



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

Honorable Homer Garrison, Jr., Director  
Department of Public Safety  
Camp Mabry  
Austin 9, Texas

Dear Sir:

Opinion No. O-5518

Re: May the owner of a truck  
exceeding ninety-six inches  
in width secure a certificate  
of title under Article 1436  
V. A. C.?

Your recent request for an opinion of this  
department reads as follows:

"Can an owner of a motor vehicle which  
exceeds the 96 inch width limit, therefore  
being unregistrable, secure a certificate  
of title to this vehicle? The vehicle is  
a truck and the owner intends to operate on  
a separate permit each time he makes a trip  
with it, but does desire a certificate of  
title to same."

We believe your question is controlled by the  
Certificate of Title Act, H. B. 407, Acts 1939, 46th  
Legislature, (Article 1436, Vernon's Annotated Penal  
Code). Section 2 of the Act reads as follows:

"The term 'Motor Vehicle' means every kind  
of motor driven or propelled vehicle now or here-  
after required to be registered or licensed under  
the laws of this state." (Underscoring ours)

Section 8b of Article 5675a, V. A. C. S., relating  
to the registration of vehicles provides as follows:

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"No motor vehicle shall be registered and licensed which has a total outside width, including any load thereon, of more than ninety-six (96) inches, \* \* \*"

Thus it is seen that the truck involved here is not a "motor vehicle" within the meaning of the Legislative definition in the "Certificate of Title Act", because it is not only ineligible for registration but its registration is specifically prohibited. It is clear that the Certificate of Title Act only applies to motor vehicles as defined therein and the operative provisions of the act use that term throughout. Provision is made for the surrender and cancellation of a certificate of title when a vehicle loses its character as a motor vehicle as therein defined. Art. 1436-1, Sec. 37, V. A. P. C. Also Section 60 of the same Article states that :

"The provisions of this Act shall not apply to motor vehicles not required to be registered or licensed under the laws of this State then effective, \* \* \*" (Under-scoring ours)

We conclude that the owner of the over-width truck inquired about is not entitled to receive a certificate of title for the vehicle though he might operate it to a limited degree over the public highways under a special permit.

Yours very truly

ATTORNEY GENERAL OF TEXAS

*Benjamin Woodall*  
Benjamin Woodall  
Assistant

By

*Bob D. Maddox*  
Bob D. Maddox

APR 26 1945  
*Homer Garrison, Jr.*

