



**THE ATTORNEY GENERAL
OF TEXAS**

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AUSTIN, TEXAS 78711

February 11, 1970

Col. Wilson E. Speir
Director
Texas Department of Public Safety
P. O. Box 4087
Austin, Texas 78751

Opinion No. M- 571

Re: Whether the operator of a vehicle transporting liquid asphalt is required under Article 6701c-1, Vernon's Civil Statutes, to file a copy of his lease with the Department of Public Safety.

Dear Colonel Speir:

You have requested an opinion of this office as to whether operators of vehicles transporting liquid asphalt are exempted from the lease provisions of Article 6701c-1, Vernon's Civil Statutes. Section 2 of Article 6701c-1 provides in part that the Act shall not apply to:

" . . . motor vehicles, commercial motor vehicles and truck tractors. . . used exclusively in the transportation of sand, gravel, dirt, shell, cement, ready-mixed concrete, asphalt rock, aggregate, and other similar road-building substances ordinarily transported in bulk. . . "

when such substances are being transported for the various purposes and to and from the various destinations further enumerated in this provision of the Act.

Since liquid asphalt is not a named substance in this provision, it must fall within the phrase "other similar road-building substances" in order that the transportation of liquid asphalt might be exempt from the lease provisions of Article 6701c-1.

Of the various commodities named in Section 2 of the Act there is one commodity that has many similarities to liquid asphalt. That named commodity is asphalt rock. Asphalt rock is defined in Webster's Third New International Dictionary, 1961, to be:

"rock (as sand stone or lime stone) impregnated naturally with asphalt." [Emphasis added.]

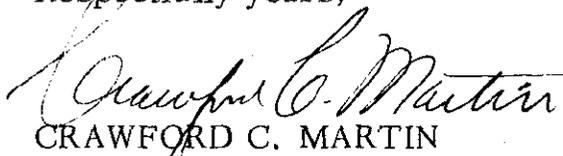
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In addition to the similarity arising from the presence of natural asphalt in asphalt rock, the two substances, asphalt rock and liquid asphalt, are generally used as road surfacing materials. As such, liquid asphalt is a "similar road-building substance" to asphalt rock and, therefore, included in Section 2, Article 6701c-1.

SUMMARY

The operator of a vehicle transporting liquid asphalt is exempted from the provisions of Article 6701c-1, V. C. S., with respect to the lease provisions and filing requirements of that Act.

Respectfully yours,


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Attorney General of Texas

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