

HB 2743

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SENATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1999



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 2743**

(By Delegates Michael and Warner)



Passed March 13, 1999

In Effect Ninety Days from Passage

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SENATE OF WEST VIRGINIA

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## H. B. 2743

(BY DELEGATES MICHAEL AND WARNER)

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[Passed March 13, 1999; in effect ninety days from passage.]

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AN ACT to amend and reenact section eleven, article seventeen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing for special overweight permits for vehicles hauling containerized freight bound to or from a seaport or inland waterway port.

*Be it enacted by the Legislature of West Virginia:*

That section eleven, 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-17-11. Permits for excess size and weight.**

- 1 (a) The commissioner of highways may, in his or her
- 2 discretion, upon application in writing and good cause being
- 3 shown therefor issue a special permit in writing authorizing: (1)
- 4 The applicant, in crossing any highway of this state, to operate
- 5 or move a vehicle or combination of vehicles of a size or weight

6 or load exceeding the maximum specified in this chapter or  
7 otherwise not in conformity with the provisions of this chapter,  
8 whether the operation be continuous or not, provided the  
9 applicant shall agree to compensate the commissioner of  
10 highways for all damages or expenses incurred in connection  
11 with the crossing; (2) the applicant to operate or move a vehicle  
12 or combination of vehicles of a size or weight of vehicles or  
13 load exceeding the maximum specified in this chapter or  
14 otherwise not in conformity with the provisions of this chapter,  
15 except that a permit shall not be issued for continuous operation  
16 of a vehicle not in conformity with the provisions of this article  
17 relating to weight limitations; and (3) the applicant to move or  
18 operate, for limited or continuous operation, a vehicle hauling  
19 containerized cargo in a sealed, seagoing container to or from  
20 a seaport or inland waterway port that has or will be transported  
21 by marine shipment where the vehicle is not, as a result of  
22 hauling the container, in conformity with the provisions of this  
23 article relating to weight limitations, upon the conditions that:  
24 (A) The container be hauled only on the roadways and high-  
25 ways designated by the commissioner of highways; (B) the  
26 contents of the container are not changed from the time it is  
27 loaded by the consignor or the consignor's agent to the time it  
28 is delivered to the consignee or the consignee's agent; and (C)  
29 such additional conditions as the commissioner may impose to  
30 otherwise ensure compliance with the provisions of this  
31 chapter.

32 (b) The application for any permit shall specifically  
33 describe the vehicle or vehicles and load to be operated or  
34 moved along or across the highway and the particular highway  
35 or crossing of the highway for which permit to operate is  
36 requested, and whether the permit is requested for a single trip  
37 or for a continuous operation.

38 (c) The commissioner of highways is authorized to issue or  
39 withhold a permit at his or her discretion; or, if the permit is  
40 issued, to limit the number of trips, or to establish seasonal or  
41 other time limitations within which the vehicles described may  
42 be operated on or across the highways indicated, or otherwise  
43 to limit or prescribe conditions of operation of the vehicle or

44 vehicles, when necessary to assure against undue damage to the  
45 road foundations, surface, or structures, and may require the  
46 undertaking, bond or other security as may be considered  
47 necessary to compensate for any injury to any roadway struc-  
48 ture and to specify the type, number and the location for escort  
49 vehicles for any vehicle.

50 The commissioner may charge a fee not to exceed five  
51 dollars for the issuance of a permit for a mobile home and a  
52 reasonable fee for the issuance of a permit for any other vehicle  
53 under the provisions of this section to pay the administrative  
54 costs thereof.

55 (d) Every permit shall be carried in the vehicle or combina-  
56 tion of vehicles to which it refers and shall be open to inspec-  
57 tion by any police officer or authorized agent of the commis-  
58 sioner of highways granting the permit, and no person shall  
59 violate any of the terms or conditions of the special permit.

Enr. Com. Sub. for H. B. 2743] 4

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

  
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Chairman Senate Committee

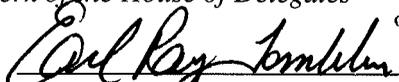
  
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Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

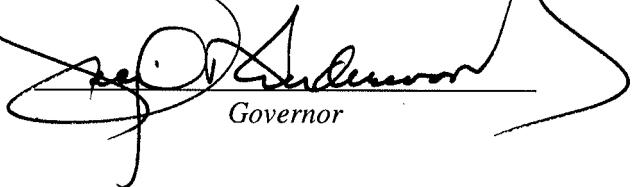
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within approved this the 2nd  
day of April, 1999.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/1/99

Time 2:45pm