

Rec., June 3

25

ENROLLED BILL

(EXTRAORDINARY SESSION, 1933)

Com. Sub. for
House Bill No. 25

(By ~~the~~ Judiciary Committee)

Passed June 3, 1933

In Effect from Passage

Originated in the..... Takes effect..... Passage

Clerk House of Delegates.

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ENROLLED BILL

(Com. Sub. for H. B. No. 25)

[Passed June 3, 1933; in effect from passage.]

AN ACT to amend and reenact sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, fourteen, seventeen, eighteen, nineteen, twenty, twenty-three and twenty-seven, article six, and add sections twenty-(a), twenty-(b), thirty-one, thirty-two, thirty-three and thirty-four thereto; and to amend and reenact sections nineteen and twenty-two, article eight, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, and to add section nineteen-(a) thereto; and to vest authority in the state road commissioner to exercise the requirements of law set out in said sections; prohibiting payment of commission or other consideration to shippers, and prohibiting the receipt thereof by shippers and prescribing penalties therefor; prohibiting rebates, and prescribing penalties therefor; prescribing fees and

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the method of their payment for motor vehicles; making certain exceptions for vehicles used to transport farm products; providing for the regulation of motor vehicles; and to limit the use of the public roads as to the weight and size of motor vehicles used for the transportation of property using the same; to prohibit the moving of such vehicles on said roads carrying a reserve supply of fuel; providing for the promulgation of rules and regulations governing certain classes of motor vehicles; and providing penalties for the violation of the provisions of various sections therein.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, fourteen, seventeen, eighteen, nineteen, twenty, twenty-three and twenty-seven, article six, and sections nineteen and twenty-two, article eight, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted; and that sections twenty-(a), twenty-(b), thirty-one, thirty-two, thirty-three and thirty-four, reading as hereinafter set forth, be added to article six and that section nineteen-(a), reading as hereinafter set forth be added to article eight of said chapter seventeen.

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ARTICLE VI

Section 1. No motor vehicle shall be driven upon the public roads, or upon any road or street within any incorporated city, town or village within the state, until the owner shall first have obtained from the commissioner, as herein provided, a license or certificate of registration therefor. An applicant desiring such license or certificate may obtain the same by filing with the commissioner, by mail or otherwise, a statement setting forth the character of the motor vehicle to be licensed, including the name of the manufacturer, the style, color of body, motor number, type and factory number of such vehicle, the character of the motor power, the name, age, residence, and business address of the owner of such vehicle, and the name of the county in which he resides, and shall state whether such vehicle is or is not to be used in the public transportation of passengers or property, or both, for compensation, and, if so used or to be used, the applicant shall so certify, and shall, as a condition precedent to the securing of such license or certificate of registration, obtain a certificate of convenience, or permit from the state road commissioner in the manner herein provided.

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Sec. 2. Every owner of one or more vehicles, not expressly
2 exempted by this article, shall make a separate application in
3 writing, properly verified for each vehicle, on a form provided
4 by the state road commissioner, for permission to operate the
5 same on the public roads of this state. In the application for
6 registration the applicant shall furnish such information as
7 the state road commissioner may require. Upon receipt of
8 such application, together with the fees hereafter provided for,
9 the state road commissioner shall file the application and give
10 to the same a distinguishing mark and number, and shall issue
11 to the owner of the vehicle a certificate of registration, which
12 shall contain the number or mark assigned such vehicle, the
13 name and place of residence of the owner and his post office
14 address, if the same shall be different from his place of resi-
15 dence. Such certificate shall be of convenient size and form,
16 and shall be at all times carried upon such vehicle, and shall be
17 subject to examination and upon demand by any proper officer,
18 as herein provided. In addition to the certificate of registra-
19 tion, the state road commissioner shall, without additional
20 charge, deliver to the owner metal plates bearing the abbrevia-
21 tion of the name of this state, the year for which issued, and

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22 the distinguishing mark or number assigned to such vehicle.

23 Such plates shall be known as registration plates. Each year

24 there shall be chosen a color, or combination of colors, for

25 such registration plates, which shall be as different as prac-

26 ticable from the color, or colors, used on the plates of the pre-

27 ceeding year, and the colors used for the current year of the

28 bordering states, and the numerals and letters on such plates

29 shall be of such color as to be shown in marked contrast to the

30 remainder of the plate. The plates shall be of such size and

31 character as the state road commissioner may prescribe so as to

32 properly accommodate the numerals and other marks. An

33 automobile shall be required to carry two, and any other

34 licensed motor vehicle one, of such license plates.

35 No motor vehicle shall be driven upon any of the highways

36 of this state without the proper registration plates fastened

37 thereon. Registration plates issued prior to the first of the

38 licensing year for which they are to be effective may be placed

39 on the vehicle for which issued, not more than ten days prior

40 to the first day of such licensing year, and used without addi-

41 tional registration fee.

42 Any person, firm or corporation failing to carry the certifi-

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43 cate of registration, or who drives a motor vehicle without the
44 proper registration plates affixed thereto, or who changes the
45 name, number or other identification information on the cer-
46 tificate of registration, or registration plates, shall be deemed
47 guilty of a misdemeanor, and, upon conviction, shall be fined
48 not less than ten nor more than one hundred dollars: *Pro-*
49 *vided*, That in the case of a person to whom a certificate has
50 been issued, but who at the time of arrest has not the same
51 with him, the minimum fine shall be one dollar.

52 The provisions of this section shall apply both to the opera-
53 tor, or chauffeur, and to the owner who causes or knowingly
54 permits his vehicle to be operated without a certificate of reg-
55 istration as herein provided.

Sec. 3. No motor vehicle shall be operated over any public
2 road, highway, street or alley in this state, for public transpor-
3 tation of passengers or property, or both, for compensation
4 until the owner or operator of such vehicle shall first have
5 made application to, and secured from the state road commis-
6 sioner a permit or certificate of convenience to operate such
7 vehicle. Such classification shall include public livery vehicles,
8 cars for hire or for rent, taxi cabs, bus lines, truck lines, and

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9 any other public transportation of passengers or property for
10 compensation, without regard to whether such operation is be-
11 tween fixed termini or over regular routes or otherwise.

