

tain vehicles and "implements of husbandry", particularly as follows:

"Every owner of a motor vehicle, trailer or semi-trailer used or to be used upon the public highways of this State shall apply each year to the State Highway Department through the County Tax Collector of the county in which he resides for the registration of each such vehicle owned or controlled by him for the ensuing or current calendar year or unexpired portion thereof; provided that where a public highway separates lands under the dominion or control of the owner, the operation of a motor vehicle by such owner, his agents or employees, across such highway shall not constitute a use of such motor vehicle upon a public highway of this State. Owners of farm tractors, farm trailers, farm semi-trailers, and implements of husbandry, operated or moved temporarily upon the highways shall not be required to register such farm tractors, farm trailers, farm semi-trailers, or implements of husbandry; provided, however, that such farm trailers and farm semi-trailers are operated in conformity with all provisions of the law save and except the requirements as to registration and license.
."

Article 6675a-6 provides that the annual license fee for the registration of a commercial motor vehicle or truck tractor shall be based upon the gross weight and tire equipment of the vehicle, and sets out a table or scale of such fees.

Article 6675a-6a provides, in regard to registration of farm commercial motor vehicles, as follows:

"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 classification herein mentioned, shall

be fifty (50%) per cent. of the registration fee prescribed for weight classifications in Section 6 of the Act hereby amended, as amended in this Act; . . . "

Article 6675a-1 gives the following designated definitions:

"(i) 'Commercial Motor Vehicles' means any motor vehicle (other than a motorcycle or passenger car) designed or used primarily for the transportation of property, including any passenger car which has been reconstructed so as to be used, and which is being used, primarily for delivery purposes, with the exception of passenger cars used in the delivery of the United States mails.

"(q) By 'operated or moved temporarily upon the highways' is meant the operation or conveying between different farms, and the operation or conveyance from the owner's farm to the place where his farm produce is prepared for market or where same is actually marketed and return."

"(r) 'Implements of husbandry' shall mean farm implements, machinery and tools as used in tilling the soil, but shall not include any passenger car or truck.'" (Underscoring ours).

A "truck" is expressly excluded from the term "implements of husbandry", as defined in the statutes. We believe this exemption, first appearing in an amendment to said article 6675a-1 enacted by the 47th Legislature in 1941, was intended to cover every case in which a passenger car or truck had not lost its recognizable identity as such by reason of its use.

Therefore, we believe it obvious that truck in question could be classified as a "commercial motor vehicle" only, and as such should be registered under the terms and provisions of said Article 6675a-6.

Trusting the foregoing fully answers your question, we remain

Hon. W. J. Elliott, page 4

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Very truly yours
ATTORNEY GENERAL OF TEXAS

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APPROVED OCT. 13, 1944
s/Carlos C. Ashley
FIRST ASSISTANT
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This Opinion Considered And Approved In Limited Conference