



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS

Gerald C. Mann
ATTORNEY GENERAL

Honorable H. D. Stringer
County Attorney
Hall County
Memphis, Texas

Opinion No. O-4115

Re: Does the described use
constitute the tractor
in question a "road
tractor" or a "farm
tractor"?

Dear Sir:

Your request for our opinion on the hereinabove captioned question has been received by this department. We quote from your letter as follows:

"There has been called to my attention a possible violation of the law with respect to the registration of tractors when being used to pull a load of farm produce. The question turns on a proper construction of 'farm tractor' and 'road tractor', as defined in Art. 6675a--1, R. S.

"You will note that a 'farm tractor' is defined as a motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry. You will also note that a 'road tractor' is defined as a motor vehicle designed or used for drawing other vehicles or loads, and not so constructed as to carry a load independently or any part of the weight of the drawn load or vehicle. It is to be further noted that a 'farm tractor' is not required to be licensed, but a 'road tractor' is.

"In this community and other cotton producing communities a farmer will attach a trailer or wagon or several of same, loaded with seed cotton, to his tractor (which he ordinarily uses to plow, etc., with), and take his load to the gin for ginning. The query is whether the tractor being put to this use constitutes it a 'farm tractor' or a 'road tractor'."

Article 6675a-1, Vernon's Annotated Civil Statutes, provides that:

"The following words and terms, as used herein, have the meaning, respectively ascribed to them in this Section, as follows:

"* * *

"(e) 'Farm-tractor' means every motor vehicle designed and used primarily as a farm implement for drawing other implements of husbandry.

"(f) 'Road-tractor' means every motor vehicle designed or used for drawing other vehicles or loads, and not so constructed as to carry a load independently or any part of the weight of the drawn load or vehicle.

"* * *".

Article 6675a-2, Vernon's Annotated Civil Statutes, provides as follows:

"Every owner of a motor vehicle, trailer or semi-trailer used or to be used upon the public highways of this State shall apply each year to the State Highway Department through the County Tax Collector of the county in which he resides for the registration of each such vehicle owned or controlled by him for the ensuing or current calendar year or unexpired portion thereof; provided that where a public highway separates lands under the dominion or control of the owner, the operation of a motor vehicle by such owner, his agents or employees, across such highway shall not constitute a use of such motor vehicle upon a public highway of this State. Owners of farm tractors, farm trailers, farm semi-trailers, and implements of husbandry, operated or moved temporarily upon the highways shall not be required to register such farm tractors, farm trailers, farm semi-trailers, or implements of husbandry; " * * *" (Underlining ours).

Subdivision (q) of Article 6675a-1, Vernon's Annotated Civil Statutes, provides as follows:

"(g) By 'operated or moved temporarily upon the highways' is meant the operation or conveying between different farms, and the operation or conveyance from the owner's farm to the place where his farm produce is prepared for market or where same is actually marketed and return." (Underlining ours).

Under the facts stated, it is our opinion that such tractor is being used exclusively in connection with the business of such farm and is only "operated or moved temporarily upon the highways," and is, therefore, exempted from registration as provided in Article 6675a-2, supra. See Bean vs. Reeves, et al (Civ. App.) 77 S. W. (2d) 737.

The fact that such a tractor, used as described in your letter, "draws other vehicles or loads" does not alone, in our opinion, constitute such tractor a "road tractor."

We believe that the statutes hereinabove considered, in order to give them the effect intended by the Legislature, should receive the liberal construction given them by us herein.

It appears that the cases in other jurisdictions, likewise, generally apply the exceptions of motor vehicles used for farm purposes rather liberally to effectuate the apparent purpose of the Legislature. (See Note in 91 A. L. R. p. 422).

It is the opinion of this department, therefore, that a tractor used in the manner described, is a farm tractor and exempt from registration under Article 6675a-2 of Vernon's Annotated Civil Statutes.

Thanking you for the brief submitted by you, we are

Very truly yours

APPROVED OCT 22, 1941

/s/ Grover Sellers

FIRST ASSISTANT
ATTORNEY GENERAL

EP:RS:wb

ATTORNEY GENERAL OF TEXAS

By /s/ Edgar Pfeil

Edgar Pfeil, Assistant

APPROVED: OPINION COMMITTEE

By BWB Chairman