



STATE OF KANSAS

Office of the Attorney General

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

CURT T. SCHNEIDER
Attorney General

December 16, 1975

ATTORNEY GENERAL OPINION NO. 75-461

Joel R. Kriss
Thomas County Attorney
P. O. Drawer F
Colby, Kansas 67701

Re: Motor Vehicles--Size, Weight and Load of Vehicles--
Gross Weight of Vehicles and Load

Synopsis: A trailer which utilizes an axle or axles which cannot bear any proportionate part of a load is not sufficient to meet the statutory requirements of K.S.A. 1975 Supp. 8-1909 since it is impossible for the weight to be equalized by any increase in the distance between extreme axles.

* * *

Dear Mr. Kriss:

The question you have raised concerns an interpretation of the gross weight limitation of vehicles and loads prescribed by K.S.A. 1975 Supp. 8-1908 and K.S.A. 1975 Supp. 8-1909. K.S.A. 1975 Supp. 8-1909 sets the legal weight limitations for vehicles operated on Kansas highways. These limitations are set for individual axles, tandem axles, as well as the gross weight limitation based on the distance in feet between first axle and the last axle of a motor vehicle singly or, the distance in feet between the first axle of a motor vehicle being operated in combination with other vehicles and the last axle of the last vehicle in said combination. Your question regards an individual who hooks a non-functional or essentially non-functional trailer such as a boat or motorcycle trailer on behind the truck to increase the length between the first and last axle and thus increase the legal gross weight of the vehicle. You indicated that all other weight limitations on individual axles are being complied with. You specifically ask if the placing of

Joel R. Kriss
Page Two
December 16, 1975

a non-functional or essentially non-functional trailer on behind a truck is sufficient to meet the statutory requirements and thus increase the gross limitation? The answer to this question is no.

While a trailer is defined as a vehicle under Chapter 8, Article 19, the Legislature intended that said trailers would contain a weight bearing axle which would carry its proportionate part of the load permitted on that axle.

I believe the intent of the Legislature may be seen by examining the table set out in K.S.A. 1975 Supp. 8-1909, as the distance in feet between extreme axles increases the permissible maximum gross weight in pounds increases. In essence, the Legislature has provided that more weight may be carried on vehicles which have a greater distance between the extreme axles in order that the weight may be more equally distributed in order to prevent damage to the highways and bridges in the State of Kansas. K.S.A. 1975 Supp. 8-1908 and K.S.A. 8-1909 must be read together since K.S.A. 1975 Supp. 8-1909 refers specifically to the weight limitations imposed by K.S.A. 1975 Supp. 8-1908.

The intent of the Legislature may be seen in K.S.A. 1975 Supp. 8-1908 which sets a gross weight upon any wheel on the vehicle dependent upon the type of wheel and the statute further states "for the purposes of this section an axle load shall be defined as the total load on all wheels whose centers are included within two parallel transverse vertical planes not more than 40 inches apart and further that any axle placed within 7 feet of any adjacent axle shall at all times carry its proportionate part of the load permitted on such pair of axles."

By reading both statutes together, it is evident the Legislature intended to increase maximum weight limitation as the distance in feet between extreme axles increases in order to equalize the load and the Legislature also places a weight limitation per axle which may never be exceeded, even if the maximum gross weight is legal.

In order to register a truck with the State of Kansas, it is necessary that the individual making the application shall declare as a part of such application the maximum gross weight which the applicant desires to be applicable to such vehicle, which declared gross weight shall not be in excess of the limitations described

Joel R. Kriss
Page Three
December 16, 1975

by K.S.A. 1975 Supp. 8-1908 and 8-1909. K.S.A. 1974 Supp. 8-143 states "gross weight shall mean and include the empty weight of the truck or any combination or truck or truck tractor and any type of trailer or semi-trailer plus the maximum weight of cargo which will be transported on or with the same."

The intent of the Legislature is clear in that by registration, placing a weight limitation on each axle, and the maximum gross weight contingent upon the distance in feet between extreme axles, the primary consideration is the safety and welfare of the citizens of the State of Kansas and to protect the highways and bridges of the travelling public. An individual who attaches a dummy axle or an axle which bears no relationship whatsoever to the load of the vehicle to which it is attached may not then circumvent the statutory weight limitation prescribed by the laws of the State of Kansas.

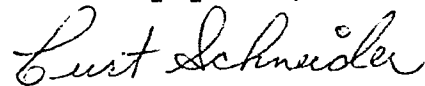
If a dummy trailer is allowed, there is no limitation except for overall length of the vehicle as to gross weight. An individual could extend a dummy axle ten, twelve, fifteen feet or even greater beyond the last weight bearing axle of the truck. By extending the length between axles, he increases the maximum gross weight.

In conclusion, the Legislature has seen fit to establish a maximum gross weight limitation in pounds contingent upon the distance in feet between extreme load bearing axles in order to protect the highways and bridges of the State of Kansas. The Legislature has also seen fit to place a maximum weight each axle may bear for the same reasons, safety to the travelling public. In essence, although both the limitation as to individual axle weight and the maximum gross weight must be read together they are still both separate and equal. It is possible, of course, for a truck to be within the allowable maximum gross weight in pounds yet be in excess of the individual axle weight limitations or for an individual to be within the individual axle weight limitations yet be in violation of the maximum gross weight. An individual who places a dummy axle or trailer

Joel R. Kriss
Page Four
December 16, 1975

behind a truck as outlined in your letter is in my opinion in violation of the maximum gross weight table since it is impossible for the weight to be equalized by any increase in the distance between extreme axles since the last such axle does not bear any weight, as contemplated by the statute.

Sincerely yours,



CURT T. SCHNEIDER
Attorney General

CTS:RRS:bv