

**Opinion No. 147****Motor Vehicles—Trucks—Automobiles  
—Classification.**

HELD: If a vehicle is primarily adapted for the carrying of freight or merchandise it should be listed as a truck, and a vehicle which is primarily adapted for the carrying of passengers should not be classified as a truck although it may be used for the purpose of carrying freight or merchandise.

---

April 10, 1933.

In reply to your inquiry as to determining the distinction between "trucks" and "other motor vehicles", the term "trucks" is defined in Section 1763 R. C. M. 1921. It must indeed be difficult to determine in many instances whether a vehicle is a truck, or is not included within that term. It would seem as if the test should be this: If the vehicle is primarily adapted for the carrying of freight or merchandise, that same should be listed as a truck and that a vehicle which is primarily adapted for the carrying of passengers should not be classified as a truck although it may be used for the purpose of carrying freight or merchandise. In the determination of this fact it would seem necessary that the Registrar of Motor Vehicles exercise a discretion and that no other reasonable interpretation of the law can be had save that the Registrar of Motor Vehicles has such reasonable discretion in determining whether or not a vehicle requires a truck or a car license.