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TRUCK — 4 WHEEL AND 4 WHEEL DOLLY TRAILER — USED IN COMBINATION — NEITHER MAY EXCEED 12 TONS IN GROSS WEIGHT — 35 FEET IN OVER ALL LENGTH AND 9 TONS WEIGHT PER SINGLE AXLE — COMBINATION MAY NOT EXCEED 60 FEET IN OVER ALL LENGTH, 33 TONS IN GROSS WEIGHT AND 9 TONS PER SINGLE AXLE, INCLUDING LOAD.

SYLLABUS:

Where a four wheel truck and a four wheel dolly trailer are used in combination, neither vehicle may exceed twelve tons in gross weight, including load, thirty-five feet in over all length and nine tons weight per single axle. Furthermore, the combination may not exceed sixty feet in over all length, thirty-three tons in gross weight, including load, and nine tons per single axle.

Columbus, Ohio, April 24, 1940.

Hon. Lester W. Donaldson, Prosecuting Attorney,
Painesville, Ohio.

Dear Sir:

This will acknowledge receipt of your request for my opinion which reads in part as follows:

“We request an opinion on the following. General Code Section No. 7248-3 reads as follows:

‘The following shall be the lengths and weights of vehicles and combinations of vehicles operated under the provisions of this chapter, subject to the exceptions otherwise stated in this chapter: Each vehicle, length over all, thirty-five feet, gross weight including load, twelve tons, maximum weight per single axle, nine tons; commercial tractor and semi-trailer in combination, length over all, forty feet, gross weight including load, twenty-one tons, maximum weight per single axle, nine tons; and other combination of vehicles, length over all, sixty feet, gross weight including load, thirty-three tons, maximum weight per single axle, nine tons.’

That portion of this section which we are immediately concerned is the last provision which reads, ‘and other combination of vehicles, length over all, sixty feet, gross weight including load, thirty-three tons, maximum weight per axle, nine tons.’

We have several large trucking concerns in this county and in several instances their outfit consists of a 4-wheel truck and 4-wheel dolly trailer combination. The question at issue is, does such a combination outfit meet with the provisions of the last portion of Section 7248-3 immediately herein above quoted?

In other words, what, if any, types of vehicles or combinations are excluded from this provision which we are concerned with other than the types of vehicles and combinations referred to specifically in the forepart of Section 7248-3?"

You have presented the question as to what length and weight restrictions apply to a four wheel truck and four wheel dolly trailer combination.

Section 6290, General Code, provides in part:

1. 'Vehicle' means everything on wheels or runners, except vehicles operated exclusively on rails or tracks or from overhead electric trolley wires and vehicles belonging to any police department, municipal fire department, volunteer fire department or salvage company organized under the laws of Ohio or used by such department or company in the discharge of its functions.

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2. 'Motor vehicle' means any vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except road rollers, traction engines, power shovels and power cranes used in construction work and not designed for or employed in general highway transportation, well drilling machinery, ditch digging machinery, farm machinery, threshing machinery, hay baling machinery and agricultural tractors and machinery used in the production of horticultural, agricultural and vegetable products.

3. 'Agricultural tractor' and 'traction engine' means any self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes.

4. 'Commercial tractor' except as defined in subdivision 3 means any motor vehicle having motive power designed or used for drawing other motor vehicles, or designed or used for drawing another vehicle while carrying a portion of such other motor vehicle or its load, or both.

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6. 'Commercial car' means any motor vehicle having motor power designed and used for carrying merchandise or freight, or for carrying more than seven persons, or used as a commercial tractor.

7. 'Trailer' means any vehicle without motive power designed or used for carrying property or persons wholly on its own

structure and for being drawn by a motor vehicle, and means and includes any such vehicle when formed by or operated as a combination of a 'semi-trailer' and a vehicle of the dolly type such as that commonly known as a 'trailer-dolly.'

8. 'Semi-trailer' means any vehicle of the trailer type without motive power so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by such other vehicle furnishing the motive power for propelling itself and the vehicle herein referred to, and shall include, for the purpose only of registration and taxation under the provisions of this chapter, any vehicle of the dolly type, such as a 'trailer-dolly', designed or used for the conversion of a 'semi-trailer' into a 'trailer'."

From an examination of the above definitions, it appears that the two vehicles involved constitute a commercial tractor and trailer combination. The truck is a commercial car used as a commercial tractor. Furthermore, I assume that the dolly trailer to which you refer is formed by the combination of a dolly and semi-trailer so as to constitute a trailer as set out in Section 6290, paragraphs 7 and 8, General Code. Consequently, the weight and length restrictions of twenty-one tons and forty feet respectively, applicable to a commercial trailer and semi-trailer have no application to the combination in question.

The first weight and length provision set out in Section 7248-3, General Code, establishes restrictions on each vehicle. In other words, no vehicle whether operated alone or in combination may exceed thirty-five feet in over all length, nor may the gross weight of such vehicle, including load, exceed twelve tons. Furthermore, the maximum weight per single axle is nine tons.

The Legislature obviously intended that when vehicles were used in combination, not only are the individual restrictions to be applied, but also the restrictions that are placed on a combination. For example, the weight limitation on a tractor and semi-trailer is twenty-one tons. If another semi-trailer were added, such vehicle would be permitted a maximum weight of twelve tons. The gross weight would then be thirty-three tons, which is the maximum weight permitted such a combination.

This clearly illustrates the fact that when vehicles are used in combination, both the restrictions on vehicles and the restrictions on the combination are to be considered.

Therefore, in specific answer to your inquiry, I am of the opinion that, in the situation you have presented, neither the four wheel truck nor the four wheel dolly trailer may exceed twelve tons in gross weight, including load, thirty-five feet in over all length and nine tons weight per single axle. Furthermore, no combination may exceed sixty feet in over all length, thirty-three tons in gross weight, including load, and nine tons per single axle.

Respectfully,

THOMAS J. HERBERT,
Attorney General.