## 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
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7 CSR 10-2.010 Overdimension and Overweight Permits
(Rescinded February 28, 2006)


Park Transportation Co. v. Missouri State Highway Commission, 332 Mo. 592, 60 SW2d 388 (1933). Classifications by State Highway Department requiring special 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 assailing 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 authority. No permit required for such hauler not regularly engaged in such transportation.


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 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 resolution 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 nec-
essary 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 limita-
tions 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 Excep-
tion
(Rescinded July 30, 2017)

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. Rescinded: Filed