

195

ENROLLED BILL

House Bill No. 195

(By Mr. Watkins)

Passed February 27, 1931

In Effect Ninety days from Passage

Originated in the House

Takes effect

Ninety days from Passage.

Clerk.

Clerk of the House of Delegates.

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James M. Nease
Chairman House Committee.

James M. Smith
Chairman Senate Committee.

ENROLLED BILL

(H. B. No. 195)

[Passed February 27, 1931; in effect ninety days from passage.]

AN ACT to amend and re-enact sections eighteen, nineteen, twenty and twenty-one of article eight of chapter seventeen of the official code of West Virginia, relating to traffic regulations and laws of the road.

Be it enacted by the Legislature of West Virginia:

That sections eighteen, nineteen, twenty and twenty-one of the official code of West Virginia, relating to traffic regulations and laws of the road, be amended and re-enacted so as to read as follows:

- Section 18 (a) No person shall drive a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway and the hazard at intersections and any other conditions then existing.
- Nor shall any person drive at a speed which is greater than will permit the driver to exercise proper control of the vehicle

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8 and to decrease speed or to stop as may be necessary to avoid
9 colliding with any person, vehicle or other conveyance upon or
10 entering the highway in compliance with legal requirements
11 and with the duty of drivers and other persons using the high-
12 way to exercise due care: *Provided*, That this provision shall
13 not be construed to relieve the plaintiff in any civil action from
14 the burden of proving negligence upon the part of the de-
15 fendant as the proximate cause of an accident.

16 (b) No person shall drive a vehicle upon a highway at a
17 speed in excess of that indicated as follows for the particular
18 districts or locations:

19 (1) Fifteen miles per hour; (a) When passing a school
20 building or the grounds thereof during school recess or while
21 children are going to or leaving school during opening or clos-
22 ing hours; or (b) When approaching within one hundred
23 feet of a grade crossing of a steam, electric or street railway
24 where the driver's view of such crossing or of any traffic on
25-26 such railway within a distance of four hundred feet in
27 either direction is obstructed.

28 (2) Twenty miles per hour; (a) In any business dis-
29 trict, herein defined to be the territory contiguous to a highway

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30 when fifty per cent or more of the frontage thereon for a dis-
31 tance of three hundred feet or more is occupied by buildings
32 in use for business; or (b) Upon approaching within fifty feet
33 and in traversing an intersection of highways where the
34 driver's view in either direction along any intersecting high-
35 way within a distance of two hundred feet is obstructed, ex-
36 cept that when traveling upon a through street or at traffic-
37 controlled intersections the district speed shall apply.

38 (3) Twenty-five miles per hour; (a) On suburban
39 streets; or, (b) At any railway grade crossing where the
40 view is not obstructed; or (c) In public parks within cities,
41 unless a different speed is indicated by local authorities and
42 duly posted.

43 (4) Forty-five miles per hour; On open country highway,
44 except as otherwise limited by this act.

45 (c) In every charge of violation of this section the com-
46 plaint, also the summons or notice to appear, shall specify the
47 speed at which the defendant is alleged to have driven, also
48 the speed indicated in this section for the district or location
49 and in the event charge shall also be made of violation of any
50 other provision of this act, the complaint and the summons or

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51 notice to appear shall also specify such other offense alleged
52 to have been committed.

53 (d) Local authorities in their respective jurisdictions are
54 hereby authorized in their discretion to indicate by order or
55 ordinance higher speeds than those indicated in subdivision
56 (b) of this section upon through highways or upon open
57 highways or portions thereof where there are no intersec-
58 tions or between widely spaced intersections if signs are erected
59 giving notice of the indicated speed, but local authorities shall
60 not have authority to modify or alter the basic rule set forth in
61 subdivision (a) of this section, or in any event to indicate by
62 order or ordinance a speed in excess of forty-five miles per
63 hour.