12 The state road commissioner may also grant certificates of
13 convenience and necessity for the transportation of persons or
14 property, or both, for compensation in interstate commerce,
15 and regulate such interstate commerce under the authority of
16 and in accordance with the provisions of any statute that has
17 been or hereafter may be enacted by the congress of the
18 United States, vesting in or delegating to the state road
19 commissioner of West Virginia the authority, as an agency of
20 the United States government, so to grant such certificates
21 and so to regulate such commerce. If the legislature shall by
22 statute transfer from the state road commissioner to any other
23 commission, board or officer, the authority to grant certificate
24 of convenience and to regulate intrastate transportation of per-
25 sons or property, or both, for compensation, then the authority
26 herein granted shall vest in such other commission, board or
27 officer. The state road commissioner, or such other commission,
28 board or officer, as the case may be, is hereby authorized to
29 notify the proper department of the federal government of its

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30 or his assent to conform to the requirements, conditions and
31 obligations of said statute of the congress in regard to interstate
32 commerce by motor vehicles.

Sec. 4. The application for such permit or certificate shall
2 be in writing and shall contain full information concerning
3 the financial condition and physical property of the applicant,
4 and shall state the capacity of such vehicle or vehicles and the
5 purpose for which they are to be used. If the service proposed
6 is to be over a regular route, or between fixed termini, then
7 such route or termini, the rates proposed to be charged and
8 the proposed schedule or time cards shall be designated. If
9 the service proposed to be rendered is not over a regular route
10 or between fixed termini, then such other matters as the state
11 road commissioner shall from time to time prescribe shall be
12 designated.

13 All vehicles operating under the provisions of class J, sec-
14 tion nineteen, shall operate from a stand or stands, and the
15 state road commissioner shall have power to grant a permit
16 to any applicant who operates from a stand or stands and who
17 does not propose to operate upon a regular schedule, but who

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18 is privately employed for a specific trip and who will not solicit
19 or receive patronage along a route for which a certificate of
20 convenience has been granted by the state road commissioner
21 for the operation of vehicles over a regular route or between
22 fixed termini: *Provided, however,* That vehicles operating under
23 class J, or class K may receive passengers or property along
24 routes for which a certificate of convenience has been granted,
25 but not at or within two hundred feet of any building owned
26 or maintained as a designated stop: *Provided further,* That the
27 charge made by such persons operating under class J or class
28 K for such service, when rendered over a route for which a
29 certificate of convenience has been granted, shall not be less
30 than the rate charged by the holder of such certificate of con-
31 venience.

32 The state road commissioner shall have the power to issue
33 to any applicant a certificate of convenience, or to refuse to
34 issue the same, or issue it for the partial exercise only of the
35 privileges sought, and may attach to the exercise of the rights
36 given by such certificates such terms and conditions as in its
37 judgment the public convenience and necessity may require.
38 No such certificate of convenience shall be issued by the com-

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39 missioner until it shall be established to the satisfaction of the
40 commissioner, after a proper investigation, that the privilege so
41 sought by the applicant is necessary or convenient for the
42 public, and that the service so proposed to be rendered by the
43 applicant is not being adequately performed at the time of
44 such application by any other person, partnership or corpora-
45 tion. If a certificate of convenience be granted for service
46 over a regular route or between fixed termini, the state road
47 commissioner shall prescribe the route, territory, schedule, fare
48 or tariff in connection with such service, and in all cases may
49 make such other rules and regulations relative to the operation
50 of such vehicle or vehicles as public justice may demand. When
51 such certificate of convenience is issued for service over a regular
52 route or between fixed termini, no change shall be made in the
53 route, schedule, fares or tariffs of such vehicle or vehicles, with-
54 out the express permission of the state road commissioner.

Sec. 5. The state road commissioner shall have the power to
2 issue any certificate of convenience and such certificates, when
3 granted, shall remain in effect until cancelled or revoked by
4 the commissioner as hereinafter provided: *Provided, however,*
5 That motor vehicles operated for transportation of passengers

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6 or property, or both, for compensation, and not running over
7 a regular route between fixed termini or having a regular time
8 schedule, shall be granted such certificate only until the first
9 day of the next annual licensing period. The commissioner is
10 hereby given authority to deny an application for a permit
11 under class J, if in the judgment of the commissioner the com-
12 munity proposed to be served by the application is adequately
13 served by vehicles operated under permit similar to that for
14 which application is made.

15 Certificates of convenience heretofore granted by the com-
16 missioner shall be and remain in full force and effect until
17 revoked or cancelled as provided herein, and shall give the same
18 rights and be subject to the same restrictions as if granted here-
19 under.

20 The state road commissioner may consolidate two or more
21 certificates, cancel a certificate in whole or in part, or divide
22 a certificate already granted if not against public welfare, and
23 under such rules as the commissioner may prescribe.

24 Any certificate held, owned or obtained by any person may
25 be sold, assigned, leased, transferred or inherited as other

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26 property, only upon authorization by the commissioner. The
27 owner of or operator under any certificate of convenience shall
28 make such report and furnish such detailed information with
29 respect to the service rendered as the state road commissioner
30 shall from time to time direct.

Sec. 6. No certificate or permit shall be issued by the com-
2 missioner to any applicant until and after such applicant shall
3 have filed with the state road commissioner a bond with surety
4 approved by the state road commissioner or liability insurance
5 satisfactory to the commissioner, and in such sums as to injury
6 to persons and as to loss of or damage of property, respectively,
7 as the state road commissioner may deem necessary to adequately
8 protect passengers, shippers and all others using the public roads
9 with due regard to the number of persons and the amount of
10 property involved, which bond shall bind the obligors there-
11 under to make compensation for injury to persons and loss of
12 or damage to property resulting from the operation of such
13 motor vehicles. Upon failure of such bond or policy, by cancel-
14 lation or otherwise, the permit or certificate shall become null
15 and void, and the registration plates and registration card and
16 permit shall be returned to the commissioner for cancellation:

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17 *Provided*, That such permit or certificate shall not become null
18 and void if the grantee thereof shall file with the state road
19 commissioner a new policy or bond, satisfactory to the commis-
20 sioner, before the failure of such first policy or bond. The in-
21 surance policy or bond so required to be filed shall be kept on
22 file with the state road commissioner during the time such per-
23 mit or certificate shall be in effect. In case such new policy or
24 bond be not filed, if the grantee of such permit or certificate
25 operates his vehicle after the date of failure of such policy or
26 bond, he shall be guilty of a misdemeanor, and, upon conviction
27 thereof, shall be fined not less than fifty nor more than five
28 hundred dollars, or imprisoned not less than thirty days nor
29 more than one year, or both fined and imprisoned, such penalty
30 to apply to both owner and operator.

