



STATE OF TEXAS

OFFICE OF CONSUMER CREDIT COMMISSIONER

SAM KELLEY, Commissioner

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August 19, 1981 No. 81-15

Mr. Robert G. McCain
Moore & Peterson
Attorneys at Law
2400 One Dallas Centre
Dallas, Texas 75201

Dear Mr. McCain:

This is to acknowledge receipt of your letters dated August 12 and August 18, 1981 concerning the appropriate meaning to be given to the term "motor vehicle" as used in Art. 1.04(n)(1), Article 5069, V.T.C.S.

As you know, Art. 1.04(n)(1) was a section of H.B. 1228 just recently enacted by the Texas Legislature. That bill which set out in the present Art. 1.04(n)(1) that certain other portions of Article 5069 were applicable to the financing of motor vehicles did not define what would be included by the term "motor vehicle." We have concluded that in the absence of such a definition in either Art. 1.04 or Chapter 4 of Article 5069, the chapter mentioned in Art. 1.04(n)(1), the most practical and appropriate approach is to look to the definition of "motor vehicle" as set out in Art. 7.01(a), Article 5069, V.T.C.S. It is the position of this Office, therefore, in determining whether a particular type of vehicle is a "motor vehicle" within the purview of Art. 1.04(n)(1), that the definition of "motor vehicle" set out in Art. 7.01(a) should be utilized.

You further ask our opinion as to whether a type of oil well workover rig would be excluded from the above-mentioned definition of "motor vehicle." I am reluctant to state such an opinion in specific situations since it seems that such will always be a fact question depending on the various circumstances.

You state that such equipment is not designed primarily for highway transportation but may incidentally transport a person (the driver) or property (the equipment itself) on a public highway. Assuming this to be true, it is our position that such a vehicle would be excluded from the definition of "motor vehicle" in Art. 7.01(a) and therefore would not be classified as a "motor vehicle" as that term is used in Art. 1.04(n)(1).

Sincerely yours,

A handwritten signature in cursive script that reads "Sam Kelley".

Sam Kelley
Commissioner