



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

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October 20, 1953

Hon. William H. Scott
District Attorney
Criminal Courts Building
Houston 2, Texas

Letter Opinion No. MS-102

Re: Exemption from registration
of water well drilling machin-
ery used for hire.

Dear Mr. Scott:

Your request for an opinion reads in part:

"This is to request an opinion as to whether machinery used solely for the purpose of drilling water wells, regardless of whether it is a unit in itself or is a unit mounted on a conventional vehicle or chassis, operated or moved temporarily upon highways, is exempted from registration; and whether said machinery, if so used may be used for hire, and still be exempted, under Art. 6675-a-2, R.C.S."

Section 1 of Chapter 324, Acts 53rd Legislature, 1953, in amending Article 6675a-2 of Vernon's Texas Civil Statutes, specifically exempts "machinery used solely for the purpose of drilling water wells regardless of whether it is a unit in itself or is a unit mounted on a conventional vehicle or chassis, operated or moved temporarily upon the highways."

The first part of your question must therefore be answered in the affirmative, that such machinery is exempt from registration.

Allred v. J. C. Engelman, Inc., 123 Tex. 205, 61 S.W.2d 75 (1933), controls on the question of the effect of such machinery's being used for hire. Amendments of the registration law whereby definition of the term "implements of husbandry" was added in 1941 altered the scope of that case in some respects, but without any direct effect on the particular question of use for hire. Since the 1953 amendment above mentioned carried forward the same qualification as to not exempting farm trailers and farm semi-trailers used for hire, omitting water well drilling machinery used for hire from this provision, the reasoning and rule of the Engelman case has been re-affirmed, so that the remaining portion of your question would likewise be answered in the affirmative, that

Hon. William H. Scott, page 2 (MS-102)

such machinery so used may be used for hire and still be exempt from registration.

Yours very truly,

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By
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