STATE OF NEBRASKA
Office of the Attorney General
2115 STATE CAPITOL BUILDING
LINCOLN, NEBRASKA 68509-8920
(402) 471-2682
FAX (402) 471-3297

DON STENBERG
ATTORNEY GENERAL

L. STEVEN GRASZ
SAM GRIMMINGER
DEPUTY ATTORNEYS GENERAL

92036

STATE OF NEBRASKA
OFFICIAL
MAR 6 1992
DEPT. OF JUSTICE

DATE: March 5, 1992

SUBJECT: Whether the owner of a mill who purchases trees and then uses the truck-trailer combination motor vehicles that he owns to transport the trees, may license the truck-trailer motor vehicles with farm truck and farm trailer plates?

REQUESTED BY: Avery L. Gurnsey
Rock County Attorney

WRITTEN BY: Don Stenberg, Attorney General
Paul N. Potadle, Assistant Attorney General

ANSWER: No. The truck-trailer combination motor vehicles would be plated as a commercial trailer, Neb.Rev.Stat. §60-301(4) and commercial vehicle, Neb.Rev.Stat. §60-301(5).

Neb.Rev.Stat. §60-301(6)(b) (1990 Cum.Supp.) provides for a trailer to be defined as a farm trailer when used by the farmer or rancher to carry his or her own agricultural products, livestock and produce to or from storage and market. Neb.Rev.Stat. §60-301(7)(b) (1990 Cum.Supp.) provides for a motor vehicle to be defined as a farm truck when used by farmer or rancher to carry his or her own agricultural products, livestock and produce to or from storage or market.

In the issue presented, there is no question that the trees cut for milling qualify as agricultural products. Neb.Rev.Stat. §60-301(1) (1990 Cum.Supp.) includes forestry within the definition of an agricultural product. The problem with allowing the miller

L. Jay Bartel, J. Kirk Brown, David T. Bydalek, Laurie Smith Camp, Elaine A. Chapman, Delores N. Coe-Barbee, Dale A. Comer, David Edward Cygan, Mark L. Ells, James A. Elworth, Laura H. Essay, Lynne R. Fritz, Royce N. Harper, William L. Howland, Marilyn B. Hutchinson, Kimberly A. Klein, Donald A. Kohtz, Charles E. Lowe, Lisa D. Martin-Price, Lynn A. Melson, Harold I. Mosher, Fredrick F. Neid, Paul N. Potadle, Marie C. Pawol, Kenneth W. Payne, Jan E. Rempe, James H. Spears, Mark D. Starr, John R. Thompson, Barry Wald, Terri M. Weeks, Alfonza Whitaker, Melanie J. Whittamore-Mantzios, Linda L. Willard

printed on recycled paper

to plate his trucks and trailers with farm plates is that the miller is by the situation presented not a farmer, and thereby does not qualify to use the farm plates.

Black's Law Dictionary, Sixth Edition, defines a farmer as: "One engaged in the business of cultivating land or employing it for the purpose of husbandry." The miller presented in the instant case is in the business of processing and not growing trees and therefore does not qualify as a farmer who may register his trucks and trailers as farm plated vehicles. The truck-trailer combination motor vehicle would be defined as a commercial trailer under §60-301(4) (1990 Cum.Supp.) and a commercial vehicle under §60-301(5) (1990 Cum.Supp.) and would be plated accordingly.

However, if a miller was cutting and hauling trees for processing at his/her mill from land that the miller owned, then the truck and/or trailer could be registered with farm plates. The miller would meet the definition of a farmer by cultivating his/her land for the purpose of husbandry.

Finally, a truck and/or trailer is properly licensed with farm plates when the truck and/or trailer is used by the farmer exclusively to carry his/her own supplies, Neb.Rev.Stat. §§60-301(6)(a) and 60-301(7)(a) (1990 Cum.Supp.). For example, a miller may use his/her farm plated truck and/or farm plated trailer to transport fertilizer to the miller's farm for application on the land growing the miller's trees.

Sincerely yours,

DON STENBERG
Attorney General

Paul N. Potadle
Assistant Attorney General

Approved By:

Attorney General

46-453-3