WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 136

(By Mr. Jackson of Lincoln)

PASSED. March 17, 1949

In Effect 90 days from Passage
AN ACT to repeal section seven, article sixteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend and reenact section six, article sixteen, chapter seventeen thereof, relating to the issuance of permits by the state road commission or the county court for openings in, or structures on, public roads.

Be it enacted by the Legislature of West Virginia:

That section seven, article sixteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that section six, article sixteen, chapter seventeen thereof be amended and reenacted to read as follows:
Section 6. Permit by Commission or County Court for Openings in, or Structures on, Public Roads.—No opening shall be made in any state or county-district road or highway, nor shall any structure be placed therein or thereover, nor shall any structure, which has been so placed, be changed or removed, except in accordance with a permit from the state road commission or county court, as the case may be. No road or highway shall be dug up for laying or placing pipes, sewers, poles or wires, or for other purposes, and no trees shall be planted or removed or obstructions placed thereon, without the written permit of the commission or county court or its duly authorized agent, and then only in accordance with the regulations of the commission or court. The work shall be done under the supervision and to the satisfaction of the commission or court; and the entire expense of replacing the highway in as good condition as before shall be paid by the persons to whom the permit was given, or by whom the work was done: Provided, however, That nothing herein contained shall be so construed as to prevent any oil or gas company or person having a proper permit or
franchise from transporting oil or gasoline along any of
the public highways of this state, nor to give such com-
pany a franchise without paying to the landowners
through whose lands such road passes the usual and cus-
tomary compensation paid or to be paid to the landowners
for such right of way. Any grant or franchise when made
shall be construed to give to such company or person only
the right to use the easement in such public road.
A violation of any provision of this section shall be a
misdemeanor, and the person or corporation violating the
same shall, upon conviction thereof, be fined not less than
twenty-five nor more than one hundred dollars for each
offense.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 17th day of March, 1949.

Governor.

Filed in the Office of the Secretary of State of West Virginia MAR 18 1949
D. Pitt O'Brien, Secretary of State