

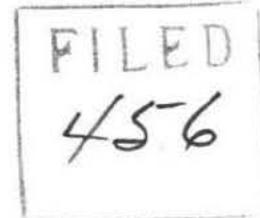
MOTOR VEHICLES:
STATE UNIVERSITY:
ROADS AND BRIDGES:

The County Court of St. Charles County does not have the authority to set speed limits on county roads not within the limits of any incorporated city, town or village, lower than that provided in Section 304.010, RSMo 1969, for the reason that St. Charles County, although a second class county, does not have a population of 125,000 residents and the extension centers located in that county do not constitute a "state university" within the meaning of Section 304.010 5., RSMo 1969.

OPINION NO. 456

October 14, 1970

Honorable Fred W. Meyer
State Representative
One Hundred Fourth District
Route No. 3
Wentzville, Missouri 63385



Dear Representative Meyer:

This is in reply to your request for an opinion concerning the question of whether the county court of St. Charles County has the authority pursuant to Section 304.010 5., RSMo 1969, to set speed limits on county roads outside of incorporated cities, towns or villages.

Section 304.010 5. provides as follows:

"5. The county court of any county of the second class containing one hundred twenty-five thousand or more inhabitants or a county of the second class containing a state university may set a speed limit on any county road not within the limits of any incorporated city, town or village, lower than that otherwise provided in this section where the condition of the road or nature of the area requires a lower speed. The court shall cause copies of any order establishing a speed limit on a county road

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to be sent to the chief engineer of the state highway department and the superintendent of the state highway patrol. After the roads have been properly marked by signs indicating the speed limits set by the county court, the speed limits shall be effective as those provided in this section."

In your opinion request you advise that the 1970 Census indicates that St. Charles County has a population of about 92,000. Therefore, the only basis upon which the county court of St. Charles County would have the authority to set speed limits on county roads outside of incorporated cities, towns or villages, is to qualify as "a county of the second class containing a state university."

You provided us with a letter addressed to you from an individual indicating his belief that St. Charles County, a second class county, is a "county of the second class containing a state university" within the meaning of Section 304.010 5., RSMo 1969, for the reason that the following extension centers of the University of Missouri are located in St. Charles County:

- (a) University of Missouri Agricultural Experimental Station, Soil Experimental Farm,
- (b) University of Missouri -- Columbia, Weldon Spring Research Center,
- (c) University of Missouri Extension Division, St. Charles County.

Whether the extension centers located in St. Charles County, either singly or together, constitute a "state university" for purposes of Section 304.010 5., RSMo 1969, depends upon the legislative intent of that statute. We believe that the purpose of the statute is to authorize a county court to set speed limits on county roads not within the limits of any incorporated city, town or village where a relatively large number of residents in the county would give rise to congested residential and traffic conditions. As one remedy for the traffic problems created by such congestion, the court court would be empowered to set limits where the condition of the road or nature of the area would require a lower speed. The legislature did not, however, consider that conditions would become congested enough to warrant a grant of such authority to a county court until the county attained a population of 125,000 residents. The only exception to this county population requirement is where the county contains a "state university". The legislature apparently believed that

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the presence of a "state university" in a second class county would create traffic conditions which necessitated the granting of power to the county court to set speed limits in the unincorporated areas of the county.

The term "state university" has a precise and definite meaning in this state. Sections 9(a) and 9(b), Article IX of the Constitution of Missouri provide for one and only one "state university":

"Section 9(a). State university--government by board of curators--number and appointment. --The government of the State University shall be vested in a board of curators consisting of nine members appointed by the governor, by and with the advice and consent of the senate."

"Section 9(b). Maintenance of state university and other educational institutions.-- The general assembly shall adequately maintain the State University and such other educational institutions as it may deem necessary."

Chapter 172, RSMo 1969, entitled "State University", deals with various aspects of that institution. Section 172.010, RSMo 1969, provides that "A university is hereby instituted in this state, the government whereof shall be vested in a board of curators."

Although the State of Missouri has only one "state university", it has four campuses, located at Columbia, Rolla, Kansas City and St. Louis.

For the above reasons, it is the opinion of this office that an extension center of the University of Missouri does not constitute a "state university" as that term is used in Section 304.010 5., RSMo 1969. Furthermore, because we are concerned with the characteristics of the institution rather than the number of institutions in any one county, the fact that St. Charles County contains three extension centers, does not affect this conclusion.

Therefore, because St. Charles County has neither a population of 125,000 residents nor a "state university" within the meaning of Section 304.010 5., RSMo 1969, the county court of that county does not have the authority, under Section 304.010 5., RSMo 1969, to set speed limits on county roads not within the limits of any incorporated city, town or village.

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CONCLUSION

The County Court of St. Charles County does not have the authority to set speed limits on county roads not within the limits of any incorporated city, town or village, lower than that provided in Section 304.010, RSMo 1969, for the reason that St. Charles County, although a second class county, does not have a population of 125,000 residents and the extension centers located in that county do not constitute a "state university" within the meaning of Section 304.010 5., RSMo 1969.

The foregoing opinion, which I hereby approve, was prepared by my Assistants, J. Michael Jarrard and D. Brook Bartlett.

Very truly yours,



JOHN C. DANFORTH
Attorney General