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OPINION	:	No. 80-904
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of	:	<u>JANUARY 22, 1981</u>
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The Honorable John E. Thurman, Assemblyman, Twenty-Seventh District  
has requested an opinion on the following question:

Does section 35700 of the Vehicle Code authorize a board of supervisors to  
increase the weight limit upon one axle of a vehicle imposed by section 35550 of the  
Vehicle Code for highways under its jurisdiction?

CONCLUSION

Section 35700 of the Vehicle Code does not authorize a board of supervisors  
to increase the weight limit upon one axle of a vehicle imposed by section 35550 of the  
Vehicle Code for highways under its jurisdiction.

## ANALYSIS

The basic vehicle weight limits for the highways in California are set forth in Vehicle Code sections 35556 and 35551.<sup>1</sup> Section 35550 provides in pertinent part:

“(a) The gross weight imposed upon the highway by the wheels on any one axle of a vehicle shall not exceed 20,000 pounds and the gross weight upon any one wheel, or wheels, supporting *one end of an axle*, and resting upon the roadway, shall not exceed 10,500 pounds, except that the gross weight imposed upon the highway by the wheels on any front steering axle of a motor vehicle shall not exceed 12,500 pounds . . .”

Section 35551 provides in pertinent part:

“(a) Except as otherwise provided in this section or section 35551.5, the total gross weight in pounds imposed on the highway by any group of *two or more consecutive axles* shall not exceed that given for the respective distance in the following table: . . . .”

Section 35700 provides:

“(a) The legislative body of any county or city may by ordinance permit the operation and moving of *vehicles and loads* upon highways under their respective jurisdictions of a maximum gross weight in *excess of the maximum gross weight of vehicles and loads specified in this code*.

“(b) This section does not apply to state highways.” (Emphasis added.)

We are asked whether this authority granted cities and counties to increase weight limits on highways under their jurisdiction includes the authority to increase the weight limit on a single axle or wheel imposed by section 35550 or is limited to an increase of the weight limit of the total vehicle and load imposed by section 35551. This requires an interpretation of the language used in section 35700. We have found no cases interpreting its provisions. We must therefore apply the customary rules of statutory construction used by the courts to ascertain its meaning.

The applicable rules were summarized in *Moyer v. Workmen's Comp. Appeals Bd.* (1973) 10 Cal. 3d 222, 230, as follows:

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<sup>1</sup> All unidentified statutory references will be to the Vehicle Code.

We begin with the fundamental rule that a court should ascertain the intent of the Legislature so as to effectuate the purpose of the law. In determining such intent the court turns first to the words themselves for the answer. We are required to give effect to statutes according to the usual, ordinary import of the language employed in framing them. If possible, significance should be given to every word, phrase, sentence and part of an act in pursuance of the legislative purpose; a construction making some words surplusage is to be avoided. When used in a statute words must be construed in context, keeping in mind the nature and obvious purpose of the statute where they appear. Moreover, the various parts of a statutory enactment must be harmonized by considering the particular clause of section in the context of the statutory framework as a whole.” (Citations and quotations omitted.)

Looking to the words of section 35700 we note that the legislative authority delegated is to “permit the operation and moving of *vehicles and loads*” on local highways “*of a maximum gross weight*” exceeding “The maximum gross *weight of vehicles and loads* specified in this code.” (Emphasis added.)

The issue which must be addressed to solve the problem presented is the meaning of the phrase “vehicles and loads” as used in section 35700. In resolving this question, the history of these sections is instructive. Weight limits were first added to the Vehicle Code by chapter 266 of the Statutes of 1923. This act added section 85 to the Vehicle Code providing that “no vehicle shall be operated or moved upon any public highway which has a *total weight*, including vehicle and load in excess of . . . .” (Emphasis added.) Section 88, as added to the Vehicle Code by this chapter, authorized a local legislative body to regulate the “maximum gross weight of vehicles and loads specified in section 85 of this act . . . .” There is no doubt that at this point in time the Legislature had delegated to local authorities power to increase total weight.

Chapter 240 of the Statutes of 1925 created the ambiguity that we are trying to resolve today. This act amended section 85 to provide for an axle weight limit but did not refer to “vehicles and loads” in providing such limit. Section 88 was not amended at this time. The term “vehicle and load” still appeared in section 85 in reference to total weight but was not used in providing for an axle weight limit. In the 1935 amended version of the Vehicle Code the axle weight limits and the total weight limits were placed in separate sections, and the delegation of authority to local entities was phrased exactly as it is presently in section 35700.

From this reading of the history of these weight limits, we conclude that the phrase “vehicle and loads” was intended by the Legislature to refer only to the total weight

of the vehicle. The weight limits specified in the Vehicle Code for the total vehicle including its load is section 35551. Section 35700 authorizes cities and counties to increase such limit on the highways under their jurisdiction.

The weight limits specified in section 35550 are those on “any one axle” or on “any one wheel, or wheels, supporting one end of an axle.” Such limits are not limits on the maximum gross weight of “vehicles and loads” as we have interpreted the meaning of that phrase and therefore not within the legislative authority granted by section 35700.

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