



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN 11, TEXAS**

**WILL WILSON  
ATTORNEY GENERAL**

March 26, 1962

Hon. Harold Hollingsworth Opinion No. WW-1283  
County Attorney  
Kaufman County  
Kaufman, Texas

Re: Whether Article 286a of  
Vernon's Penal Code applies  
to the sale of mobile homes.

Dear Mr. Hollingsworth:

In your recent letter you request an opinion as to whether Article 286a of Vernon's Penal Code prohibits the sale of mobile homes (house trailers).

Article 286a provides in part as follows:

"Section 1. Any person, on both the two (2) consecutive days of Saturday and Sunday, who sells or offers for sale or shall compel, force or oblige his employees to sell any ... motor vehicles; ... shall be guilty of a misdemeanor. Each separate sale shall constitute a separate offense."

The prohibition of the Act includes "motor vehicles." It does not cover mobile homes or house trailers. A motor vehicle by definition is a self-propelled vehicle. Article 6701h, Section 1, Subdivision 3, Vernon's Civil Statutes; Article 6675a-1, Section (b), Vernon's Civil Statutes; Prudential Insurance Company of Great Britain v. Associated Emp. Lloyds, 250 SW2d 477, 479, 480 (Civ. App. 1952). Compare Article 1436-1, Section 1, Vernon's Penal Code, where, for the purpose of the Motor Vehicle Certificate of Title Act, the term "motor vehicle" includes "house trailers." Inasmuch as mobile homes or house trailers are not self-propelled they are not included in the items which cannot be sold under the prohibition of Article 286a, V.P.C.

However, we call your attention to Article 286, V.P.C. which provides that:

"Any merchant, grocer, or dealer in wares or merchandise or traders in any business whatsoever, ... or the agent or employee of such person, who shall sell, barter [etc.]... on Sunday shall be fined not less than Twenty or more than Fifty Dollars."

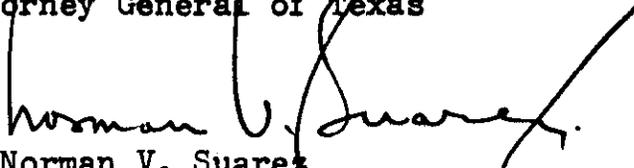
The constitutionality of these Sunday laws has been upheld. Gabel v. Houston, 29 Tex. 336 (1867), Bohl v. State, 3 Crim. Reports, 683; Usener v. State, 8 Crim. Reports 177; Ex Parte Sundstrom, 8 SW 207 (Tex. App. 1888), Whitcomb v. State, 17 SW 258, Tex. App. 1891, Todd v. State, 18 SW 642, (Tex. App. 1892); and Clark v. State, 319 SW2d 726, (Tex. Crim. 1959). It is therefore our opinion that whereas Article 286a does not prohibit the sale of mobile homes or house trailers on either of the two consecutive days of Saturday and Sunday, Article 286, V.P.C. does prohibit such sales on Sunday.

S U M M A R Y

Article 286a, Vernon's Penal Code, does not prohibit the sale on both the consecutive days of Saturday and Sunday of mobile homes or house trailers. Article 286, V.P.C., does prevent the sale of mobile homes or house trailers on Sunday.

Yours very truly,

WILL WILSON  
Attorney General of Texas

By   
Norman V. Suarez  
Assistant Attorney General

NVS:bjh

APPROVED:

OPINION COMMITTEE:

W. V. Geppert, Chairman  
Irwin R. Salmanson  
Iola Wilcox  
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REVIEWED FOR THE ATTORNEY GENERAL  
BY: Houghton Brownlee, Jr.