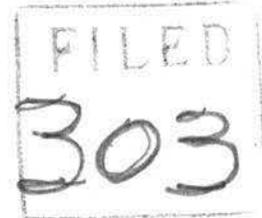


LICENSING:
MOTOR VEHICLE:
MOTOR VEHICLE LICENSES:
TRAILER:

A dolly used to tow disabled automobiles to and from a salvage yard is not a trailer as defined in Section 301.010 (27) (28) and is not required to be registered and licensed by the state.

Opinion No. 303

November 6, 1964



Honorable William J. Esely
Prosecuting Attorney
Harrison County
Bethany, Missouri

Dear Mr. Esely:

This is in answer to your request for an opinion of this office as to whether dollies used to tow disabled cars to and from a salvage yard should be registered with and licensed by the state.

Section 301.020, RSMo 1959 provides that every owner of a motor vehicle or trailer which shall be operated or driven upon the highways of this state shall file with the office of the Director of the Department of Revenue an application for registration. A license is then issued upon payment of the proper fee.

The term "trailer" is defined for the purpose of registration requirements in subparagraph 27 of Section 301.010 as follows:

"(27) 'Trailer', any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by self-propelled vehicle, * * * "

A "vehicle" as defined in subparagraph 28:

"(28) 'Vehicle', any mechanical device on wheels, designed primarily for use on highways, * * * "

The question thus presented is whether a dolly used for the purpose indicated is a "trailer" within the meaning of the definitions given above.

The dollies in question are used for towing disabled automobiles and only when all four wheels of the disabled automobile are inoperative. One end of the car is suspended by a tow truck and the other is put on a dolly. A typical dolly of this type is carried unassembled on the back of the tow truck. It consists of two sets of two wheels each of which may be attached to two iron pipes which serve as axles. Two iron "buckets" are cradled on the pipes. The two wheels of a car being towed are set on these buckets and the dolly does serve as auxiliary wheels.

It is true that at first glance a dolly appears to be within the broad statutory definition of a trailer. It is a vehicle as defined in Section 301.010 (28) as it is a mechanical device on wheels and is designed primarily for use on the highways. These dollies are without motive power and are designed for carrying property on their own structures and for being drawn by a self-propelled vehicle.

However, it is the opinion of this office that a dolly is not a trailer which must be registered and licensed by the state. Statutes should be given a reasonable interpretation to carry out the legislative intent. Even though the definition of a trailer is quite broad it could be construed to include a dolly only by the broadest construction of each phrase of the definition, both of a trailer and a vehicle. Most persons have a fairly clear understanding of what a trailer is. No man looking at a tow truck dolly would ever consider it to be a trailer. We believe that the Legislature did not intend that such dollies were to be termed "trailers" even though the definition adopted by the Legislature technically might be considered broad enough to include them. It should be noted that the Department of Revenue has never taken the position that a dolly is a trailer and must be licensed as such.

As a practical matter, a dolly is only a tool or mechanical aid used by a tow truck (which must be licensed) to enable it to perform its function when three or four wheels of a disabled automobile are inoperative. A tow truck dolly functions only as an extra set of wheels joined by an axle to take the place of a damaged wheel of an automobile. If the tow truck carried two extra wheels which could be attached separately to the wheels of a disabled automobile to enable it to be towed, these extra wheels would not be considered a vehicle or trailer. The fact that these extra wheels are joined by an axle does not change their essential mechanical function.

It is our view that the term "trailer" as used in Section 301.010 (27) should be given an interpretation which is in harmony with the common understanding and experience of man and

November 6, 1964

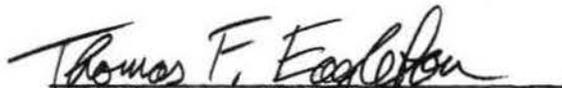
not a mere technical interpretation solely on the ground that the definition of a "trailer" could be considered broad enough to include tow truck dollies. Certainly, under common usage, the accepted meaning of a trailer would not include a dolly used in the manner indicated.

CONCLUSION

It is, therefore, the opinion of this office that a dolly used to tow disabled automobiles to and from a salvage yard is not a trailer as defined in Section 301.010 (27) (28) and is not required to be registered with and licensed by the state.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, John H. Denman.

Very truly yours,


THOMAS F. EAGLETON
Attorney General