31 The state road commissioner shall adopt and promulgate such
32 rules and regulations as may be found necessary to carry out
33 the provisions of this section and of sections three, four, five,
34 seven and eight of this article.

Sec. 7. If any applicant for a certificate of convenience shall
2 desire to exercise the privilege sought wholly within any incor-
3 porated city or town, such applicant shall, before making appli-

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4 cation to the commissioner as herein prescribed, apply for and
5 obtain from the city or town council, or other proper authority
6 of such city or town, a permit authorizing such applicant to
7 make application to the commissioner, and such permit may
8 prescribe such reasonable rules and regulations as the proper
9 authorities of such city or town may direct with respect to the
10 privilege sought, insofar as the same may pertain to the stopping
11 and parking of vehicles, zoning, use of one-way streets, kind
12 and character of traffic on certain streets and other like matters
13 affected by local conditions. If the commissioner shall then
14 issue a certificate of convenience to such applicant, the rules and
15 regulations as prescribed by such town or city shall be a part
16 of such certificate of convenience. The commissioner shall in
17 no case issue a certificate to an applicant proposing to render
18 a public service wholly within any incorporated city or town
19 until and after such permit shall have been first obtained by
20 such applicant from the proper authority of such city or town.
21 If the proposed operation be wholly within an incorporated
22 city of more than eight thousand population, or design to serve
23 any such city and its adjacent suburban area, not exceeding
24 three miles distant from the city boundary, then in such case

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25 the fees or passenger seat tax provided in sections nine and
26 seventeen of this article, as to such operation wholly within such
27 city, shall accrue to and be paid to such city or town instead
28 of the commissioner; and any such city or town may by public
29 ordinance fix, charge and collect a fee or tax for the operation
30 within the city or town in lieu of, but not greater than, the fee
31 charged in sections nine and seventeen hereof.

Sec. 8. Any person, firm or corporation violating any of the
2 ~~provisions of sections three to six inclusive, of this article,~~
~~including, shall be paid annually to the commissioner for~~
3 which no other penalty is provided, or the rules and regulations
4 regularly adopted by the state road commissioner, as authorized
5 therein shall be guilty of a misdemeanor, and, upon conviction
6 thereof, shall be fined not less than five nor more than two hun-
7 dred dollars, and in addition thereto such certificate of con-
8 venience may be suspended or revoked by the state road com-
9 missioner upon the complaint to it of any person interested, or
10 by the commissioner on its own motion, after hearing duly had
11 upon at least five days' notice to all parties interested. Imme-
12 diately upon such suspension or revocation the registration
13 plates and registration card and permit shall be forwarded to
14 the commissioner for cancellation. Notice in writing sent by

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15 registered mail to the address given in the application for such
16 permit or certificate shall be sufficient notice of such hearing.

Sec. 9. The following fees prescribed in classes A to L,
2 inclusive, shall be paid annually to the commissioner for
3 certificates of registration and corresponding registration plates
4 issued by it in accordance with the provisions of this article.
5 The holder of any permit or certificate of convenience under
6 Class H or I obtained in the manner hereinbefore prescribed
7 shall pay annually to the commissioner the registration fees
8 prescribed in Classes H and I, and the following certificate fees
9 shall be paid for vehicles operated for transportation of persons
10 or property for compensation under Class H or I certificates
11 of public convenience and necessity, respectively:

12 For transportation of passengers there shall be charged one-
13 thirtieth of a cent for each passenger seat multiplied by the
14 total number of miles that will be traveled over any public
15 highway in this state, or over any streets or alleys within any
16 municipality in this state, by such motor vehicles during the
17 quarter year;

18 For transportation of property there shall be charged one-
19 eighth of a cent for each capacity ton-mile multiplied by the

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20 total number of miles that will be traveled over any public
21 highway in this state, or over any streets or alleys within any
22 municipality in this state, by such motor vehicles during the
23 quarter year.

24 Such fees under Class H and Class I shall be payable in
25 advance quarterly, and shall be computed on the schedule on
26 file with the commissioner and in effect on the first day of Jan-
27 uary, April, July and October. If operation begin after the
28 first day of either said months, the fees shall be computed for
29 the remainder of such current quarter year, payable in
30 advance.

31 Buses and trucks operating under the provisions of Class H
32 and Class I may make special or charter trips other than over
33 their regular route after making proper application to the
34 commission so to do, and shall pay the additional fees for such
35 operation at such times and upon such forms as the commissioner
36 shall prescribe.

Sec. 10. Class A. The registration fee for all motor vehicles
2 of the passenger type, other than those operated for compen-
3 sation, shall be thirteen dollars for a vehicle of a weight of two
4 thousand pounds or less, and for all motor vehicles having a

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5 weight of over two thousand pounds, sixty cents additional for
6 each one hundred pounds of weight in excess of two thousand
7 pounds, and for the purpose of determining the weight, except
8 of those used in transportation of passengers or property for
9 compensation, the actual weight of the vehicle shall be taken.

