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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975



ENROLLED

SENATE BILL NO. 289

(By Mr. *Bob Houston, Mr. President and Mr. Rayson.*)



PASSED *March 8,* 1975

In Effect *ninety days from* Passage



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ENROLLED

Senate Bill No. 289

(By MR. BROTHERTON, MR. PRESIDENT, and MR. ROGERSON)

[Passed March 8, 1975; in effect ninety days from passage.]

AN ACT to amend and reenact sections eight, nine, eleven-a and fourteen, article seventeen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section eight-a, all relating to weight and axle load limit of vehicles; the amount of allowable gross weight of vehicles, combination of vehicles and loads, authority of commissioner to increase weight limitations upon designated highways; and violation of the motor vehicle weight laws and the imposition of penalties therefor.

Be it enacted by the Legislature of West Virginia:

That sections eight, nine, eleven-a 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; and that said article be further amended by adding thereto a new section, designated section eight-a, all to read as follows:

ARTICLE 17. SIZE, WEIGHT AND LOAD.

§17C-17-8. Single-axle load limit.

- 1 (a) The gross weight imposed on the highway by the
- 2 wheels of any one axle of a vehicle shall not exceed
- 3 twenty thousand pounds.

4 (b) For the purpose of this article an axle load shall
5 be defined as the total load transmitted to the road by all
6 wheels whose centers are included between two parallel
7 transverse vertical planes forty inches apart, extending
8 across the full width of the vehicle.

§17C-17-8a. Tandem-axle load limit.

1 (a) The gross weight imposed on the highway by the
2 wheels of a tandem-axle of a vehicle shall not exceed
3 thirty-four thousand pounds.

4 (b) For the purpose of this article a tandem-axle load
5 shall be defined as the total load transmitted to the road
6 by two or more consecutive axles whose centers may be
7 included between parallel transverse vertical planes
8 spaced more than forty inches and not more than ninety-
9 six inches apart, extending the full width of the vehicle.

§17C-17-9. Gross weight of vehicles and loads.

1 (a) It shall be unlawful for any owner, lessee or
2 borrower of a vehicle or combination of vehicles to oper-
3 ate on any highway such vehicle or combination of
4 vehicles with a gross weight in excess of the gross weight
5 for which such vehicle or combination of vehicles is
6 registered or in excess of any weight limitation set forth
7 in this chapter, whether such limitation be specifically
8 stated in this chapter or set by express authority granted
9 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, or the limit imposed upon the high-
13 way through any tandem-axle as set forth in section
14 eight-a of this article, the total gross weight with load
15 imposed upon the highway by any one group of two or
16 more consecutive axles of a vehicle or combination of
17 vehicles shall not exceed the gross weight given for the
18 respective distance between the first and last axle of
19 the total group of axles measured longitudinally to the
20 nearest foot as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles		Maximum load in pounds carried on any group of two or more consecutive axles				
		2 axles	3 axles	4 axles	5 axles	6 axles
21	4	34000				
22	5	34000				
23	6	34000				
24	7	34000				
25	8	34000	34000			
26	9	39000	42500			
27	10	40000	43500			
28	11		44000			
29	12		45000	50000		
30	13		45500	50500		
31	14		46500	51500		
32	15		47000	52000		
33	16		48000	52500	58000	
34	17		48500	53500	58500	
35	18		49500	54000	59000	
36	19		50000	54500	60000	
37	20		51000	55500	60500	66000
38	21		51500	56000	61000	66500
39	22		52500	56500	61500	67000
40	23		53000	57500	62500	68000
41	24		54000	58000	63000	68500
42	25		54500	58500	63500	69000
43	26		55500	59500	64000	69500
44	27		56000	60000	65000	70000
45	28		57000	60500	65500	71000
46	29		57500	61500	66000	71500
47	30		58500	62000	66500	72000
48	31		59000	62500	67500	72500
49	32		60000	63500	68000	73000
50	33			64000	68500	74000
51	34			64500	69000	74500
52	35			65500	70000	75000
53	36			66000	70500	75500
54	37			66500	71000	76000
55	38			67500	72000	77000
56	39			68000	72500	77500
57	40			68500	73000	78000

58	41	69500	73500	78500
59	42	70000	74000	79000
60	43	70500	75000	80000
61	44	71500	75500	80500
62	45	72000	76000	81000
63	46	72500	76500	81500
64	47	73500	77500	82000
65	48	74000	78000	83000
66	49	74500	78500	83500
67	50	75500	79000	84000
68	51	76000	80000	84500
69	52	76500	80500	85000
70	53	77500	81000	86000
71	54	78000	81500	86500
72	55	78500	82500	87000
73	56	79500	83000	87500
74	57	80000	83500	88000
75	58		84000	89000
76	59		85000	89500
77	60		85500	90000

78 *Provided*, That no vehicle or combination of vehicles
79 shall have a gross weight, including the load, in excess
80 of sixty-five thousand pounds, except as otherwise pro-
81 vided in this article. Notwithstanding the limits pre-
82 scribed in subsection (b) of this section, two consecutive
83 sets of tandem-axles may carry a gross load of thirty-
84 four thousand pounds each providing the overall distance
85 between the first and last axles of such consecutive sets
86 of tandem-axles is thirty-six feet or more: *Provided*,
87 *however*, That the limits prescribed in subsection (b) of
88 this section shall not prohibit the operation of any vehicle
89 or combination of vehicles of a type which could be law-
90 fully operated in accordance with gross vehicle weights in
91 effect on the first day of January, one thousand nine hun-
92 dred seventy-five: *Provided further*, That no maximum
93 weight in excess of or in conflict with any weight limita-
94 tions prescribed by or pursuant to any act of Congress
95 shall be permitted on the national system of interstate
96 and defense highways.

