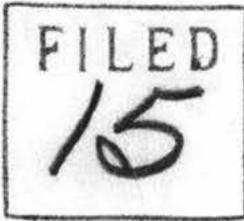


MOTOR VEHICLES: For the purposes of determining the gross weight of a vehicle or combination of vehicles under Section 304.180, A.L. 1951, H.B. 283, the front or steering axle is to be considered as one of a group of two or more consecutive axles.

AXLE LOADS:



October 27, 1952

10-27-52

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

Dear Sir:

This office is in receipt of an opinion request from you as follows:

"The opinion of your office is requested in regard to the interpretation of Section 304.180 RSMo 1949 as amended by CCS Am SCSHB 283 Laws of 1951.

"For purposes of determining whether a motor vehicle or combination of vehicles exceeds the gross weight set out in Section 304.180.3, is the front, or steering axle considered one of a 'group of two or more consecutive axles'?"

Since your request is concerning the interpretation of Section 304.180 A.L. 1951, House Bill No. 283, we believe that it is advisable for the purpose of this opinion to quote that section. It is with weight table only partially quoted as follows:

"Regulations as to weight--axle load defined.--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 attached to said axle are equipped with high pressure pneumatic, solid rubber or cushioned tires, and no vehicle or

Honorable John M. Cave

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:

"Distance in feet between first and last axles of group	Maximum load in pounds on group of axles
4	32,000
5	32,000
* * *(down to)* * *	
37.....	58,420
38.....	59,220
39 or over.....	60,010."

(Balance of weight table omitted by us.)

Honorable John M. Cave

It will be noted that in the third paragraph of the above quoted section to which you refer as 304.180.3, the first reference of said section is to matter contained in paragraph one of the section. The reference is to the limitation of the total gross weight imposed on the highway by any one axle. That weight is fixed at 18,000 pounds. The allowable maximum weight which is 60,010 pounds requires a vehicle to have a distance of 39 feet between the first and last axle or groups of axles. Section 304.170, RSMo 1949, limits the greatest allowable length of any combination of vehicles to be operated on the highway to 45 feet.

It will also be noted that the statute refers to the total group of axles in that it says "any one group of two or more consecutive axles of a vehicle shall not exceed the gross weight given for the respective distances between the first and last axle of the total group of axles." This would necessarily include the front or steering axle as the first axle of the group and the hindmost axle of the vehicle as the last axle.

Our Supreme Court said in regard to the construction of a suit in St. Louis Amusement Co. vs. St. Louis County, 147 S.W. (2d) 667, 1.c. 669:

"* * * And where the language of a statute is plain and unambiguous it may not be construed. It must be given effect as written."

CONCLUSION

It is therefore the opinion of this office that for the purposes of determining the gross weight of a vehicle or combination of vehicles under Section 304.180, A.L. 1951, House Bill No. 283, the front or steering axle is to be considered as one of a group of two or more consecutive axles.

Respectfully submitted,

APPROVED:



J. E. TAYLOR
Attorney General

JAMES W. FARIS
Assistant Attorney General