Sec. 11. Class B. The registration fee for all motor ve-
2 hicles, commonly designated as trucks or truck-tractors, other
3 than those operated for compensation, shall be as follows:

4	Pneumatic	Solid
5 Capacity	Tires	Tires
6 One ton or less.....	\$ 15.00	\$ 27.00
7 Over one ton to one and one-half tons.	25.00	37.00
8 Over one and one-half tons to two tons	35.00	50.00
9 Over two tons to four tons.....	78.00	117.00
10 Over three tons to four tons.....	120.00	180.00
11 Over four tons to five tons.....	170.00	255.00
12 Over five tons to six tons.....	228.00	342.00
13 Over six tons to seven tons.....	294.00	441.00
14 Over seven tons to eight tons.....	368.00	552.00
15 Over eight tons to nine tons.....	450.00	675.00
16 Over nine tons to ten tons.....	540.00	810.00

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20	ten tons	100.00	150.00	90.00	125.00
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Sec. 14. Class E. The registration fee for all tractors, trac-

2 tion engines and similar vehicles used to propel or draw a trailer

3 or semitrailer, shall be as follows:

4	Weight	Fee
5	Two tons or less.....	\$ 25.00
6	Over 2 tons to 3 tons.....	36.00
7	Over 3 tons to 4 tons.....	48.00
8	Over 4 tons to 5 tons.....	60.00
9	Over 5 tons to 6 tons.....	84.00
10	Over 6 tons to 7 tons.....	108.00
11	Over 7 tons to 8 tons.....	133.00
12	Over 8 tons to 9 tons.....	156.00
13	Over 9 tons to 10 tons.....	192.00
14	Over 10 tons for each additional ton.....	240.00

15 *Provided*, This charge shall not be made for tractors used ex-
16 clusively for agricultural purposes.

17 Rims or other sufficient devices shall be used on the wheels
18 of such vehicles as will protect the roads or highways traveled
19 by them from any unusual damages thereto, and the owners of
20 such tractors shall be liable for any damages done by them to
21 public roads in excess of that done by ordinary travel thereon.

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Sec. 17. Class H. The registration fee for all motor vehicles operated regularly under a certificate of public convenience and necessity for transportation of persons shall be eighty dollars for a motor vehicle of twenty-one passengers or less capacity and one hundred and twenty dollars for a motor vehicle of more than twenty-one passenger capacity: *Provided, however,* That the registration fees for vehicles used only as reserve or emergency equipment shall be five dollars for vehicles of twenty-one passengers or less capacity and seven and one-half dollars for vehicles of more than twenty-one passenger capacity.

Sec. 18. Class I. The registration fee for all motor vehicles, commonly designated as trucks and truck-tractors, operated under a certificate of public convenience and necessity for transportation of property shall be as follows:

Capacity	Pneumatic Tires	Solid Tires
One ton or less.....	\$ 18.00	\$ 27.00
Over one ton to one and one-half tons	31.00	46.50
Over 1½ ton to 2 tons.....	44.00	66.00
Over 2 tons to 3 tons.....	78.00	117.00

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10 Over 3 tons to 4 tons.....	120.00	180.00
11 Over 4 tons to 5 tons.....	170.00	255.00
12 Over 5 tons to 6 tons.....	228.00	342.00
13 Over 6 tons to 7 tons.....	294.00	441.00
14 Over 7 tons to 8 tons.....	368.00	552.00
15 Over 8 tons to 9 tons.....	450.00	675.00
16 Over 9 tons to 10 tons.....	540.00	810.00
17 For each additional ton over 10 tons	100.00	150.00

Sec. 19. Class J. The registration fee for all motor vehicles operated for transportation of persons for compensation, other than over a regular route or between fixed termini by common carriers, shall be seventy-five dollars yearly. Ambulances and hearses used exclusively in their work shall be exempted from the above special fee.

Sec. 20. Class K. The registration fee for all motor vehicles, commonly designated as trucks and truck-tractors, operated for transportation of property for compensation, other than over a regular route or between fixed termini by common carrier, shall be double the fees designated in section eleven of this article.

Sec. 20-(a). Class L. The registration fee for all trailers

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2 and semitrailers used for transportation of property for com-
3 pensation, other than over a regular route or between fixed
4 termini by common carriers, shall be as follows:

	Trailers		Semitrailers	
	Pneumatic	Solid	Pneumatic	Solid
Capacity	Tires	Tires	Tires	Tires
5 One ton or less.....	\$ 24.00	\$ 36.00	\$ 16.00	\$ 24.00
6 Over one ton to two tons...	60.00	90.00	36.00	54.00
7 Over two tons to three tons	108.00	162.00	60.00	90.00
8 Over three tons to four tons	168.00	252.00	88.00	132.00
9 Over four tons to five tons	240.00	360.00	120.00	180.00
10 Over five tons to six tons..	324.00	486.00	156.00	234.00
11 Over six tons to seven tons	420.00	630.00	196.00	294.00
12 Over seven tons to eight tons	528.00	792.00	240.00	360.00
13 Over eight tons to nine tons	648.00	972.00	288.00	432.00
14 Over nine tons to ten tons	780.00	1170.00	340.00	510.00
15 For each additional ton over				
16 ten tons	100.00	175.00	90.00	125.00

Sec. 20-(b). For purpose of registration of and determining

2 of all fees to be paid for operation of vehicles in transportation

3 of property, the manufacturer's rated capacity of any such

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4 vehicle will be accepted: *Provided*, That if the manufacturer
5 warrant or guarantee such vehicle for a capacity greater than
6 such rated capacity, then such warranted capacity shall be taken
7 and considered as the rated capacity of such vehicle.

8 No vehicle, except by special permit as provided in section
9 twenty of article eight, chapter seventeen of the code, one
10 thousand nine hundred thirty-one, shall be operated upon any
11 public highway of this state, or upon any street or alley within
12 any municipality within this state, with a load thereon more
13 than one hundred percentum greater than the capacity for which
14 such vehicle is registered if such vehicle is registered for a
15 capacity not exceeding two tons, or fifty percentum if such
16 vehicle is registered for a capacity in excess of two tons and not
17 exceeding four tons; or twenty-five percentum if such vehicle
18 is registered for a capacity exceeding four tons. Any violation
19 of this provision shall be a misdemeanor, and upon conviction
20 thereof any owner or operator shall be fined not less than
21 twenty-five dollars nor more than two hundred dollars for the
22 first offense and upon any subsequent offense occurring within
23 the same licensing year, a fine of not less than fifty dollars nor
24 more than five hundred dollars shall be imposed and the oper-

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25 ators' or chauffeurs' license of the operator may be revoked and
26 the registration plates of such vehicle so overloaded shall be
27 surrendered by the owner and cancelled by the commissioner.

