

MOTOR VEHICLES:
"GO-CARTS":
LICENSES:
DEPARTMENT OF REVENUE:

"Go-carts" are "motor vehicles" within the Missouri statutes regulating the licensing and driving of motor vehicles if they are driven upon the highway. As motor vehicles, "go-carts" must meet the statutory lighting and equipment regulations for motor vehicles if they are to be driven upon the highways

September 10, 1959



Honorable Charles H. Sloan
Prosecuting Attorney
Ray County, Missouri
Richmond, Missouri

Dear Sir:

This is in reply to your recent inquiry requesting an opinion as to whether the so-called "go-carts", operating on the public highways of this State are required to be registered with the Department of Revenue as motor vehicles and whether the Department of Revenue could refuse to license the said "go-cart" if they were not equipped with such things as lights, horns and proper brakes. Your inquiry reads as follows:

"There are a number of small vehicles, commonly referred to as 'Go-Carts', which are being operated in this county on the public streets, roads and highways. Their operation has created a traffic safety problem.

Please render an opinion whether the operation of a so-called 'Go-Cart' on the public roads and highways of this State requires that they be properly registered with the Department of Revenue. Also, if such is a requirement, can the said Department of Revenue refuse to license them if in their opinion the 'Go-Carts' are not properly equipped with such things as lights, horns and proper brakes?"

After an extended study, we were unable to find a case containing a judicial definition of the so-called "go-cart". Accordingly, we wrote to you requesting that a comprehensive definition of a "go-cart" be submitted by you and that you inform us as to whether such vehicles were actively being used on the highways in your area. The comprehensive definition of a "go-cart" set forth in your letter of August 15, 1959, will be used as a basis for our opinion in answering the questions posed by your request. Accordingly, your definition reads:

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"A small, vehicular machine, measuring 48 inches long, 32 inches wide and having 2 1/2 inches clearance from the ground, which has a chain drive powered by a gaso-line motor having from 2 1/2 to 5 horse power and which operates upon inflated tires that are upon 12.3 inches rear wheels and 10 inches front wheels."

Turning now to the Missouri statutes covering the registration of motor vehicles as found in Chapter 301, RSMo., we shall first look to see whether the above described "go-cart" is a motor vehicle within the meaning of this chapter. We quote, in part, the definition statute, Section 301.010, RSMo. Cum. Supp. 1957:

"As used in chapter 301 and sections 304.010 to 304.040 and 304.120 to 304.570, RSMo, the following terms mean:

* * * * *

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

These vehicles might, in turn, fall within two other provisions of this statute, that denominated as "reconstructed motor vehicle" or a "specially constructed motor vehicle". However, since these vehicles are by their statutory definition merely particular types of motor vehicles, we shall not attempt to confine our inquiry to particular types of motor vehicles.

It is evident from reading the comprehensive definition of "motor vehicle" as found in our statutes ("any self-propelled vehicle not operated exclusively upon tracks, except farm tractors;") that a "go-cart" is a motor vehicle within the statutory definition. By the definition given, it is "self-propelled" but it does not operate on tracks and it is not a farm tractor.

A farm tractor is also defined by Section 301.010, RSMo. Cum. Supp. 1957, as "a tractor used exclusively for agricultural purposes" and a tractor is defined as "any motor vehicle, designed primarily for agricultural use or used as a traveling power plant or for drawing other vehicles or farm or road building implements and having no provision for carrying loads independently;".

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Clearly, a "go-cart" does not meet the statutory exception set forth in the definition of a motor vehicle.

Section 301.020, RSMo. Cum. Supp. 1957, sets forth the registration and licensing requirements for motor vehicles. Again, we quote in part:

"Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, except as herein otherwise expressly provided shall file, by mail or otherwise, in the office of the director of revenue, an application for registration on a blank to be furnished by the director of revenue for that purpose, containing:

- (1) A brief description of the motor vehicle to be registered, including the name of the manufacturer, the manufacturer's or other identifying number, and character, and amount of motive power, stated in figures of horsepower;
- (2) The name, residence and business address of the owner of such motor vehicle;

* * * * *

- (4) If such motor vehicle be a specially constructed or reconstructed motor vehicle, the application shall so state and the owner shall furnish the director of revenue such additional information as he shall require." (Emphasis ours.)

Again, the statutory wording is clear that if the so-called "go-cart" were used on the highways of this State it would have to be registered and licensed as any other motor vehicle.

The definition quoted in Section 301.010, RSMo. Cum. Supp., supra, is in substance the same as that found in Chapter 302, RS Mo. (Sec. 302.010, RSMo.) defining motor vehicles for purposes of licensing drivers of motor vehicle operators. By the terms of Section 302.020, RSMo., an operator of a motor vehicle of the

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"go-cart" type would also have to have an operator's license to drive such a vehicle upon the highways of this State.

Statutory equipment requirements for motor vehicles are found in Chapter 304, RSMo. By the terms of Section 304.500, RSMo., it is the duty of the Director of Revenue not to license motor vehicles without safety glass. Likewise, by the terms of Section 304.560, RSMo., it is required that motor vehicles be provided with other necessary equipment:

"(1) Signaling devices: Every motor vehicle shall be equipped with a horn, directed forward, or whistle in good working order, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to other users of the highway and to pedestrians. Such signaling device shall be used for warning purposes only and shall not be used for making any unnecessary noise, and no other sound-producing signaling device shall be used at any time.

(2) Muffler cutouts: Muffler cutouts shall not be used and no vehicle shall be driven in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device, or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise as completely as is done in modern gas engine passenger motor vehicles. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever, and shall be so arranged that it cannot automatically open, or be opened or operated while such vehicle is in motion.

(3) Brakes: All motor vehicles, except motorcycles, shall be provided at all times with two sets of adequate brakes, kept in good

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working order, and motorcycles shall be provided with one set of adequate brakes kept in good working order.

(4) Mirrors: All motor vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.

(5) Projections on vehicles: All vehicles carrying poles or other objects, which project more than five feet from the rear of such vehicle, shall, during the period when lights are required by this chapter, carry a red light at or near the rear end of the pole or other object so projecting. At other times a red flag or cloth, not less than sixteen inches square, shall be displayed at the end of such projection.

(6) Tow lines: When one vehicle is being towed by another they shall be coupled by a line so that the two vehicles will be separated by not more than fifteen feet and there shall be displayed on the tow line a white cloth or paper so that the same will be clearly visible to other users of the highway. During the time lights are required by this chapter the required lights shall be displayed by both vehicles."

Other than these equipment requirements, there is no other specific equipment requirement. Under the lighting requirement as found in Chapter 304, the Director of Revenue is authorized to approve of and make rules relating to lighting equipment on motor vehicles in addition to the specific statutory requirements set forth in that chapter for lighting equipment on motor vehicles. Therefore, the lighting requirements of this chapter must be met, as well as any lighting regulations promulgated by the director for motor vehicles.

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CONCLUSION

It is the opinion of this office that the so-called "go-carts" are "motor vehicles" and must be licensed as any other motor vehicle if they are to be used upon the highways of this State. A driver of a "go-cart" must be licensed as a motor vehicle operator if he drives his vehicle on a highway. As motor vehicles, they must also meet the statutory equipment and lighting requirements to be operated on a highway.

The foregoing opinion which I hereby approve was prepared by my assistant, Mr. J. B. Buxton.

Yours very truly,

John M. Dalton
Attorney General

JBB:msw/om