

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939

ENROLLED

HOUSE BILL No. 314

(By Mr. Taylor)

PASSED March 7, 1939

In Effect from Passage

ENROLLED

House Bill No. 314

(BY MR. TAYLOR)

[Passed March 7, 1939; in effect from passage.]

AN ACT to amend article eight, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new section designated twenty-two-b, requiring adequate brakes for use on vehicles operated on the streets and highways of this state, prescribing the standard of performance for such brakes, and providing penalties for the violation of the provisions of this act; and repealing any provision of the code of West Virginia, one thousand nine hundred thirty-one, as amended, inconsistent with this act.

Be it enacted by the Legislature of West Virginia:

That article eight, chapter seventeen of the Code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new section designated twenty-two-b to read as follows:

Section 22-b. *Brakes Required; Performance Ability of*

2 *Brakes; Penalties.* (a) Every motor vehicle, other than a
3 motorcycle, when operated upon the streets or highways of
4 this state, shall be equipped with brakes adequate to control
5 the movement of and to stop and hold such vehicle, including
6 two separate means of applying the brakes, each of which
7 means shall be effective to apply the brakes to at least two
8 wheels. If these two separate means of applying the brakes
9 are connected in any way, they shall be so constructed that
10 failure of any one part of the operating mechanism shall not
11 leave the motor vehicle without brakes on at least two wheels.

12 Every motorcycle, and any other two or three-wheeled
13 motor vehicle, when operated upon a highway, shall be
14 equipped with at least one brake, which may be operated by
15 hand or foot.

16 Every trailer or semi-trailer of gross weight of three thou-
17 sand pounds or more when operated upon the streets or high-
18 ways of this state shall be equipped with brakes adequate to
19 control the movement of and to stop and hold such vehicle
20 and so designed as to be applied by the driver of the towing
21 motor vehicle from its cab, and said brakes shall be so de-
22 signed and connected that in case of an accident breakaway

23 of the towed vehicle the brakes of such vehicle shall be auto-
24 matically applied.

25 Every new motor vehicle, trailer or semi-trailer hereafter
26 sold in this state and operated upon the streets and highways
27 of this state shall be equipped with service brakes upon all
28 wheels of every such vehicle, except any motorcycle, and ex-
29 cept that any semi-trailer of less than fifteen hundred pounds
30 gross weight need not be equipped with brakes.

31 One of the means of brake operation shall consist of a me-
32 chanical connection from the operating lever to the brake
33 shoes or bands and this brake shall be capable of holding
34 the vehicle or any combination of vehicles stationary under
35 any condition of loading on any up or down grade upon which
36 it is operated.

37 The brake shoes operating within or upon the brake drums
38 on the vehicle wheels of any motor vehicle may be used both
39 for service and hand operation.

40 (b) Every motor vehicle or combination of motor-drawn
41 vehicles shall be capable at all times and under all conditions
42 of loading of being stopped on a dry, smooth, level road free
43 from gravel and other loose material of a similar nature,

64 (d) All prior acts of the Legislature or parts of acts,
65 relating to brakes to be used on vehicles, inconsistent with
66 this act, are hereby expressly repealed.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. O. Wiseman

Chairman Senate Committee

Wm. B. Baker

Chairman House Committee

Originated in the

House of Delegates

Takes effect

from

passage.

Charles D. Smith

Clerk of the Senate

Wm. S. Hall

Clerk of the House of Delegates

Wm. B. Baker

President of the Senate

James Ray Thomas

Speaker House of Delegates

The within

approved

this the

15th

day of

March

, 1939.

Wm. S. O'Brien

Governor.



Filed in the office of the Secretary of State
of West Virginia. **MAR 17 1939**

Wm. S. O'BRIEN,
Secretary of State