64 (e) It shall be unlawful for any person unnecessarily to
65 drive at such a slow speed as to impede or block the normal and
66 reasonable movement of traffic except when reduced speed is
67 necessary for safe operation or because upon a grade or when
68 the vehicle is a truck or truck and trailer necessarily or in com-
69 pliance with law proceeding at reduced speed.

70 Traffic and police officers are hereby authorized to enforce
71 this provision by directions to drivers and in the event of ap-

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72 parent wilful disobedience to this provision and refusal to com-
73 ply with direction of an officer in accordance herewith the con-
74 tinued slow operation by a driver shall be unlawful and con-
75 stitute a misdemeanor.

76 (f) No person shall drive a vehicle upon a highway at a
77 speed in excess of that indicated as follows for the particular
78 class of vehicles and the particular districts or location:

79		On open	On	On
80		country	suburban	urban
81	Maximum weight, in-	highway	street	street
82	cluding gross weight	Miles	Miles	Miles
83	of vehicle and load:	per hour	per hour	per hour
84	Vehicles not designed for			
85	carrying passengers			
86	equipped with pneumatic			
87	tires	35	25	15
88	Vehicles equipped with			
89	solid tires less than 4000			
90	pounds	25	15	10
91	Over 4000 pounds	15	10	10
92	Steel-tired vehicles over			
93	2000 pounds	5	5	5

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94 (g) It shall be unlawful to drive any vehicle upon any pub-
95 lic bridge, causeway or viaduct at a speed which is greater
96 than the maximum speed which can with safety to such struc-
97 ture be maintained thereon, when such structure is signposted
98 as provided in this section.

99 The state road commission upon request from any local au-
100 thorities shall, or upon its own initiative may, conduct an in-
101 vestigation of any public bridge, causeway or viaduct, and if
102 it shall thereupon find that such structure cannot with safety
103 to itself withstand vehicles traveling at the speed otherwise
104 permissible under this act, the commission shall determine and
105-6 declare the maximum speed of vehicles which such structure
107 can withstand, and shall cause or permit suitable signs stating
108 such maximum speed to be erected and maintained at a dis-
109 tance of one hundred feet before each end of such structure.
110 The findings and determination of the commission shall be con-
111 clusive evidence of the maximum speed which can with safety
112 to any structure be maintained thereon.

113 (h) The speed limits set forth in this act shall not apply to
114 authorized emergency vehicles when operated in emergencies

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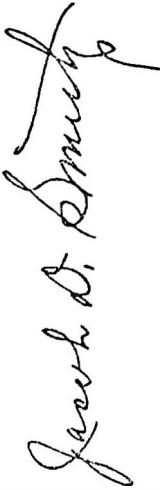
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115 and the drivers thereof sound audible signal by bell, siren or
116 exhaust whistle. This provision shall not relieve the driver
117 of an authorized emergency vehicle from the duty to drive with
118 due regard for the safety of all persons using the street, nor
119 shall it protect the driver of any such vehicle from the con-
120 sequence of a reckless disregard of the safety of others.

121 (i) Any person who drives any vehicle upon a highway
122 carelessly and heedlessly in wilful or wanton disregard of the
123 rights or safety of others, or without due caution and circum-
124 spection and at a speed or in a manner so as to endanger or be
125 likely to endanger any person or property, shall be guilty of
126 reckless driving.

127 (j) Any person violating the provisions of subdivision (a)
128 of this section shall be guilty of a misdemeanor, and upon con-
129 viction shall for a first conviction thereof be punished by a fine
130 of not more than one hundred dollars or by imprisonment
131 in the county or municipal jail for not more than ten days; for
132 a second such conviction within one year thereafter such person
133 shall be punished by a fine of not more than two hundred dol-
134 lars or by imprisonment in the county or municipal jail for not
135 more that twenty days or by both such fine and imprisonment;



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136 upon a third or subsequent conviction within one year after the
 137 first conviction such person shall be punished by a fine of not
 138 more than five hundred dollars or by imprisonment in the
 139 county or municipal jail for not more than six months or by
 140 both such fine and imprisonment.

