

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

SENATE BILL NO. 252

(By Mr. Parrigan)

PASSED March 8 1957

In Effect 9 days from Passage

ENROLLED
Senate Bill No. 254

(By MR. CARRIGAN)

[Passed March 8, 1957; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, four, six, nine, ten, eleven and fourteen, article seventeen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to size, weight and load of vehicles and prescribing penalties for the violation thereof.

Be it enacted by the Legislature of West Virginia:

That sections one, four, six, nine, ten, eleven and fourteen, article seventeen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Article 17. Size, Weight and Load

Section 1. *Scope and Effect of Article.*—(a) It shall be
2 unlawful for any owner, lessee or borrower of a vehicle
3 or combination of vehicles to operate on any highway
4 such vehicle or combination of vehicles, whether driven
5 by such owner, lessee or borrower, or by some person on
6 behalf of such owner, lessee or borrower, of a size or
7 weight exceeding any limitation stated in this article, or
8 otherwise in violation of any provision of this article,
9 whether such limitation or provision be specifically stated
10 in this article or set by express authority granted in this
11 article, and the maximum size and weight of vehicles
12 herein specified shall be lawful throughout this state, and
13 local authorities shall have no power or authority to alter
14 said limitations or provisions except as express authority
15 shall be granted in this article. Subject to the penalties
16 for weight violations provided in Section 14 of this article,
17 violation of this section shall constitute a misdemeanor.

18 (b) The provisions of this article governing size,
19 weight, and load shall not apply to fire apparatus, road
20 machinery, or to implements of husbandry, including

21 farm tractors, temporarily moved upon a highway, or to
22 a vehicle, operated under the terms of a special permit
23 issued as herein provided.

24 (c) The phrase "operate a vehicle or combination of
25 vehicles" shall in this article be interpreted to mean the
26 use of such vehicle or combination of vehicles on behalf
27 of the owner, lessee or borrower, whether driven by him
28 or by some person on behalf of him.

Sec. 4. Height and Length of Vehicles and Loads.—(a)

2 No vehicle including any load thereon shall exceed a
3 height of twelve feet six inches, except that vehicles used
4 as automobile transports including any load thereon shall
5 not exceed a height of thirteen feet six inches, but the
6 owners of such automobile transports shall be responsible
7 to the state road commission for any damage to bridges
8 or other road structures and to municipalities and utility
9 companies for any damage to wires, traffic devices or
10 other structures, and to any person suffering property
11 damage when any such damage is proximately caused by
12 the height of such vehicle or vehicles and load being in
13 excess of twelve feet six inches.

14 (b) No vehicle including any load thereon shall exceed
15 a length of thirty-five feet extreme over-all dimension,
16 inclusive of front and rear bumpers, except that a bus
17 or trackless trolley coach equipped with three axles shall
18 not exceed an over-all length, inclusive of front and rear
19 bumpers, of forty feet.

20 (c) No combination of vehicles coupled together shall
21 consist of more than two units and no such combination
22 of vehicles including any load thereon shall have an over-
23 all length, inclusive of front and rear bumpers, in excess
24 of fifty feet, except as otherwise provided in respect to
25 the use of a pole trailer as authorized in section five of
26 this article.

Sec. 6. *Loads on Vehicles.*—(a) No vehicle or combina-
2 tion of vehicles shall be operated on any highway unless
3 such vehicle or combination of vehicles is so constructed
4 or loaded as to prevent any of its load from dropping,
5 sifting, leaking, or otherwise escaping therefrom, except
6 that sand may be dropped for the purpose of securing
7 traction, or water or other substance may be sprinkled
8 on a roadway in cleaning or maintaining such roadway.

9 (b) It shall be unlawful to operate on any highway
10 any vehicle or combination of vehicles with any load un-
11 less said load and any covering thereon is securely fas-
12 tened so as to prevent said covering or load from becom-
13 ing loose, detached, or in any manner a hazard to other
14 users of the highway.

Sec. 9. *Gross Weight of Vehicles and Loads.*—(a) It
2 shall be unlawful for any owner, lessee or borrower of a
3 vehicle or combination of vehicles to operate on any high-
4 way such vehicle or combination of vehicles with a gross
5 weight in excess of the gross weight for which such
6 vehicle or combination of vehicles is registered or in ex-
7 cess of any weight limitation set forth in this chapter,
8 whether such limitation be specifically stated in this chap-
9 ter or set by express authority granted in this chapter.

