

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949

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ENROLLED

SENATE BILL No. 116

(By Mr. ESSRS. Amos and Jones)

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PASSED March 7 1949

In Effect Ninety days from Passage



116

**ENROLLED**

**Senate Bill No. 116**

(By MESSRS. AMOS AND JONES)

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[Passed March 7, 1949; in effect ninety days from passage.]

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AN ACT to amend and reenact chapter seventeen, article seventeen, section twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to tolls to be charged for transit over bridges; the issuance of bonds on intrastate and interstate bridges; the purchase of existing bridges; disposition of tolls; declaring certain bridges a part of the state road system; and providing for the payment of bonds issued thereon.

*Be it enacted by the Legislature of West Virginia:*

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

Section 22. *Tolls to Be Charged; Intrastate and Interstate Bridges; Purchase of Existing Bridges; Disposition of Tolls.*—Tolls shall be fixed, charged and collected for transit over such bridges and shall be so fixed and adjusted, in respect of the aggregate of tolls from the bridge or bridges for which a single issue of bonds is issued, as to provide a fund sufficient to pay the principal and interest of such issue of bonds and to provide an additional fund to pay the cost of maintaining, repairing and operating such bridge or bridges, subject, however, to any applicable law or regulation of the United States of America now in force or hereafter to be enacted or made. Two or more bridges may be included in one issue of bonds, and intrastate and interstate bridges may be grouped in the same issue: *Provided*, That no existing bridge or bridges shall be acquired by purchase, eminent domain, or otherwise, unless the state road commissioner shall have determined that the income therefrom, based upon the toll receipts for the next preceding fiscal or calendar year, will be sufficient to pay all expenses of operating and maintaining such bridge, in addition to the interest and sinking fund

22 requirements of the bonds to be issued to pay the pur-  
23 chase price thereof. The tolls from the bridge or bridges  
24 for which a single issue of bonds is issued, except such  
25 part thereof as may be necessary to pay such cost of main-  
26 taining, repairing and operating during any period in  
27 which such cost is not otherwise provided for (during  
28 which period the tolls may be reduced accordingly), shall  
29 be transmitted each month to the state sinking fund com-  
30 mission and by it placed in a special fund which is hereby  
31 pledged to and charged with the payment of the prin-  
32 cipal of such bonds and the interest thereon, and to the  
33 redemption or repurchase of such bonds, such special fund  
34 to be a fund for all such bonds without distinction or pri-  
35 ority of one over another. The moneys in such special  
36 fund, less a reserve for payment of interest, if not used by  
37 the sinking fund commission within a reasonable time  
38 for the purchase of bonds for cancellation at a price not  
39 exceeding the market price and not exceeding the re-  
40 demption price, shall be applied to the redemption of  
41 bonds by lot at the redemption price then applicable.

42 Any bridge or bridges constructed under the provisions

43 hereof and forming a connecting link between two or more  
44 state highways, or providing a river crossing for a state  
45 highway, are hereby adopted as a part of the state road  
46 system, but no such bridge or bridges shall be constructed  
47 without the approval in writing of the state road commis-  
48 sioner and the governor. If there be in the funds of the  
49 state sinking fund commission an amount insufficient to  
50 pay the interest and sinking fund on any bonds issued for  
51 the purpose of constructing such bridge or bridges, the  
52 state road commission is authorized and directed to allo-  
53 cate to said commission, from the state road fund, an  
54 amount sufficient to pay the interest on said bonds and/or  
55 the principal thereof, as either may become due and pay-  
56 able.

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

*Forest L. McCreer*

Chairman Senate Committee

*R. K. Rauh*

Chairman House Committee

Originated in the Senate.

Takes effect *Ninety days from* passage.

*Howard Meyer*

Clerk of the Senate

*J. Ashiff*

Clerk of the House of Delegates

*J. Douglas Hunter*

President of the Senate

*W. E. Lawrence*

Speaker House of Delegates

The within *Approved* this the *12th* day of *March*, 1949.

*Okey L. Pattison*

Governor.

