

Alan STUART *v.* STATE of Arkansas

CR 77-201

563 S.W. 2d 398

Opinion delivered March 6, 1978  
(Division II)

[Rehearing denied April 17, 1978.]

1. MOTOR VEHICLES — REGULATION OF TRAFFIC ON HIGHWAYS — APPLICABILITY OF WEIGHT PROVISIONS TO SELF-CONTAINED WELL-BORING RIGS. — There is no merit to appellant's contention that Ark. Stat. Ann. §§ 75-107 and 75-108 (Repl. 1957) exempt self-contained well-boring rigs from the weight provisions contained in Ark. Stat. Ann. § 75-801.
2. MOTOR VEHICLES — SELF-CONTAINED WELL-DRILLING RIG — NOT EXEMPTED FROM WEIGHT REGULATIONS AS "IMPLEMENT OF HUSBANDRY." — The operator of a self-contained well-drilling rig is not entitled to have his rig exempted from the weight requirements of Act 300, Ark. Acts of 1937, as amended, as an "implement of husbandry" pursuant to Ark. Stat. Ann. § 75-801 (b) (Supp. 1977), since the term "husbandry" is ordinarily applied to matters involving agriculture.

Appeal from Lawrence Circuit Court, *Andrew Ponder*, Judge; affirmed.

Appellant, Pro Se.

Bill Clinton, Atty. Gen., by: *Jesse L. Kearney*, Asst. Atty. Gen., for appellee.

CONLEY BYRD, Justice. Appellant Alan Stuart was found guilty of operating an overloaded vehicle carrying water drilling equipment in violation of Ark. Stat. Ann. § 75-801(a) (Supp. 1977). Subsection (b) of that statute provides:

“The provisions of this article governing size, weight, and load shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.”

For reversal appellant contends that the trial court erred in failing to recognize that Ark. Stat. Ann. § 75-107 (Repl. 1957) and Ark. Stat. Ann. § 75-108 (Repl. 1957), exempt self contained well-boring rigs from all other statutes. We find no merit to these contentions. Ark. Stat. Ann. § 75-801, *supra*, as subsequently amended, was enacted pursuant to Acts 1937, No. 300 which was “An Act regulating Traffic On Highways and Defining Certain Crimes in the Use and Operation of Vehicles. . . .” That Act contained its own definitions of the words and phrases used in the Act which are now codified in Ark. Stat. Ann. § 75-402 (Repl. 1957). The exemptions upon which appellant relies are exemptions to the Vehicle Registration and Licensing Act, Acts 1949, No. 142 — *i.e.* the exemptions are set out in Ark. Stat. Ann. § 75-107 and Ark. Stat. Ann. § 75-108, are not applicable to the weight provisions contained in Ark. Stat. Ann. § 75-801, *supra*.

Furthermore, appellant is not entitled to have his well drilling rig exempted as an “implement of husbandry” pursuant to subsection (b) of Ark. Stat. Ann. § 75-801, *supra*. The term “husbandry” is ordinarily applied to matters involving

agriculture. See *Sproles v. Binford*, 286 U.S. 374, 52 S. Ct. 581, 76 L. Ed. 1167 (1932).

Affirmed.

We agree: HARRIS, C.J., and FOGLEMAN and HOLT, JJ.

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