

MOTOR VEHICLES: When person operating motor vehicle on the
Licenses: highways of the state makes a delinquent
MISDEMEANORS: registration, he is subject to penalty fee
REGISTRATION: of \$2.00 and is also guilty of misdemeanor
CRIMINAL LAW: under Section 301.440, RSMo 1949.

September 20, 1951



9-24-51

Honorable J. Hal Moore
Prosecuting Attorney
Lawrence County
Mt. Vernon, Missouri

Dear Sir:

This is in answer to your letter of recent date requesting an official opinion of this department and reading as follows:

"There is a question in my mind in regard to Revised Statute 1949, chapter 301. I cannot find in this chapter or in any other chapter whether or not it is against the law in the State of Missouri to operate a motor vehicle after your license has expired. It seems that the only punishment provided is a \$2.00 late registration fee and that a person cannot be convicted for driving with improper license when the license are only delinquent."

Section 301.020, RSMo 1949, provides in part as follows:

"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, * * *"

September 20, 1951

Section 301.050, RSMo 1949, provides in part as follows:

" * * * After June 1, 1950, a penalty fee of two dollars shall be paid on all delinquent registrations."

Subsection 5 of Section 301.130, RSMo 1949, provides in part as follows:

"Before being operated on any highway of this state every motor vehicle or trailer shall have displayed the permanent license plates or temporary permit issued by the director or revenue entirely unobscured, unobstructed, all parts thereof plainly visible and kept reasonably clean, and so fastened as not to swing."

Section 301.440, RSMo 1949, provides as follows:

"Any person who violates any provision of this chapter for which no specific punishment is provided, shall upon conviction thereof be punished by a fine of not less than five dollars or more than five hundred dollars or by imprisonment in the county jail for a term not exceeding two years, or by both such fine and imprisonment."

It is clear that the penalty fee of two dollars, found in Section 301.050, refers only to the registration and is directed against any person who does not make his application for registration at the proper time.

It does not purport to be a penalty or punishment for the operation of a motor vehicle or trailer on the highways of this state, which motor vehicle or trailer does not have displayed the permanent license plates or temporary permit issued by the Director of Revenue.

Since no specific punishment has been provided for violations of subsection 5 of Section 301.130, the provisions of Section 301.440 would be applicable where a motor vehicle is operated on the highways of this state without displaying the permanent license plates or temporary permit issued by the Director of Revenue.

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Subsection 2 of Section 301.130, RSMo 1949, provides as follows:

"When application is made for reregistration of a motor vehicle the director of revenue shall, except as otherwise provided, mail or deliver a metal tab or other durable material designating the year of registration, which tab shall be attached to the license plate in the place provided therefor."

We believe from the provisions of this subsection that the permanent license plates contemplated by subsection 5 of Section 301.130, are the metal plates assigned by the Director of Revenue to each motor vehicle or trailer, together with the metal tab designating the particular year of registration. The tab is as much a part of the license plate as are the numbers on such plate. Therefore, subsection 5 of Section 301.130 is violated if permanent registration plates, including the metal tabs designating the year of registration, or temporary permit, are not displayed on every motor vehicle operated on any highway of this state, and the violation may be punished as provided in Section 301.440.

CONCLUSION

It is the opinion of this department that every owner of a motor vehicle operated or driven upon the highways of this state must pay a penalty fee of two dollars if he is delinquent in his registration of such motor vehicle or trailer.

It is the further opinion of this department that any person who operates on any highway of this state a motor vehicle or trailer which does not have displayed the permanent license plates or temporary permit issued by the Director of Revenue may be punished upon conviction thereof by a fine of not less than five dollars or more than five hundred dollars or by imprisonment in the county jail for a term not exceeding two years, or by both such fine and imprisonment.

Respectfully submitted,

APPROVED:



J. E. TAYLOR
Attorney General
CBB:lrt

C. B. BURNS, JR.
Assistant Attorney General