

MOTOR VEHICLES - HISTORIC - May be used on highways without further registration so long as it is so used solely for exhibition and educational purposes.

September 20, 1960



Honorable Robert L. Carr
Prosecuting Attorney
Washington County
Potosi, Missouri

Dear Mr. Carr:

This is in reply to your request of September 9, 1960 for an official opinion which reads as follows:

"A number of residents of Washington County have obtained and restored automobiles more than 25 years old, the licensing of which is referred to in Section 301.131, Revised Statutes of Missouri, which refers to certain such vehicles as 'historic motor vehicles'. An inquiry has arisen concerning the occasional use for pleasure of such vehicles, and an opinion from your office on this subject will be most helpful.

"The typical situation with which we are confronted is as follows: A vehicle more than 25 years old is obtained and restored solely as a collector's item, usually as the hobby of the owner, and the vehicle is used for exhibition purposes, such as at county and state fairs. By reason of precise restoration of the vehicles, they are capable of being operated on the public highways, and the owners wish to take occasional short

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pleasure rides in their vehicles. The vehicles are kept and so used, however, as collector's items rather than as means of transportation. Assuming that the owner of such a vehicle would register his automobile under Section 301.131, as an historic vehicle, but obtain no other license for the vehicle to be operated on Missouri's highways, would the described occasional pleasure use constitute a violation of the statutes requiring the licensing of vehicles? Your assistance in this matter will be greatly appreciated."

Section 301.131, Laws of 1955, page 620, states:

"1. Any motor vehicle over twenty-five years old which is owned solely as a collector's item and which is used and intended to be used for exhibition and educational purposes shall be permanently registered upon payment of a registration fee of ten dollars. Upon the transfer of the title to any such vehicle the registration shall be cancelled and the license plates issued therefor shall be returned to the director of revenue.

"2. The owner of any such vehicle shall file an application in a form prescribed by the director, verified by affidavit, providing that such vehicle meets the requirements of this section, and a certificate of registration shall be issued therefor. Such certificate need not specify the horsepower of the motor vehicle.

"3. The director shall issue to the owner of any motor vehicle registered under this section two license plates manufactured of embossed steel, painted white with black lettering, and containing the number assigned to the registration certificate issued by the director of revenue, and the following words:

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'Historic Motor Vehicle', 'State of Missouri'.
Such license plates shall be kept securely
attached to the motor vehicle registered
hereunder."

The title to the act, as found in the Laws of 1955, page
620, reads as follows:

"AN ACT to amend chapter 301, RSMo 1949, as
amended, by inserting after section 301.130,
a new section to be known as section 301.131,
providing for the registration of motor
vehicles over twenty-five years old which are
used only for exhibition and educational pur-
poses."

Article III, Section 23, of the Missouri Constitution of
1945 reads as follows:

"No bill shall contain more than one subject
which shall be clearly expressed in its title,
except bills enacted under the third exception
in section 37 of this article and general ap-
propriation bills, which may embrace the
various subjects and accounts for which moneys
are appropriated."

This provision was interpreted in *State v. Murphy*, 148 S.W. 2d
527, 532 (1941) to mean "(t)hat if the title is restrictive the
Act must also be restrictive. *Hunt v. Armour & Co.*, 356 Mo.
677, 136 S.W. 2d 312; *Sherrill v. Brantley*, 334 Mo. 497, 66 S.W.
2d 529."

Due to this constitutional provision and its interpretation,
Section 301.131 would have to be interpreted to read "any motor
vehicle over 25 years old which is owned solely as a collector's
item and which is used and intended to be used [only] for exhibi-
tion and educational purposes * * *."

Therefore, it would appear that the registration provided
for in Section 301.131 will allow the vehicle to be operated upon
public highways without further registration only when these
vehicles are so used for exhibition and educational purposes.

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No provision is made for the operation of this motor vehicle on the highway at any time other than while it is being used for exhibition and educational purposes. This registration would thus not enable the owner to operate the vehicle upon public highways purely for his own pleasure; it would have to be for exhibition and educational purposes.

CONCLUSION

It is the opinion of this office that historic vehicles registered under Section 301.131 may be operated upon public highways without further registration so long as they are used solely for exhibition and educational purposes.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, James W. Riner.

Very truly yours,

John M. Dalton
Attorney General

JWR:vlw