

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1943

ENROLLED

SENATE BILL No. 77

(By Mr. Petters)

PASSED March 12 1943

In Effect Twenty days from Passage



77

ENROLLED
Senate Bill No. 77

(By MR. PELTER)

[Passed March 12, 1943; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-two, article eight, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, relating to use multiple beam, road-light equipment.

Be it enacted by the Legislature of West Virginia:

That section twenty-two, article eight, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as last amended, be amended and reenacted to read as follows:

Section 22. *Weight of Commercial Vehicles; Brakes,
2 Horn and Lights on Motor Vehicle; Connection of Trailer*

3 *with Towing Vehicle; Commissioner to Furnish Assessors*
4 *with List of Vehicles; Invalidity of Part of Act Not to*
5 *Affect Remainder.* All vehicles used for commercial
6 purposes shall have plainly marked on the right side
7 thereof in some conspicuous place the actual weight of
8 the vehicle, with equipment, and the weight of the
9 seating or loading capacity of such vehicle.

10 Every motor vehicle shall be equipped with two sets
11 of brakes operating independently, except tractors and
12 traction engines which shall be provided with suitable
13 brakes.

14 Every motor vehicle and tractor, when in use on the
15 roads shall be equipped with a suitable horn or signaling
16 device for producing an abrupt sound as a signal or
17 warning of danger. The commissioner shall have the
18 power to make and enforce suitable regulations govern-
19 ing the kind and use of such horns or signaling devices.

20 Every vehicle operated on any road in this state at
21 night shall be equipped with a lamp, or lamps, as here-
22 inafter provided, of sufficient power, and so adjusted
23 and operated as to enable the operator of such vehicle

24 to proceed with safety to himself and to other users of
25 the road under all ordinary conditions of road and
26 weather.

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

45 the axis of such vehicle for a distance of at least one
46 hundred feet: *Provided*, That no front lamp capable of
47 furnishing more than four candle power light shall be
48 used if equipped with a reflector, unless so designed,
49 equipped or mounted that no portion of the beam of light,
50 when projected seventy-five feet or more ahead of the
51 lamp, shall rise above a plane forty-two inches higher
52 than and parallel with the level surface upon which
53 the vehicle stands:

54 (a) Whenever a motor vehicle is being operated on
55 a roadway or shoulder adjacent thereto from a half
56 hour after sunset to a half hour before sunrise,
57 or at any other time when there is not sufficient light
58 to render clearly discernible persons and vehicles on
59 the highway at a distance of 500 feet ahead, the driver
60 shall use a distribution of light on composite beam, di-
61 rected high enough and of sufficient intensity to reveal
62 persons and vehicles at a safe distance in advance of the
63 vehicle, subject to the following requirements and limi-
64 tations:

65 (b) Whenever the driver of a vehicle approaches
66 an oncoming vehicle within 500 feet, such driver shall
67 use a distribution of light or composite beam so aimed
68 that the glaring rays are not projected into the eyes of
69 the oncoming driver, and in no case shall the intensity
70 portion which is projected to the left of the prolonga-
71 tion of the extreme left side of the vehicle but aimed
72 higher than the center of the lamp from which it comes,
73 at a distance of 25 feet ahead, and in no case higher than
74 a level of 42 inches above the level upon which the ve-
75 hicle stands at a distance of 75 feet ahead.

76 The lower-most distribution of light which shall be
77 deemed to avoid glare at all times, regardless of road
78 contour and loading, shall be as follows:

79 When the vehicle is not loaded, none of the high in-
80 tensity portion of the light which is directed to the left
81 of the prolongation of the extreme left side of the ve-
82 hicle shall, at a distance of 25 feet ahead, project higher
83 than a level of 10 inches below the level of the center
84 of the lamp from which it comes.

85 Every trailer and semitrailer, except small two-wheel
86 trailers of one thousand pounds capacity or less, towed
87 closely behind a motor vehicle, and semitrailers when
88 towed alone, whose overall length, in both cases, in-
89 cluding towing vehicles and load, does not exceed thirty
90 feet, when on the roads of this state at night, shall carry at
91 the front of its left side one lamp capable of throwing
92 a white light visible from both sides of such vehicle.

93 Every horsedrawn vehicle, when on any road at night,
94 shall display a light visible from every direction for at
95 least two hundred feet.

96 Every motor vehicle, tractor, trailer or semitrailer,
97 when on the roads of this state, at night, shall have on
98 the rear thereof, and to the left of the axis thereof, one
99 lamp capable of displaying a red light visible for a dis-
100 tance of at least one hundred feet behind such vehicle:
101 *Provided*, That when a vehicle is used in conjunction
102 with another vehicle, or vehicles, only the last of such
103 vehicles shall be required to carry such a lamp. Every
104 motor vehicle, tractor trailer and semitrailer when on
105 any road of this state, at night, shall carry a lamp illum-

106 inating with white light the registration plate of such
107 vehicle, so that the characters thereon shall be visible
108 for a distance of at least fifty feet. The commissioner
109 shall have power to make and enforce reasonable regula-
110 tions regarding the kind of lighting devices that shall
111 be used on vehicles.

112 Trailers, having more than two wheels, when operated
113 on any road in this state, shall be connected to the towing
114 vehicle, or preceding trailers, by at least one chain, in
115 addition to the hitch bar, of sufficient strength to hold
116 the trailer on a hill if the hitch bar becomes disconnected,
117 or shall be provided with some other adequate device to
118 prevent rolling backward down hill.

119 The commissioner shall also prepare a list as of January
120 first of each year showing the vehicles registered in
121 each county of the state, the name and address of the
122 owner, and the make and year model of the vehicle. A cer-
123 tified list for each county shall be forwarded to the as-
124 sessor thereof on or before the first day of February of the
125 year one thousand nine hundred thirty-four and on the
126 first day of December of each year thereafter.

127 Any person violating any of the provisions of this
128 section shall be deemed guilty of a misdemeanor, and,
129 upon conviction thereof, shall be fined not less than ten
130 nor more than one hundred dollars.

131 If any section, clauses, sentences, paragraphs, or other
132 part hereof shall for any reason be adjudged by any court
133 of competent jurisdiction to be invalid, such judgment
134 shall not affect, impair or invalidate the remainder hereof,
135 but shall be confined in its operation to the part hereof
136 directly involved in the controversy in which such judg-
137 ment shall be rendered.

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

Wm. F. Johnson
Chairman Senate Committee

Frederic S. Rotzoff
Chairman House Committee

Originated in the Senate

Takes effect thirty days from passage

Frederic B. Watkins
Clerk of the Senate

J. Kliff
Clerk of the House of Delegates

James Paull
President of the Senate

John E. Cannon
Speaker House of Delegates

The within approved this the 19th
day of March, 1943.

Matthew Neely
Governor.



Filed in the office of the Secretary of State
of West Virginia **MAR 19 1943**

Wm. S. O'BRIEN,
Secretary of State