

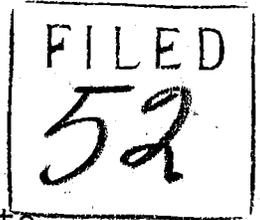
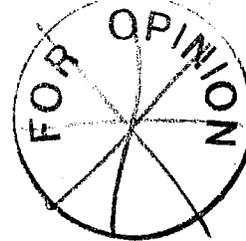
MOTOR VEHICLES:
TRUCKS:
FREIGHT TRANSPORT
MOTOR VEHICLES:
HIGHWAY DEPARTMENT:
DRIVEAWAY OPERATION:

1. Freight transport motor vehicles are limited by Sec. 304.170 RS Cum Sup 1965 to the lengths herein explained.
2. The combination of vehicles referred to in Fig. 6 is not a "driveaway operation".
3. The authority of the Highway Commission under Sec. 304.170 RS Cum Supp 1965 is limited to designating highways on which vehicles not to exceed 65 feet may operate.

February 1, 1966

Honorable Robert L. Hyder
Chief Counsel
Missouri State Highway Commission
Jefferson City, Missouri

OPINION NO. 52 (1966)
410 (1965)



Dear Mr. Hyder:

This opinion is in response to your request relating to the permissible length of motor vehicles operated upon the highways of this state and other questions herein discussed.

Section 304.170, Revised Statutes of Missouri 1965 Cumulative Supplement, relating to length provides in part as follows:

"3. No single motor vehicle operated upon the highways of this state shall have a length, including load, in excess of forty feet.

* * * * *

5. No combination of truck-tractor and semi-trailer operated upon the highways of this state shall have a length, including load, in excess of fifty-five feet, except that such a combination specially designed to transport motor vehicles may itself have a length, including load, of sixty feet.

6. No other combination of vehicles operated upon the highways of this state shall have an overall length, unladen or with load, in excess of sixty-five feet on highways designated by the state highway commission or in excess of fifty-five feet on any other highway."

It is to be noted that the language of this section deals primarily with "vehicles" and "motor vehicles". There is also used however, the term "truck-tractor" and the term "semitrailer".

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It is nevertheless well known that the purpose and object of the legislature in this section was to regulate the length of freight transport trucks in this state.

Section 301.010, RSMo 1959, defines the term tractor 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;"

This section also defines the term trailer 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;"

Nowhere, however, in our statutes are we able to find a definition of the term "truck-tractor".

Because we have experienced difficulty in describing the various types of vehicles involved in this inquiry and the regulations applicable to them, we have resorted to rough schematic drawings which are attached hereto as an exhibit, so that our descriptions and meanings are made more certain.

Figure 1 represents a "truck" or as it is sometimes referred to a "straight truck". Figure 2 represents a "tractor" as that term is most commonly understood in the trade of motor vehicles commonly used to transport freight. Figure 3 represents a "tractor and semi-trailer" as that term is generally understood in the trade (not designed to transport motor vehicles). Figure 4 represents a "tractor and semi-trailer" together with a "trailer". Figure 5 represents a "tractor and semi-trailer" designed to transport motor vehicles. Figure 6 represents two

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"straight trucks", the one pulling the other designed to transport motor vehicles.

It is clear that the motor vehicles represented by Figure 1 and Figure 2 fall within the category described in Paragraph 3 of Section 304.170, and hence the length is limited to forty feet.

The problem becomes more difficult in the construction of Paragraphs 5 and 6. It is our view that the trade has an understanding of the meaning of "truck" also a clear understanding of "tractor" and "semi-trailer", but we are unable to determine from the statutes what is meant by the use of "truck tractor and semi-trailer". We believe that this may be inadvertent language because it seemingly can only apply to the situation of a "tractor with semitrailer". We believe that the understanding in the trade is that a "truck-tractor and semitrailer" means the same as "tractor and semi-trailer". Under Paragraph 5 the length of vehicles on the highways is limited to fifty-five feet, except those designed to transport motor vehicles. We therefore conclude that maximum length for vehicles of the type in Figure 3 is fifty-five feet.

The exception clause of Paragraph 5 relates to a combination especially designed for transporting motor vehicles. It is also to be noted that in the exception clause the use of the words "such a combination" must be deemed to relate back directly to "truck tractor and semitrailer" and this specifies that the maximum length shall be sixty feet for such vehicles. We therefore conclude that the vehicles represented in Figure 5 are limited to a maximum length of sixty feet.

You have next inquired about a type of vehicle which is represented in Figure 4 which is a tractor with semitrailer and in addition thereto a trailer towed behind the semitrailer. It is our view that Paragraph 6 of Section 304.170 is applicable to the situation. This paragraph commences with the words "no other combination of vehicles", this language has reference to the combination of vehicles referred to in Paragraph 5, and Paragraph 6 authorizes a combination of vehicles on the highways having an overall length of sixty-five feet when such highways have been so designated by the State Highway Commission. However, the type of vehicle represented in Figure 4 may not have a length in excess of fifty-five feet on any other highway.

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This now leads us to the situation which has been presented to us as representing Figure 6 which involves one straight truck towing another straight truck both of which trucks are designed for the transport of other vehicles. We conclude that Paragraph 6 is applicable to this situation and authorizes the overall length of such a combination of vehicles to be fifty five feet on the highways of this state except that such a combination of vehicles may not exceed sixty-five feet on highways designated by the State Highway Commission.

