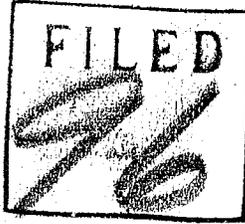


MOTOR VEHICLES:
FARM TRACTORS:
DRIVER'S LICENSE:

(1) "Farm tractor" exempted from registration law only to extent authorized in Sec. 304.260, RSMo 1949; (2) Farm tractor operated on public highway must conform to all traffic and equipment regulations; (3) Operator's or chauffeur's license required to operate farm tractor in nonexempt use; and (4) Farm wagon exempt from registration.



January 21, 1955

Honorable W. C. Whitlow
Prosecuting Attorney
Callaway County
Fulton, Missouri

Dear Sir:

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

"We recently had an accident in this county involving a tractor and hay frame loaded with high school children on a 'hay ride'.

"The tractor was lighted but there were no lights on the hay frame. The tractor was being operated by a 16 year old boy, but he did not own the equipment.

"Several questions were raised regarding the operation of this tractor and wagon and I would appreciate your opinion on the following:

"1. Under Missouri law can a tractor, by virtue of its use and operation become a motor vehicle?

"2. If it cannot become a motor vehicle, is there any way to regulate the use of a tractor on the highway for non-farm uses such as a hay ride?

"3. Is an operator's license needed or required for a person operating a tractor on the highways for farm or non-farm use?

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"4. While there seems to be little doubt that a farm wagon on the highway needs lights, I would like to know if a farm wagon being used for non-farm uses and for over the road use, even in connection with farming, needs to be licensed, and if it is subject to regulation and control as a motor vehicle?

"Your assistance in this matter would be appreciated."

In the following opinion we shall treat your questions in the order presented in the letter of inquiry.

1. In the consideration of the first question proposed, we direct your attention to the following definition of "farm tractor" as found in subsection (5), Section 301.010, RSMo Cum. Supp. 1953; also to the following definition of "tractor" found in subsection (26) of the same statute:

Subsection (5)

"'Farm tractor,' a tractor used exclusively for agricultural purposes;" (Emphasis ours.)

Subsection (26)

"'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;" (Emphasis ours.)

From the foregoing, it appears that a "farm tractor" is a motor vehicle of a peculiar type whose distinguishing characteristic is its design and use for agricultural purposes. It is significant that the phrase "motor vehicle" appears in the definition of "tractor," thereby being incorporated by reference in the definition of "farm tractor."

We therefore examine the further definition of the phrase "motor vehicle" which is also defined in subsection (15) of the same statute in the following language:

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

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Reading this definition of the latter term into the composite definition of "farm tractor," it appears that a farm tractor loses its characteristics as such if not used exclusively for agricultural purposes. That such was the intent of the General Assembly is borne out by the provisions of Section 304.260, RSMo 1949, which is found as a part of Chapter 304, RSMo 1949, establishing traffic and equipment regulations. The statute mentioned reads in part 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. * * *"

From the foregoing it appears that farm tractors, when used on the public highways, except in traveling from one field or farm to another, or to or from places of delivery or repair, must comply with the provisions of the law relating to registration and display of number plates.

2. Having determined that a "farm tractor" may, by virtue of its use, become subject to the registration provisions of the law, it becomes unnecessary to answer your second question. However, you will note that the quoted portion of Section 304.260, RSMo 1949, does subject farm tractors to all of the traffic and equipment regulations when using the public highways, and that without regard to the nature of the use then being made thereof.

3. With respect to the third question you propose, we direct your attention to the following exemption found in the chauffeur's and driver's license law as part of Section 302.080:

"The following persons are exempt from license hereunder:

"(1) Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway;" (Emphasis ours.)

It appears from this exemption provision that a farm tractor temporarily operated upon the public highway, while retaining its characteristics as such, may be so operated without the necessity

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of obtaining a chauffeur's or driver's license. However, in the event that the usage of the farm tractor is such as to constitute it a "motor vehicle," as determined under 1 above, then all of the provisions relating to chauffeur's and driver's licenses become effective and the particular type of license required is to be determined according to the nature of the operation.

4. With respect to the fourth inquiry you have proposed, it is believed that it may be answered by an official opinion of this department delivered under date of April 20, 1954 to the Honorable Max B. Benne, Prosecuting Attorney, Atchison County. Your attention is directed to the conclusion appended thereto, holding that such equipment need not be licensed as either a "motor vehicle" or "trailer." A copy of the complete opinion is enclosed.

CONCLUSION

In the premises, we are of the opinion:

1. That farm tractors are exempt from the laws relating to registration and display of license plates by motor vehicles when using the public highways only when traveling from one field or farm to another or to or from places of delivery or repair;
2. That farm tractors used on the public highways must comply with all traffic and equipment regulations found in Chapter 304, RSMo 1949;
3. That persons operating farm tractors on the public highways, in such a manner that such farm tractors become "motor vehicles," must have either a chauffeur's or driver's license dependent upon the nature of such operation; and
4. That farm wagons, when drawn by farm tractors on the public highways, are not required to be registered as either a "motor vehicle" or "motor vehicle trailer."

The foregoing opinion, which I hereby approve, was prepared by my assistant, Will F. Berry, Jr.

Yours very truly,

John M. Dalton
Attorney General

WFB/vtl

Enclosure: 4-20-54 to Max B. Benne