Sir:

This will acknowledge receipt of your request for an opinion, which reads:

"The Highway Troopers in this County have arrested a man for driving his automobile with Michigan license tags on it. This man came to Missouri 8 months ago, and has been employed at Charleston, Mississippi County, in connection with the Veteran's Administration program--he is an instructor for some of those taking training under the Veteran's Adm. Educational Program. During this time he has had a room in Charleston, but his wife has maintained their home in the State of Michigan. He has made trips back to Michigan about once a month to visit his wife and children.

"An information has been filed under Sec. 8373 R. S. Mo., 1939. The defendant plead not guilty, and presumably relies on Section 8375 R. S. Mo., 1939. Counsel was appointed by the Magistrate, and the Magistrate requested that both sides agree on a continuance until your interpretation be obtained, and with the further idea in mind that it may be necessary to obtain the attitude of the Michigan authorities under the reciprocity arrangement provided for in Sec. 8375.

"Similar cases have come up frequently before, but the defendants have always plead guilty, paid a small fine, obtained Missouri

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License tags, and--lived happily ever-afterwards, I guess. But since an issue has been made, we want to make a proper disposition of the matter in order that we might establish a precedent."

The facts stated in your request are analogous to the facts in another request for an opinion, which was rendered under date of October 30, 1947, to Colonel Hugh H. Waggoner, Superintendent of the Missouri State Highway Patrol, a copy of which we are enclosing.

The enclosed opinion holds that the owner of the motor vehicle in question is a non-resident, and in the absence of a reciprocal provision in the laws of the State of Kansas, exempting Missouri residents operating motor vehicles in that state under similar circumstances, that said non-resident operating his motor vehicle in this state must register said motor vehicle in Missouri. The same rule applies in the instant case. In view of the holding in the opinion herein referred to, the answer to your request depends upon whether the State of Michigan has enacted a reciprocal provision or other law exempting Missouri residents from registration while operating their motor vehicles in the State of Michigan under like circumstances.

The Laws of Michigan, 1937, created a board known as the Michigan Highway Reciprocity Board (see Section 422-1 of the Compiled Laws of Michigan, 1929, Vol. 5, Mason's 1940 Cumulative Supplement). Under Section 422-2 of the same Volume, we find where said board is authorized and empowered to enter into reciprocal compacts and agreements concerning the operation and regulation of automobiles engaged in international and interstate commerce. Section 422-3 of the same Volume provides what such compact shall grant residents of other states and contains a proviso that such compacts and agreements shall not supersede or suspend any laws, rules or regulations of the State of Michigan applying to motor vehicles operated intrastate in the State of Michigan. The foregoing laws of Michigan, granting reciprocity to owners of motor vehicles registered in this state, apply almost entirely to interstate commerce, and specifically provide that they do not affect laws, rules and regulations in that state that apply to motor vehicles operated intrastate in Michigan. We construe said provision to clearly defeat the possibility of such board executing any agreement with this state, thereby relieving residents of this state, while operating their motor vehicles in the State of Michigan, from registering same with the proper authorities in that state.

Under date of February 9, 1944, the Public Service Commission of this state, through its chairman and the Motor Vehicle Department

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of this state by the Commissioner of Motor Vehicles, and the Michigan Highway Reciprocity Board, executed an agreement exempting said motor carriers, while operating in interstate and for hire of persons or property from registration, a copy of which we are attaching hereto. However, such agreement does not, in any manner, apply to motor vehicles operated by individuals for their own pleasure or business, and not operated for hire.

We find the following amendment in the Public Acts of Michigan, 1947, pages 198-199, which reads in part:

"(9.1504) Sec. 4 (b) It shall be unlawful for any non-resident whose home state or country does not require the licensing of operators or chauffeurs, and who has not been licensed either as an operator or chauffeur in his home state or country, to operate any motor vehicle upon any highway in this state without first making application for and obtaining a license as an operator or chauffeur as required under this act, except that any said unlicensed non-resident who is over the age of 17 years and who is the owner of a motor vehicle or private chauffeur or authorized driver of such owner which has been duly registered for the current calendar year in the state or country of which the owner is a resident, may operate such motor vehicle on the highways of this state for a period of not more than 90 days in any 1 year without making application for or obtaining an operator's or chauffeur's license under this act upon condition that the motor vehicle shall at all times display the license number plate or plates issued therefor in the home state or country of the owner and that the non-resident owner, chauffeur or driver has in his immediate possession a registration card evidencing such ownership and registration in his home state or country, or is able at any time or place required to prove lawful possession or the right to operate such motor vehicle and establish his proper identity."

which amendment allows non-residents to operate their motor vehicles in the State of Michigan for 90 days out of any one year, when said motor vehicles shall, at all times, display the license number plate issued therefor and the operator or owner of said motor vehicle has evidence of said ownership of said motor vehicle.

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Section 8375, R. S. Mo. 1939, is known as the reciprocity provision in the Motor Vehicle Act of the State of Missouri, and it permits a non-resident owner to operate his motor vehicle within this state without registering same or paying any fee providing that similar privileges are granted residents of this state operating their motor vehicles within the state of the non-resident.

CONCLUSION

In view of Section 8375, supra, Laws of Missouri, and 9.1504, Section 4 (b), supra, Laws of Michigan, it is the opinion of this department that the person referred to in your request may operate his motor vehicle in this state for a period not to exceed 90 days in any one year without registering same with the Commissioner of Motor Vehicles of this state. Thereafter, it is necessary that he register said motor vehicle with said Commissioner of the State of Missouri.

Respectfully submitted,

AUBREY R. HAMMETT, JR.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General