The question has been asked whether the combination of vehicles in Figure 6 is a "driveaway operation".

Section 301.010(4) V.A.M.S. 1959, defines a "driveaway operation" as follows:

"(4) 'Driveaway operation' means the movement of a motor vehicle by any person or motor carrier other than a dealer over any public highway, under its own power singly, or in a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale." (Underscoring added)

Section 301.060(8) V.A.M.S. 1959, provides as follows:

"(8) For each driveaway license there shall be paid an annual license fee of thirty-five dollars for one set of plates or such insignia as the director may issue which shall be attached to the motor vehicle as prescribed in this chapter. For single trips the fee shall be three dollars and descriptive insignia shall be prepared and issued at the discretion of the director who shall also prescribe the type of equipment used to attach such vehicles in combinations." (Underscoring added)

It is our opinion that a "driveaway operation" applies only when the motor vehicle is self-propelled under its own power and to other vehicles being towed. It does not apply when the vehicle is being used to haul a cargo. It is not intended as a "haulaway" operation.

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Section 301.010(1), V.A.M.S. 1959, defines a "commercial motor vehicle" as a motor vehicle designed or regularly used for carrying freight and merchandise or for more than eight passengers.

It is our opinion that a vehicle or combination of vehicles carrying or transporting other motor vehicles, comes under the "commercial motor vehicle classification" and does not come under the "driveaway" provision of the statutes.

Another question submitted is whether or not in the designation of certain highways by the State Highway Commission under Paragraph 6 (supra) the Commission has the authority to limit the type of vehicle that is to use such designated highways.

We believe the authority of the State Highway Commission under this statutory provision, Section 304.170 RS Cumulative Supplement 1965, is limited to designating highways that vehicles may use which have an overall length not to exceed sixty-five feet. We do not believe it authorizes the Commission to designate the type of vehicle that may be used on such highways so long as the vehicles comply with the other statutory provision governing the weight, height, and width of such vehicles.

CONCLUSION

1. Freight transport motor vehicles are limited by Section 304.170 RS Cumulative Supplement 1965 to the lengths herein explained.
2. The combination of vehicles referred to in Figure 6 is not a "driveaway operation".
3. The authority of the Highway Commission under Section 304.170 RS Cumulative Supplement 1965, is limited to designating highways on which vehicles not to exceed sixty-five feet may operate.

The foregoing opinion which I hereby approve was prepared by my Assistant, J. Gordon Siddens.

Yours very truly,


NORMAN H. ANDERSON
Attorney General

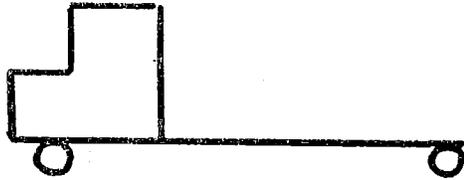


FIGURE NO. 1: TRUCK



FIGURE NO. 2: TRACTOR

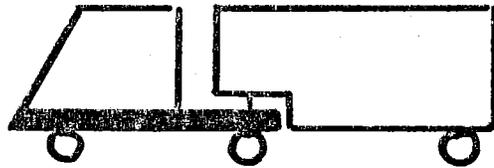


FIGURE NO. 3: TRACTOR — SEMI-TRAILER

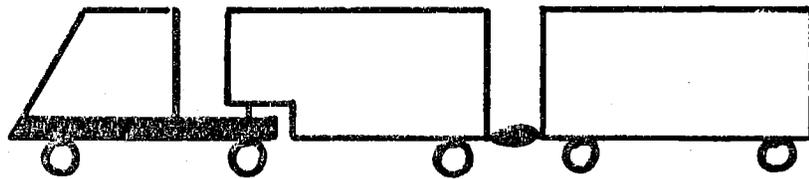


FIGURE NO. 4: TRACTOR — SEMI-TRAILER — TRAILER

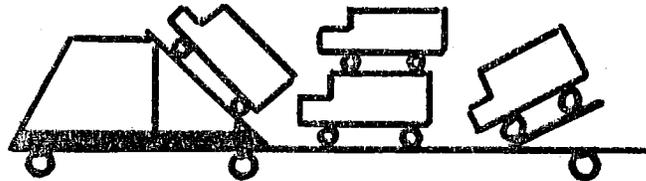


FIGURE NO. 5: TRACTOR AND SEMI-TRAILER
FOR TRANSPORTING MOTOR VEHICLES

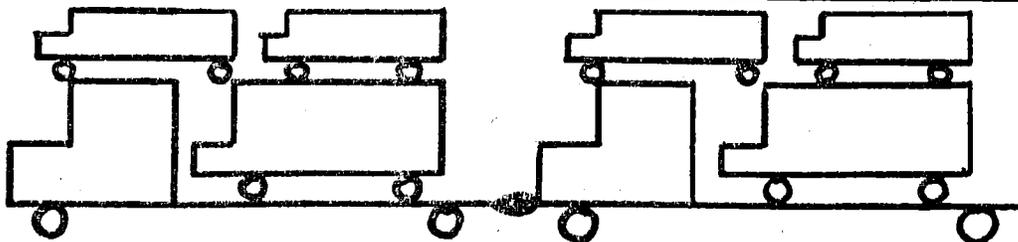


FIGURE NO. 6: 2 TRUCKS
FOR TRANSPORTING MOTOR VEHICLES