Sec. 23. The license or registration fees herein prescribed
2 shall be for the entire calendar year of one thousand nine
3 hundred thirty-three, unless the owners of such registration
4 certificates shall make application for registration from said
5 date to June thirtieth, one thousand nine hundred thirty-four,
6 as hereinafter provided. *Provided*, That where application for
7 such license or registration is made between the first day of
8 April and the thirtieth day of June, inclusive, in said calendar
9 year, the charge therefor shall be three-fourths of the yearly
10 fee; and where such application is made between the first day of
11 July and the thirtieth day of September, inclusive, of said cal-
12 endar year, the charge therefor shall be one-half of the yearly fee;
13 and where such application is made after the thirtieth day of
14 September in said calendar year, the charge therefor shall be one-
15 fourth of the yearly fee. In all cases where a registration is issued
16 after the thirtieth day of September in said calendar year, there
16-a shall be paid in addition to the fee herein provided for the ad-
16-b ditional sum of one dollar.

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17 The registration certificate and the right to use the cor-
18 responding registration plates for the year one thousand nine
19 hundred thirty-three shall expire at midnight the thirty-first
20 day of December, one thousand nine hundred thirty-three.

21 For registration issued between the first day of January and
22 the thirtieth day of June, one thousand nine hundred thirty-
23 four, one-half of such yearly fee shall be charged. Upon pay-
24 ment of such one-half yearly fee the commissioner shall issue
25 for the vehicle for which such payment is made such card,
26 sticker or other indicia of payment as the commissioner may
27 determine, which shall be securely attached to the vehicle for
28 which issued; and when such card, sticker or other indicia is
29 so attached such vehicle may be operated upon the public high-
30 ways under the registration certificate and registration plates
31 issued for such vehicle for the calendar year one thousand nine
32 hundred thirty-three, until the thirtieth day of June, one thou-
33 sand nine hundred thirty-four, and the commissioner is author-
34 ized to issue one thousand nine hundred thirty-three registra-
35 tion plates for registration secured between the first day of
36 January and the thirtieth day of June, inclusive, one thousand

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37 nine hundred thirty-four, with such card, sticker or other
38 indicia.

39 Beginning on the first day of July, one thousand nine hun-
40 dred thirty-four, the registration fees herein prescribed shall
41 be for the entire fiscal year: *Provided*, That where application
42 for such registration is made between the first day of January
43 and the thirtieth day of June, inclusive, in any fiscal year the
44 charge therefor shall be one-half of such yearly fee.

45 The registration certificate and the right to use correspond-
46 ing registration plates issued after the first day of July, one
47 thousand nine hundred thirty-four, shall expire at midnight
48 on the thirtieth day of June of the fiscal year for which issued.

49 In the event of the loss or inadvertent destruction of any
50 plate issued under the provisions of this article, the commis-
51 sioner shall investigate the circumstances of alleged loss or
52 destruction, and if satisfied that the loss or destruction has oc-
53 curred as alleged, shall issue a duplicate, or duplicates, or may
54 in its discretion issue a new set of plates with appropriate
55 certificate of registration, at a cost not to exceed one dollar.

56 In the event of the loss or inadvertent destruction of any cer-
57 tificate of registration issued under the provisions of this

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58 article, the commissioner may issue a duplicate upon receipt of
59 affidavit of such loss at a cost not to exceed one dollar. Upon
60 the destruction or permanent removal from the state of any
61 registered motor vehicle, its certificate of registration and the
62 right to use the registration plates thereon shall expire; but
63 the commissioner shall permit the persons to whom such certi-
64 ficate and plates or markers were issued to surrender the same,
65 and shall allow him a refund of the amount paid for registra-
66 tion plates and certificate for the quarterly periods remaining
67 wholly unexpired.

68 Upon the transfer of ownership of any motor vehicle, its
69 certificate of registration and the right to use the registration
70 plates shall expire, and it shall be the duty of the original
71 owner to immediately notify the state road commissioner of the
72 name and address of the new owner and to deliver to the pur-
73 chaser the license certificate and plates belonging thereto. It
74 shall be the duty of the purchaser immediately to file with the
75 state road commissioner an application for a transfer of such
76 registration accompanied with such certificate, for which the
77 state road commissioner shall issue a transfer certificate and
78 charge a fee of one dollar. If such license certificate be not

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79 filed, the purchaser shall be charged a fee of two dollars for such
80 license transfer certificates. Certificates of registration and
81 corresponding registration plates of vehicles operating under
82 a permit or certificate of convenience may be transferred only
83 under the provisions of, and when provided by, the rules and
84 regulations of the commissioner.

85 Any owner or operator who shall obtain a registration cer-
86 tificate, or registration plates, or other licenses provided for
87 in this article, by misrepresentation or by any other method
88 not authorized by law, or who shall violate any of the other
89 provisions of this section, shall be guilty of a misdemeanor,
90 and, upon conviction thereof, shall be fined not less than ten
91 nor more than fifty dollars.

Sec. 27. The owner or operator of any vehicle not owned
2 in this state, or any operator not a resident of this state, may
3 for a period of not to exceed three months in any one year, use
4 the roads of this state without being registered or licensed as
5 required in this article: *Provided*, That such vehicle or oper-
6 ator shall have been licensed under the laws of the state in
7 which such vehicle is owned or such operator resides; that
8 such vehicle shall display its registration plates prominently,

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9 and such operator shall on demand of the proper authorities
10 present his operator's or chauffeur's license; and that the state
11 or federal district in which such vehicle is owned, or such
12 operator or chauffeur resides, shall extend the same privileges
13 to vehicles owned in this state, and to operators or chauffeurs
14 residing in this state.

Sec. 31. It shall be unlawful for any common carrier of
2 property, or the owner of a certificate, or his agent, servant,
3 or employee, directly or indirectly, to offer, permit or give to
4 any person, directly or indirectly, any commission or other
5 consideration to induce such person to deliver to such carrier
6 property to be transported, and it likewise shall be unlawful
7 for any shipper or consignee, or his agent, servant, or em-
8 ployee, to receive from such carrier, directly or indirectly,
9 any such commission or consideration as an inducement to
10 secure the transportation of any such property. Any person
11 violating any of the provisions of this section shall be guilty
12 of a misdemeanor, and shall, upon conviction, be punished by
13 a fine of not less than ten dollars nor more than two hundred
14 dollars, and each such transaction shall constitute a separate
15 offense.

