



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**WAGGONER CARR
ATTORNEY GENERAL**

July 18, 1966

Honorable C. C. Hampton Opinion No. C-724
County Attorney
Comanche, Texas

Re: Whether unlicensed farm
trailers may be used to
carry horses to be used
in rodeos

Dear Sir:

In your opinion request you state:

"I have a problem about the use of farm trailers which are not required under the law to carry a license plate. We find a large number of these trailers being used for purposes rather remotely connected with a farm. Various rodeos are in progress in Comanche County during the summer months and the horses used in these rodeos are frequently conveyed in unlicensed farm trailers."

You then ask the captioned question.

Article 6675a-2 (b), Vernon's Civil Statutes, provides:

"Owners of farm tractors, farm trailers and farm semitrailers with a gross weight not exceeding four thousand (4,000) pounds, and implements of husbandry operated or moved temporarily upon the highways shall not be required to register such farm tractors, farm trailers, farm semitrailers and implements of husbandry."
(Emphasis added)

Article 6675a-1 (q), Vernon's Civil Statutes, defines the term "operated or moved temporarily upon the highways" as:

"By 'operated or moved temporarily upon the highways' is meant the operation or conveying between

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different farms, between a place of supply or storage to farms and return, or from an owner's farm to the place where his farm produce is prepared for market or where same is actually marketed and return."

In each case it will be necessary to determine from the facts whether or not the horses being used in the rodeo are being conveyed from the owner's farm to a place where the horse is prepared for market or where the horse is actually marketed, and return therefrom. From the facts you have given, however, it appears that in this case such is not true; therefore, it is the opinion of this office that trailers used for the purposes set forth in your letter must be registered in accordance with the law of this State.

Your attention is invited to Article 6675a-2 (h)3, Vernon's Civil Statutes, which provides:

"Any vehicle exempt from regular fees under this Subsection and operated and moved upon the public highways of this State in violation of this Subsection shall be deemed to be operated or moved unregistered and shall immediately be subject to the regular registration fees and penalties prescribed by law."

SUMMARY

Trailers being used for the purpose of conveying horses to and from rodeos are not exempt as farm trailers and must be licensed under the laws of this State.

Yours very truly,

WAGGONER CARR
Attorney General of Texas

By: Robert E. Owen
ROBERT E. OWEN
Assistant Attorney General

REO/er

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APPROVED:

OPINION COMMITTEE

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APPROVED FOR THE ATTORNEY GENERAL
By: T. B. Wright