

MOTOR VEHICLES: Maximum gross weight that may be carried by truck with trailer attached is 48,000 pounds.

8-19

August 18, 1936.



Mr. R. E. Moore, Captain GHQ,
Missouri State Highway Patrol,
Jefferson City, Missouri.

Dear Sir:

This department is in receipt of your letter of August 17, requesting an opinion as to the following:

" * * * The Carnation Milk Company, Mt. Vernon, Missouri, is operating a tank truck and pulling behind it a four wheel trailer and desires to carry a maximum gross load of 24,000 pounds in the truck and a maximum of 24,000 pounds in the trailer. Tire sizes on both units will support this weight and distribution of weight on axles of both units is correct.

"Is the gross load of 48,000 pounds permissible considering truck and trailer as two units with 24,000 pounds per unit or would the 38,000 pound gross limit for tractor-trailer combinations apply in this case?"

"Units in combination are now operating under Highway Department permit for about four ft. overlength, but with new equipment ordered, the combination will be within the 40 ft. road limit."

Section 7788, R.S. Mo. 1929 regulates the weight that may be carried by motor vehicles, tractors and semi-trailers, and provides:

"No motor vehicle, except a combination of tractor and semi-trailer, the gross weight of which, including load, is more than 24,000 pounds, and no combination of tractor and semi-trailer, the gross weight of which, including load, is more than 38,000 pounds, and no motor vehicle having a greater weight than 16,000 pounds on one axle, and no motor vehicle having a load of over 600 pounds per inch width of tire upon any wheel concentrated upon the surface of the highway (said width in the case of rubber tires, both solid and pneumatic, to be measured between the flanges of the rim), shall be operated on the highways of this state: Provided, a combination of tractor and semi-trailer shall be considered a vehicle of six (6) wheels for the purpose of computing the distribution of the load."

We are not concerned with the provision in Section 7788, supra, relating to combinations of tractors and semi-trailers, as the statement of facts in your letter clearly shows that the question involves the weight that may be carried by a truck and trailer attached to said truck, no part of the weight of said trailer resting upon the towing vehicle. The question presented for solution, therefore, is whether a truck and trailer shall be considered as one motor vehicle or whether it shall be considered as two separate motor vehicles within the meaning of Section 7788.

A "motor vehicle", is defined in Section 7759, R.S. Mo. 1929 as "Any self-propelled vehicle not operated exclusively upon tracks, except farm tractors." Under this definition, a trailer, such as is described in your letter could not possibly be considered a motor vehicle. However, in the case of State v. Schwartzmann Service, Inc. (St. Louis Court of Appeals) 40 S.W. (2d) 479, the Court had before it a question substantially similar to the one here presented, and in that case the defendant was charged with unlawfully operating a motor vehicle, to-wit, one trailer, the gross weight of which, including load, was more than 24,000 pounds. The case was tried before the Court without a jury on an agreed statement of facts, as follows:

On September 7, 1930, at the County of Warren, defendant operated on Highway No. 40, a truck train consisting of a tractor, semi-trailer and trailer, the trailer being a four-wheeled vehicle, not self-propelling, and none of the weight of which rested upon the semi-trailer and tractor, or either of them. At said time the

gross weight of said trailer, including load, was in excess of 24,000 pounds. The trial resulted in a judgment convicting the defendant of the offense charged in the information, and defendant appealed. It was defendant's contention that a trailer was not a motor vehicle within the meaning of the statute and therefore that it might be loaded without limit and so operated on the highways. The Court, however, in affirming the judgment of the lower court, held that the trailer was a motor vehicle within the meaning of Section 7788, limiting the weight of such trailer to 24,000 pounds. Specifically, the Court said:

" * * * The title of the act under which this prosecution proceeds shows that the Legislature regards a trailer as a motor vehicle; * * * but there can be no question that a trailer attached to and propelled by such a motor vehicle, is itself, in a broad sense, motor propelled, and, in that broad sense is a motor vehicle."

In disposing of the definition of the term "motor vehicle", as defined in Section 7759, the Court said:

"It is obvious that the Legislature never intended that such restricted definition should control the meaning of the term as used in the Act of 1925, on which this prosecution is based."

CONCLUSION

In view of the foregoing, it is the opinion of this department that a maximum gross load of 48,000 pounds is permissible on a tank truck with four wheel trailer attached--that is to say, 24,000 pounds on each vehicle. This ruling, of course, does not apply to a tractor attached to a semi-trailer, in which case the maximum weight permissible is 38,000 pounds.

Respectfully submitted,

JOHN W. HOFFMAN, Jr.,
Assistant Attorney General.

APPROVED:

Attorney General