

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 55

(By Mr. Barnett)

PASSED March 2, 1967

In Effect Ninety days from Passage

FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 3-11-67

55 #

**ENROLLED**  
**Senate Bill No. 55**  
(By MR. BARNETT)

---

[Passed March 2, 1967; in effect ninety days from passage.]

---

AN ACT to amend and reenact section fourteen, article seventeen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to violation of the motor vehicle weight laws and the imposition of penalties therefor.

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

That section 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.**

**§17c-17-14. Penalties for violation of weight laws; impounding vehicles.**

Any owner, lessee or borrower of a vehicle or combination of vehicles who operates or permits to be operated

3 on any highway such vehicle or combination of vehicles  
4 with any axle load in excess of that permitted by section  
5 eight of this article, plus a tolerance of five per cent, or  
6 with a total gross weight with load imposed upon the  
7 highway by any one group of two or more consecutive  
8 axles in excess of that permitted by sections nine or  
9 eleven-a of this article, plus a tolerance of five per cent,  
10 shall be guilty of a misdemeanor, and upon conviction  
11 thereof shall be punished by a fine scheduled in proportion  
12 to the amount of pounds in excess of the registered weight,  
13 plus a tolerance of five per cent or in excess of allowable  
14 weights for single axle, plus a tolerance of five per cent, or  
15 in excess of allowable weights for groups of two or more  
16 consecutive axles, plus a tolerance of five per cent, in ac-  
17 cordance with the schedule in words and figures as follows:

18	<b>Pounds in excess of registered weight, plus a tolerance</b>		
19	<b>of five per cent, or in excess of allowable weights for</b>		
20	<b>single axle, plus a tolerance of five per cent, or in excess</b>	<b>Amount</b>	
21	<b>of allowable weights for group of two or more consecu-</b>	<b>of</b>	
22	<b>tive axles, plus a tolerance of five per cent.</b>	<b>Fine</b>	
23	1 to 4,000 .....	\$	20.00
24	4,001 to 5,000 .....	\$	25.00

25	5,001 to 6,000	\$ 60.00
26	6,001 to 7,000	\$ 70.00
27	7,001 to 8,000	\$ 80.00
28	8,001 to 9,000	\$ 90.00
29	9,001 to 10,000	\$ 100.00
30	10,001 to 11,000	\$ 165.00
31	11,001 to 12,000	\$ 180.00
32	12,001 to 13,000	\$ 195.00
33	13,001 to 14,000	\$ 210.00
34	14,001 to 15,000	\$ 225.00
35	15,001 to 16,000	\$ 320.00
36	16,001 to 17,000	\$ 340.00
37	17,001 to 18,000	\$ 360.00
38	18,001 to 19,000	\$ 380.00
39	19,001 to 20,000	\$ 400.00
40	20,001 to 21,000	\$ 525.00
41	21,001 to 22,000	\$ 550.00
42	22,001 to 23,000	\$ 575.00
43	23,001 to 24,000	\$ 600.00
44	24,001 to 25,000	\$ 625.00
45	25,001 to 26,000	\$ 780.00

46	26,001 to 27,000 .....	\$ 810.00
47	27,001 to 28,000 .....	\$ 840.00
48	28,001 to 29,000 .....	\$ 870.00
49	29,001 to 30,000 .....	\$ 900.00
50	30,001 to 40,000 .....	\$ 1,200.00
51	40,001 to 50,000 .....	\$ 1,400.00
52	50,001 and over .....	\$ 1,600.00

53 In the event any owner, lessee or borrower of a vehicle  
54 is charged with violating this section, the vehicle which is  
55 charged to be overloaded shall be impounded by the  
56 arresting officer and shall not be released to such owner,  
57 lessee or borrower unless and until such owner, lessee or  
58 borrower either shall have been found guilty and paid  
59 any fine assessed against such owner, lessee or borrower,  
60 or shall have furnished cash or surety bond in at least  
61 double the amount of the fine which may be assessed  
62 against such owner, lessee or borrower for such violation  
63 of this section and conditioned upon the payment of any  
64 such fine and costs assessed for such violation, or shall  
65 have been acquitted of such charge. Such owner, lessee or  
66 borrower shall be liable for any reasonable storage costs

67 incurred in storing such vehicles: *Provided, however,* That  
68 if the owner of such vehicle is a resident of or has a  
69 principal place of business located in this state, and said  
70 vehicle has been duly licensed in the state, then said  
71 vehicle shall not be impounded but the arresting officer  
72 shall deliver to the driver a written notice stating such  
73 violation; the place, date and time; the license number of  
74 said vehicle; the title number and name and address of  
75 the owner; the driver's name, address, and the number  
76 of his operator's or chauffeur's card or permit; and the  
77 court, place, date and time for hearing, which shall be  
78 within five days of such violation (Saturdays, Sundays,  
79 and holidays, excluded). A copy of such notice shall  
80 within forty-eight hours be mailed to the owner of said  
81 vehicle. Upon the failure by such owner or his or its  
82 agent to appear at the designated place and time, or upon  
83 failure to pay the fine and costs assessed for such viola-  
84 tion, unless such owner shall have been acquitted of such  
85 charge, the court shall order a bond or the impounding of  
86 said vehicle as provided in this section.

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

*William Tompos*  
Chairman Senate Committee

*Clayton C. Davidson*  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

*Howard Meyer*  
Clerk of the Senate

*C. G. Blankenship*  
Clerk of the House of Delegates

*Howard Tolson*  
President of the Senate

*H. Hubert White*  
Speaker House of Delegates

The within *approved* this the *11*

day of *March*, 1967.

*Frederic C. Smith*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3-7-67

Time 2:55 P.M.