

**OPINION
51-112**

May 2, 1951 (OPINION)

MOTOR VEHICLES

RE: Registration of Trucks Used For Well Drilling

You have submitted to this office the question of whether or not a truck on which is mounted well drilling equipment must be registered under our laws. We understand that generally the well drilling machine is built on the frame of the truck and derrick is carried over the top of the machine and over the cab with a support built on the front of the truck to carry the top end of the derrick. We understand further that the vehicles in question travel on the state highways when moving from one well drilling job to another.

Section 39 0402 of the 1943 Revised Code provides:

"FARM TRACTORS, ROAD ROLLERS, AND ROAD MACHINERY EXEMPT FROM REGISTRATION. Farm tractors, road rollers, and road machinery temporarily operated or moved upon the highways need not be registered under this chapter."

Section 39-0403 of the 1943 Revised Code provides:

"Every owner of a motor vehicle intended to be operated upon any highway in this state, before the same is so operated, shall obtain the registration thereof.* * *"

The question then is whether or not vehicles of the above description are subject to registration under Section 39-0403. The question depends upon the interpretation of the phrase, "intended to be operated upon any highway in this state,". To ascertain this intent it is necessary to look at the design and use of the vehicle. It may be contended that the well drilling trucks are not designed for and cannot be employed in general highway transportation, but are strictly confined to moving the attached well drilling equipment where it is to be used. The same argument might be applied to specially constructed vehicles. Highways are used by heavy trucks in which gas and oil are transported. There are many specially constructed bodies such as those used for hauling groceries, cattle and horses, hauling gravel and grain, all of which are definitely devoted to a single purpose and are not designed or used in general (that is without restriction) highway transportation.

It is our opinion that the vehicles in question are designed for use or used for the transportation of persons or commodities on the highways and that specifically the vehicle is adopted to general transportation of special freight. It is clear that Section 39 0402 which lists the exceptions to the motor vehicle registration law does not exempt a truck on which is mounted well drilling equipment. And such trucks are self-propelled and are motor vehicles within the definition in Section 39-0101, Subsection 2. Further, we believe that such vehicles are operated on highways in this state.

Therefore, it is our opinion that under the provisions of Section 39-0403 vehicles of the type described are not exempt from registration.

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