

MOTOR VEHICLES: Invalid's chair with gasoline motor not required to be licensed.

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Honorable Leo J. Harned  
Prosecuting Attorney, Pettis County  
Sedalia, Missouri

- Dear Sir:

We have received your request for an opinion of this department, which request is as follows:

"Will you please inform me whether or not an invalid's chair driven by a gasoline motor is required to have a license under the laws of the State of Missouri."

Section 8369, Mo. R. S. A. provides: "Every owner of a motor vehicle or trailer, which shall be operated or driven upon the highways of this state, shall, except as herein otherwise provided, cause to be filed\* \* \*an application for registration \* \* \*."

Section 8367, Mo. R. S. A. contains the following definitions to be used in connection with the Motor Vehicle Law: "Motor vehicle- Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors." "Vehicle--Any mechanical device on wheels, designed primarily for use on highways, except those propelled or drawn by human power, or those used exclusively on tracks." (Emphasis supplied)

You will note that the definition of vehicle requires that, in order to be subject to the licensing regulations, the device in question must be designed primarily for use on highways. You have not furnished any detailed description of the vehicle about which you have inquired. However, an invalid's chair, as generally constructed, would not, by reason of the attachment of a gasoline motor, become a vehicle designed primarily for use on highways, but would retain the characteristics of a device designed for the purpose of aiding a person, not otherwise physically able to do so, to move from one place to another in the performance of his ordinary activities. Of course, such a device might be incidentally operated upon a highway, but inasmuch as, by

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definition, the use for which the vehicle was primarily designed determines liability for registration, such incidental use would not render the owner liable to pay the motor vehicle registration fee.

CONCLUSION

Therefore, this department is of the opinion, that by reason of the definition of the word "vehicle" in the Motor Vehicle Act (Section 8367, Mo. R.S.A.), an invalid's chair driven by a gasoline motor is not required to be registered and licensed as a motor vehicle.

Respectfully submitted,

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