



STATE OF KANSAS

Office of the Attorney General

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

Curt T. Schneider
Attorney General

April 27, 1976

ATTORNEY GENERAL OPINION NO. 76-139

Colonel Allen Rush
Superintendent
Kansas Highway Patrol
1st Floor - State Office Building
Topeka, Kansas 66612

Re: Motor Vehicle--Trailers--Registration

Synopsis: The Deweze Big Bale Bus is a trailer which has a hauling capacity in excess of 6,000 pounds and must be registered.

* * *

Dear Colonel Rush:

You inquire whether a vehicle, described in the brochure enclosed with your letter as the "Deweze Big Bale Bus," is required to be registered. It is manufactured, you advise, in the City of Harper. The vehicle is designed as a trailer, to be towed by a truck or tractor, which is equipped to load, transport and unload large bales of hay, ranging from 1500 lbs. to 3000 lbs. It is not self-propelled but must be towed by a truck or tractor.

K.S.A. 8-126 defines a number of terms for the purposes of the Kansas motor vehicle registration laws:

"The following words and phrases when used in this act shall have the meaning respectively ascribed to them herein.

(a) 'Vehicle.' Every device in, upon, or by which any person or property is or may be

transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) 'Motor vehicle.' Every vehicle, as herein defined, which is self-propelled."

* * *

(h) 'Trailer.' Every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(i) 'Semitrailer.' 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."

* * *

(z) 'Farm trailer.' Every trailer as defined in subsection (h) of this section and every semi-trailer as defined in subsection (i) of this section, designed and used primarily as a farm vehicle."

The vehicle in question is clearly a trailer or semi-trailer, as defined above.

The basic registration requirement is stated at K.S.A. 8-127 thus:

"(a) Every owner of a motor vehicle, trailer, or semitrailer intended to be operated upon any highway in this state, whether such owner is a resident of this state or another state, or such motor vehicle, trailer or semitrailer is based in this state or another state shall, before any such vehicle is operated in this state, apply for and obtain registration in this state under the provisions of K.S.A. 8-126 to 8-149, inclusive . . . except as otherwise provided by law or by any interstate contract, agreement, arrangement or declaration made by the director of vehicles."

Colonel Allen Rush
Page Three
April 27, 1976

Certain farm vehicles are exempted by K.S.A. 8-128(a) thus:

"Farm tractors, all self-propelled farm implements including fertilizers and spreaders designed and used exclusively for dispensing liquid or dust fertilizer, road rollers and road machinery . . . need not be registered under this act."

A further exemption is found at K.S.A. 8-143(2)(a) thus:

"[A] farm trailer used in carrying not more than six thousand (6,000) pounds owned by a person engaged in farming and which trailer is used exclusively by the owner to transport agricultural products produced by such owner or commodities purchased by the owner for use on the farm owned or rented by the owner of such trailer shall not be subject to the registration and registration fees prescribed by this act for trailers."

This exemption presumably is analogous to, although not directly parallel with, K.S.A. 8-142, *Twelfth*, whereby it shall be unlawful for any person

"To operate on the highways of this state a farm trailer carrying more than six thousand (6,000) pounds without the same being registered and the registration fees being paid thereon."

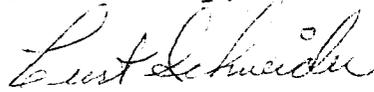
The brochure which you enclose describes two models, no. 565 and no. 476. The former has a net weight of 4,000 pounds, a hauling capacity of 8,000 pounds, and a gross weight rating of 12,000 pounds. Model 476 has a net weight of 4,500 pounds, a hauling capacity of 13,000 pounds and a gross weight rating of 17,500 pounds.

As such, it is a trailer which is required to be registered under K.S.A. 8-127, and which, because it has a hauling capacity in excess of 6,000 pounds, is not exempt therefrom by either K.S.A. 8-142, *Twelfth*, or K.S.A. 8-143(2)(a).

Colonel Allen Rush
Page Four
April 27, 1976

Accordingly, it is my opinion that the vehicle in question is subject to the registration laws of the state.

Yours truly,

A handwritten signature in cursive script, appearing to read "Curt T. Schneider".

CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj