



Rules of
Department of Transportation
Division 10—Missouri Highways and Transportation
Commission
Chapter 2—Traffic Regulation

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Title 7—DEPARTMENT OF TRANSPORTATION

Division 10—Missouri Highways and Transportation Commission Chapter 2—Traffic Regulation

7 CSR 10-2.010 Overdimension and Overweight Permits

(Rescinded February 28, 2006)

AUTHORITY: section 304.200, RSMo Supp. 1988. Original rule filed Aug. 11, 1972, effective Aug. 21, 1972. Amended: Filed Sept. 18, 1972, effective Sept. 28, 1972. Amended: Filed Feb. 1, 1973, effective Feb. 11, 1973. Amended: Filed Sept. 21, 1973, effective Oct. 1, 1973. Amended: Filed July 1, 1974, effective July 11, 1974. Amended: Filed July 27, 1976, effective Nov. 15, 1976. Amended: Filed Oct. 13, 1978, effective Jan. 15, 1979. Amended: Filed Dec. 8, 1978, effective April 15, 1979. Amended: Filed Sept. 2, 1980, effective Dec. 15, 1980. Amended: Filed Oct. 6, 1982, effective Jan. 15, 1983. Amended: Filed June 1, 1984, effective Oct. 15, 1984. Amended: Filed Dec. 16, 1985, effective March 15, 1986. Amended: Filed Sept. 17, 1986, effective Dec. 15, 1986. Amended: Filed June 10, 1988, effective Oct. 13, 1988. Amended: Filed Nov. 9, 1989, effective Feb. 11, 1990. Emergency rescission and rule filed Nov. 9, 1999, effective Nov. 19, 1999, expired May 16, 2000. Rescinded and readopted: Filed Nov. 9, 1999, effective May 30, 2000. Rescinded: Filed July 12, 2005, effective Feb. 28, 2006.

Park Transportation Co. v. Missouri State Highway Commission, 332 Mo. 592, 60 SW2d 388 (1933). *Classifications by State Highway Department requiring special overlength or overweight permits are not unconstitutional—court held classifications not arbitrary or discriminatory. Citizen may have under the Fourteenth Amendment the right to transport his/her property upon state highways by motor vehicles, yet s/he has no right to make the highways his/her place of business by using them as a common carrier for hire. Such use is a privilege which may be granted or withheld by the state in its discretion without violating the due process clause or the equal protection clause; therefore, contract hauler of road material could not restrain highway commission by injunction from enforcing rules concerning the obtaining of special permits before hauling without permit from point of production to nearest station of receiving carrier, burden being on the assailant to show classification of statute is arbitrary.*

State v. Schwartzman Service, 225 Mo. App. 577, 40 SW2d 479 (1931). *Legislature did not intend that the restricted definition of "motor vehicle" in 1921 Act should control the meaning of the term when used in 1925 Act dealing with weight and size limits; therefore, a trailer can be a "motor vehicle" and be subject to weight and length restrictions.*

Op. Atty. Gen. No. 262, Hyder, 7-11-62. *A hauler regularly transporting motor vehicles carrying agricultural implements or road making machinery or road materials must obtain permit if dimensions exceed statutory authorization. No permit required for such hauler not regularly engaged in such transportation.*

Op. Atty. Gen. No. 86, Stipp, 11-14-50. *Transportation of building by motor vehicle requires special permit from chief engineer of State Highway Department (State Highway Commission). Transportation of equipment of contractor by motor vehicle requires such special permit.*

7 CSR 10-2.020 Ordering Limitation of Weights on, or Closing of Certain State Roads

PURPOSE: *This rule delegates authority of the State Highways and Transportation Commission to its chief engineer to immediately close or limit the use of state highways when extraordinary conditions jeopardize the preservation of such roads.*

(1) The acting chief counsel called the commission's attention to the fact that at various times and places certain state bridges and roadways would be seriously damaged or entirely destroyed if subjected to the full statutory weights of vehicles; that such conditions are often created in only a few hours or minutes, with little or no warning, due to floods, weather conditions, traffic accidents, explosions, etc.; that it is often impossible and almost always impractical (if damage or destruction of the bridge or roadway is to be prevented) to delay limiting use of bridge or roadway until the commission can be convened in formal session to pass a resolution ordering limitation of use in each specific case; and that it has been contended by some that because of Article IV, Section 16, of the Missouri Constitution no order of the commission limiting such use of any state highway can take effect in less than ten (10) days after it has been filed in the office of the secretary of state. It was moved, seconded and unanimously carried that the following reso-

lution be adopted by the State Highways and Transportation Commission of Missouri and filed immediately in the office of the secretary of state.

