

MOTOR VEHICLES: Farm tractors are required by Section 304.010 to
FARM VEHICLES: be operated at a minimum speed of 40 miles per hour
on interstate highways.

OPINION NO. 44

June 16, 1966



Colonel E. I. Hockaday
Missouri State Highway Patrol
Jefferson City, Missouri

Dear Colonel Hockaday:

Your department has requested the opinion of this office on the following legal question:

Is the term "vehicle", as used in Section 304.010, subsection 4, RSMo Cum. Supp. 1965, providing for minimum speed of vehicles being operated on Federal interstate highways, applicable to farm machinery.

You have informed this office that your interest in this regard is limited to farm tractors.

Subsection 4 of Section 304.010, RSMo Cum. Supp. 1965, provides:

"On any divided highway designated as part of the federal interstate system, no vehicle shall be operated at a speed of less than forty miles per hour, except when a slower speed is required for safe operation of the vehicle because of weather or other special conditions."

Section 304.260, RSMo 1959, provides in part:

"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."

The Supreme Court of Missouri, in State v. Powell, 306 SW 2d 531, stated:

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". . . Unless the statutes pertaining to the regulation, taxing, and licensing of motor vehicles expressly exclude or exempt farm tractors therefrom, they are included because farm tractors are motor vehicles. Webster's New International Dictionary (2d. Ed.) gives a definition of 'tractor' as 'An automotive vehicle used for drawing or hauling something, as a vehicle, plow, harrow, or reaper.'

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"Defendant argues that there is no section in Chapter 564 which defines motor vehicle; that, therefore, the definition of motor vehicles must be found elsewhere. Defendant then cites to us Sec. 301.010 (15) and Sec. 303.020 (5). Chapter 301 governs the registration and licensing of motor vehicles and outboard motors. Sec. 301.010 (15) of that chapter defines 'motor vehicle' as 'any self-propelled vehicle not operated exclusively upon tracks, except farm tractors.' Chapter 303 is designated as 'Motor Vehicle Safety Responsibility Law.' Section 303.020 (5) exempts farm tractors from the definition of 'motor vehicles' for the purposes of registration and licensing. The legislature evidently understood that unless farm tractors were expressly exempted from the provisions of Chapter 301 and 303 such tractors would come within the term 'motor vehicle.' It is also evident that the legislature did not intend that farmers should be required to purchase license plates for farm tractors and that such tractors should also be exempt from the provisions of the Safety Responsibility Law. There is good reason for such an exemption; farm tractors are used primarily in the fields for the purpose of cultivating and reaping crops. However, farm tractors come with the provisions of the laws governing safety. This is made evident by Chapter 304 which is entitled 'Traffic and Equipment Regulation.' . . .

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"The fact that the legislature expressly exempted farm tractors in Chapters 301 and 303 tends to support the theory that farm tractors come within the definition of 'motor vehicle.' If that were not so, then the exemption would be entirely unnecessary. We rule that farm tractors do come within the term 'motor vehicle.'"

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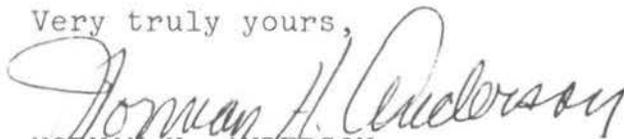
Thus, under Section 304.260, RSMo 1959, and State v. Powell, supra, we conclude that a farm tractor is a vehicle subject to the minimum speed requirements of Section 304.010, subsection 4, RSMo Cum. Supp. 1965.

CONCLUSION

It is the opinion of this office that farm tractors are required by Section 304.010 to be operated at a minimum speed of 40 miles per hour on interstate highways.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Donald R. Wilson.

Very truly yours,



NORMAN H. ANDERSON
Attorney General