

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 774

(By Mr. Kucail)



PASSED April 10, 1973

In Effect Thirty days from Passage



C 641

774

FILED IN THE OFFICE  
EDGAR F. WEISKELL III  
SECRETARY OF STATE  
THIS DATE 4-18-73

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

# **House Bill No. 774**

(By MR. KINCAID)

[Originating in the House Committee on the Judiciary]

[Passed April 10, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section thirty-six, article one, Chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article fourteen of said chapter by adding thereto a new section, designated section thirteen, all relating to traffic regulations; words and phrases defined; providing that it is unlawful for owners of vehicles to park on a private road, driveway or private property, and that the property owner may move, or have moved, such vehicles without cost to him and without any liability for moving such vehicles; and notification of police.

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

That section thirty-six, article one, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that article fourteen of said chapter be amended by adding thereto a new section, designated section thirteen, all to read as follows:

**ARTICLE 1. WORDS AND PHRASES DEFINED**

**§17C-1-36. Private road or driveway; private property.**

1 (a) "Private road" or "driveway" means every way or place  
2 in private ownership and used for vehicular travel by the  
3 owner and those having express or implied permission from  
4 the owner, but not by other persons.

5 (b) "Private property" means real estate in private owner-  
6 ship without regard to the manner in which it is used.

**ARTICLE 14. MISCELLANEOUS RULES.**

**§17C-14-13. Vehicles parked on private property.**

1 It shall be unlawful for any driver of a vehicle to stop,  
2 park or leave standing unattended any vehicle on a private  
3 road or driveway or on private property without having  
4 express or implied permission from the owner, tenant or  
5 lessee of such land. The owner, tenant or lessee of such  
6 private road or driveway or private property may move, or  
7 have moved, any vehicle stopped, parked or left standing unat-  
8 tended on his private road, driveway, or private property as  
9 above prohibited without any liability for the cost of moving  
10 any vehicle, nor shall he be liable to the owner of the vehicle  
11 for any damage done to such vehicle in moving it, unless  
12 the owner, tenant or lessee of such private road or driveway  
13 or private property was negligent in removing or authorizing  
14 the removal of the vehicle. The owner of such vehicle shall  
15 be responsible to the persons removing such vehicle for pay-  
16 ing all removal costs. Any person who removes any vehicle  
17 under the provisions of this section shall notify the depart-  
18 ment of public safety of such action, and, if such vehicle is  
19 removed within a municipality, shall, in addition notify the  
20 police department of such municipality.

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

H. Darrel Dady  
Chairman Senate Committee

Clarence C. Chestnut  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard Robinson  
Clerk of the Senate

W. Blankenship  
Clerk of the House of Delegates

H. B. ...  
President of the Senate

Lewis F. McManus  
Speaker House of Delegates

The within Approved this the 16th  
day of April, 1973.

Arch A. Shaver Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 4/16/73

Time 9:11 a.m.