
WEST VIRGINIA CODE CHAPTER 17
ARTICLE 1

WV Legislature

§17-1-1. Rules of construction generally.

Whenever in this chapter, or in any rule or regulation authorized by it, any of the words, terms or phrases defined in this article are used, they shall be taken and construed to have the meaning, application and effect ascribed to them in this article, unless otherwise specified or clearly intended.

WV Legislature

§17-1-2. "Commission"; "road commission"; "state road commission."

The words and terms "commission," "road commission" or "state road commission," when used in this chapter, shall refer to and mean the West Virginia commissioner of highways, created by section one, article two-a of this chapter. Whenever reference is made to the "commission," "road commission" or "state road commission," the power or duty prescribed shall apply to the West Virginia commissioner of highways, unless the context clearly requires a different meaning.

§17-1-3. "Road"; "public road"; "highway".

The words or terms "road", "public road" or "highway" shall be deemed to include, but shall not be limited to, the right-of-way, roadbed and all necessary culverts, sluices, drains, ditches, waterways, embankments, slopes, retaining walls, bridges, tunnels and viaducts necessary for the maintenance of travel, dispatch of freight and communication between individuals and communities; and such public road or highway shall be taken to include any road to which the public has access and which it is not denied the right to use, or any road or way leading from any other public road over the land of another person, and which shall have been established pursuant to law. Any road shall be conclusively presumed to have been established when it has been used by the public for a period of ten years or more, and public moneys or labor have been expended thereon, whether there be any record of its conveyance, dedication or appropriation to public use or not. In the absence of any other mark or record, the center of the traveled way shall be taken as the center of the road and the right-of-way shall be designated therefrom an equal distance on each side, but a road may be constructed on any part of the located right-of-way when it is deemed advisable so to do.

The Legislature notes that there are public highways that run over the surface of this land, over and through the navigable streams, rivers and waterways on this earth and above the surface of this earth in the form of highways in the sky, commonly known as airways. The Legislature finds that each of these types of public highways are essential to the development of this state and that the health and safety of each of the citizens of this state are affected daily by the availability of each of these three types of public highways, and that it is the best interests of the people of this state that each of these be recognized and included within the meaning of public highways. The Legislature further recognizes that airports are an important and integral part of the public highways existing above the surface of this state, and that airports are necessary to access such highways, and therefore airports, including runways, taxiways, parking ramps, access roads and air traffic control facilities located at airports, are hereby declared to be part of the public highway system of this state.

The Legislature finds that a courtesy patrol program providing assistance to motorists on the state's highways is one of a most beneficial public safety service to residents of the state using public highways and serves as a showing of the state's hospitality and good will to tourists visiting the state. For that reason, on July 1, 2015:

(1) The administration of the courtesy patrol program shall be transferred to the Division of Highways and expenditures made by the division to fund the courtesy patrol program providing assistance to motorists on the state's highways shall be made pursuant to appropriation of the Legislature from the State Road Fund or as otherwise provided by law; and

(2) The administration of the special revenue account in the State Treasury known as the Courtesy Patrol Fund shall be transferred to the Division of Highways: Provided, That any

balances remaining in the Courtesy Patrol Fund at the end of fiscal year 2015 shall be transferred and deposited into the Tourism Promotion Fund. After the June 30, 2015, expenditures from the Courtesy Patrol Fund shall be used solely to fund the courtesy patrol program providing assistance to motorists on the state's highways. Amounts collected in the Courtesy Patrol Fund which are found, from time to time, to exceed funds needed for the purposes set forth in this subdivision may be transferred to other accounts or funds and redesignated for other purposes by appropriation of the Legislature. Moneys paid into the fund may be derived from the following sources:

(A) Any gifts, grants, bequests, transfers, appropriations or other donations which may be received from any governmental entity or unit or any person, firm, foundation, corporation or other private entity;

(B) Any appropriations by the Legislature which may be made for the purposes of this section; and

(C) All interest or other return accruing to the fund.

Any moneys remaining in the fund at the end of a fiscal year shall remain in the fund and be available for expenditure during the ensuing fiscal year.

§17-1-4. "Vehicle."

"Vehicle" shall mean and include any mechanical device for the conveyance, drawing or other transportation of persons or property upon the public roads and highways, whether operated on wheels or runners or by other means, except those propelled or drawn by human power or those used exclusively upon tracks.

WV Legislature

§17-1-5.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-6.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-7.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-8.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-9.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-10.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-11.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-12.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-13.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-14.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-15.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-16.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-17.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-18. "State."

"State" shall mean the State of West Virginia, unless by the context some other state or territory or federal district of the United States is meant or intended.

WV Legislature

§17-1-19. "Political subdivision."

"Political subdivision" shall mean and include any county, city, town, or other similar governmental unit of the state.

WV Legislature

§17-1-20. "Local authorities."

"Local authorities" shall mean and include representatives of political subdivisions of the state, duly elected or appointed to administer the laws and ordinances of the state.

WV Legislature

§17-1-21. "Open country highway."

"Open country highway" shall mean a highway, or portion thereof, greater than one fourth of a mile in length, along either side of which the buildings average more than three hundred feet apart.

WV Legislature

§17-1-22. "Urban street."

"Urban street" shall mean a public street, road or highway, or portion thereof, other than an open country highway or suburban street.

WV Legislature

§17-1-23. "Suburban street."

A "suburban street" shall mean a public street, road or highway, or portion thereof, not less than one fourth of a mile in length, on either side of which the buildings average less than three hundred feet, but more than fifty feet, apart.

WV Legislature

§17-1-24. "Stand."

"Stand" shall mean a fixed place of business in charge of a person and maintained by a person, firm or corporation operating motor vehicles for hire, where motor vehicles shall be parked when not out on calls.

WV Legislature

§17-1-25.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-26.

Repealed.

Acts, 1967 Reg. Sess., Ch. 168.

WV Legislature

§17-1-27.

Repealed.

Acts, 1967 Reg. Sess., Ch. 168.

WV Legislature

§17-1-28. State and public roads.

"State road" shall mean and include all roads classified and prescribed as either "expressway," "trunkline," "feeder," or "state local service" roads. "Public roads" shall mean all other roads and bridges under the control of the county court or the governing body of a municipality.

WV Legislature

§17-1-29.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature

§17-1-30.

Repealed.

Acts, 1951 Reg. Sess., Ch. 129.

WV Legislature