

Answer by letter-Mansur

January 14, 1971

OPINION LETTER NO. 43

Honorable John E. Parrish  
Prosecuting Attorney  
Camden County Court House  
Camdenton, Missouri 65020



Dear Mr. Parrish:

This is in response to your request for an opinion from this office concerning the registration of motor vehicles under Chapter 301, RSMo. Your request in part is as follows:

"The water farming operation which is the subject of this request for an opinion is a specialized field of work which requires specialized equipment. Most of this equipment is mobile and I specifically request your answers to the two questions above to be directed to each particular item of equipment listed below:

1. Treatment trailers which are designed to transport one boat and one 55 gallon chemical drum. These trailers are custom built by the business operator and they are used for no other purpose than to transport the aforementioned items between the production fields in which the water acreage is situate.
2. Two wheel seine trailers for transporting seines from one production unit to the other.
3. Air compressor on wheels used in the farming operation for drilling fence post holes, quarrying rock, etc.

Honorable John E. Parrish

4. Nest wagons which are two or four wheeled wagons on rubber tires used exclusively for transporting nests of eggs from one production unit to another.

5. Power sprayer unit on wheels used to spray cattle produced by the business enterprise in an ancillary livestock farming operation and to spray weeds and brush around the ponds within the production units, adjacent roads, etc.

"The only times when the above itemized equipment is towed or moved over any highway is when such equipment is required to be moved between production units bisected by the aforementioned State Highway and county road. When pick-up trucks are used to transport this equipment on these roadways (and this is the most usual means of transport) those trucks are validly licensed vehicles. Furthermore, it is a geographic impossibility to travel from one production unit of this business enterprise to another without traveling across either Missouri State Highway No. 7 or the aforementioned county road."

Section 301.010(28), RSMo, provides:

"'Trailer', any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by self-propelled vehicle, except those running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle;"

Section 301.010(30), RSMo, provides:

"'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 fixed rails or tracks."

Honorable John E. Parrish

Section 301.020, RSMo, provides in part:

"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 annually 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:"

The question to be decided is whether the mechanical equipment as described in your opinion request comes within the term "trailer" as used in Chapter 301, RSMo. Certainly, some of the equipment you describe would be classified as a trailer in common parlance. This is not sufficient, however, because the statute describes the type of trailer which has to be registered and such equipment must come within such description as used in the statute before it is required to be registered.

The statute defines a "trailer" as any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by self-propelled vehicle. The statute defines a "vehicle" as any mechanical device on wheels designed primarily for use on highways. In order for a trailer to come within the provisions of this statute, it must be designed primarily for use on highways. According to the information you have given us, mechanical equipment under consideration was not designed primarily for use on highways and does not come within the provisions of Chapter 301, RSMo, and, therefore, is not required to be registered under Section 301.020, RSMo.

It is the opinion of this office that the mechanical equipment described in the above opinion request does not come within the definition of the word "trailer" as used in Chapter 301, RSMo, and need not be registered with the director of revenue as a trailer.

Yours very truly,

JOHN C. DANFORTH  
Attorney General