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Sec. 32. Any common carrier, his agent, servant or employee, who directly or indirectly gives to any shipper any rebate, or any shipper, his agent, servant, or employee who directly or indirectly receives any rebate, shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars nor more than two hundred dollars for each offense in any court of competent jurisdiction in this state. It being the intention of this act that such carriers shall in every instance collect and receive, and the shipper shall pay, only the rate or fee prescribed or approved by the commissioner.

Sec. 33. If any common carrier, of property, or any officer, agent, clerk, servant or employee, or receiver, or his agents, servants or employees, of any such carrier operating as a common carrier of property in this state, shall directly or indirectly, or by any special rate, rebate, drawback, or other device, for or on behalf of such common carrier, knowingly charge, demand or contract for, collect or receive from any person, firm or corporation a less compensation for any service rendered or to be rendered by any such common carrier than is prescribed for said service by said state road commissioner, such common carrier or any officer, clerk, servant, or employee,

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12 or receiver, his agents, servants or employees, of such common
13 carrier shall be guilty of a misdemeanor and, upon conviction
14 thereof, shall be fined in a sum not less than ten dollars nor
15 more than two hundred dollars for each offense; and every
16 person who violates or fails to comply with, or procures, aids
17 or abets any common carrier in the violation of the provisions
18 hereof shall likewise be guilty of a misdemeanor and, upon
19 conviction, shall be punished by a fine of not less than ten
20 dollars nor more than two hundred dollars for each offence:
21 *Provided*, That the provisions of section thirty-two and section
22 thirty-three of this article shall not prohibit the operation of
23 a duly authorized and operated truck terminal where a charge
24 is made for the collection, storage and rebilling of merchandise
25 and other property for truck transportation.

Sec. 34. Every person, firm or corporation operating a motor
2 vehicle as a common carrier on the public roads of this state,
3 either for the carriage of persons or the transportation of prop-
4 erty, shall file with the state road commissioner, and keep open
5 to public inspection, schedules showing all the rates, charges and
6 tolls for ~~service~~^{use} to be rendered by it or by other persons, firms or
7 corporations in connection with it.

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8 The commissioner shall have power to enforce, originate, estab-
9 lish, change, approve or disapprove tariffs, rates, joint rates,
10 tolls, and schedules for all motor vehicles operated as a common
11 carrier. And whenever the commissioner shall, after hearing,
12 upon five days' notice duly published, find any existing rates,
13 tolls, tariffs, joint rates or schedules unjust, unreasonable and
14 insufficient or unjustly discriminatory or otherwise in violation
15 of any of the provisions of this chapter, the commissioner shall,
16 by an order, fix reasonable rates, joint rates, tariffs, tolls or
17 schedules to be allowed in the future in lieu of these found to be
18 unjust, unreasonable, insufficient, or unjustly discriminatory
19 or otherwise in violation of any provision of law: *Provided,*
20 *however,* That the provisions of section thirty-one, thirty-two,
21 thirty-three and thirty-four, of this article, shall have no
22 application to motor vehicles registered under the provisions
23 of section twenty, class K.

ARTICLE VIII

Section 19. (a) It shall be unlawful and constitute a mis-
2 demeanor for any person to drive or move or for the owner
3 to cause or knowingly permit to be driven or moved on any
4 highway any vehicle or vehicles of a size or weight exceeding

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5 the limitations stated in this act, or which is loaded in excess
6 of the limitations stated in this act, or any vehicle or vehicles
7 which are not so construed or equipped as required in this
8 article or the rules and regulations of the commissioner adopted
9 pursuant thereto, and the maximum size and weight of vehicles
10 herein specified shall be lawful throughout this state, in the
11 areas, on the roads and under the conditions herein specified,
12 and local authorities shall have no power or authority to alter
13 said limitations except as express authority may be granted in
14 this act.

15 (b) (1) No vehicle shall exceed a total outside width,
16 including any load thereof, of eight feet, except that the width
17 of a farm tractor shall not exceed nine feet; (2) no vehicle
18 unladen or with load shall exceed a height of twelve feet six
19 inches; (3) no vehicle shall exceed a length of thirty-five feet,
20 and no combination of vehicles coupled together shall exceed a
21 total length of forty-five feet: *Provided, however,* That nothing
22 in this act shall prohibit the use of any combination of vehicles
23 coupled together, for a period of three years following the
24 passage of this act, which were at the time of its passage,
25 owned and in operation in the state of West Virginia, and

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26 whose total length when so coupled together is greater than
27 forty-five feet and less than fifty-five feet; (4) no train of
28 vehicles operated alone shall carry any load extending more
29 than three feet beyond the front thereof; (5) no passenger
30 vehicle shall carry any load extending beyond the line of the
31 fenders on the left side of such vehicle or extending more
32 than six inches beyond the line of the fender on the right side
33 thereof.

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

43 (d) (1) No motor vehicle or combination of vehicles used
44 for the transportation of property having a gross weight in
45 excess of those permitted in this section shall be driven on any
46 highway unless the owner shall have first secured a permit as

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47 provided for in section twenty; (2) for the purpose of con-
48 trolling the circulation of vehicles or of a combination of
49 vehicles of heavy weight for the transportation of property,
50 the commissioner is authorized to classify the area of the state
51 as metropolitan, industrial or agricultural, and to designate
52 therein the roads of major importance. Such roads shall for
53 the purpose of this section be considered as major roads
54 and all other roads not so designated shall for the purpose of
55 this section be considered secondary roads; (3) no motor ve-
56 hicle for the transportation of property equipped with pneu-
57 matic tires and driven on any major highway in a metropolitan
58 area shall have a maximum wheel weight unladen or with load
59 in excess of eleven thousand pounds or an axle weight in excess
60 of twenty-two thousand pounds; (4) no motor vehicle for the
61 transportation of property equipped with pneumatic tires and
62 driven on any major highway in an industrial area shall have
63 a maximum wheel weight unladen or with load in excess of
64 nine thousand pounds, or an axle weight in excess of eighteen
65 thousand pounds; (5) no motor vehicle for the transportation
66 of property equipped with pneumatic tires and driven on any

