



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

WALD C. MANN  
ATTORNEY GENERAL

Honorable Ray Winder  
County Attorney  
Cooke County  
Gainesville, Texas

Dear Sir:

Opinion No. O-5284

Re: May a contractor hauling garbage purchased from Army Camps in his trucks to various farms where it is fed to hogs owned by others, and being paid a percentage of the increase in value of such hogs after the feeding period is completed, lawfully operate his trucks used for such purpose with farm licenses only.

We have your letter dated April 30, 1943, requesting our opinion upon a question stated in substance as follows: Mr. Herman F. Dieterich has a contract with the Army camps under which he obtains and hauls away kitchen garbage in his trucks; he delivers this garbage to farmers to be fed to hogs. Mr. Dieterich under his contract with the farmers is paid a percentage of the increase in value of the hogs after the feeding period is completed, estimated by computing the difference in weight of the hogs at the beginning and end of the feeding period. Dieterich retains a mortgage on the hogs to secure his claim.

Under the above stated facts may Mr. Dieterich lawfully operate his trucks with farm licenses only or is he required to procure ordinary commercial license plates for said vehicles?

Article 6675a-6a V. A. C. S. provides as follows:

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"When a commercial motor vehicle sought to be registered and used by the owner thereof only in the transportation of his own poultry, dairy, livestock, livestock products, timber in its natural state, and farm products to market, or to other points for sale or processing, or the transportation by the owner thereof of laborers from their place of residence and materials, tools, equipment and supplies, without charge, from the place of purchase or storage, to his own farm or ranch, exclusively for his own use or use on such farm or ranch, the registration license fee, for the weight classifications herein mentioned, shall be fifty (50%) per cent of the registration fee prescribed." . .etc." (Emphasis ours)

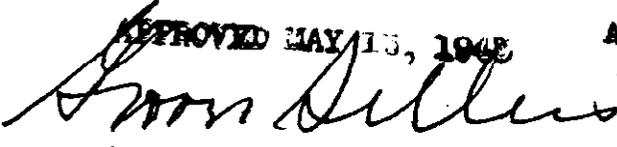
It is apparent under the facts given us that Dieterich is neither transporting articles enumerated in the statute produced on his own land to market, nor transporting materials and supplies exclusively for his own use to his own farm or ranch. It follows that he is not entitled to the benefits provided by Article 6675a-6a and that he should be required to procure ordinary commercial license plates for his trucks.

This Department has heretofore construed Article 6675a-6a in several Opinions, among which are Opinions Nos. 0-527,0-320 and 0-5218. We are enclosing copies of these opinions.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED MAY 15, 1942



FIRST ASSISTANT  
ATTORNEY GENERAL

BY



Ed Roy Simmons  
Assistant

ERS:ned

