



STATE OF KANSAS

## Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

**Curt T. Schneider**  
Attorney General

February 23, 1976

ATTORNEY GENERAL OPINION NO. 76- 73

The Honorable E. Richard (Dick) Brewster  
State Representative, 51st District  
Representative Hall, The Statehouse  
Topeka, Kansas 66612

Re: Motor Vehicles--Operator's License--Class A License

Synopsis: A pickup truck, upon which is installed a removable fifth-wheel hitch assembly, drawing a semitrailer, the combination having a gross weight of not more than 24,000 pounds, does not require a class A operator's license.

\* \* \*

Dear Representative Brewster:

You inquire concerning the class of driver's license which is required for the operation of a pickup truck fitted with a "fifth-wheel" device used for pulling a trailer which is itself fitted for attachment to a "fifth wheel."

K.S.A. 8-234b(a) states in pertinent part thus:

"From and after January 1, 1976, every original driver's license issued by the division shall indicate the class or classes of motor vehicles which the licensee is entitled to drive. For such purpose the following classification of motor vehicles is hereby established:

(1) Class A motor vehicles shall include truck tractor and semi-trailer combinations; buses; trucks; passenger cars; and all lawful

combinations of vehicles . . ."

K.S.A. 8-126 sets forth the following pertinent definitions:

"(e) 'Truck tractor.' Every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn."

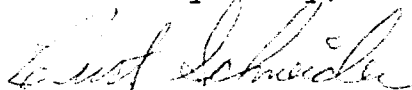
A pickup truck is not designed and used primarily for drawing other vehicles, and it is constructed specifically to carry loads itself, rather than a load as a part of the weight of the vehicle or load which is drawn by it. The term "semi-trailer" is defined by subsection (i) of that provision as:

"Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle."

In order to constitute a "truck tractor and semi-trailer combination" within K.S.A. 8-234b(a)(1), it is necessary that it include a "truck tractor", as defined above, and a "semi-trailer", also as defined above.

As stated above, a pickup truck is not designed primarily for drawing other vehicles, and it is indeed constructed to carry a load of its own, other than as a part of the weight of the vehicle or load drawn by it. This design and construction is not altered by the installation of a fifth-wheel hitch assembly any more than it is altered by the installation of any other kind of hitch assembly. Thus, I agree with you that a pickup truck does not become a "truck tractor," as that term is defined by K.S.A. 8-126(e), by the installation of a fifth-wheel hitch assembly, and that a combination of a pickup truck drawing a semi-trailer by a fifth-wheel assembly, with a gross weight of not more than 24,000 pounds, does not require a class A operator's license.

Yours very truly,



CURT T. SCHNEIDER  
Attorney General