

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961

82
ENROLLED

HOUSE BILL No. *82*.....

(By Mr. *Donaker*)

PASSED *March 7th* 1961

In Effect *thirty days from* Passage

Filed in Office of the Secretary of State

of West Virginia *March 16, 1961*

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

House Bill No. 82

(By MR. SLONAKER)

[Passed March 7, 1961; in effect ninety days from passage.]

AN ACT to amend and reenact section ten, article seventeen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to weighing motor vehicles and removal or rearrangement of excess loads.

Be it enacted by the Legislature of West Virginia:

That section ten, 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:

Section 10. *Officers May Weigh, Measure, etc., Vehicles*

2 *and Require Removal or Rearrangement of Excess Loads.*

3 —(a) Any police officer, or employee of the state road

4 commission designated by the state road commissioner

5 as a member of an official weighing crew, may require

6 the driver of any vehicle or combination of vehicles on

7 any highway to stop and submit such vehicle or combina-
8 tion of vehicles to a weighing with portable or station-
9 ary weighing devices, or submit such vehicle or combina-
10 tion of vehicles to a measuring or to any other examina-
11 tion necessary to determine if such vehicle or combina-
12 tion of vehicles is in violation of any of the provisions of
13 this article, and may require that such vehicle or combi-
14 nation of vehicles be driven to the nearest weighing de-
15 vice in the event such weighing device is within two
16 miles.

17 (b) Whenever an officer or a member of an official
18 weighing crew determines that a vehicle or combination
19 of vehicles is in violation of any of the provisions of this
20 article, he may require the driver to stop such vehicle
21 or combination of vehicles in a suitable place to remain
22 standing until such vehicle or combination of vehicles
23 is brought into conformity with the provisions violated.

24 In the case of a weight violation all material unloaded
25 shall be cared for by the owner, lessee or borrower of
26 such vehicle or combination of vehicles at the risk of
27 such owner, lessee or borrower: *Provided, however, That*

28 no criminal charge shall be preferred against any driver,
29 operator, or ^{owner} of a vehicle when a rearrangement of ^{it}
30 the load upon the vehicle, without removal therefrom,
31 reduces the axle loads of said vehicle to such limit as is
32 permitted under this chapter.

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

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

Harold Davis, Jr.
Chairman Senate Committee

Wm. H. H. Withrow
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Hughes
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Benson
President of the Senate

Julius W. Singleton Sr.
Speaker House of Delegates

The within approved this the 16th
day of March, 1961.

Wm. W. Baum
Governor

