WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
Committee Substitute for
SENATE BILL NO. 185

(By Mr. Brown, original sponsor)

PASSED March 11, 1976

In Effect 

FILED IN THE OFFICE
JAMES R. McCARTNEY
SECRETARY OF STATE
THIS DATE 3/25/76
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 185
(MR. BENSON, original sponsor)

[Passed March 11, 1976; in effect 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 prohibiting stopping of vehicle or combination of vehicles for weighing if no weighing device is then present unless the vehicle or combination of vehicles is escorted to a weighing device without delay; prohibiting detaining such vehicle or combination for more than one hour unless impounded.

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:

ARTICLE 17. SIZE, WEIGHT AND LOAD.

§17C-17-10. Officers may weigh, measure, etc., vehicles and require removal or rearrangement of excess loads.

(a) Any police officer or employee of the department of highways designated by the commissioner of highways as a member of an official weighing crew may require the driver of any vehicle or combination of vehicles on any highway to stop and submit such vehicle or combination of vehicles to a weighing with portable or stationary weighing devices or submit such vehicle or combination
of vehicles to a measuring or to any other examination
necessary to determine if such vehicle or combination of
vehicles is in violation of any of the provisions of this
article, and may require that such vehicle or combination
of vehicles be driven to the nearest weighing device, but
only if such weighing device is within two miles of the
place where the vehicle or combination of vehicles is
stopped.

No police officer or member of an official weighing crew
may stop a vehicle or combination of vehicles for weigh-
ing unless a portable or stationary weighing device is
actually present at the location where, and at the time,
the vehicle or combination of vehicles is stopped or unless
the vehicle or combination of vehicles is escorted immedi-
ately after being stopped to a portable or stationary
weighing device. In no case may a vehicle or combination
of vehicles be detained more than one hour from the time
the same is stopped for weighing unless the vehicle or
combination of vehicles is impounded for a violation in
accordance with the provisions of section fourteen of this
article.

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

In the case of a weight violation all material unloaded
shall be cared for by the owner, lessee or borrower of
such vehicle or combination of vehicles at the risk of such
owner, lessee or borrower: Provided, That no criminal
charge shall be preferred against any driver, operator, or
owner of a vehicle when a rearrangement of the load
upon the vehicle, without removal therefrom, reduces the
axle loads of said vehicle to such limit as is permitted
under this chapter.

(c) Any driver of a vehicle or combination of vehicles
who fails or refuses to comply with any requirement or
 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.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 24th day of March, 1976

Governor