

MOTOR VEHICLE : The type of hitch or length thereof does
TRAILERS. : not determine whether a vehicle should be
registered and licensed as a trailer.

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Filed 37



Honorable David E. Harrison,
Superintendent,
Missouri State Highway Patrol,
Jefferson City, Missouri.

Dear Mr. Harrison:

Reference is made to your letter of recent date requesting an opinion from this department on the following question:

"Farm operators sometimes use their farm tractors for pulling trailers loaded with farm produce upon the highways of this state. The trailers are of various descriptions - some of them with two and some with four wheels. The hitches used for attaching the trailers to the tractors are of various designs and length. Does the type and length of hitch have any bearing with regard to whether the trailer should be licensed?"

In L. 1945, p. 1194 (repealing and reenacting Sec. 8367 R.S. Mo. 1939) the term "trailer" is defined as follows:

"Any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle, except those running exclusively on track, 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."

The law further requires that tractors designed for agricultural use when used upon the highways of the state, other than in traveling from one field or farm to another, or to or from places of delivery or repair, must be registered and licensed the same as any other motor vehicle; and that trailers drawn by tractors which are designed for agricultural use must be registered and licensed whenever used upon the highways of the state, except when traveling from one field or farm to another, or to or from places of delivery or repair. Whenever a tractor designed primarily for farm use loses its exemption and is required to be registered and licensed, then the

trailer which is using such a tractor as motive power also must be registered and licensed.

As a matter of law, neither the type of hitch nor the length thereof would determine whether the trailer should be licensed. A farm wagon with proper attachments to be pulled with a team of horses would be included within the definition of a trailer when pulled by a self-propelled vehicle. The length of the hitch would not be material in determining whether a vehicle is a trailer when such trailer is drawn by a self-propelled vehicle. Since the legislature has defined a trailer "an any vehicle without motive power designed * * for being drawn by a self-propelled vehicle* * *", then a vehicle so used is required to be registered and display a license plate.

Included within the definition of a "trailer" is a "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."

This definition is broad enough to include a two wheel vehicle used as a trailer, although a part of the weight is carried by the tractor. The type or length of hitch would not be material in determining whether such a vehicle is a trailer when drawn by a self-propelled vehicle.

CONCLUSION.

Neither the type of hitch nor length thereof used to connect a vehicle used as a trailer to a self-propelled vehicle would determine whether such a trailer should be licensed.

Respectfully submitted,

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APPROVED:

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JEM/LD