



OFFICE OF THE
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

March 26, 1975

(R75-165)

75-55

BRUCE E. BABBITT
ATTORNEY GENERAL

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

The Honorable James Mack
Arizona State Senate
Phoenix, Arizona

Dear Senator Mack:

This is in response to your recent request concerning whether or not small equipment trailers such as vehicles carrying tar pots and air compressors are currently required by law to be registered as a condition precedent to their operation upon the public highways and streets of this State.

A. R. S. § 28-302 describes the kind of vehicle mentioned in your letter with sufficient clarity to leave no doubt that their registration is required. For example, subsection A provides:

"Every owner of a motor vehicle, trailer or semi-trailer, before it is operated upon any highway in this state, shall apply to the department for a certificate of title thereto and registration thereof. "

The only exemption to this provision is contained in subsection C which in our opinion does not include the kinds of trailers which you describe.

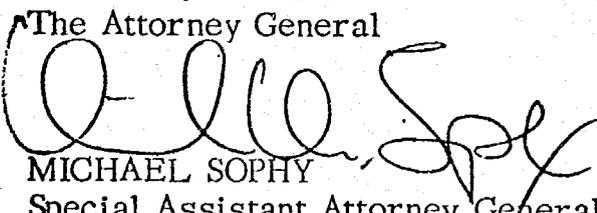
Since our examination of this matter last Friday, we learned that in 1958 the Highway Department had incorrectly interpreted the term "road machinery" (which is exempt from registration pursuant to subsection C of § 28-302) to include the kinds of trailers described in your letter. As a consequence, A. R. S. § 28-302 is not being enforced as the legislature

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apparently intended. It might be valuable in turning this problem around to have a clear statutory definition of "road machinery" since one does not presently exist.

Very truly yours,

BRUCE E. BABBITT
The Attorney General


MICHAEL SOPHY
Special Assistant Attorney General

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