

**OPINION NO. 73-099****Syllabus:**

A unit consisting of a commercial tractor, semitrailer and solidly attached four-wheel trailer, is a "commercial tractor and semitrailer combination" within the meaning of Section 5577.05 (D) (3), Revised Code, and limited to an overall length of 55 feet.

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**To: Robert M. Chiramonte, Supt., State Highway Patrol, Columbus, Ohio**  
**By: William J. Brown, Attorney General, October 11, 1973**

Your request for my opinion reads as follows:

Your opinion is respectfully requested regarding a commercial tractor and semi trailer which has another four wheel trailer solidly attached by means of four pins and concerns the application of Section 5577.05 (D) (5) in determining overall allowable length.

The manufacturer states there are three distinct units involved, each of which shall be properly licensed.

Attached is a drawing which the manufacturer feels should be classified as a combination of vehicles.

It should be pointed out that the unit referred to as trailer #2 in the drawing can be removed from trailer #1; however, when attached by means of the trailer coupler it becomes, in effect, an integral part of trailer #1 and much the same as one solid unit.

The question is as follows: Is this unit to be considered a commercial tractor and trailer and permitted an overall length of 55 feet or shall it be considered a commercial tractor, semi trailer and four wheel trailer (combination of vehicles) and permitted an overall length of 65 feet?

Section 5577.05, Revised Code, provides in part:

No vehicle shall be operated upon the public highways, streets, bridges, and culverts within the state, whose dimensions exceed those specified in this section.

\* \* \* \* \*

(2) No such vehicle shall have a length in excess of:

\* \* \* \* \*

(3) Fifty-five feet for the overall length of a commercial tractor and semi-trailer combination, with or without load;

(4) Sixty-five feet for any other combination of vehicles coupled together, with or without load;

\* \* \* \* \*

The terms "vehicle", "commercial tractor", "semitrailer", and "trailer", as used in Section 5577.05, are defined in Section 4501.01, Revised Code, as follows:

(A) "Vehicles" 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 this state or used by such department or company in the discharge of its functions.

\* \* \* \* \*

(D) "Commercial tractor" except as defined in division (C) of this section means any motor vehicle having motor power designed or used for drawing other motor vehicles, or designed or used for drawing another motor vehicle while carrying a portion of such other motor vehicle or its load, or both.

\* \* \* \* \*

(E) "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

includes any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, \* \* \*, except a house trailer.

\* \* \* \* \* \* \* \*

(J) "Semitrailer" 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 referred to in this division, and includes, for the purpose only of registration and taxation under such chapters, any vehicle of the dolly type, such as a trailer dolly, designed or used for the conversion of a semitrailer into a trailer.

Thus, a semitrailer is a vehicle equipped with one or more axles, and so constructed that the front end and a substantial part of its own weight and that of its load rests upon a motor vehicle. Whereas a trailer is a vehicle constructed so that all of its own weight and that of its load rests upon its own vehicle.

The Ohio courts have not as yet defined the term "combination of vehicles" as used in Section 5577.05 (B) (4). But the Ohio Supreme Court in City of Cleveland v. Curluter, 163 Ohio St. 269 (1955), decided that a vehicle, which admittedly was a cross between a conventional "semitrailer" and a conventional "four-wheel trailer", was to be classified as a "semitrailer", for purposes of a city ordinance not in conflict with state law. The court rejected defendant's argument that such vehicle was a "combination of vehicles." The court concluded that, under ordinary circumstances, a part of the weight of the trailer was supported by the tractor when attached thereto. Also, "said vehicle must be attached to a tractor in order to be operated and used for the purpose for which it was designed, i.e. 'for carrying persons or property.'"

The defendant also contended that the ordinance could not have contemplated this type vehicle, since the type was not in existence when the ordinance was passed. This argument likewise was rejected because the ordinance included this type by inference, since it dealt with a class within which the new type fell. City of Cleveland v. Curluter, *supra*, at 274. Hence, the definitions should not be read so literally and restrictively that the purpose of the law is defeated.

The four-wheel trailer involved in your request is attached rigidly to the rear of a semitrailer unit. It increases the fixed length of the trailer from 40 to 56 feet. It is different from a trailer attached to a semitrailer in the ordinary manner, because those vehicles are hinged in the middle. In effect, when coupled together, this unit is as rigid as a 56 foot long semitrailer. Thus, for the purpose of length limitation, this unit resembles a tractor and semi-

trailer, and four-wheel trailer because this trailer is solidly attached to the semitrailer, and therefore acts as an extension of the semitrailer, rather than as a distinct vehicle. Hence, if the definitions are to be construed liberally in order to effectuate the purposes of the length limitations, rather than literally and restrictively, the two trailers must be considered as one semitrailer. Consequently, the vehicle in question is a "commercial trailer and semitrailer", with an overall length restriction of 55 feet, under Section 5577.05 (B)(3).

Although the unit is of illegal length, the Director of Highways may permit its use, under the following provision of Section 5577.05:

\* \* \* In special cases vehicles whose dimensions exceed those prescribed by this section may operate in accordance with rules and regulations promulgated by the director of highways.

In specific answer to your question it is my opinion, and you are so advised, that a unit consisting of a commercial tractor, semitrailer and solidly attached four-wheel trailer, is a "commercial tractor and semitrailer combination" within the meaning of Section 5577.05 (B)(3), Revised Code, and limited to an overall length of 55 feet.