

MOTOR VEHICLES: Gross weight of combination of commercial motor vehicle and trailer to be used in computing registration fee for the commercial motor vehicle.

September 1, 1949



Honorable J. Harry Latham
Prosecuting Attorney
Savannah, Missouri

Dear Sir:

Your recent opinion request reads as follows:

"We request an opinion from your department relative to whether or not a tandem house trailer hitched on behind a straight truck, constitutes a "combination" under the purview of Sec. 8369 (c) Revised Statutes of Missouri, 1939 as amended, and whether or not a house trailer is within the purview of the definition of "trailer" of section 8367, Revised Statutes of Missouri, 1939, as amended. The circumstances involved are as follows:

"A 1938 Ford straight truck loaded with show equipment was pulling a tandem house trailer, fitted up for living quarters for about eight people. The said truck was licensed commercially for a total gross weight of 10,000 pounds. The combined weight of the loaded truck and house trailer was 17,150 pounds, thus exceeding the license on the truck by 7,150 pounds. (In the past arrests have been made on combination of this type, but) the question has been raised as to whether or not we are permitted to include the combined weight in computing the weight on the license of the truck. The trailer was properly licensed for a fee of \$3.00.

"We ask your opinion as to whether or not under the sections of the statute and the circumstances involved, we may charge the truck with improper licenses."

The tandem house trailer hitched behind a straight truck satisfies the definition of a trailer as provided by Section 8367 Mo. R.S.A., as it is a "vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by a self-propelled vehicle."

Section 8369 (c) provides for registration fees for commercial motor vehicles, which fees are graduated according to the gross weight of the vehicle. This section also provides for a registration fee of \$3.00 for each trailer or semi-trailer. You stated in your opinion request that the \$3.00 fee for the trailer had been paid, and the question raised is as to what gross weight should determine the registration fee to be paid on the truck.

Section 8370(d) Mo. R.S.A., which provides for the computation of fees, reads as follows:

"Fees of commercial motor vehicles shall be based on the gross weight of the vehicle or any combination of vehicles and the maximum load to be carried at any one time during the license period."

Therefore, it has been expressly provided that when a commercial motor vehicle is used in combination with other vehicles, the tandem house trailer in this instance, the gross weight of the combination should be used in the computation of the fees. Therefore, in the present instance, the truck was properly charged with an improper license.

CONCLUSION

It is, therefore, the opinion of this department that

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for the purpose of computing the registration fee to be paid on a commercial motor vehicle to which is hitched a tandem trailer, the gross weight of the combination of the vehicles should be used as provided for by Section 8370(d) Mo. R.S.A.

Respectfully submitted,

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APPROVED:

J. E. TAYLOR
Attorney-General