

DEAD ANIMAL DISPOSAL PLANTS:
LICENSING:
PERIOD OF LICENSE:

The license fee for operation of dead animal disposal plants should be charged for a full year regardless of the date of application for the license.

October 20, 1941

Dr. John W. George
State Veterinarian
Department of Agriculture
Jefferson City, Missouri



Dear Doctor George:

This is to acknowledge receipt of your letter of recent date in which you request an opinion from this department based on the following statement of facts:

"Does Senate Bill No. 94 require me to collect application fees and issue licenses to Dead Animal Disposal Plants, also for trucks and sub-stations, for the short period from the time of inspection and final approval prior to December 31, 1941?"

The act to which you refer is found in Laws of Missouri, 1941, p. 290. Sections 14493-c, d, and f, found on pages 293 and 294, pertain to your question and are as follows:

"Section 14493-c. Any person desiring a license under this act to engage or continue in the business of operating a disposal plant for bodies of dead animals, shall file an application for such license with the state veterinarian, on a form provided by him without charge, which application shall set forth the name and residence of the applicant, the location of his place of business, the particular method, or methods which he intends to employ, or is employing in the transportation and in the disposal of the bodies of such dead animals; the number and location of all sub-stations he desires to operate, if any; the number and kind of vehicles he will use; and such other essential information relative thereto as the state veterinarian, by his rules and regulations may require. Such application shall be accompanied by an initial installment of fifty dollars (\$50.00) on the total annual license fee, to apply upon the expenses imposed by this act."

Section 14493-d. Upon receipt of such application, accompanied by the fee, the state veterinarian, or some person appointed and designated by him, shall, within thirty days, ascertain whether or not such applicant is a responsible and suitable person to conduct such business, and that if the disposal plant of such applicant, as herein defined, and if the methods of operation thereof comply with all the provisions of this act and with the rules and regulations herein authorized, and if such business is located in a place permitted by this act, he shall thereupon issue to such applicant a certificate to that effect."

"Section 14493-f. All licenses and vehicle certificates issued under this act shall remain effective until and unless voluntarily surrendered, or suspended or revoked, as provided in this act; conditioned, however, upon payment to the state veterinarian on or before January 15 of each calendar year subsequent to the year of issue, of the required total annual license and other fees herein provided for and specified, as aforesaid, to which payment shall operate, without further application, to continue such licenses and vehicle certificates in full effect during each calendar year for which such license and other fees shall be paid, unless sooner surrendered, or suspended or revoked, as herein provided."

It will be noted that Section 14493-f, supra, definitely provides that each licensee must pay the required fee on or before January 15 of each year subsequent to the issuance of such license.

October 20, 1941

Since the act does not provide for the splitting up of the license fee in case applicants apply for a part of a year, then it would follow that if an applicant makes application at any time during the license year, or while the law is in effect, such applicant must pay the full amount of the license. This rule is supported by the statement in 37 C. J., p. 250, Sec. 116, as follows:

"* * * In the absence of a provision for a pro rata license, a person taking out a license must pay the full amount prescribed even though he taken out his license after the beginning of the license year, or discontinues his business before the expiration of such year. * * *"

Our Supreme Court, in the case of The City of St. Louis v. The Consolidated Coal Company, 113 Mo. 83, has applied the same rule.

In your letter you indicate that it will be some time before you will be prepared to furnish proper application blanks and make inspections of plants, because no appropriation was made for the carrying out of the provisions of this act. The law became effective ninety days after the adjournment of the General Assembly, however, on the question of whether or not a person would be guilty of violating this law in a case where the state officials were not able to make proper inspections or furnish proper blanks, we think that this would be taken into consideration in case proceedings were instituted against a party who was not able to obtain his license for that reason.

CONCLUSION

From the foregoing, it is the opinion of this department that this act would require the collection of fees for a full year from those who made application for a license prior to December 31, 1941, and that such license year would terminate January 15, following such application.

Respectfully submitted,

APPROVED:

TYRE W. BURTON
Assistant Attorney General

VANCE C. THURLO
(Acting) Attorney General

TWB:NS