WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

ENROLLED
Committee Substitute for
SENATE BILL NO. 627

(By Senator Tomblin, et al.)

PASSED March 8, 1986
In Effect 90 days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 627
(SENATORS TOMBLIN, ROGERS AND FANNING, original sponsors)

[Passed March 8, 1986; in effect ninety days 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 the weighing of motor vehicles; allowing vehicles or combinations of vehicles carrying certain products to move over the highways to the nearest scale without incurring penalties where vehicle does not exceed weight limitations by more than thirty percent; allowing vehicles which are overweight by less than thirty percent to obtain a permit to travel to destination or nearest facility to re-arrange load; and providing criminal penalties.

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 of highways designated by the commissioner of highways
as a member of an official weighing crew, except as pro-
vided for by subsection (c), 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 de-
vices 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 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 imme-
diately 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, such officer or weighing crew, except as otherwise
provided for in this section, may require the driver to
stop such vehicle or combination of vehicles in a suitable
place and to remain standing until such vehicle or com-
bination 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: Provided, however, That the driver of
a vehicle or combination of vehicles transporting coal,
sand, gravel or like material or logs or bulk, unprocessed,
agricultural products may move over the highways, ex-
cluding interstate highway systems, and those specifically
excluded by the commissioner of the department of high-
ways, to the first open state scale, permanent or portable,
without incurring any of the excess weight penalties con-
tained in this article: Provided further, That the vehicle
does not exceed allowable axle weight limitations by
more than thirty percent and displays the proper authori-
zation certificate issued by the department of motor
vehicles.

In the event the vehicle or combination of vehicles is
found to be overweight when weighed by the state scales,
but does not exceed allowable axle weight limitations by
more than thirty percent, and displays the proper authori-
zation certificate, the employee of the department of
highways designated by the commissioner of highways
as being in charge of the weight crew shall issue a tem-
porary permit for a fee of twenty-five dollars allowing
said vehicle or combination of vehicles to move over the
highways to the first facility where its load may be safely
and lawfully adjusted or to its destination, as specified by
the permit.

Such temporary permit may be issued only if the ve-
hicle or combination of vehicles displays an authorization
certificate previously issued by the commissioner of the
department of motor vehicles. Said certificate is issued:
(1) Upon payment of a fee to be determined by the com-
missioner to be appropriate for use of the highways by
such vehicles, which is no case shall be less than two
hundred dollars; and (2) the vehicle or combination of
vehicles is found to be properly licensed in accordance
with the maximum weight classification as provided for
in section nine of this article.

In the event the vehicle or combination of vehicles is
found to be overweight when weighed by the state scales
and such vehicle or combination of vehicles does not
display the proper certificate of authorization or exceeds
allowable axle weight limitations by more than thirty
percent, weight penalties set forth in section fourteen of
this article shall apply.

(c) Any driver of a vehicle or combination of vehicles
who refuses to have the vehicle weighed is guilty of a
misdemeanor, and, upon conviction thereof, for a first
offense shall be fined one hundred dollars and for each
subsequent conviction occurring within the same calendar
year shall be fined two hundred dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Jesse C. Hail
Clerk of the Senate

Donald L. Vogt
Clerk of the House of Delegates

Joseph P. Allwright
Speaker House of Delegates

The within __________ the 26th

Disappeared

day of __________, 1986.

Ruva Mangwana
Governor