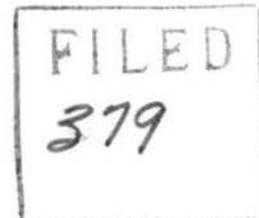


Answer by letter-Blackmar

October 27, 1969

OPINION LETTER NO. 379

Honorable Gene McNary  
Prosecuting Attorney  
St. Louis County Court House  
Clayton, Missouri 63105



Dear Mr. McNary:

This letter is in response to your request for an opinion on: (1) whether the federal statute, 23 U.S.C. 127, is properly incorporated by reference in Section 304.180, RSMo Supp. 1967, and (2) whether Section 4 of this statute provides legal sanctions for a violation of the overload limits set by Section 23 U.S.C. 127. On inquiry, we are also informed that you are interested in an opinion as to whether Section 4 of Section 304.180, RSMo Supp. 1967, provides legal sanctions for a violation of the overload limits set by 23 U.S.C. 127 when prosecution is for a load within the limits of Section 304.190, RSMo Supp. 1967.

In response to questions 1 and 2, we are of the opinion that the limits set by the federal statute and the state statute, Section 304.180, are the same; and therefore, we see no need to consider those questions.

We see no way that Section 4 of Section 304.180 can be construed to make unlawful loads expressly permitted by Section 304.190.

Yours very truly,

JOHN C. DANFORTH  
Attorney General