WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1998

ENROLLED

House Bill No. 4631
(By Delegate Pettit)

Passed March 13, 1998
In Effect Ninety Days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 4631
(BY DELEGATE PETTIT)

[Passed March 13, 1998; in effect ninety days from passage.]

AN ACT to amend and reenact section one, chapter one hundred seventy-six, acts of the Legislature, regular session, one thousand nine hundred ninety-one, relating to directing the commissioner of highways to issue a permit to certain users of two highways in the city of Weirton and allowing the increasing of gross weight limitations on certain roads in the city of Weirton, West Virginia.

Be it enacted by the Legislature of West Virginia:

That section one, chapter one hundred seventy-six, acts of the Legislature, regular session, one thousand nine hundred ninety-one, be amended and reenacted to read as follows:

SIZE, WEIGHT AND LOAD LIMITATIONS ON CERTAIN ROADS IN WEIRTON, WEST VIRGINIA.

§1. Authority of the commissioner of the division of highways
to increase weight limitations upon highways within the city of Weirton, West Virginia.

1 If the commissioner of the division of highways determines that the design, construction and safety of the
highways within the city of Weirton, West Virginia, are such that tonnage limits may be increased without undue damage, the commissioner may increase them. The commissioner shall then set new weight limitations applicable to said highways or portions thereof.

The commissioner may not establish any weight limitation in excess of or in conflict with any weight limitation prescribed by or pursuant to acts of Congress with respect to the national system of interstate and defense highways.

If the commissioner determines that the portion of State Route 2 located in the city of Weirton in the counties of Hancock and Brooke, named "Main Street" and that portion of U.S. Route 22 within the city of Weirton in the county of Brooke named "Freedom Way" are designed and constructed to allow the gross weight limitation to be increased up to one hundred twenty thousand pounds without undue damage, the commissioner may increase the weight limitations from eighty thousand pounds up to one hundred twenty thousand pounds on those sections of State Route 2 and U.S. Route 22 described above: Provided, That any person, organization or corporation exceeding eighty thousand pounds gross weight limitation while using said routes shall first obtain a permit from the commissioner before proceeding and shall provide the commissioner with a bond sufficient to cover any potential undue damage which may result from the use: Provided, however, That if it is the determination of the commissioner that said routes, as specifically described herein, are in need of repaving, those persons, organizations or corporations shall pay the cost of repaving in amounts as assessed, from time to time, by the commissioner: Provided further, That the commissioner also determines that the increased limitation is not barred by an act of the United States Congress and the commissioner has received approval from the United States department of transportation to increase the weight limitation.

The director of the enforcement division of the division of highways shall identify the trucks exceeding
eighty thousand pounds gross weight using the said routes
and the companies they represent and report this
information to the commissioner of the division of
highways.

The commissioner of the division of highways shall,
every six months, review the damages to the said routes
and report the damages to: (1) The local legislative
delegation, consisting of two delegates from Brooke
County and two delegates from Hancock County and the
two senators representing the first senatorial district; and
(2) the companies identified by the director of the
enforcement division.

The commissioner shall assess the damages to the
companies, identified by the director of the enforcement
division, using the said routes. Notification, by the
commissioner, of the amount of the assessment to the
companies shall be by certified mail. A copy of the notice
of the assessment of damages shall also be forwarded to
the local legislative delegation.

The companies must pay the assessed damages to the
division of highways within thirty days of receipt of the
notice or penalties. If such payments are not made within
thirty days, a penalty in the amount of ten percent per
annum of the outstanding assessment shall be imposed
quarterly. The division of highways shall, to the best of its
ability, commence the repair of the damaged routes within
six months of the assessment.

The commissioner of the division of highways shall
report to the Legislature before the fifteenth day of
January, two thousand one. The report shall contain: (1)
How the increased weight of trucks has affected the said
routes; (2) damages caused; (3) how much was assessed in
damages; and (4) how much was paid. After review by the
Legislature, the Legislature shall continue, amend, or
terminate this practice.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within _______ day of ______, 1998.

Governor