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67 major highway in an agricultural area shall have a maximum
68 wheel weight unladen or with load in excess of eight thousand
69 pounds, or an axle weight in excess of sixteen thousand pounds;
70 (6) no motor vehicle for the transportation of property
71 equipped with pneumatic tires and driven on any secondary
72 highway in any designated area shall have a maximum wheel
73 weight unladen or with load in excess of eight thousand pounds,
74 or an axle weight in excess of sixteen thousand pounds; (7)
75 motor vehicles used for the transportation of property equipped
76 with solid tires and driven on any major highway in a metro-
77 politan area shall be subject to the same maximum wheel
78 weights and axle weights prescribed for that area for similar
79 motor vehicles equipped with pneumatic tires. No motor vehicle
80 used for the transportation of property equipped with solid
81 tires driven upon any major highway in an industrial or
82 agricultural area shall have a maximum wheel weight unladen
83 or with load, or a maximum axle weight, in excess of eighty
84 per cent of the weights prescribed for motor vehicles equipped
85 with pneumatic tires; nor shall any motor vehicle equipped
86 with solid rubber tires and driven upon any secondary high-
87 way have a maximum wheel weight unladen or with load, or a

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88 maximum axle weight, in excess of fifty per cent of the weights
89 prescribed for motor vehicles equipped with pneumatic tires;
90 (8) no motor vehicle having a minimum axle spacing of less
91 than forty inches shall be driven on any highway in any area;
92 (9) subject to the maximum axle and wheel loads specified in
93 this section, the gross weight of any motor vehicle or combi-
94 nation of vehicles driven on a major road in a metropolitan
95 area shall be fixed within the safe capacities of the bridges
96 existing in the area. Subject to the maximum axle and wheel
97 loads specified in this section, the gross weight of any motor
98 vehicle or combination of vehicles driven on a major road in
99 an industrial or agricultural area shall not exceed that deter-
100 mined by the following formulas:

101 For bridges designed under class H-20 specifications, total
102 gross load in pounds— $1330 (L + 40)$, in which L repre-
103 sents the overall distance in feet between the front and rear
104 axle of the motor vehicles or the first and last axles of the
105 combination of motor vehicles; for bridges designed under
106 class H-15 specifications, the total gross load in pounds—
107 $1000 (L + 40)$; for bridges designed under class H-10
108 specifications, total gross load in pounds— $670 (L + 40)$.

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109 (e) Any member of the department of public safety of this
110 state, sheriff or deputy sheriff or any duly authorized officer or
111 employee of the commissioner having reason to believe that
112 the weight of a vehicle and load is unlawful is authorized
113 to weigh the same either by means of portable or stationary
114 scales, and may require that such vehicle be driven to the
115 nearest scales in the event such scales are within two miles.
116 The officer may then require the driver to unload immediately
117 such portion of the load as may be necessary to decrease the
118 gross weight of such vehicle to the maximum therefor specified
119 in this act.

120 (f) Local authorities may by ordinance or resolution pro-
121 hibit the operation of vhtcles upon any highway or impose
122 restrictions as to the weight of vehicle, for a total period of
123 not to exceed ninety days in any one calendar year, when
124 operated upon any highway under the jurisdiction of and for
125 the maintenance of which such local authorities are responsible,
126 whenever any said highway by reason of deterioration, rain,
127 snow or other climatic conditions will be seriously damaged
128 or destroyed unless the use of vehicles thereon is prohibited

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129 or the permissible weights thereof reduced. Such local au-
130 thorities enacting any such ordinance or resolution shall erect
131 or cause to be erected and maintain signs designating the pro-
132 visions of the ordinance or resolution at each end of that por-
133 tion of any highway affected thereby, and the ordinance or
134 resolution shall not be effective until or unless such signs are
135 erected and maintained. Local authorities may where there is
136 necessity for so doing, by ordinance or resolution, prohibit
137 the operation of trucks or other commercial vehicles, or impose
138 limitations as to the weight thereof, on designated highways,
139 which prohibitions and limitations shall be designated by ap-
140 propriate signs placed on such highways.

141 (g) (1) Every solid rubber tire on a vehicle moved on any
142 highway shall have rubber on its entire traction surface at
143 least one inch thick above the edge of the flange of the entire
144 periphery, and no motor vehicle, trailer, or semitrailer having
145 any steel or other metal tire in contact with the roadway shall
146 be operated on any highway; (2) no tire on a vehicle moved
147 on a highway shall have on its periphery any block, stud,
148 flange, cleat or spike or any other protuberances of any mate-
149 rial other than rubber which projects beyond the tread of the

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150 traction surface of the tire, except that it shall be permissible
151 to use farm machinery with tires having protuberances which
152 will not injure the highway, and, except also, that it shall be
153 permissible to use tire chains of reasonable proportions upon
154 any vehicle when required for safety because of snow, ice or
155 other conditions tending to cause a vehicle to slide or skid;
156 (3) the commissioner as to state roads and local authorities
157 in their respective jurisdictions may, in their discretion, issue
158 special permit authorizing the operation upon a highway of
159 traction engines or tractors having movable tracks with trans-
160 verse corrugations upon the periphery of such movable tracks
161 or farm tractors or other farm machinery.

162 (h) No vehicle shall be driven or moved on any highway
163 unless such vehicle is so constructed or loaded as to prevent
164 its contents from dropping, sifting, leaking, or otherwise escap-
165 ing therefrom.

166 (i) No vehicle shall be moved or driven on any highway
167 carrying for its own fuel needs any gasoline other than that
168 carried in the gas tank provided by the manufacturer and
169 directly connected with its engine, except as the commissioner
170 may require.

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171 (j) It shall be unlawful and constitute a misdemeanor for
172 any person to violate any of the provisions of this section.
173 Every person convicted for a misdemeanor for a violation of
174 any of the provisions of this act for which another penalty
175 is not provided, shall, for a first conviction thereof, be pun-
176 ished by a fine of not more than one hundred dollars, or by
177 imprisonment in the county or municipal jail for not more
178 than ten days; for a second such conviction within one year
179 thereafter such person shall be punished by a fine of not more
180 than two hundred dollars or by imprisonment in the county
181 or municipal jail for not more than twenty days or both such
182 fine and imprisonment; upon a third or subsequent conviction
183 within one year after the first conviction such person shall be
184 punished by a fine of not more than five hundred dollars or by
185 imprisonment in the county or municipal jail for not more than
186 six months or by both such fine and imprisonment. Upon any
187 conviction hereunder the license of the person convicted shall
188 be revoked.

