

**OPINION
51-110**

November 23, 1951 (OPINION)

MOTOR VEHICLES

RE: Fee for Trucks

This office is in receipt of your letter dated November 3 asking for an opinion on Chapter 244 of the 1951 Session Laws with reference to the fees to be charged for trucks which have a higher gross weight than 60,000 pounds.

The last session of the Legislature which enacted the new fee schedule setting out rates for gross weights ranging from 4,000 to 60,000 pounds also passed a law whereby certain trucks can qualify for a gross weight in excess of 60,000 pounds. This act was chapter 255 of the 1951 Session Laws which allowed a 5 percent length tolerance, making the maximum length for trucks 47 1/2 feet. The problem then is what fee should be charged these trucks?

A study of the history of the present law, chapter 244 of the 1951 Session Laws, shows that the original bill as presented by the House provided a fee schedule for gross weights ranging up to 66,000 pounds. It also reveals that the formula which was contained in the 1949 fee schedule for ascertaining the fee to be charged trucks with a gross weight in excess of 40,000 was dropped and did not become a part of the present law. When this bill was sent to the Senate, its committee on transportation struck out of the proposed fee schedule those gross weights over 60,000 pounds. The bill thus changed was passed and became the present law. It will be seen then that the Legislature could have provided fees for higher gross weights but did not. And since a law was enacted which, in effect, makes a gross weight in excess of 60,000 pounds legal, it appears to be the intent of the Legislature that these trucks which can qualify for a higher gross weight would be registered for no greater fee than that provided for the maximum of 60,000 pounds.

The fee schedule would then read:

GROSS WEIGHT	YEARS	
	REGISTERE	
	1st,	2nd ye
To 4,000.....	\$	15.00
4,000 to 6,000.....		20.0
6,000 to 8,000.....		25.0
8,000 to 10,000.....		30.0
10,000 to 12,000.....		35.0

12,000 to 14,000.....	40.0
14,000 to 16,000.....	45.0
16,000 to 18,000.....	50.0
18,000 to 20,000.....	55.0
20,000 to 22,000.....	60.0
22,000 to 24,000.....	65.0
24,000 to 30,000.....	100.0
30,000 to 36,000.....	200.0
36,000 to 44,000.....	400.0
44,000 to 54,000.....	700.0
54,000 to 57,000.....	825.0
57,000 to 60,000.....	950.0
60,000 and over.....	950.0

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Attorney General