10 (b) Subject to the limit upon the weight imposed upon
11 the highway through any one axle as set forth in section
12 eight of this article the total gross weight with load im-
13 posed upon the highway by any one group of two or more
14 consecutive axles of a vehicle or combination of vehicles
15 shall not exceed the gross weight given for the respective

16 distance between the first and last axle of the total group
 17 of axles measured longitudinally to the nearest foot as set
 18 forth in the following table:

19	Distance in	Maximum	Distance in	Maximum
20	feet between	load in	feet between	load in
21	first and	pounds	first and	pounds
22	last axles	on group	last axles	on group
23	of group	of axles	of group	of axles
24	4.....	32,000	31.....	53,490
25	5.....	32,000	32.....	54,330
26	6.....	32,000	33.....	55,160
27	7.....	32,000	34.....	55,980
28	8.....	32,610	35.....	56,800
29	9.....	33,580	36.....	57,610
30	10.....	34,550	37.....	58,420
31	11.....	35,510	38.....	59,220
32	12.....	36,470	39.....	60,010
33	13.....	37,420	40.....	60,800
34	14.....	38,360	41.....	61,580
35	15.....	39,300	42.....	62,360
36	16.....	40,230	43.....	63,130

37	17.....	41,160	44.....	63,890
38	18.....	42,080	45.....	64,650
39	19.....	42,990	46.....	65,400
40	20.....	43,900	47.....	66,150
41	21.....	44,800	48.....	66,890
42	22.....	45,700	49.....	67,620
43	23.....	46,590	50.....	68,350
44	24.....	47,470	51.....	69,070
45	25.....	48,350	52.....	69,790
46	26.....	49,220	53.....	70,500
47	27.....	50,090	54.....	71,200
48	28.....	50,950	55.....	71,900
49	29.....	51,800	56.....	72,590
50	30.....	52,650	57.....	73,280

51 *Provided*, That no vehicle or combination of vehicles
52 shall have a gross weight, including the load, in excess of
53 sixty thousand eight hundred pounds, except as otherwise
54 provided in this article.

Sec. 10. *Officers May Weigh Vehicles and Require Re-*
2 *moval or Rearrangement of Excess Loads.*—(a) Any po-
3 lice officer, or employee of the state road commission

4 designated by the state road commissioner as a member
5 of an official weighing crew, may require the driver of
6 any vehicle or combination of vehicles on any highway to
7 stop and submit such vehicle or combination of vehicles
8 to a weighing with portable or stationary weighing de-
9 vices, or submit such vehicle or combination of vehicles
10 to a measuring or to any other examination necessary to
11 determine if such vehicle or combination of vehicles is in
12 violation of any of the provisions of this article, and may
13 require that such vehicle or combination of vehicles be
14 driven to the nearest weighing device in the event such
15 weighing device is within two miles.

16 (b) Whenever an officer or a member of an official
17 weighing crew, determines that a vehicle or combination
18 of vehicles is in violation of any of the provisions of this
19 article, he may require the driver to stop such vehicle or
20 combination of vehicles in a suitable place to remain
21 standing until such vehicle or combination of vehicles is
22 brought into conformity with the provisions violated. In
23 the case of a weight violation all material unloaded shall
24 be cared for by the owner, lessee or borrower of such

25 vehicle or combination of vehicles at the risk of such
26 owner, lessee or borrower.

27 (c) Any driver of a vehicle or combination of vehicles
28 who fails or refuses to comply with any requirement or
29 provision of this section shall be guilty of a misdemeanor.

Sec. 11. *Permits for Excess Size and Weight.*—(a) The
2 state road commissioner may in his discretion upon appli-
3 cation in writing and good cause being shown therefor
4 issue a special permit in writing authorizing the applicant
5 to operate or move a vehicle or combination of vehicles
6 of a size or weight of vehicles or load exceeding the
7 maximum specified in this chapter or otherwise not in
8 conformity with the provisions of this chapter, except
9 that a permit shall not be issued for continuous operation
10 of a vehicle not in conformity with the provisions of this
11 article relating to weight limitations: *Provided, however,*
12 That specially designed vehicles which can only be used
13 to transport and haul specific liquid or semi-liquid prod-
14 ucts and which were registered in this state prior to the
15 first day of July, one thousand nine hundred fifty-one
16 shall be exempt from the provisions of this chapter re-

17 lating to weight limitations until the first day of July,
18 one thousand nine hundred sixty-one and on and after
19 the latter said date said exemptions shall not apply. In
20 order for the exemption to apply during the period of
21 exemption the owner or operator shall apply for and the
22 state road commissioner shall issue a permit for such ve-
23 hicle allowing such owner or operator to use the same
24 upon the highways of this state during said period.

