

MOTOR VEHICLES:

A motor vehicle designed and assembled as construction equipment prior to sale at retail is exempt from registration.

OPINION NO. 347

August 26, 1969



Honorable Ronald M. Belt
State Representative - 96th District
108 Vine
Macon, Missouri 63552

Dear Representative Belt:

This is in response to your request for an opinion from this office as follows:

"I appreciate very much your Opinion No. 233.

"My constituent still has a doubt as the equipment was not converted by a purchaser at retail, but prior to sale at retail.

"Enclosed is the back-up material as to the factual situation.

"Appreciate clarification of the opinion as to whom the 'manufacturer' is or when the equipment becomes 'designed' under these circumstances."

The back up material to which you refer to is a factual situation described as follows:

"May 12, 1953, the Strong Equipment Co. purchased from the manufacturer, International Harvester Company, Springfield, Illinois, one International Model RF192 truck, serial no. 2015, engine number 35456. This truck was purchased for the purpose of mounting on it

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a Model L Quickway crane. The truck was set up for off highway use with a F54B transmission, 65 gear ratio, which gives it a top road speed of approximately 45 miles per hour. International Harvester invoice covering this transaction was #17415, Quickway Truck Shovel Co. invoice #1-1080.

"The Crane unit was mounted on the International truck in our shop at Macon, Missouri, and in turn sold to the Columbia Special Road District, a government body, of Boone County, Missouri, and delivery was made on May 27, 1953."

The registration and licensing of motor vehicles is governed by Chapter 301, RSMo 1959. Under Section 301.020, the owner of every motor vehicle which is operated or driven on the highways of this state, except as otherwise provided shall be registered with the director of revenue. Section 301.010, RSMo, defines a motor vehicle as follows:

"(15) 'Motor Vehicle', any self-propelled vehicle not operated exclusively upon tracks, except farm tractors; . . ."

Section 301.133, RSMo 1959, states:

"Self-propelled construction equipment exempt--when permitted on highway.-- Self-propelled construction equipment which is equipped with pneumatic tires and which is not designed for the transportation of persons or property may be moved on the highways of this state from one job location to another or to or from places of storage delivery or repair without complying with the provisions of the law relating to registration and display of license plates but shall comply with all the other requirements of the law relating to motor vehicles; provided however that said equipment shall not be operated on state maintained roads or highways on Saturdays, Sundays or legal holidays."

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In an opinion issued by this department on March 25, 1969, to the Honorable Ronald R. McKenzie, Prosecuting Attorney, Marion County, Hannibal, Missouri, we ruled that this statute exempts only self-propelled construction equipment with pneumatic tires designed by the manufacturer for construction work and not designed for transportation of persons or property.

In our Opinion No. 233 issued to you on May 14, 1969, we amplified the above opinion by stating only motor vehicles that comply with the requirements of Section 301.133, RSMo, at the time they are manufactured are exempt from registration under this statute. It is our view, that subsequent modification of a motor vehicle which was not designed by the manufacturer as construction equipment would not come within this statute.

You now inquire who is to be considered as the "manufacturer" or when is the equipment considered as "designed". In other words, when more than one person, company, or corporation is involved in the production of the equipment, who is considered as the manufacturer.

Section 301.010 (12), RSMo, provides:

"'Manufacturer', any person, firm, corporation or association engaged in the business of manufacturing or assembling motor vehicles for sale; . . ."

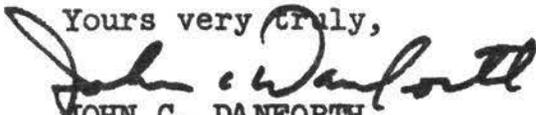
Under the above section, the manufacturer of a motor vehicle is any person or company engaged in the manufacture and assembling of motor vehicles for sale. In the fact situation set forth in your opinion request, the term "manufacturer" would refer to both International Harvester Company and the Strong Equipment Company.

CONCLUSION

It is the opinion of this office that only self-propelled construction equipment with pneumatic tires not designed by the manufacturer for the transportation of persons or property is exempt from registration under Section 301.133, RSMo 1959. A manufacturer is any person or company which takes part in manufacturing or assembling such equipment prior to its sale at retail.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Moody Mansur.

Yours very truly,


JOHN C. DANFORTH
Attorney General