

January 10, 1939

Mr. R. A. McElrath
Auditor
Cooke County
Gainesville, Texas

Dear Mr. McElrath: Opinion No. 09.
 Re: Registration of out of
 State Motor Vehicles

Your letter of December 29, 1938, addressed to the Attorney General of Texas has been referred to the writer for attention. The pertinent portions of your letter are as follows:

"I understand that the Schlumberger Well Surveying Corporation is a Texas corporation with its principal office in Houston, Texas, maintaining garages in various places in Texas, and maintaining in Texas a total of fifty-five trucks bearing Texas licenses.

"This company has one or more trucks permanently located at Ardmore, Oklahoma, licensed and used in that State. Occasionally the truck or trucks in question are used in some other State where said company has no truck available at the moment, and recently said company had occasion to so use the Ardmore truck in Cooke County, Texas. I understand it has been used several times in Cooke County, Texas, and on a recent occasion the local Highway Traffic Officer demanded registration of the truck in Texas.

"Page 116 of the 1937 compiled State Highway Commission of Texas Laws Relating to Motor Vehicles, Highway Traffic and Registration, provides in effect that motor vehicles properly licensed in another State and operated for hire may be allowed to make not exceeding two trips during any calendar month and remain on said trips within the State of Texas not to exceed four days, without being registered in Texas, in the event that under the laws of such other state like exceptions are granted to motor vehicles registered under the laws of and owned by residents of this State.

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"It appears that Oklahoma has no law similarly granting vehicles registered in Texas the right to make trips into Oklahoma without registering there.

"The named corporation acknowledges the law would apply to it but for the fact that it is a Texas corporation, but in view thereof is of the opinion that the law was not meant to apply to a Texas industry having a branch office in the State of Oklahoma and occasionally and in accordance with the above-mentioned law operating its truck or trucks permanently located in Oklahoma within the State of Texas.

"Under the above facts and contentions please advise whether or not the truck in question should be registered in Texas if it makes not to exceed two trips per month and remains not more than four days in Texas. Or should said truck be exempt under the provisions of the law above-mentioned, or otherwise?"

The statement of facts as stated in your letter fails to state whether or not the trucks of the above named company are being operated for compensation and hire.

Article 827b, Section 2, of the Penal Code provides that motor vehicles registered under the laws of another state, and being operated for compensation and hire, will be permitted to come into Texas two trips per month, and not to stay in excess of four days on any one trip, providing truck operators from Texas operating for compensation and hire are granted the same privilege under the laws of the other state. The State of Oklahoma does not grant this privilege to operators from Texas; therefore, if the trucks in question are being operated for compensation and hire they would not be permitted to enter Texas without being properly registered under the laws of the State of Texas, and you are so advised.

If the trucks in question are not being operated for compensation and hire, it is my opinion, and you are so advised, that the operators of the trucks could make occasional trips into Texas by virtue of the provisions of Article 827b, Sections 1 and 5, of the Penal Code of Texas without registering in the State of Texas.

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I trust that this opinion sufficiently answers your inquiry.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By

George P. Kirtland

Assistant

GPX:FG

APPROVED

Gertrude Mann
ATTORNEY GENERAL OF TEXAS