

MOTOR VEHICLES:
TRAFFIC AND EQUIPMENT
REGULATIONS:
OVERWEIGHT:

Section 304.180, A.L. 1951, H.B. 283, prohibits the operation on the highways of this state of a vehicle having a greater weight than 18,000 pounds on one axle when the wheels attached to said axle are equipped with low pressure tires.



September 30, 1952

10/1/52

Honorable John M. Cave
Prosecuting Attorney
Callaway County
Fulton, Missouri

Dear Sir:

This is in reply to your recent letter requesting an official opinion of this office. Your request is as follows:

"Your opinion is requested upon the following state of facts: A trailer being drawn upon the highways of this state upon being weighed is found to have a gross weight of 19,140 lbs. on one axle, said axle has dual wheels on each side of the trailer, which dual wheels measure, in each wheel, nine inches between the flanges of the rim. Under the provisions of Section 304.180 RSMo. 1949, is the driver thereof guilty of operating an overloaded vehicle because of a weight greater than 18,000 lbs. on one axle, or is he allowed the greater weight of 21,600 lbs. computed by multiplying the 36 inch of tire width by 600 lbs.?"

Since your request is concerning the interpretation of Section 304.180, A.L. 1951, H.B. 283, we believe it advisable, for the purpose of this opinion, to quote that section. It is as follows:

"1. No vehicle or combination of vehicles shall be moved or operated on any highway in this state having a greater weight than sixteen thousand pounds on one axle when the wheels

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attached to said axle are equipped with high pressure pneumatic, solid rubber or cushioned tires, and no vehicle or combination of vehicles shall be moved or operated on the highways of this state having a greater weight than eighteen thousand pounds on one axle when the wheels attached to said axle are equipped with low pressure tires, and no vehicle shall be moved or operated on the highways of this state having a load of over six hundred pounds per inch width of tire upon any wheel concentrated on the surface of the highway, the width in the case of rubber tires, both solid and pneumatic, to be measured between the flanges of the rim.

"2. An 'axle load' shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

"3. Subject to the limit upon the weight imposed upon the highway through any one axle, the total gross weight with load imposed upon the highway by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the total group of axles measured longitudinally to the nearest foot as set forth in the following table:
* * *."

Your request narrows down to the second and third provisos of Section 304.180, supra. We believe that this section definitely limits the gross weight which any one axle bears upon the highway to be 18,000 pounds and that is when the wheels attached to the axle are equipped with low pressure tires. For further clarification of the meaning of the second prohibition of Section 304.180, supra, we refer to paragraph 2 of that

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section which describes an axle load. Subsection 3 of Section 304.180, supra, refers to the limit upon the weight imposed upon the highways through any one axle which further distinguishes the second prohibition in the first paragraph.

The purpose of the Legislature seems to be definitely to regulate the weight that vehicles impose upon the highway. By reading the section cited, supra, as a whole, it may be further gleaned from the statute that the intention was to spread the weight over as large a surface of the highway as practicable.

Following the above mentioned policy, it will be noted that each of the three prohibitions of paragraph 1 of Section 304.180, supra, stands by itself and is a separate limitation from each of the others.

In the case of *In Re Petition of De Jarnett v. Tickameyer*, 40 S.W. (2d) 686, 328 Mo. 153, l.c. 157, the Court stated:

"* * * All provisions of the statute should be considered in determining the meaning of any particular portion thereof, and effect given to every part of the statute where it is possible to do so. * * *"

Considering Section 304.180, supra, and Section 304.240 of the same House Bill, the latter section providing a penalty for the violation of the former, and other traffic and equipment regulations in Chapter 304, it seems definite that this statute was enacted to prevent damage to the highways of this state by overloaded vehicles.

CONCLUSION

Therefore, it is the opinion of this office that Section 304.180, A.L. 1951, H.B. 283, prohibits the operation on the highways of this state of a vehicle having a greater weight

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than 18,000 pounds on one axle when the wheels attached to said axle are equipped with low pressure tires.

Respectfully submitted,

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APPROVED:

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