

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 136

(By Mr. Jackson of Lincoln)

PASSED March 12 1949

In Effect 90 days from Passage



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ENROLLED
Senate Bill No. 136

(By MR. JACKSON, OF LINCOLN)

[Passed March 12, 1949; in effect ninety 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article sixteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that section six, article sixteen, chapter seventeen thereof be amended and reenacted to read as follows: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*
2 *Openings in, or Structures on, Public Roads.*—No opening
3 shall be made in any state or county-district road or high-
4 way, nor shall any structure be placed therein or there-
5 over, nor shall any structure, which has been so placed,
6 be changed or removed, except in accordance with a per-
7 mit from the state road commission or county court, as
8 the case may be. No road or highway shall be dug up
9 for laying or placing pipes, sewers, poles or wires, or for
10 other purposes, and no trees shall be planted or removed
11 or obstructions placed thereon, without the written per-
12 mit of the commission or county court or its duly author-
13 ized agent, and then only in accordance with the regula-
14 tions of the commission or court. The work shall be done
15 under the supervision and to the satisfaction of the com-
16 mission or court; and the entire expense of replacing the
17 highway in as good condition as before shall be paid by
18 the persons to whom the permit was given, or by whom
19 the work was done: *Provided, however,* That nothing
20 herein contained shall be so construed as to prevent any
21 oil or gas company or person having a proper permit or

22 franchise from transporting oil or gasoline along any of
23 the public highways of this state, nor to give such com-
24 pany a franchise without paying to the landowners
25 through whose lands such road passes the usual and cus-
26 tomary compensation paid or to be paid to the landowners
27 for such right of way. Any grant or franchise when made
28 shall be construed to give to such company or person only
29 the right to use the easement in such public road.

30 A violation of any provision of this section shall be a
31 misdemeanor, and the person or corporation violating the
32 same shall, upon conviction thereof, be fined not less than
33 twenty-five nor more than one hundred dollars for each
34 offense.



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

Forest M. Gunn
Chairman Senate Committee

R. L. Matthews
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Howard Byers
Clerk of the Senate

J. R. Smith
Clerk of the House of Delegates

Franklin D. Hunter
President of the Senate

W. C. Lammie
Speaker House of Delegates

The within Approved this the 17th
day of MARCH, 1949.

Okey L. Tallison
Governor.



Filed in the Office of the Secretary of State
of West Virginia **MAR 18 1949**
D. PITT O'BRIEN,
SECRETARY OF STATE