25 (b) The application of any such permit shall specifi-
26 cally describe the vehicle or vehicles and load to be oper-
27 ated or moved and the particular highway for which per-
28 mit to operate is requested, and whether such permit is
29 requested for a single trip or for continuous operation.

30 (c) The state road commissioner is authorized to issue
31 or withhold such permit at his discretion; or, if such per-
32 mit is issued, to limit the number of trips, or to establish
33 seasonal or other time limitations within which the ve-
34 hicles described may be operated on the highways indi-
35 cated, or otherwise to limit or prescribe conditions of
36 operation of such vehicle or vehicles, when necessary to
37 assure against undue damage to the road foundations.

38 surfaces or structures, and may require such undertaking
39 or other security as may be deemed necessary to compen-
40 sate for any injury to any roadway structure.

41 (d) Every such permit shall be carried in the vehicle
42 or combination of vehicles to which it refers and shall be
43 open to inspection by any police officer or authorized
44 agent of the state road commissioner granting such per-
45 mit, and no person shall violate any of the terms or con-
46 ditions of such special permit.

Sec. 14. *Penalties for Violation of Weight Laws; Im-*
2 *pounding Vehicles.*—(a) Any owner, lessee or borrower
3 who permits a vehicle or combination of vehicles owned
4 by him to be operated with any axle load in excess of that
5 permitted by section eight of this article, plus a tolerance
6 of five per cent, or with a total gross weight in excess of
7 that permitted by section nine of this article, plus a toler-
8 ance of five per cent, shall be guilty of a misdemeanor and
9 upon conviction thereof shall be punished as provided in
10 paragraphs (b) and (c) of this section.

11 (b) Any owner, lessee or borrower of a vehicle who
12 shall be convicted of a first offense for a violation of this

13 section shall be punished by a fine of not less than twenty-
14 five dollars nor more than one hundred dollars and in
15 addition thereto shall pay either a fine of one cent per
16 pound for any weight in excess of two thousand pounds
17 over the legal weight for each axle or a fine of one cent
18 per pound for any weight in excess of two thousand
19 pounds over the permissible gross weight for such vehicle
20 or combination of vehicles, whichever is the greater; and
21 any owner, lessee or borrower of a vehicle who shall be
22 convicted of a second offense for a violation of this section
23 shall be punished by a fine of not less than fifty dollars
24 nor more than one hundred dollars and in addition thereto
25 shall pay either a fine of two cents per pound for any
26 weight in excess of two thousand pounds over the legal
27 weight for each axle or a fine of two cents per pound for
28 any weight in excess of two thousand pounds over the
29 permissible gross weight for such vehicle or combination
30 of vehicles, whichever is the greater; and any owner,
31 lessee or borrower who shall be convicted of a third or
32 subsequent violation of this section shall be punished by
33 a fine of not less than seventy-five dollars nor more than

34 one hundred dollars and in addition thereto shall pay
35 either a fine of three cents per pound for any weight in
36 excess of two thousand pounds over the legal weight for
37 each axle or a fine of three cents per pound for any weight
38 in excess of two thousand pounds over the permissible
39 gross weight for such vehicle or combination of vehicles,
40 whichever is the greater, and in any case where the gross
41 weight exceeds the statutory limit by five thousand
42 pounds or more, the owner, lessee or borrower of such
43 vehicle shall be fined five cents per pound for each pound
44 of excess gross weight over the said statutory limit, which
45 fine shall be in lieu of the additional fine per pound here-
46 tofore in this section provided.

47 (c) In the event any owner, lessee or borrower of a
48 vehicle is charged with violating this section, the vehicle
49 which is charged to be overloaded shall be impounded by
50 the arresting officer and shall not be released to such
51 owner, lessee or borrower unless and until such owner,
52 lessee or borrower either shall have been found guilty
53 and paid any fine assessed against such owner, lessee or
54 borrower, or shall have furnished cash or surety bond in

55 at least double the amount of the fine which may be
56 assessed against such owner, lessee or borrower for such
57 violation of this section and conditioned upon the pay-
58 ment of any such fine and costs assessed for such violation,
59 or shall have been acquitted of such charge. Such owner,
60 lessee or borrower shall be liable for any reasonable stor-
61 age costs incurred in storing such vehicles.

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

E. H. Mc Comb
Chairman Senate Committee

Wichellton
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

John H. Kees
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph J. Bean
President of the Senate

W. C. Fleming
Speaker House of Delegates

The within approved this the 15th
day of March, 1957.

Seibert H. Underwood
Governor



Filed In the Office of the Secretary of State
of West Virginia MAR 15 1957

D. PITT O'BRIEN
SECRETARY OF STATE