

MOTOR VEHICLES: TRAILER: Wood saw or feed grinder powered by automobile motor permanently mounted on automobile chassis and towed from place to place by automobile not a trailer.

July 5, 1939

Mr. A. L. Gates  
Prosecuting Attorney  
Moniteau County  
California, Missouri



Dear Sir:

This department is in receipt of your request for an official opinion which reads as follows:

"As Prosecuting Attorney of Moniteau County, I would like to have a written official opinion from your office covering these facts. An individual constructed a wood saw using an automobile motor for the power and an automobile chassis mounted on four rubber tires. This motor is connected directly to the saw and is not used in pulling the saw rig from place to place. An individual constructed a feed grinder, mounted it on an old automobile chassis and is powered by an old automobile motor. These two pieces of equipment are not moved from place to place under their own power, but are hooked on the back of a truck and are pulled by a rod from job to job.

"Is it necessary that this individual have a trailer license, or can such equipment used for farm purposes be classed as farm machinery such as a tractor and not being required to have license tags attached."

Section 7761, R. S. Missouri, 1929, as amended in Laws of Missouri, Extra Session 1933-34, page 99, provides that: "every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, shall except as herein otherwise expressly provided, cause to be filed, \* \* \* \* in the office of the commissioner, an application for registration", and upon the filing of said application and the payment of the fees prescribed therein, the commissioner registers said vehicle by assigning it a number and a plate or set of plates bearing said number.

Section 7759, R. S. Missouri, 1929, gives the following definitions:

"'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 tracks.

"'Motor vehicle'. Any self propelled vehicle not operated exclusively upon tracks, except farm tractors.

"'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 provisions for carrying loads independently.

"'Farm Tractor'. A tractor used exclusively for agricultural purposes.

"'Trailer'. 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 tracks."

Section 7776, Subsection (g), R. S. Missouri, 1929, 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 this article relating to registration and display of number plates, but shall comply with all the other provisions hereof."

Thus, the only exception to the registration of a farm vehicle is a farm tractor, and, clearly, the vehicle described in your opinion request is not a farm tractor. The precise question is whether this particular vehicle meets the definition of a "trailer"?

As defined in Section 7759, supra, in order to come within the terms of a "trailer", the vehicle must be without motive power "designed for carrying property \* \* \* \* on its own structure \* \* \* \*".

9 Am. & Eng. Ency. 403 defines the word "design" as follows:

"'Design' is defined as purpose or intention combined with plan or implying a plan in the mind; purpose, intention, aim."

If the respective vehicles were planned with the aim or intent of permitting the temporary placing of a wood saw and feed grinder on an automobile chassis so as to permit it to be carried to a particular destination and readily removed by a simple manual or physical operation and another piece of property subsequently placed on it, we are of the view that said vehicle would then be "designed" for carrying property. However, as we understand your letter, the wood saw and feed grinder are "mounted" on the respective chassis so that for all intents and purposes said chassis become a permanent part of the respective implements, designed for sawing and feed grinding.

Mr. A. L. Gates

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It is therefore the opinion of this department that a wood saw or feed grinder, powered by an automobile motor which is permanently mounted on an automobile chassis and towed from place to place by another automobile, is not a trailer within the provisions of Section 7759, R. S. Missouri, 1929, and, therefore, that a trailer license need not be obtained for it from the Commissioner of Motor Vehicles of the State of Missouri.

Respectfully submitted,

MAX WASSERMAN  
Assistant Attorney General

Approved:

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J. E. TAYLOR  
(Acting) Attorney General

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