

MOTOR VEHICLE REGISTRATION:
TRUCKS EQUIPPED WITH
WINCHES MUST BE LICENSED:

Trucks driven on the highways from job
to job, or to garages for repair must
be registered.



May 15, 1958

Honorable Garner L. Moody
Prosecuting Attorney
Wright County
Mansfield, Missouri

Dear Mr. Moody:

This is in answer to your letter of April 28, 1958, in which
you request an opinion from this office as follows:

"I would like an opinion from your office
as to whether or not trucks whose beds have
been equipped with winches and used exclusively
for loading and unloading logs need to be
registered or licensed. These vehicles are
used in the woods or at the mills but driven
on the highways from job to job, or driven to
garages for repair.

"My question concerns only rubber wheeled
vehicles of standard width and length."

We direct your attention to Section 301.010, RSMo Cum. Supp.,
paragraph (15), which defines "Motor vehicle" as:

"any self-propelled vehicle not operated
exclusively on tracks, except farm tractors;"

and to paragraph (28) of this section which defines "Vehicle" as:

"any mechanical device on wheels, designed
primarily for use on highways, except those
propelled or drawn by human power or those
used exclusively on fixed rails or tracks."

We must also direct your attention to Section 301.020, which
we quote, in part, as follows:

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"Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided, shall file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose, containing: * * * ." (Emphasis is ours.)

We must call to your attention that paragraph (15) of Section 301.010 is not in itself a complete definition; for without a more specific definition of the term "Vehicle", that paragraph, in conjunction with Section 301.020, has little meaning. Therefore, in determining which motor vehicles will come within the provisions of Section 301.020, we must look to paragraph (28), the definition of "Vehicle." Consistent with an opinion rendered by this office of March 25, 1949, which is enclosed, we see that such motor vehicle is to be a mechanical device on wheels, designed primarily for use on highways.

We also wish to consider the intention of the legislature in enacting the motor vehicle registration laws, and in so doing we bring to your attention the case of State ex rel. D. C. McClung v. Becker, 288 Mo. 607. The court in that case, at 1. c. 612, stated in part:

"The state maintains roads and bridges at great expense and exacts a license fee for the privilege of driving or operating these high powered vehicles thereon. It is clear, therefore, that the registration fee is not a tax on the vehicle, but upon the privilege of operating it on the highways of the state."

By the opinion of March 25, 1949, it was determined that a well drilling rig was not required to be registered as a motor vehicle. However, in that opinion it was stated:

"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."

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We believe that in view of the purpose of the motor vehicle registration act that portion of the definition of a vehicle which states that it is to be designed primarily for use on highways is to be construed strictly, and that when a motor vehicle shall be operated or driven upon the highways of this state, even though it has been converted for uses in addition to that for which it was primarily designed, the owner would be subject to Section 301.020. We feel that when the motor power is not used merely incidentally to propel the apparatus from one location to another it would be difficult to determine that the apparatus were designed primarily for use anywhere but on the highways.

Therefore, consistent with our previous opinions, and with the purposes of the motor vehicle registration act, we feel that trucks, even though their beds have been equipped with winches and used for loading and unloading logs, need to be registered in compliance with the provisions of Chapter 301.

CONCLUSION

It is the opinion of this office that trucks whose beds have been equipped with winches and used for loading and unloading logs, but which are driven on the highways from job to job, or driven to garages for repair, must be registered and licensed in compliance with Chapter 301, RSMo, Cumulative Supplement, 1957.

Sincerely yours,

John M. Dalton
Attorney General

Enclosure

JBS:lc/cm