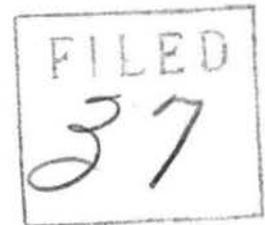


MOTOR VEHICLES: Well drilling rig not required to be registered as motor vehicle.



March 25, 1949

3-30

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

Dear Sir:

We have received your request for an opinion of this department as to whether or not a factory built well drilling rig, using the same motor for drilling and for propelling the unit from one location to another, should be registered under the provisions of the Missouri Motor Vehicle Registration Laws.

Section 8367, R. S. Mo. 1939, re-enacted, Laws of 1945, page 1194, contains the following definitions of terms used in the Motor Vehicle Registration Law:

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

"'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."

(Emphasis applied.)

As can be seen, the statutory definition requires that a device must be "designed primarily for use on highways" in order to come within the Motor Vehicle Registration Act. The particular device about which you have inquired is designed primarily for use in drilling wells. The motor power used for that purpose is also used to propel the apparatus from one location to another. However, such use would be merely incidental to the primary purpose for which it was designed, to wit, the drilling of wells.

In the case of Keck v. Oklahoma Tax Commission, 188 Okla. 257, 108 P. (2d) 162, 164 (4), the court considered the question of whether or not scrapers designed for excavating and removing dirt in the construction of highways were subject to the Oklahoma Motor Vehicle License tax. The statutory definition of vehicle there involved is not identical with the Missouri definition, above quoted, although the court, in effect, applied the same text as that prescribed by the Missouri statute. In the course of its opinion the court said:

"By giving due consideration to all of the applicable provisions of the Act, we conclude that those vehicles which are not designed for use or used on the public highways of the State were not intended to be covered by the Act. The property involved herein is primarily used for excavation and construction work and the inconsequential and incidental use of the highways was not contemplated by the legislature in its imposition of a tax thereon for 'use of the public highways' * * *"

We feel that the principle applied in the above case would be applicable in the situation that you have presented.

Conclusion.

Therefore, it is the opinion of this department that a well drilling rig which uses the same motor for drilling and for propelling the unit from one location to another is not a motor vehicle within the definition of Section 8367, R. S. Mo. 1939, re-enacted, Laws of 1945, page 1194, and such apparatus is not subject to the Motor Vehicle Registration Law.

Respectfully submitted,

APPROVED:

ROBERT R. WELBORN
Assistant Attorney General

J. E. TAYLOR
Attorney General

RRW:ml