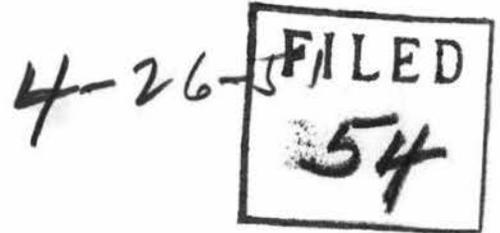


MOTOR VEHICLES: Trailers not subject to staggered registration provisions, nor subject to penalty fee for delinquent registration. Registration fee of \$3.00 cannot be prorated.

HIGHWAY PATROL:

April 26, 1951



Honorable H. M. Long,
Assistant Supervisor, Motor Vehicle Registration
Department of Revenue
Jefferson City, Missouri

Dear Sir:

Your recent request for an official opinion of this department reads in part as follows:

"* * * Are Trailers to be registered under Permanent-Staggered Registration Law? Are Trailers subject to delinquent fee? Are Trailers to be registered at a flat fee of \$3.00 irrespective of date of application for such registration or is the fee to be pro-rated?"

Section 301.020, RSMo 1949, provides in part:

"Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose, * * *"

Section 301.060, RSMo 1949, provides for the annual registration fees of motor vehicles and trailers. Section 301.060(3) reads:

"The annual registration fee shall be as follows:

"(3) For each trailer or semitrailer there shall be paid a fee of three dollars. The fees for tractors used in any combination

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with trailers or semitrailers or both trailers and semitrailers shall be computed on the total gross weight of the vehicles in the combination with load."

The 64th General Assembly has provided for a system of staggered registration of motor vehicles and permanent use of license plates. Section 301.030, RSMo 1949, provides in part:

"1. The director of revenue shall provide for the retention of license plates by the owners of motor vehicles and shall establish a system of registration on a monthly series basis to distribute the work of registering motor vehicles as uniformly as practicable throughout the twelve months of the calendar year. * * *"
(Underscoring ours.)

An examination of Section 301.030, supra, and the other statutory provisions relating to permanent-staggered registration reveals that these sections mention only the term motor vehicles in connection therewith. In none of these provisions do we find the word trailer mentioned. The first question, therefore, is whether or not trailers are to be considered motor vehicles with respect to the permanent-staggered registration provisions.

Section 301.010, RSMo 1949, is a definition statute providing that for the purposes of Chapter 301, certain terms and words shall have the meanings stated therein. Section 301.010(12) defines motor vehicles as follows:

"'Motor vehicle,' any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;"

The word trailer is defined as follows in Section 301.010(23):

"'Trailer,' any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle;"

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It is evident from the statutory definitions that trailers cannot be held to be embodied in the term motor vehicles. Therefore, since the permanent-staggered registration provisions relate only to motor vehicles, it must be concluded that trailers are not subject to registration under these provisions.

The second question presented is whether or not late registration of trailers will warrant the collection of a delinquency fee. This question involves the construction of Section 301.050, RSMo 1949, which section reads as follows:

"All registration fees shall be payable to the director of revenue and shall accompany the application for registration. The fees payable during the seventeen months commencing January 1, 1949, and ending May 31, 1950, for the registration of motor vehicles as defined in section 301.030, shall be computed on the basis of one-twelfth of the full year's registration fee prescribed for such vehicles in section 301.060, multiplied by the number of months for which said motor vehicles shall be required to be registered. After June 1, 1950, a penalty fee of two dollars shall be paid on all delinquent registrations."

To arrive at a proper construction of Section 301.050, we must consider the history of this statute. The system of staggered registration for motor vehicles was provided for by the 64th General Assembly in House Bill No. 273, found in Laws of Missouri, 1947, page 380. This system is set up by Sections 8369a to 8369h of House Bill No. 273. Within these sections, we find Section 8369c which has become Section 301.050, RSMo 1949.

Regarding the construction of statutes we find the court stating in the case of State ex inf. v. Broeker, Mo. App., 11 S.W. (2d) 81, 1.c. 83 that:

"It is well understood that the object of all rational construction of statutory enactment is to seek out and effectuate the purpose and intent of the lawmaking body in enacting the same; that such intent is to be determined from a general view of the entire act with reference to

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the subject-matter to which it applies; and that sections of the same act relating to the same general subject, and enacted at the same time, must be read and construed together in interpreting the act and parts thereof. State ex rel. v. Davis, 314 Mo. Sup. 373, 284 S.W. 464; Palmer v. Omer, 316 Mo. 1188, 295 S.W. 123; Betz v. Kansas City Southern Ry. Co., 314 Mo. 390, 284 S.W. 455; Consolidated School District v. Hackmann, 302 Mo. 558, 258 S.W. 1011."

Therefore, since Section 301.050, was originally enacted as an integral part of the act providing for staggered registration of motor vehicles and since trailers are not subject to the staggered registration provisions, it is our conclusion that the delinquent fee provided for in Section 301.050, was intended to apply only to the delinquent registration of motor vehicles and is not applicable with regard to delinquent registration of trailers. Furthermore, there is no other statute providing for a penalty fee for the delinquent registration of trailers and it must be concluded that no penalty can be collected for the delinquent registration of trailers.

The last question presented in your opinion request is whether or not trailers are to be registered at the flat fee of \$3.00 provided for by Section 301.060, supra, irrespective of the date of application for such registration or can the fee be prorated. There is no specific statutory authority for the proration of trailer registration fees.

With regard to the registration of license fees we find the general rule stated in the case of Northern Kentucky Transportation Co., v. City of Bellevue, 285 S.W. 241, 1.c. 243, 215 Ky. 514, as follows:

"The general rule upon this subject is stated as follows: If a statute authorizing the levy of a fixed amount as an annual business license makes no provision for a pro rata license, a person commencing business in the latter part of the year must pay the full amount of the license required to be assessed."

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and in the case of Commonwealth v. McCarthy, 3 Atl. (2d) 267, l.c. 269, 332 Pa. 465, the court stated that:

"* * *In the absence of a legislative direction for the proration of the tax, such a provision cannot be supplied by implication in favor of places which discontinue business during a part of the year."

Therefore, since the legislature has failed to provide for the proration of trailer registration fees it must be concluded that the full fee of \$3.00 must be paid regardless of the date of application for such registration.

CONCLUSION

It is therefore the opinion of this department that:

1. Trailers are not to be registered under the provisions regarding staggered registration and permanent use of license plates as these provisions are applicable only to the registration of motor vehicles.
2. There is no penalty fee to be paid on delinquent registration of trailers.
3. The full registration fee of \$3.00 must be paid regardless of the date of application for the registration of trailers as there is no provision for the proration of this fee.

Respectfully submitted,

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APPROVED:



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