

OFFICE OF THE ATTORNEY GENERAL

95-00222

JEFF SESSIONS
ATTORNEY GENERAL
STATE OF ALABAMA

MAY 19 1995

ALABAMA STATE HOUSE
11 SOUTH UNION STREET
MONTGOMERY, ALABAMA 36130
AREA (334) 242-7300

Honorable Luke Cooley
Judge of Probate
P. O. Drawer 6406
Dothan, AL 36302

Motor Vehicles - Licenses and
Registration - License Tags

All motor vehicles operated
on the highways of Alabama
are required to display a
license tag. A motor vehicle
designed to travel on three
wheels is a motorcycle.

Dear Judge Cooley:

This opinion is issued in response to your request for
an opinion from the Attorney General.

QUESTION

We currently have two disabled
citizens who have purchased three-wheel,
self-propelled shuttle vehicles and are
using them on municipal streets and on
state highways going in and around town.
The Dothan city police are asking me to
tag these vehicles, per Code of Alabama
1975, § 32-6-51. The Department of
Revenue makes no provision for this size
vehicle. The police are stopping these
citizens and asking them to vacate the
streets. Please advise as to the citi-
zens' right to use these vehicles on
public streets and highways and the
tagging of the vehicles.

FACTS AND ANALYSIS

The Alabama Motor Vehicle License and Registration Law is codified at Code of Alabama 1975, § 40-12-240, et seq. The term "motor vehicle" is found in the definitional section of the Motor Vehicle License and Registration Law at § 40-12-240(6) and provides:

"MOTOR VEHICLE. Every vehicle which is self-propelled, every vehicle which is propelled by electric power from overhead trolley wires, and every vehicle that is drawn by a self-propelled vehicle, including every trailer and semitrailer."

From a reading of the above-quoted language included in the statute, it is my opinion that if a vehicle is self-propelled, then it is to be considered a motor vehicle.

The term "motorcycle" is found at subsection (7) of § 40-12-240 and provides:

"MOTORCYCLE. Every motor vehicle designed to travel on not more than three wheels in contact with the ground, including motor scooters and motor bicycles, but not including farm tractors."

The vehicle described in your request states that the vehicles in question are "three-wheel shuttles." As such, it is my opinion that the vehicles you describe fall within the definition of the term "motorcycle."

Section 40-12-242 provides for the licensing and registration of motorcycles and states as follows:

"The following annual license taxes and registration fees are hereby imposed and shall be charged . . . on each motorcycle operated on the said public highways:
. . . (2) for each motorcycle . . . \$7.00.

". . . [N]o motorcycle shall be used on any public highway in the state unless the proper license tag therefor has been procured and is securely attached to the rear end thereof, such tag to be so attached right side up with the number

thereof in an upright position and plainly visible."

From reading the above-quoted language, it is my opinion that the Legislature of Alabama has indicated its intent that whenever a vehicle, which is described in the statute as a "vehicle designed to travel on not more than three wheels" is operated on the public highways of the state, then the vehicle must display the license tag for a motorcycle, and such tag must be properly affixed prior to the vehicle's use on the public highways of this state.

CONCLUSION

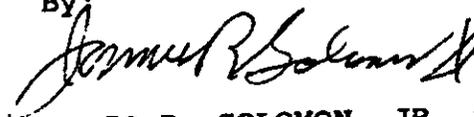
A "three-wheel shuttle" which is self-propelled qualifies as a "motorcycle" as that term is defined within the provisions of the Alabama Motor Vehicle License and Registration Law, and therefore may not be operated on the public highways of Alabama unless the proper license tag therefor has been procured and is securely attached to the rear end thereof prior to the vehicle's operation on the public highways.

I hope this sufficiently answers your question. If our office can be of further assistance, please contact John J. Breckenridge, Legal Division, Department of Revenue.

Sincerely,

JEFF SESSIONS
Attorney General

By:



JAMES R. SOLOMON, JR. *JS*
Chief, Opinions Division

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