

**OPINION NO. 77-092****Syllabus:**

1. A vehicle that qualifies as a house trailer pursuant to R.C. 4501.01 (L) does not lose its classification as such if it is also designed and used, in part, to transport horses.
2. A vehicle that qualifies as a travel trailer pursuant to R.C. 4501.01 (N) (1) does not lose its classification as such if it is also designed and used, in part, to transport horses.

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**To: Dean L. Dollison, Registrar, Bureau of Motor Vehicles, Columbus, Ohio**  
**By: William J. Brown, Attorney General, December 19, 1977**

I have before me your request for my opinion, which reads as follows:

In recent months some manufacturers have designed horse trailers to include living accommodations. In other words, the vehicle is part horse trailer and part house trailer.

Some clerks of court are having some difficulty in determining how these vehicles should be titled. Therefore, I respectfully request your opinion as to whether these vehicles should be titled as horse trailers or house trailers.

As you are aware, the Ohio Revised Code does not define "horse trailers" as such. They are, instead included within the general definition of a "trailer", set forth in R.C. 4501.01 (K) which provides as follows:

(K) "Trailer" means any vehicle without motive power designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semi-trailer and a

vehicle of the dolly type such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than twenty-five miles per hour, except a house trailer and travel trailer. (Emphasis added)

Under the statutory definition, therefore, a vehicle that possesses the foregoing characteristics is a trailer, unless the term "house trailer" or "travel trailer" can be applied to it.

A "house trailer" is defined in R.C. 4501.01 (L) as:

. . . any nonself-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to indicated utilities, whether resting on wheels, jacks, or other temporary foundation and used or so constructed as to permit its being conveyed upon the public streets or highways. (Emphasis added)

A "travel trailer" is one class of "recreational vehicle", and is defined in R.C. 4501.01 (N) (1) as follows:

(N) "Recreational vehicle" means a vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses being classed as follows:

(1) "Travel trailer" means a nonself propelled recreational vehicle not exceeding an overall length of thirty-five feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in division (N) of section 4517.01 of the Revised Code. (Emphasis added)

Unless a vehicle fits into one of these two categories, then, it remains a "trailer".

In 1950 Op. Att'y Gen. No. 2526, p. 745, my predecessor had occasion to answer a question similar to your own. That opinion dealt with the common practice of using a house trailer as the situs of a commercial enterprise. Significantly, the statutory definition of "house trailer" has remained the same since that date. The specific question posed was:

. . . for the purpose of license plate registration, does a house trailer have to be exclusively for human habitation to come under the definition of a house trailer or can it be used incidentally also in a commercial manner?

The opinion reasoned that the statutory definition of "house trailer" involved two tests. First, the trailer must be built and fitted so as to ". . . permit use and occupancy . . . for human habitation." Second, it must actually be used as a conveyance on a public street, or so constructed as to permit such a use. The opinion then observed:

When these tests are applied to a case where a house trailer has been modified so as to permit a use, and where there is an actual use, for a commercial purpose incidental to the primary use as a human

habitation, it is clear the classification of the vehicle is not thereby changed since the construction and fittings are such as still permit the uses stated in the definition.

That is not to say, of course, where a house trailer has been so modified to prepare it exclusively for a commercial use, that it would retain its original classification. In such a case the construction would no longer permit use as a human habitation and the first test in the statutory definition could no longer be met.

The language in the statutory definition here under consideration is plain and unambiguous and in such a situation to add to the stated tests that of exclusive use as a human habitation would be wholly unwarranted and unauthorized.

The opinion went on to conclude that:

. . . a house trailer . . . does not lose its classification as such under the motor vehicle license tax act even though, in addition to its primary use as a human habitation, it is used incidentally as the situs of a commercial enterprise. (Emphasis added.)

The situation that you describe is slightly different from that considered in Opinion No. 2526, supra. The trailers in question are not only used, but expressly designed and constructed, for the purpose of transporting horses. Just as my predecessor recognized a lack of any statutory provision regarding exclusivity of use, I must conclude that there is no basis for reading a requirement of exclusivity of design or construction into the pertinent definitions.

Accordingly, it is my opinion that:

1. A vehicle that qualifies as a house trailer pursuant to R.C. 4501.01 (L) does not lose its classification as such if it is also designed and used, in part, to transport horses.
2. A vehicle that qualifies as a travel trailer pursuant to R.C. 4501.01 (N) (1) does not lose its classification as such if it is also designed and used, in part, to transport horses.