



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

**JOHN BEN SHEPPERD
ATTORNEY GENERAL**

June 26, 1953

Hon. Richard E. Rudeloff
County Attorney
Bee County
Beeville, Texas

Letter Opinion No. MS-67

Re: Authority of the Commissioners'
Court to permit the movement of
overweight, oversize, or over-
length equipment on State desig-
nated highways.

Dear Sir:

You have asked the following question:

"Does the authority granted to the Commissioners Court through the County Judges of the several counties of the State of Texas under Article 827a, Sec. 2, of the Penal Code, authorize the granting of permits for periods of 90 days or less for the transportation of superheavy or oversize equipment, as provided in said Article, over all and any highways and roads in said Judges' respective counties, or is such authority limited and restricted to highways and roads in said counties OTHER THAN State designated highways?"

Section 2 of Article 827a, Vernon's Penal Code, states in part:

". . . provided, however, that the Commissioners Court through the County Judges of the several counties of this State shall have and are hereby granted authority to grant permits limited to periods of ninety (90) days or less for the transportation over highways of their respective counties other than State highways, overweight or oversize or overlength commodities as cannot be reasonably dismantled . . ." (Emphasis added)

Article 8, Vernon's Penal Code, states in part:

". . . all words used in this Code. . . are to be taken and construed in the sense in which they are understood in common language, taking into consideration the context and subject matter relative to which they are employed."

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The phrase "other than State highways" must be construed in light of the above quoted article and is a limitation of authority on the Commissioners' Court.

Therefore, it is our opinion that the Commissioners' Court acting through the County Judge does not have authority to grant permits for the transportation of overweight or oversize equipment on state designated highways.

Yours very truly,

JOHN BEN SHEPPERD
Attorney General

By
Sam C. Ratliff
Assistant

SCR:am