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OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1976**

—•—

**ENROLLED**

*Committee Substitute for*  
**SENATE BILL NO. 185**

(By Mr. *Binn*, original sponsor)

—•—

PASSED *March 11,* 1976

In Effect *from* Passage

FILED IN THE OFFICE  
JAMES R. McCARTNEY  
SECRETARY OF STATE

THIS DATE 3/25/76

*185*

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 185**  
(MR. BENSON, *original sponsor*)

————— *AS*  
[Passed March 11, 1976; in effect ~~March 11, 1976~~ 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.**

- 1 (a) Any police officer or employee of the department
- 2 of highways designated by the commissioner of highways
- 3 as a member of an official weighing crew may require
- 4 the driver of any vehicle or combination of vehicles on
- 5 any highway to stop and submit such vehicle or combina-
- 6 tion of vehicles to a weighing with portable or stationary
- 7 weighing devices or submit such vehicle or combination

8 of vehicles to a measuring or to any other examination  
9 necessary to determine if such vehicle or combination of  
10 vehicles is in violation of any of the provisions of this  
11 article, and may require that such vehicle or combination  
12 of vehicles be driven to the nearest weighing device, but  
13 only if such weighing device is within two miles of the  
14 place where the vehicle or combination of vehicles is  
15 stopped.

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

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

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

45 (c) Any driver of a vehicle or combination of vehicles  
46 who fails or refuses to comply with any requirement or  
47 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.

*James L. Davis*  
Chairman Senate Committee

*Howard C. Christensen*  
Chairman House Committee

Originated in the Senate.

In effect <sup>07/00</sup> ~~immediately~~ ~~days~~ from passage.

*J. Seaton Jr*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*W. T. Bratcher Jr*  
President of the Senate

*Lewis T. Thomas*  
Speaker House of Delegates

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

*Arch A. Parson Jr.*  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/18/76

Time 2:25 p.m.