

MOTOR VEHICLES:

Self-propelled crane mounted on pneumatic tires, designed primarily for construction work, need not be registered as motor vehicle.

March 24, 1948



Mr. Hugh H. Waggoner, Superintendent
Missouri State Highway Patrol
Jefferson City, Missouri

Dear Sir:

We have your letter of February 28, 1948, in which you request an opinion of this department. Your letter is as follows:

"We ask that your department give us an opinion on the question of licensing self-propelled construction equipment. The facts are as follows:

"A contractor has construction equipment which he may use on highway construction work but which is generally employed on private construction off the highway. Some of this equipment is mounted on pneumatic tires and is self-propelled. It is necessary to move it over the highway under its own power from one job to another.

"We would like to know if the equipment must be licensed in order to move it over the highways of our state. Also, we ask an opinion as to what type of license would be required for a self-propelled crane weighing approximately 46,000 pounds, if it is necessary to license such equipment as described above. Would such a vehicle, for the purpose of registration, be classed as a commercial motor vehicle or as a regular motor vehicle and the fee determined by the horsepower of the engine."

The chief question presented by your inquiry is whether the self-propelled crane, weighing approximately 46,000 pounds,

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mounted on pneumatic tires, must be licensed in order to move on the state highways. A negative answer to this question would, of course, dispose of all other questions raised by your inquiry.

In reaching a conclusion upon this subject, it is necessary to consider whether the machine involved is a motor vehicle within the meaning of the statute. New Section 8367, Laws Mo. 1945, pp. 1195 and 1196, defines a motor vehicle as "any self-propelled vehicle not operated exclusively upon tracks, except farm tractors." If this machine is a vehicle, it comes within the above-mentioned statutory definition of a motor vehicle, but if it cannot be classed as a vehicle, it does not satisfy the requirements of said definition and, therefore, need not be registered under the terms and provisions of Sec. 8369, Laws Mo. 1945, p. 1197.

Section 8367, R. S. Ann., gives the following definition of a 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." We are of the opinion that the crane described in your letter, rather than having been designed primarily for use on highways, is, as a matter of fact, designed primarily for use in heavy construction work and is, therefore, neither a vehicle nor a motor vehicle within the meaning of the respective definitions above quoted.

CONCLUSION

We are accordingly of the opinion that the self-propelled crane described in your letter is not a motor vehicle within the meaning of Sec. 8369 R.S.A., and need not be registered or licensed.

Respectfully submitted,

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Assistant Attorney General

APPROVED:

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