Sec. 19-(a). The provisions of this act, restricting the size,
2 weight and capacity of motor vehicles, shall not apply to motor

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3 vehicles owned and licensed in this state and used by the owner
4 thereof in the transportation of his own agricultural and other
5 products of husbandry or products used on the farm, to fire
6 department equipment, snow plows or street sweepers, or to
7 vehicles operated under a special permit issued pursuant to the
8 terms of section twenty of this article.

Sec. 22. All vehicles used for commercial purposes shall
2 have plainly marked on the right side thereof in some con-
3 spicuous place the actual weight of the vehicle, with equipment,
4 and the weight of the seating or loading capacity of such
5 vehicle, or supplies and equipment incident to his farming
6 operations.

7 Every motor vehicle shall be equipped with two sets of brakes
8 operating independently, except tractors and tractor engines
9 which shall be provided with suitable brakes.

10 Every motor vehicle and tractor, when in use on the roads,
11 shall be equipped with a suitable horn or signaling device for
12 producing an abrupt sound as a signal or warning of danger.
13 The commissioner shall have the power to make and enforce
14 suitable regulations governing the kind and use of such horns
15 or signaling devices.

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16 Every vehicle operated on any road in this state at night shall
17 be equipped with a lamp, or lamps, as hereinafter provided, of
18 sufficient power, and so adjusted and operated as to enable the
19 operator of such vehicle to proceed with safety to himself and
20 to other users of the road under all ordinary conditions of
21 road and weather.

22 Every motor vehicle and tractor shall have mounted on the
23 right and left sides of the front thereof a lamp, such lamps to
24 be of approximately equal candle power, and every motorcycle
25 shall have mounted on the front thereof one lamp. If such
26 vehicles are so mechanically constructed, governed, or controlled
27 that they cannot exceed a speed of fifteen miles per hour, they
28 shall have front lamps capable of furnishing light of sufficient
29 candle power to render any substantial object clearly discern-
30 ible on a level road at least fifty feet directly ahead, and at the
31 same time at least seven feet to the right of the axis of such
32 vehicle for a distance of at least twenty-five feet. If such
33 vehicles can exceed a speed of fifteen miles per hour, then they
34 shall have front lamps capable of furnishing light of sufficient
35 candle power to render any substantial object clearly discern-
36 ible on a level road at least two hundred feet directly ahead,

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37 and at the same time at least seven feet to the right of the axis
38 of such vehicle for a distance of at least one hundred feet:
39 *Provided*, That no front lamp capable of furnishing more than
40 four candle power light shall be used if equipped with a re-
41 flector, unless so designed, equipped or mounted that no portion
42 of the beam of light, when projected seventy-five feet or more
43 ahead of the lamp, shall rise above a plane forty-two inches
44 higher than and parallel with the level surface upon which the
45 vehicle stands: *Provided further*, That no electric bulb or
46 other lighting device of a greater capacity than thirty-two
47 candle power shall be used, no matter how the same may be
48 shaded, covered or obscured.

49 Every trailer and semitrailer, except small two-wheel trailers
50 of one thousand pounds capacity or less, towed closely behind
51 a motor vehicle, and semitrailers when towed alone, whose over-
52 all length, in both cases, including towing vehicle and load,
53 does not exceed thirty feet, when on the roads of this state at
54 night, shall carry at the front of its left side one lamp capable
55 of throwing a white light visible from both sides of such vehicle.

56 Every horsedrawn vehicle, when on any road at night, shall

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57 display a light visible from every direction for at least two
58 hundred feet.

59 Every motor vehicle, tractor trailer or semitrailer, when on
60 the roads of this state, at night, shall have on the rear thereof,
61 and to the left of the axis thereof, one lamp capable of dis-
62 playing a red light visible for a distance of at least one hundred
63 feet behind such vehicle: *Provided*, That when a vehicle is used
64 in conjunction with another vehicle or vehicles, only the last
65 of such vehicles shall be required to carry such a lamp. Every
66 motor vehicle tractor trailer and semitrailer when on any
67 road of this state, at night, shall carry a lamp illuminating
68 with white light the registration plate of such vehicle, so that
69 the characters thereon shall be visible for a distance of at least
70 fifty feet. The commissioner shall have power to make and en-
71 force reasonable regulations regarding the kind of lighting
72 devices that shall be used on vehicles.

73 Trailers having more than two wheels, when operated on any
74 road in this state, shall be connected to the towing vehicle, or
75 preceding trailers, by at least one chain, in addition to the
76 hitch bar, of sufficient strength to hold the trailer on a hill
77 if the hitch bar becomes disconnected, or shall be provided with

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Chairman House Committee.

Chairman Senate Committee.

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78 some other adequate device to prevent rolling backward down
79 hill.

80 Any person violating any of the provisions of this section
81 shall be deemed guilty of a misdemeanor, and, upon conviction
82 thereof, shall be fined not less than ten nor more than one hun-
83 dred dollars.

84 If any section, clause, sentence, paragraph, or other part
85 hereof shall for any reason be adjudged by any court of com-
86 petent jurisdiction to be invalid, such judgment shall not affect,
87 impair or invalidate the remainder hereof, but shall be confined
88 in its operation to the part hereof directly involved in the
89 controversy in which such judgment shall be rendered.

CORRECTLY ENROLLED

48 [Enrolled Com. Sub. for H. B. No. 25

Henry D. Hyatt
Chairman Senate Committee.

B. M. Stiner
.....
Speaker of the House of Delegates.

Geo. H. Hall
.....
Clerk of the House of Delegates.

A. M. Maunula
.....
President of the Senate.

Charles Smith
.....
Clerk of the Senate.

James L. Smith
Chairman House Committee.

The within is.....

this.....day of....., 1933.

.....
Governor.

Filed in the office of the Secretary of State
of West Virginia. JUN 12 1933
Wm. S. O'BRIEN,
Secretary of State