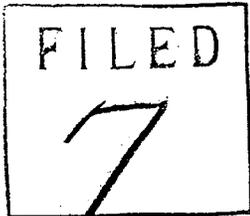


MOTOR VEHICLE: "Farm Wagon" drawn on highways by farm  
TRAILER: tractors not required to be registered as  
FARM VEHICLES: motor vehicle or motor vehicle trailer.



April 20, 1954

Honorable Max B. Benne  
Prosecuting Attorney  
Atchison County,  
Rock Port, Missouri

Dear Mr. Benne:

Reference is made to your request for an official  
opinion of this department reading as follows:

"Our local law enforcement officials including myself and our magistrate are at present uncertain as to whether or not a farmer who owns or farms two or more noncontiguous tracts of land so situated that travel from one to the other can be performed by using a public highway, must purchase a trailer license for either a metal or rubber tired farm wagon pulled behind a farm tractor and used only for the purpose of hauling seed, feed, or other farm products and equipment from one of his farms to another.

"The Highway Patrol or the Department of Revenue has change is (its) policy recently and now asserts that a license is necessary for the wagon but not for the farm tractor. Their construction would seem to be correct insofar as the wagon is concerned except that under Chapter 301, RS, Missouri, it is provided as follows:

"301.010 (27) "Trailer," any vehicle  
without \* \* \*

(28) "Vehicle," any mechanical  
device on wheels, designed primarily for  
use on highways except \* \* \*!" (emphasis  
mine.)

Honorable Max B. Benne

"It is my thought that today nearly all merchandise moved on the highway is moved by truck and the average farm wagon, unlike twenty-five years ago is used almost exclusively for field and barnyard conveyances and seldom on the road, and a fair construction of the above statute may exclude wagons from the above section of the statute .

"In addition to the questions by the above officials I have had many inquiries by private citizens, and I believe that an official opinion by your office would do much to clarify the situation."

Paragraph (27) of Section 301.010, RSMo 1949, Cumulative Supplement, 1951, fully quoted, defines "trailer" in the following language:

"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 semi-trailer 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; \* \*"

Further, Paragraph (28) of the same section contains the following definition of the word "vehicle."

"Vehicle, any mechanical device on wheels, designed primarily for use on highways, except those propelled or drawn by human power, or those used exclusively on fixed rails or tracks."

The above definitions have been quoted fully inasmuch as it is felt further light on this question may be drawn from their full context. It is also believed that further statutory definitions should be considered in order to better understand the meaning of the registration law in relation

Honorable Max B. Benne

to farm wagons. For instance, a trailer is defined as a vehicle to be drawn by a self-propelled vehicle. "Vehicle" is in turn defined as a mechanical device on wheels designed primarily for use upon the highway. Reference should be made here to the motive power of the wagon described in the opinion request letter. "Tractor" is further defined in two places in the statute. As a farm tractor, the words are defined in Paragraph (5) of Section 301.010 of the 1953 Cumulative Supplement as follows:

"'Farm tractor' a tractor used exclusively for agricultural purposes:"

and in Paragraph (26) of the same section "tractor" is defined as follows:

"Tractor," any motor vehicle designed primarily for agricultural use or used as a traveling power plant or for drawing other vehicles or farm or road building implements and having no provision for carrying loads independently."

Neither one of these above may be considered as designed primarily for use on highways. Further statutory reference to farm tractors is found in Section 304.260, RSMo, 1949 which provides as follows:

"Farm tractors when using the highways in traveling from one field or farm to another, or to or from places of delivery or repair are exempt from the provisions of the law relating to registration and display of number plates, but shall comply with all the other provisions hereof. The state highway commission shall have the power and authority to prescribe the type of road upon which such tractors may be used and may exclude the use of such tractors or the use of trucks of any particular weight from the use of certain designated roads or types of roads, by the posting of signs along or upon such roads or any part thereof."

The express terms of this section specifically exempt the use of farm tractors, as described in the opinion request letter, from registration.

Honorable Max B. Benne

The section providing for the amount of registration fee to be paid by vehicles, Section 301.060, Laws of 1951, page 695, provides for the licensing and registration of trailers in Paragraph (7) at l. c. 700 as follows:

"For each trailer or semitrailer there shall be paid an annual fee of seven dollars, and in addition thereto such permit fees authorized by law against trailers used in combination with tractors operated under the supervision of the Public Service Commission. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load." (Emphasis ours)

Since all of the terms of the foregoing licensing must be interpreted strictly against the licensing authority which is in this case the State of Missouri, it must be concluded that there is no provision of the registration law applying to the licensing of farm wagons which are drawn by farm tractors.

From the quoted statutes above it must be conceded that the Legislature intended to exempt these wagons by the words "designed primarily for use upon the highway."

#### CONCLUSION

---

Therefore, it is the opinion of this department that a metal or rubber tired farm wagon is not such a "vehicle" within the meaning of Paragraph 28, of Section 301.010, RSMo 1949, Cumulative Supplement 1951, or trailer as defined in Paragraph 27, that it be required to be licensed.

The foregoing opinion, which I hereby approve, was prepared by my assistant, James W. Faris.

Yours very truly

JOHN M. DALTON  
ATTORNEY GENERAL