WEST VIRGINIA LEGISLATURE REGULAR SESSION, 1939

ENROLLED

HOUSE BILL No. 314

(By Mr. Vaylor)

PASSED march 7, 1939

In Effect Passage

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(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

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Brakes; Penaltics. (a) Every motor vehicle, other than a 2 motorcycle, when operated upon the streets or highways of 3 this state, shall be equipped with brakes adequate to control 4 the movement of and to stop and hold such vehicle, including 5 two separate means of applying the brakes, each of which 6 7 means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes 8 9 are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not 10 leave the motor vehicle without brakes on at least two wheels. 11 12 Every motorcycle, and any other two or three-wheeled motor vehicle, when operated upon a highway, shall be 13 equipped with at least one brake, which may be operated by 14 hand or foot. 15

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

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23of the towed vehicle the brakes of such vehicle shall be auto- $\mathbf{24}$ matically applied. 25 Every new motor vehicle, trailer or semi-trailer hereafter 26sold 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-29cept 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,

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44 upon application of the service (foot) brakes, within the dis45 tances specified below, or shall be capable of being decelerated
46 at a sustained rate corresponding to these distances:

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47 Feet to stop 48 from 20 miles Deceleration in 49 per hour feet per second 50 Vehicles or combination of vehicles having brakes on all 51 wheels 30 14 52 53: Vehicles or combination of vehicles not having brakes on 54 55 all wheels 40 10.7

56 All brakes shall be maintained in good working order and 57 shall be so adjusted as to operate as equally as practicable 58 with respect to the wheels on opposite sides of the vehicle.

59 (c) Any person operating a vehicle upon the streets and 60 highways of this state without adequate brakes as required 61 by this section shall be guilty of a misdemeanor, and upon 62 conviction thereof shall be fined not less than five nor more 63 than fifty dollars.

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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.

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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled. 65 relating to braites to ite Chairman Senate Committee Cháirman House Committee Originated in the Zom passage. Takes effect..... Clerk of the Senate Clerk of the House of Delegates President of the Senate Speaker House of Delegates The withinthis the..... , 1939. day of. Governor. TRUSCO Filed in the office of the Secretary of State of West Virginia. MAR. 1 7

Wm. S. O'BRIEN.

Secretary of State

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