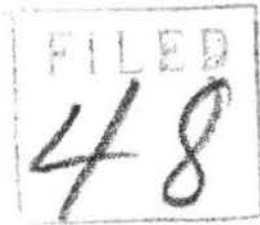


MOTOR VEHICLES:



(1). A trailer owned by a farmer and used by him exclusively in hauling farm products or other property between his farm and town and between farms, where the highways are used, is not exempt from the requirements of Chapter 301, RSMo, with respect to the registration of trailers and the display of license plates thereon. (2). A farm wagon is not a "trailer" for the purposes of registration.

December 9, 1957

Honorable Harry Keller
Representative, 9th District
Jackson County
1205 Linwood Boulevard
Kansas City, Missouri

Dear Sir:

This refers to your request for an opinion concerning the following questions with respect to the licensing of trailers:

- (1). Can a farmer use a trailer, pulled by a farm tractor or automobile, to haul farm products or other property to and from town without obtaining a license?
- (2). Can a trailer be so operated between farms owned by the same farmer without a license?
- (3). Is a farm wagon, when pulled by a farm tractor or an automobile, a trailer for the purpose of licensing?

Under the provisions of Chapter 301, RSMo, the owner of a trailer operated on the highways of this state is required to obtain a license for the trailer, i.e., register the trailer, pay the registration fee, and display a license plate on the trailer. Upon a search of the statutes, we find no provision which makes an exception in the case of a trailer owned by a farmer and used by him solely in hauling farm products or other property between his farm and town, or between two farms, where the highways are used. Accordingly, it is our opinion that in such circumstances, a license must be obtained; and, therefore, we answer your first two questions in the negative.

In discussions with representatives of this office you have referred to a statutory provision making an exception in the case of operations between two farms. The provision which we believe you have had in mind is Section 304.260, RSMo. which relates to the operation of farm tractors, but has no reference to trailers. In this connection, we are enclosing for your information a copy of an opinion

Honorable Harry Keller

furnished by this office to Honorable W. C. Whitlow, on January 21, 1955, which discusses Section 304.260 and other statutory provisions relating to the use of farm tractors.

Turning now to your third question, the terms "trailer" and "vehicle" are defined in Section 301.010, RSMo, for the purpose of registration requirements, as follows:

"(27) '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.

"28 '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."
(Underscoring ours.)

In view of the fact that "trailer" is defined as a "vehicle" meeting certain requirements, and the fact that, by definition, "vehicle" is limited to a mechanical device on wheels "designed primarily for use on highways," this office has previously expressed the opinion that a farm wagon is not a "trailer" and is not required to be registered as such. Enclosed herewith is a copy of an opinion furnished by this office to Honorable Max Benne, on April 20, 1954, to this effect.

CONCLUSION

It is the opinion of this office that (1) a trailer owned by a farmer and used by him exclusively in hauling farm products or other property between his farm and town, and between farms where the highways are used, is not exempt from the requirements under Chapter 301, RSMo, with respect to the registration of trailers and the display of license plates thereon, and (2) in accordance with the prior opinion of this office, a farm wagon is not a "trailer" for the purposes of registration.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Mr. John C. Baumann.

Yours very truly,

JCB:mw

John M. Dalton
Attorney General

En. (2)