

heavy loads upon common roads, or over arable ground, as in agricultural operations."

A vehicle, on the other hand, has been defined as "a means of conveyance; an instrumentality for transporting persons or things from place to place; that in or on which any person or thing is or may be carried." 66 C. J. 427.

"A 'motor vehicle' is a vehicle operated by a power developed within itself and used for the purpose of carrying passengers or materials; and as the terms used in the different statutes regulating such vehicles, it is generally defined as including all vehicles propelled by any power other than muscular power, except **traction engines**, \* \* \*. The term 'motor vehicle' is a generic term, and is sufficiently broad and comprehensive to include 'automobile' and 'motor truck,' and under some regulatory statutes includes a 'motor cycle', but does not include a traction engine used on the public road to haul loaded cars and wagons." 42 C. J. 609, Section 1.

I find nothing in our statutes which places tractors in the category of motor vehicles for which either a regular motor license or a dealer's (motor vehicles) license is required. In the absence thereof it is my opinion, based on the generally accepted definitions of the courts as above given, that a tractor used primarily for agricultural operations and not for the transportation of persons or materials is not a motor vehicle within the meaning of that term as used in our statutes for which a license is required. Volume 14, Opinions of the Attorney General, p. 111. This opinion is strengthened by the fact that Chapter 38, Laws of 1933-34, amending Section 1, Chapter 103, Laws of 1933, expressly includes motor cycles, bicycles with motor attachments, trucks, busses and trailers. If the legislature had intended to include tractors, we believe it would have expressly said so.

#### Opinion No. 290.

##### Motor Vehicles—Tractors—Licenses— Dealer's License.

HELD: A tractor used primarily for agricultural operations and not for transportation of persons or materials is not a motor vehicle, within the meaning of that term as used in our statutes, for which a license is required.

May 21, 1936.

Mr. Austin B. Middleton  
Registrar of Motor Vehicles  
Deer Lodge, Montana

You have asked my opinion as to whether persons operating tractors are entitled to a dealer's license in order to bring such tractors into the state over the highways. You do not state the nature or purpose of these tractors except that "they are intending to dispose of them in this state to farmers." We assume from this that these tractors are to be used primarily in agricultural operations for drawing implements and machinery or other loads and that they are not used or operated on highways except to go from place to place where they are to be used.

A tractor is defined in 63 C. J. 229 as "a locomotive engine for drawing