§17C-17-11a. Authority of commissioner of the department of highways to increase weight limitations upon highways designated by him.

1 If, in the opinion of the commissioner of the department
2 of highways, the design, construction and safety of any
3 highway, or portion thereof, are such that the gross weight
4 limitations prescribed in section nine of this article can
5 be increased without undue damage to any such highway,
6 the commissioner may, by order, increase the gross weight
7 limitations of vehicles which may be operated upon any
8 such highway, or portion thereof, designated by him in
9 such order and may establish therein the gross weight
10 limitations which shall thereafter be applicable to the
11 highway or portion thereof so designated by him: *Pro-*
12 *vided*, That the maximum gross weight, including the
13 load established by the commissioner for any such
14 designated highway or portion thereof, shall not exceed
15 eighty thousand pounds, except as otherwise provided
16 in this article: *Provided, however*, That no such order
17 of the commissioner shall establish any weight limitation
18 in excess of or in conflict with any weight limitation
19 prescribed by or pursuant to acts of Congress with respect
20 to the national system of interstate and defense highways.

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

1 Any owner, lessee or borrower of a vehicle or combi-
2 nation 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 sections
5 eight and eight-a of this article, or with a total gross
6 weight with load imposed upon the highway by any one
7 group of two or more consecutive axles in excess of that
8 permitted by section nine or eleven-a of this article, shall
9 be guilty of a misdemeanor, and, upon conviction thereof,
10 shall be punished by a fine scheduled in proportion to
11 the amount of pounds in excess of the registered weight,
12 or in excess of allowable weights for single axle, or in
13 excess of allowable weights for groups of two or more
14 consecutive axles, in accordance with the schedule in
15 words and figures as follows:

16 Pounds in excess of registered weight, or in excess of
 17 allowable weights for single axle, or in excess of allowable
 18 weights for groups of two or more consecutive axles.

19		Amount
20		of
21		Fine
22	1 to 4,000	\$ 20.00
23	4,001 to 5,000	\$ 25.00
24	5,001 to 6,000	\$ 60.00
25	6,001 to 7,000	\$ 70.00
26	7,001 to 8,000	\$ 80.00
27	8,001 to 9,000	\$ 90.00
28	9,001 to 10,000	\$ 100.00
29	10,001 to 11,000	\$ 165.00
30	11,001 to 12,000	\$ 180.00
31	12,001 to 13,000	\$ 195.00
32	13,001 to 14,000	\$ 210.00
33	14,001 to 15,000	\$ 225.00
34	15,001 to 16,000	\$ 320.00
35	16,001 to 17,000	\$ 340.00
36	17,001 to 18,000	\$ 360.00
37	18,001 to 19,000	\$ 380.00
38	19,001 to 20,000	\$ 400.00
39	20,001 to 21,000	\$ 525.00
40	21,001 to 22,000	\$ 550.00
41	22,001 to 23,000	\$ 575.00
42	23,001 to 24,000	\$ 600.00
43	24,001 to 25,000	\$ 625.00
44	25,001 to 26,000	\$ 780.00
45	26,001 to 27,000	\$ 810.00
46	27,001 to 28,000	\$ 840.00
47	28,001 to 29,000	\$ 870.00
48	29,001 to 30,000	\$ 900.00
49	30,001 to 40,000	\$1,200.00
50	40,001 to 50,000	\$1,400.00
51	50,001 and over	\$1,600.00

52 In the event any owner, lessee or borrower of a
 53 vehicle is charged with violating this section, the ve-
 54 hicle which is charged to be overloaded shall be im-
 55 pounded by the arresting officer and shall not be re-

56 leased to such owner, lessee or borrower unless and until
57 such owner, lessee or borrower either shall have been
58 found guilty and paid any fine assessed against such
59 owner, lessee or borrower, or shall have furnished cash
60 or surety bond in at least double the amount of the fine
61 which may be assessed against such owner, lessee or
62 borrower for such violation of this section and con-
63 ditioned upon the payment of any such fine and costs
64 assessed for such violation, or shall have been acquitted
65 of such charge. Such owner, lessee or borrower shall be
66 liable for any reasonable storage costs incurred in storing
67 such vehicles: *Provided*, That if the owner of such vehicle
68 is a resident of or has a principal place of business
69 located in this state, and said vehicle has been duly
70 licensed in the state, then said vehicle shall not be im-
71 pounded but the arresting officer shall deliver to the
72 driver a written notice stating such violation; the place,
73 date and time; the license number of said vehicle; the
74 title number and name and address of the owner; the
75 driver's name, address, and the number of his operator's
76 or chauffeur's card or permit; and the court, place, date
77 and time for hearing, which shall be within five days of
78 such violation (Saturdays, Sundays, and holidays, ex-
79 cluded). A copy of such notice shall within forty-eight
80 hours be mailed to the owner of said vehicle. Upon the
81 failure by such owner or his or its agent to appear at the
82 designated place and time, or upon failure to pay the
83 fine and costs assessed for such violation, unless such
84 owner shall have been acquitted of such charge, the
85 court shall order a bond or the impounding of said ve-
86 hicle as provided in this section.

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

James L. Davis
Chairman Senate Committee

Clarence C. Christian Jr
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

J. S. Wilcox, Jr
Clerk of the Senate

V. A. Blankenship
Clerk of the House of Delegates

W. T. Bratton, Jr
President of the Senate

Lewis F. McManus
Speaker House of Delegates

The within approved this the 26th
March
day of _____, 1975.

Paul A. Shaughnessy
Governor



PRESENTED TO THE
GOVERNOR

Date 3/21/75

Time 2:50 p.m.