

MOTOR VEHICLES: LICENSE  
FEE OF LOCAL COMMERCIAL  
VEHICLES AND COMMERCIAL  
VEHICLES:

A truck line is transporting freight long distances over state highways by tractor-trailers, and all tractors are licensed as local commercial vehicles. None of tractors driven more than 25 miles from each municipality specified in local licenses, but trailers pulled greater distances. This is done by disconnecting each trailer from its tractor and connecting it to another tractor at end of each 25 miles of route, and is repeated indefinitely until trailer reaches destination. Operation is violation of terms of each local commercial license and subsections 3 and 7, Section 301.060, pages 699, 700, Laws of 1951.



September 24, 1953

Honorable Hugh H. Waggoner  
Superintendent  
Missouri State Highway Patrol  
Jefferson City, Missouri

Dear Sir:

This is to acknowledge receipt of your recent request for a legal opinion of this department which reads as follows:

"A truck line operating tractor-trailer units hauling freight a distance greater than twenty-five miles has registered its tractors in this State as local commercial motor vehicles. The tractors are so located along the route traveled by this company that no tractor operates in excess of the limits imposed by law on a local commercial vehicle. This, of course, is done by unhooking the trailer at predetermined points and pulling it by a tractor registered for operation in that particular local area.

"We would like to inquire if such operation is legal or if the tractors would be required to have beyond local license, inasmuch as the shipment travels a distance greater than that

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permitted by the operation of a local commercial vehicle."

Subsection 1, Section 301.010, page 696, Laws of Missouri 1951, defines the term "commercial motor vehicle" and reads as follows:

"(1) 'Commercial motor vehicle,' a motor vehicle designed or regularly used for carrying freight and merchandise, or more than eight passengers; \* \* \*."

Subsection 9 of said section defines local commercial motor vehicle and reads as follows:

"(9) 'Local commercial motor vehicle,' a commercial motor vehicle whose operations are confined solely to a municipality and that area extending not more than twenty-five miles therefrom; or a commercial motor vehicle whose property carrying operations are confined solely to the transportation of property owned by any person who is the owner or operator of such vehicle, to or from a farm owned by such person or under his control by virtue of a landlord and tenant lease; provided that any such property transported to any such farm is for use in the operation of such farm; \* \* \*."

Subsection 25 defines the term tractor and reads as follows:

"'Tractor,' any motor vehicle, designed primarily for agricultural use or used as a traveling power plant or for drawing other vehicles or farm or road building implements and having no provision for carrying loads independently; \* \* \*."

Subsection 26 gives the definition of the word trailer and reads as follows:

"'Trailer,' any vehicle without motive power designed for carrying property or passengers on its own structure and for being drawn by self-propelled vehicle, except those running exclusively on tracks, including a semi-trailer or vehicle of the trailer type so designed and used in conjunction with a self-propelled vehicle that a considerable part of its own weight rests upon and is carried by the towing vehicle; \* \* \*."

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Subsection 7, Section 301.060, page 700 Laws of 1951, provides how the annual license fee for tractors, trailers and semi-trailers shall be paid and reads as follows:

"7. For each trailer or semitrailer there shall be paid an annual fee of seven dollars, and in addition thereto such permit fees authorized by law against trailers used in combination with tractors operated under the supervision of the Public Service Commission. The fees for tractors used in any combination with trailers or semitrailers or both trailers and semitrailers (other than on passenger carrying trailers or semitrailers) shall be computed on the total gross weight of the vehicles in the combination with load."

This section provides that the fees for tractors used in any combination with trailers, semitrailers or both, (other than passenger carrying trailers and semitrailers) shall be computed upon the total gross weight of the vehicle in combination with the load. From the definitions given above of tractors and trailers it is evident that tractors could not carry a load except when pulling a trailer or semitrailer, and the requirement that the vehicle can be licensed only in combination with such trailer or semitrailer, or both, is logical.

For the reasons given hereafter, it is believed that a tractor licensed as a local commercial vehicle could not be disconnected from its trailer or other equipment making up the combination for license purposes, and used with parts of another vehicle for transporting property beyond the mileage limitations of the local license.

By this statement we do not mean that a local commercial vehicle can be used to transport property locally only when every part of the combination is used at the same time. For example, it is believed that a tractor can be disconnected from its trailer, connected, and used with another trailer, when the latter trailer was a part of a different tractor-trailer combination for which a local commercial vehicle license had been issued, provided, that the same type of licenses had been issued to the same owner of both combinations, and such licenses applied to the same municipality. From the provisions of the above statutes, particularly Subsection 9, Section 301.010, and Subsection 7, Section 301.060, it appears that tractors licensed as commercial

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vehicles, are licensed for the purpose of pulling trailer and semitrailer loads of freight, the points of origin and destination of which are greater distances apart than the twenty-five mile limitation of the local license. It appears that by their actions both the shipper and transporter of freight of this kind deem it as what might be termed through or long distance freight as distinguished from local freight, which latter type of freight the operator of a local commercial vehicle is authorized to transport.

Tractors pulling, trailers, semitrailers, or both, containing freight shipped long distances, are licensed on the basis of the gross weight of the tractor, trailer, semitrailer or both, whatever the vehicle combination might be, in addition to the load. By a comparison of Subsections 2 and 3, Section 301.060, it will be seen that the license fee of the commercial vehicle is greater than the fee for the local commercial vehicle of the same gross weight. In the instant case a truck line operating tractor-trailer units moving freight greater distances than twenty-five miles has registered its tractors in Missouri as local commercial vehicles. Tractors located along the regularly travelled route of the truck line are used to pull trailers not farther than twenty-five miles each and the moving of such trailers is accomplished by disconnecting the tractors from their trailers and then connecting each tractor to a different trailer, no tractor pulling any one trailer beyond the distance of twenty-five miles from the municipality from which its local license was granted.

It might be contended that the truck line did not violate any statute or the terms of its local license since none of its tractors pulled any trailer beyond the mileage limits of the municipality specified in each such license; however, when the facts involved are more closely examined it will be seen that such contention is without any merit whatsoever.

While the tractors were not driven greater distance than authorized by their licenses, yet, the trailers which were parts of the tractors (for license purposes) are being used to transport freight greater distances, than those for which authority had been granted under the licenses. Said trailers could only be used to transport freight locally and the operation of said truck line constituted violations of the terms of said licenses, as well as the provisions of Subsection 2 and 7 of Section 301.060, supra.

#### CONCLUSION

Therefore, it is the opinion of this department that a truck line which is engaged in the long distance transportation of freight

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over the highways of this state, has all of its tractors licensed as local commercial vehicles and is authorized to transport freight for distances of not more than twenty-five miles from the municipality specified in said license. None of the tractors are driven beyond the mileage limitations of said license, and each trailer forming a part of every tractor, trailer combination, for license purposes, is pulled a greater distance than the limits provided in said local license. That this is accomplished by disconnecting each trailer from its tractor and connecting it with another tractor at the termination of each twenty-five miles travelled by each tractor, and which procedure is repeated indefinitely until every trailer has reached its destination. Such operations of said truck line are illegal and are violations of the terms of every local commercial license issued to it as well as the provisions of Subsections 3 and 7, Section 301.060, pages 699 and 700, Laws of Missouri, 1951.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. Paul N. Chitwood.

Very truly yours,

JOHN M. DALTON  
Attorney General

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