**Memorandum**

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| **Identifying Information:** | **Definition of the word "and".** |

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| **Tax Type:** | **Vehicles** |
| **Brief Description:** | **The meaning of the word "and"** |
| **Keywords:** |  |
| **Effective Date:** | **02/02/1996** |

**Body:**

**M E M O R A N D U M**

TO: Betty McBride
Rick Scheibe

FROM: James G. Keller, Attorney
Legal Services Bureau

RE: The meaning of the word “and”

DATE: February 2, 1996

We discussed this morning the policy of the Title and Registration Bureau regarding language on a vehicle title which used the terminology “and,” as opposed to the designation “and/or” when two or more people are listed as owners of a vehicle. Evidently, there has been some question over the practice of requiring both listed owners to sign the assignment of title when the names are joined by “and” and to only require one signature when listed as “and/or”.

I asked one of our law clerks, Amy Weller, to briefly research this question and she has provided me with a couple of cases from other states which discuss such terminology. These cases would seem to be in accord with a common sense approach as to the language used. In *Manor Healthcare v. Soiltest,Inc.,*549 N.E.2d 719 (Ill.App. 1989), the Court states that the terms “and” and “or” should not be considered interchangeable absent strong supporting reasons. In *Denver-Metro Collections, Inc. V. Kleeman,*491 P.2d 64 (Colo.App. 1971) the term “and/or” was held to indicate that assignment by one of the payees on a note was a valid assignment of the entire note. The Court mentioned that the question could be resolved by the provisions of the Uniform Commercial Code. Indeed, the official comment to K.S.A. 84-3-116 explains the distinction between “and” and “and/or”. If an instrument is payable to “A and B,” states the comment, then both must indorse in order to negotiate the instrument. If “and/or” is used, then either A or b or both can effectively indorse.

The present policy of the Division appears to be consistent with the above authorities.

**Date Composed: 03/06/1998 Date Modified: 10/09/2001**