(2) Whereas the State Highways and Transportation Commission of Missouri has power under section 227.250, RSMo (1986), to close temporarily for the purpose of construction or repair any portion of a state highway to public use and to issue regulations controlling the use of state highways and all properties relating thereto; and, whereas, under sections 304.210, 304.230 and 304.240, RSMo (1986), whenever by reason of thawing of frost or rains or due to new construction the roads are in a soft condition, the maximum weights of motor vehicles may be limited by the State Highways and Transportation Commission of Missouri to such an amount and in such manner as will preserve the road under such conditions; it is made the duty of the sheriff of each county to see that such limitations are enforced; any peace officer or police officer of any county or city is empowered to arrest on sight or upon warrant any person violating the said limitations; and any such violation is made a misdemeanor; and whereas, under section 227.220, RSMo (1986), any person who shall willfully or negligently damage any state highway shall be liable for the amount of such damage, which may be recovered in the name of the state by the State Highways and Transportation Commission of Missouri; and whereas the destruction or damaging of any state highway bridge or roadway may cause incalculable and irreparable loss and damage to the traveling public, as well as great cost to the state and its taxpayers; and, whereas it is often impossible for the statutory two (2)-days' written notice to be served upon the members and this commission convened to limit weights on or close roads in time to save bridges, pavements and roadways which may from time-to-time be weakened or endangered by flood, weather, explosion, earthquake, accident or other cause.

(3) Now, therefore, the State Highways and Transportation Commission of Missouri declares its purpose to exercise fully such authority so conferred upon it to preserve the state highways and, in order to effectively carry out said purpose, orders that:

(A) The chief engineer of this commission shall hereafter do the following without further orders from the commission and without individual orders for each separate occasion to wit:

1. Close, wholly or in part, and during such times as s/he may find are necessary,



any portion of any state highway to the use of vehicles of such types, sizes, weights, speeds and tires, proceeding in such directions and under such weather conditions, as well as to such other public use, as s/he may find necessary for the purpose of construction or repair of such portion of highway; and

2. Whenever by reason of thawing of frost, or rains or due to new construction s/he finds the roads are in a soft condition, s/he shall determine to what amount and in what manner the weights of motor vehicles must be limited in order to preserve any portion or all of the state highways under such conditions; and s/he shall give notice of all such limitations by posting notices at convenient and public places along such road, roads or parts thereof where such limitation of weights is found necessary.

(B) All such findings and acts of said chief engineer under this order shall for all intents and purposes be the findings and acts of this commission.

(C) The commission's chief counsel is authorized to file in this or any other state, prosecute and compromise, such civil suits as s/he may find necessary to obtain any lien and/or recover the amount of any injury which shall be caused to any portion of the state highways by any violation of law or by any negligence.

AUTHORITY: sections 227.250 and 304.210, RSMo 1986. Original rule filed Feb. 17, 1950, effective Feb. 27, 1950.

7 CSR 10-2.030 Weight Limitation Exception

PURPOSE: This rule establishes a temporary weight limitation exception pursuant to the Federal-Aid Highway Act of 1987.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is 1) thirty-six feet (36') or more; or 2) in the case of a motor vehicle hauling any tank trailer, dump

trailer, or ocean transport before September 1, 1988, is thirty feet (30') or more.

(2) The terms as used in section (1) are defined in section 304.180, RSMo (1986) except for ocean transport container which has the meaning given the term freight container by the *International Standards Organization in Series I Freight Containers*, 3rd edition (reference number ISO 668-1979 (E)) as in effect on April 2, 1987.

(3) This rule shall expire on August 31, 1989.

AUTHORITY: sections 226.020, 226.150, and 304.180, RSMo 1986 and 23 USC 127 1987. Emergency rule filed Feb. 16, 1988, effective Feb. 26, 1988, expired June 25, 1988. Original rule filed Feb. 16, 1988, effective May 12, 1988.