141 Every person who drives a vehicle upon a highway at a speed
 142 in excess of that indicated in subdivisions (b), (d), (f) and
 143 (g) of this section, and who, while so driving violates the basic
 144 rule set forth in subdivision (a), or any person who violates
 145 subdivision (i) of this section, shall be guilty of a misde-
 146 meanor, and upon conviction shall be punished by imprison-
 147 ment in the county or municipal jail for a period of not less
 148 than five days nor more than ninety days, or by fine of not less
 149 than twenty-five dollars nor more than five hundred dollars,
 150 or by both such fine and imprisonment, and on a second or
 151 subsequent conviction shall be punished by imprisonment for
 152 not less than ten days nor more than six months, or by a fine
 153 of not less than fifty dollars nor more than one thousand dol-
 154 lars, or by both such fine and imprisonment.

Sec. 19. (a) It shall be unlawful and constitute a misde-

2 meanor for any person to drive or move or for the owner to

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3 cause or knowingly permit to be driven or moved on any high-
4 way any vehicle or vehicles of a size or weight exceeding the
5 limitations stated in this act or any vehicle or vehicles which
6 are not so constructed or equipped as required in this article
7 or the rules and regulations of the commissioner adopted pur-
8 suant thereto, and the maximum size and weight of vehicles
9 herein specified shall be lawful throughout this state, in the
10 areas, on the roads and under the conditions herein specified,
11 and local authorities shall have no power or authority to alter
12 said limitations except as express authority may be granted in
13 this act.

14 (b) (1) No vehicle shall exceed a total outside width, in-
15 cluding any load thereon, of eight feet, except that the width
16 of a farm tractor shall not exceed nine feet, and except further
17 that the limitations as to size of vehicles stated in this section
18 shall not apply to implements of husbandry temporarily pro-
19 pelled or moved upon the public highway, or to vehicles op-
20 erated under the terms of a special permit issued as provided
21 in section twenty; (2) No vehicle unladen or with load shall
22 exceed a height of twelve feet; (3) No vehicle shall exceed a
23 length of thirty-three feet, and no combination of vehicles

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24 coupled together shall exceed a total length of eighty-five feet;
25 (4) No train of vehicles or vehicle operated alone shall carry
26 any load extending more than three feet beyond the front
27 thereof; (5) No passenger vehicle shall carry any load extend-
28 ing beyond the line of the fenders on the left side of such vehicle
29 nor extending more than six inches beyond the line of the
30 fender on the right side thereof.

31 (c) The drawbar or other connection between any two
32 vehicles, one of which is towing or drawing the other on a high-
33 way, shall not exceed fifteen feet in length from one vehicle to
34 the other, except that the connection between any two vehicles
35 transporting poles may exceed fifteen feet but shall not exceed
36 twenty-five feet. Whenever such connection consists of a chain,
37 rope or cable, there shall be displayed upon such connection
38 a red flag or other signal or cloth not less than twelve inches
39 both in length and width.

40 (d) (1) No motor vehicle or combination of vehicles hav-
41 ing a gross weight in excess of those permitted in this section
42 shall be driven on any highway unless the owner shall first
43 have secured a permit as provided for in section twenty; (2)
44 For the purpose of controlling the circulation of vehicles or of

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45 combinations of vehicles of heavy weight, the state road com-
46 mission is authorized to classify the area of the state as metro-
47 politan, industrial or agricultural, and to designate therein the
48 roads of major importance. Such roads shall for the purposes
49 of this section be considered as major roads and all other roads
50 not so designated shall for the purposes of this section be con-
51 sidered secondary roads; (3) No motor vehicle equipped with
52 pneumatic tires and driven on any major highway in a metro-
53 politan area shall have a maximum wheel weight unladen or
54 with load in excess of eleven thousand two hundred pounds, or
55 an axle weight in excess of twenty-two thousand four hundred
56 pounds; (4) No motor vehicle equipped with pneumatic tires
57 and driven on any major highway in an industrial area shall
58 have a maximum wheel weight unladen or with load in excess
59 of nine thousand pounds, or an axle weight in excess of eighteen
60 thousand pounds; (5) No motor vehicle equipped with pneu-
61 matic tires and driven on any major highway in an agricultural
62 area shall have a maximum wheel weight unladen or with load
63 in excess of eight thousand pounds, or an axle weight in excess
64 of sixteen thousand pounds; (6) No motor vehicle equipped
65 with pneumatic tires and driven on any secondary highway in



