



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

January 7, 1976

ATTORNEY GENERAL OPINION NO. 76- 4

The Honorable Gene Shay
Probate, County and Juvenile Courts
Kingman County Courthouse
Kingman, Kansas 67068

Re: Motor Vehicles--Size, Weight and Load of Vehicle--
Permits as to Size and Weight

Synopsis: K.S.A. 1975 Supp. 8-1911(a) exempts certain equipment as to special permits when moved on highways under the authority of the Kansas Department of Transportation or local authority, but requires a permit when moving said equipment at anytime from one-half hour after sunset to one-half hour before sunrise and does not allow said equipment to travel on interstate highways unless the vehicle carrying said equipment meets the regulations as to height, width, length, gross weight and axle weight which may be exceeded only under authorization of special permit issued subject to applicable regulations of the Secretary of Transportation.

* * *

Dear Judge Shay:

Your letter of December 17, 1975, specifically raises the question if K.S.A. 1975 Supp. 8-1911(a) gives a person engaged in terracing or related work the authority to transport such equipment at all times and on any highways without securing a permit for overwidth. It does not.

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K.S.A. 1975 Supp. 8-1911(a) states in pertinent part:

"No permit shall be required to authorize the moving or operating upon any highway of farm tractors, combines, fertilizer dispensing equipment, or other farm machinery, or machinery being transported to be used for terracing or soil or water conservation work on farms, or vehicles owned by counties, cities or other political subdivisions of the state, unless such moving operation occurs at any time from a half-hour after sunset to a half-hour before sunrise: *Provided*, the equipment referred to in the proceeding proviso shall not be permitted to travel on interstate highways."

The machinery as set forth in K.S.A. 1975 Supp. 8-1911(a) is not to be permitted upon the highways from one-half hour after sunset until one-half hour before sunrise without a permit. Said machinery is also prohibited from travelling on interstate highways.

The equipment referred to in K.S.A. 1975 Supp. 8-1911(a) may, however, be transported on interstate highways if it is being hauled or moved on motor vehicles which are otherwise authorized to operate on interstate highways subject to certain conditions outlined in Attorney General Opinion No. 74-170, dated May 26, 1974, to Lt. Col. Allen Rush, then Assistant Superintendent of Kansas Highway Patrol, which stated:

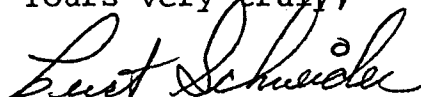
"We are of the opinion that combines and other farm machinery may lawfully be transported on interstate highways if hauled upon motor vehicles such as trucks or truck tractors and trailers which are otherwise lawfully authorized to operate on interstate highways and to haul such equipment, whether as common carriers, contract carriers, or private carriers. We are of the further opinion that such transportation would be subject to statutory limitations on length, height, width, and gross weight and axle weight, which would be exceeded only under

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authorization of special permits issued
subject to applicable regulations of the
State Highway Commission."

In conclusion, K.S.A. 1975 Supp. 8-1911(a) exempts certain equipment from permit requirements for travel upon highways under the authority of the Kansas Department of Transportation and local authorities with respect to highways under their jurisdiction. This statute also requires a permit when moving said equipment at any time from a half-hour after sunset to a half-hour before sunrise and does not allow said equipment to travel upon interstate highways unless the vehicle carrying said equipment meets the regulations as to height, width, length, gross weight and axle weight which may be exceeded only under authorization by special permits issued subject to applicable regulations of the Secretary of Transportation.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:RRS:kj