



STATE OF KANSAS

Office of the Attorney General

1st Floor, State Capitol Bldg. (913) 296-2215 Topeka, Kansas 66612

CURT T. SCHNEIDER
Attorney General

September 3, 1975

ATTORNEY GENERAL OPINION NO. 75-352

Colonel Allen Rush
Superintendent
Kansas Highway Patrol
State Office Building
Topeka, Kansas 66612

Re: Motor Vehicles - Transporting in Combination

Synopsis: A towbar mechanism, as that term is used in ch. 39, § 30, L. 1975, includes coupling devices such as those used for towing house trailers and employing ball and socket connections.

K.S.A. 1974 Supp. 8-1907, as amended by ch. 39, § 30, L. 1975, prohibits the towing of more than one vehicle by use of a towbar mechanism, whereas motor vehicles in transit may be transported in combination of two or more such vehicles when connected by a saddlemount or fullmount mechanism.

* * *

Dear Colonel Rush:

You inquire concerning K.S.A. 1974 Supp. 8-1907, as amended by section 30, ch. 39, L. 1975. Prior to amendment, the section stated thus:

"(a) When one vehicle is towing another, the drawbar or other connection shall be of sufficient strength to pull, stop and hold all weight towed thereby. In addition to the drawbar connections between any two (2) such vehicles, there shall be provided an adequate safety hitch.

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Subsections (c) and (d) were added by amendment:

"(c) Motor vehicles in transit may be transported in combination by means of towbar, saddlemount or full-mount mechanisms, utilizing the motive power of one (1) of the motor vehicles in such combination, except that not more than two (2) vehicles in any such combination of motor vehicles in transit may be connected by means of a towbar mechanism. Whenever motor vehicles shall be connected securely in combination in accordance with rules and regulations adopted by the commission, and any combination of such motor vehicles shall comply with the limitations prescribed by K.S.A. 1974 Supp. 8-1904.

(d) Except as otherwise provided in subsection (c), not more than two (2) vehicles in any combination of vehicles may be connected by means of a towbar mechanism, and one of the vehicles so connected must be the towing vehicle."

You inquire, first, what constitutes a "tow-bar mechanism" as the term is used in this provision. The statute provides no definition. We cannot, of course, fashion any helpful definition from whole cloth, as it were. However, section 393.71(c)(2)(i) of the Federal Motor Carriers Safety Regulations, adopted by the Federal Highway Administration of the U. S. Department of Transportation, states thus:

"Coupling devices such as those used for towing house trailers and employing ball and socket connections shall be considered as tow-bars."

This definition, while not conclusive upon the Patrol, provides at least a useful working definition as a point of reference to be used in enforcement of the section.

Secondly, you also inquire whether the statute prohibits the towing of more than one vehicle at a time behind the towing vehicle, as, for example, the use of a towing vehicle to transport by towing both a camping trailer and a boat at the same time.

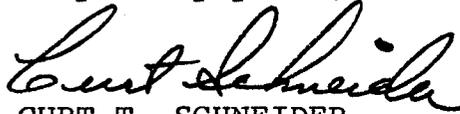
Under (d), "not more than two (2) vehicles in any combination of vehicles may be connected by means of a towbar mechanism," one

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of which must be the towing vehicle, except as provided by subsection (c). This subsection permits transporting of motor vehicles in transit in combination by means of towbar, saddlemount or fullmount mechanisms, utilizing the motive power of one of such vehicles in such combination, except that not more than two vehicles, necessarily including the towing vehicle, may be transported when connected by a towbar mechanism. Thus, subsection (c) expressly prohibits towing more than one vehicle when connected by a towbar mechanism. Because the subsection expressly restricts the use of towbar mechanisms to a combination of two vehicles, one of which must be the towing vehicle, it impliedly authorizes the towing of two or more vehicles when connected by saddlemount or fullmount devices.

Thus, it is my opinion that K.S.A. 1974 Supp. 8-1907, as amended by § 30, ch. 39, L. 1975, prohibits the towing of more than one vehicle by the use of a towbar mechanism, but that motor vehicles in transit may be transported in combination of two or more when connected by a saddlemount or fullmount mechanisms.

Very truly yours,


CURT T. SCHNEIDER
Attorney General

CTS:GFW:sas