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66 any designated area shall have a maximum wheel weight un-
67 laden or with load in excess of eight thousand pounds, or an
68 axle weight in excess of sixteen thousand pounds; (7) Motor
69 vehicles equipped with solid tires and driven on any major
70 highway in a metropolitan area shall be subject to the same
71 maximum wheel weights and axle weights prescribed for that
72 area for motor vehicles equipped with pneumatic tires. No
73 motor vehicle equipped with solid tires driven upon any major
74 highway in an industrial or agricultural area shall have a maxi-
75 mum wheel weight unladen or with load, or a maximum axle
76 weight, in excess of eighty per cent of the weights prescribed
77 for motor vehicles equipped with pneumatic tires; nor shall
78 any motor vehicle equipped with solid rubber tires and driven
79 upon any secondary highway have a maximum wheel weight
80 unladen or with load, or a maximum axle weight, in excess of
81 fifty per cent of the weights prescribed for motor vehicles
82 equipped with pneumatic tires; (8) No motor vehicles having a
83 minimum axle spacing of less than forty inches shall be driven
84 on any highway in any area; (9) Subject to the maximum axle
85 and wheel loads specified in this section, the gross weight of
86 any motor vehicle or combination of vehicles driven on a major

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87 road in a metropolitan area shall be fixed within the safe capaci-
88 ties of the bridges existing in the area. Subject to the maxi-
89 mum axle and wheel loads specified in this section, the gross
90 weight of any motor vehicle or combination of vehicles driven
91 on a major road in an industrial or agricultural area shall not
92 exceed that determined by the following formulas:

93 For bridges designed under Class H-20 specifications, total
94 gross load in pounds= $1330 (L+40)$, in which L represents
95 the over-all distance in feet between the front and rear axles
96 of the motor vehicle or the first and last axles of the combina-
97 tion of motor vehicles; For bridges designed under Class H-15
98 specifications, total gross load in pounds= $1000 (L+40)$; For
99 bridges designed under Class H-10 specifications, total gross
100 load in pounds= $670 (L+40)$.

101 (e) Any peace officer having reason to believe that the
102 weight of a vehicle and load is unlawful is authorized to weigh
103 the same either by means of portable or stationary scales, and
104 may require that such vehicle be driven to the nearest scales
105 in the event such scales are within two miles. The officer may
106 then require the driver to unload immediately such portion of
107 the load as may be necessary to decrease the gross weight of

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108 such vehicle to the maximum therefor specified in this act.

109 (f) Local authorities may by ordinance or resolution pro-
 110 hibit the operation of vehicles upon any highway or impose
 111 restrictions as to the weight of vehicles, for a total period of not
 112 to exceed ninety days in any one calendar year, when operated
 113 upon any highway under the jurisdiction of and for the main-
 114 tenance of which such local authorities are responsible, when-
 115 ever any said highway by reason of deterioration, rain, snow
 116 or other climatic conditions will be seriously damaged or de-
 117 stroyed unless the use of vehicles thereon is prohibited or the
 118 permissible weights thereof reduced. Such local authorities
 119 enacting any such ordinance or resolution shall erect or cause
 120 to be erected and maintained signs designating the provisions
 121 of the ordinance or resolution at each end of that portion of
 122 any highway affected thereby, and the ordinance or resolution
 123 shall not be effective until or unless such signs are erected and
 124 maintained. Local authorities may also, by ordⁿance or resolu-
 125 tion, prohibit the operation of trucks or other commerical
 126 vehicles, or impose limitations as to the weight thereof on desig-
 127 nated highways, which prohibitions and limitations shall be
 128 designated by appropriate signs placed on such highways.

