

March 9, 1967

Honorable Homer D. Wampler, III
Assistant Prosecuting Attorney
Greene County
Springfield, Missouri 65802



Dear Mr. Wampler:

This is in answer to the question raised in your recent letter as to the constitutionality of Section 303.150, RSMo 1959, as against the allegations that the provisions of this statute were not clearly expressed in the title in violation of Article III, Section 23, of the Missouri Constitution.

Our office has not issued any opinion on this point nor has it been involved in any litigation relating to this particular constitutional attack on this section. However, upon consideration of the title of the act and the provisions of the statute, we feel that Section 303.150 is not unconstitutional.

This section was first enacted by the 67th General Assembly in 1953, as a part of House Bill 19. The bill was entitled:

"AN ACT to repeal chapter 303, consisting of sections 303.010 to 303.340, RSMo 1949 and section 303.220, RSMo 1959 Supp., relating to the motor vehicle safety responsibility law, and to enact a new chapter to be known as chapter 303, consisting of thirty-six new sections numbered sections 303.010 to 303.360, relating to the same subject." Laws Missouri 1953, page 569.

The section in question was originally enacted as Section 303.170, page 478, but was renumbered in the 1959 Revised Statutes as Section 303.150. See Section 3.060, RSMo 1959.

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The subject of House Bill 19, as indicated by its title, is the safety responsibility law. Included under this very general title are all of the provisions enacting, governing, and administering this law. Several of the various sections enacted as a part of this bill define the circumstances under which persons may become subject to the requirements of the law. One of these circumstances is that provided by Section 303.150 which requires that those persons whose drivers license has been suspended or revoked must show compliance with the safety responsibility provisions before their privilege may be reinstated. In our opinion there is little doubt that the section setting forth this requirement is within the purview of the title of the act.

Although this office has not briefed this point as regards Section 303.150, we did brief the question in *IBM v. David*, 408 S.W.2d 833, relating to a revenue law, and we have enclosed herewith a copy of our brief in this case which we hope will be of help.

It appears from the enclosed brief that defendant is under the misapprehension that the heading placed on the section by the revisor of statutes is the title, but this is not so. This, as other such headings, is merely an arbitrary designation inserted for convenience or reference by clerks or revisors who have no legislative authority and does not reflect the meaning of the statute. *State v. Maurer, Mo.*, 164 S.W. 551; *Phillips Pipe Line Co. v. Brandstetter, Mo.App.*, 263 S.W.2d 880; *Southwestern Bell Telephone Co. v. Drainage District No. 5, Mo.App.*, 247 S.W. 494; Section 3.050, RSMo 1959. Thus the heading placed on a particular act or law is not the title, and should not be considered in determining whether the provisions of the act are clearly expressed in its title.

We feel the state must take the position that a statute must be presumed constitutional and a reading of the statute in question clearly shows its provisions are within the purview of the title and not unconstitutional in derogation of Article III, Section 23, of the Missouri Constitution. If an adverse decision is rendered by the magistrate, our office should be notified and the matter appealed as soon as possible.

Yours very truly,

NORMAN H. ANDERSON
Attorney General

Enclosure