

810-5-1-.223 Off-the-Road Equipment Machinery - Definitions and Exemptions.

(1) ~~WHEREAS~~, Section 40-12-240, ~~sub-section 19~~, Code of Alabama 1975, defines the term "truck" as "every self-propelled motor vehicle designed and used primarily for the transportation of property in or upon its own structure," ~~every self-propelled motor vehicle of the types known as "campers" and "house cars" and every vehicle of the type commonly called a wrecker, which is used to move disabled motor vehicles for repair, storage and other purposes, and "vehicle" as~~ "every device in, upon, or by which any person or property is or may be transported or drawn upon a highway." Section 40-12-240, further defines the term "truck tractor" as "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 vehicles and load so drawn."

(2) ~~WHEREAS~~, Section 40-12-251, Code of Alabama 1975, "~~motor tractors~~" provides "for each motor tractor used on the highways of this state there shall be paid a license or privilege tax of \$100.00; provided, however, that this license shall not be collected for a tractor when run on a highway to be transferred from one point to another for use on a farm with or without a "small trailer" or with or without a "semi-trailer," or when used on the highway for transferring what is commonly known as a "portable sawmill" or a "well-boring outfit," or when used on the highway by a farmer for the purpose of transporting to and from his farm, farm products or products to be used on his farm, and."

~~(3) WHEREAS, there are continuing questions arising as to what constitutes what is commonly referred to as "off-the-road equipment" the following regulation is hereby adopted.~~

~~(4)~~(3) In addition to those exemptions contained in Section 40-12-251 the term "off-the-road ~~equipment machinery~~" shall include machines occasionally moved on highways from one job site to another, but not designed to transport property over the highways, and are not subject to the requirements for licensing as a motor vehicle. (Ref. Attorney General Opinion December 2, 1974 "~~Off the Road Vehicles~~")

(4) The position of the Department is that the term "motor tractor" as defined in Section 40-12-251, and the term "truck tractor" as defined in Section 40-12-240, could be used interchangeably. Therefore, a truck tractor that is used to transport machinery, such as a crane, which is permanently affixed to the chassis of a trailer is exempt from registration fees. (Ref. Attorney General Opinion October 20, 1936)

(5) Pursuant to the above mentioned sections of the Alabama Motor Vehicle License and Registration laws, off road machinery is exempt from the registration requirements due to the following:

(a) it is not designed and used primarily for the transportation of property in or upon its own structure.

(b) it is not designed for use on the public highways.

(c) it is not designed to transport or to draw persons or property upon the highway.

(6) The following are some of the criteria which may be used to define off road machinery:

(a) Off road machinery is not designed or used primarily for the transportation of persons or property and is only incidently operated or moved over the highway.

(b) Off road machinery is designed to primarily perform the functions of lifting and lowering real or personal property.

(c) Off road machinery chassis is specially designed and manufactured by the manufacturer, (or for the manufacturer), to serve solely as a mobile carriage and mount, (and a power source, where applicable), for the particular machinery or equipment attached.

(d) Off road machinery chassis cannot, without substantial structural modification, be used as a component of a vehicle designed to transport persons or property on the highway.

(7) Off road machinery is specially designed for off-highway operation due to the following factors in the design of the vehicle:

(a) The vehicle's inability to travel at posted highway speeds; and/or

(b) The vehicle is overweight, overheight, and/or overwidth for regular highway use, or requires a special permit and/or escort for highway use; and/or

(c) Any other relevant factor of the special vehicle design, such as the requirement of transportation on tracks, which substantially limits or impairs the use of such vehicle on the public roads and highways.

(8) Nothing in this rule should be considered as authority for exempting from registration truck mounted cranes, trucks with booms attached, or similar type vehicles.

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Authority: Sections **40-2A-7(a)(5)**, 40-2-11, 40-12-272 and **32-6-218**, Code of Alabama 1975

History: Adopted through APA August 11, 1982.