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129 (g) (1) Every solid rubber tire on a vehicle moved on any
130 highway shall have rubber on its entire traction surface at least
131 one inch thick above the edge of the flange of the entire pe-
132 riphery, and no motor vehicle, trailer or semi-trailer having
133 any steel or other metal tire in contact with the roadway shall
134 be operated on any highway; (2) No tire on a vehicle moved
135 on a highway shall have on its periphery any block, stud, flange,
136 cleat or spike or any other protuberances of any material other
137 than rubber which projects beyond the tread of the traction
138 surface of the tire, except that it shall be permissible to use
139 farm machinery with tires having protuberances which will
140 not injure the highway, and except also that it shall be permis-
141 sible to use tire chains of reasonable proportions upon any
142 vehicle when required for safety because of snow, ice or other
143 conditions tending to cause a vehicle to slide or skid; (3) The
144 state road commission as to state roads and local authorities in
145 their respective jurisdictions may, in their discretion, issue
146 special permit authorizing the operation upon a highway of
147 traction engines or tractors having movable tracks with trans-
148 verse corrugations upon the periphery of such movable tracks
149 or farm tractors or other farm machinery.

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150 (h) No vehicle shall be driven or moved on any highway
151 unless such vehicle is so constructed or loaded as to prevent its
152 contents from dropping, sifting, leaking, or otherwise escaping
153 therefrom.

154 (i) It shall be unlawful and constitute a misdemeanor for
155 any person to violate any of the provisions of this section.
156 Every person convicted for a misdemeanor for a violation of
157 any of the provisions of this act for which another penalty
158 is not provided shall for a first conviction thereof be punished
159 by a fine of not more than one hundred dollars or by imprison-
160 ment in the county or municipal jail for not more than ten
161 days; for a second such conviction within one year thereafter
162 such person shall be punished by a fine of not more than two
163 hundred dollars or by imprisonment in the county or municipal
164 jail for not more than twenty days or by both such fine and
165 imprisonment; upon a third or subsequent conviction within
166 one year after the first conviction such person shall be punished
167 by a fine of not more than five hundred dollars or by imprison-
168 ment in the county or municipal jail for not more than six
169 months or by both such fine and imprisonment. Upon any con-
170 viction hereunder the license of the person convicted shall be

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171 revoked.

Sec. 20. The state road commission, and local authorities in their respective jurisdiction may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size or weight exceeding the maximum specified in this act upon any highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible. Application for such permit shall state the proposed maximum wheel loads, maximum axle loads, minimum axle spacing of each such vehicle, vehicles, or combination thereof, and the specific roads over which permit for operation is requested; and the application shall show whether permit is requested for a single trip or for continued operation; and the road commission or local authority is authorized to issue or withhold such permit at its discretion, or to limit the number of trips, or to establish seasonal or other time limitations within which the vehicles described may operate on the roads indicated, or may otherwise limit the prescribed conditions of operation of such vehicles when necessary to assure against

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20 undue damage to the road foundations, surfaces or structures.
21 Every such permit shall be carried in the vehicle or combina-
22 tion of vehicles to which it refers and shall be open to inspec-
23 tion by any peace officer, and it shall be a misdemeanor for any
24 person to violate any of the terms or conditions of such special
25 permit, and such violation shall constitute grounds for the
26 revocation of such permit by the authorities granting same.
27 All acts and parts of acts coming within the purview of this
28 act and inconsistent therewith are hereby repealed.

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James B. Smith
Chairman Senate Committee.

George W. Meadors
Chairman House Committee.

J. Alfred Taylor
Speaker of the House of Delegates.

R. H. H. H.
Clerk of the House of Delegates.

M. White
President of the Senate.

M. Stodges
Clerk of the Senate.

The within is *approved*
this *13th* day of *March* 1931.

W. E. Glass
Governor.

Filed in the office of the Secretary of State
of West Virginia *MAR 4 1931*
GEORGE W. STARR,
Secretary of State.