

FILED ✓

2001 MAY -2 P 11: 25

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2592

(By Delegate Warner)

Passed April 14, 2001

In Effect Ninety Days from Passage

FILED

2001 MAY -2 P 11: 25

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2592

(BY DELEGATE WARNER)

[Passed April 14, 2001; in effect ninety days from passage.]

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 the issuance of continuous or multiple trip permits for the transport of oversize and overweight loads on state highways.

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.

FILED

25 :1Enr. Com. Sub. for H. B. 2592] 2

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 nondivisible load exceeding the maximum specified in this
14 chapter or otherwise not in conformity with the provisions of
15 this chapter; and (3) the applicant to move or operate, for
16 limited or continuous operation, a vehicle hauling containerized
17 cargo in a sealed, seagoing container to or from a seaport or
18 inland waterway port that has or will be transported by marine
19 shipment where the vehicle is not, as a result of hauling the
20 container, in conformity with the provisions of this article
21 relating to weight limitations, upon the conditions that: (A) The
22 container be hauled only on the roadways and highways
23 designated by the commissioner of highways; (B) the contents
24 of the container are not changed from the time it is loaded by
25 the consignor or the consignor's agent to the time it is delivered
26 to the consignee or the consignee's agent; and (C) any addi-
27 tional conditions as the commissioner may impose to otherwise
28 ensure compliance with the provisions of this chapter.

29 (b)(1) The commissioner may issue a special permit to
30 operate or move a vehicle or combination of vehicles of a size
31 or weight of vehicles or nondivisible load exceeding the
32 maximum specified in this chapter or otherwise not in confor-
33 mity with the provisions of this chapter over routes designated
34 by the commissioner upon such terms and restrictions as the
35 commissioner may prescribe.

36 (2) For purposes of this section, nondivisible load means
37 any load exceeding applicable length or weight limits which, if
38 separated into smaller loads or vehicles, would: (A) Compro-
39 mise the intended use of the vehicle, to the extent that the
40 separation would make it unable to perform the function for
41 which it was intended; (B) destroy the value of the load or
42 vehicle, to the extent that the separation would make it unusable
43 for its intended purpose; or (C) require more than eight
44 workhours to dismantle using appropriate equipment: *Provided*,
45 That the applicant for a nondivisible load permit has the burden
46 of proof as to the number of workhours required to dismantle
47 the load.

48 (c) The application for any permit other than a special
49 annual permit shall specifically describe the vehicle or vehicles
50 and load to be operated or moved along or across the highway
51 and the particular highway or crossing of the highway for which
52 permit to operate is requested, and whether the permit is
53 requested for a single trip or for a continuous operation.

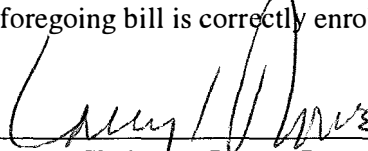
54 (d) The commissioner of highways is authorized to issue or
55 withhold a perrait at his or her discretion; or, if the permit is
56 issued, to limit the number of trips, or to establish seasonal or
57 other time limitations within which the vehicles described may
58 be operated on or across the highways indicated, or otherwise
59 to limit or prescribe conditions of operation of the vehicle or
60 vehicles, when necessary to assure against undue damage to the
61 road foundations, surface, or structures, and may require the
62 undertaking, bond or other security as may be considered
63 necessary to compensate for any injury to any roadway struc-
64 ture and to specify the type, number and the location for escort
65 vehicles for any vehicle.

66 The commissioner may charge a fee not to exceed five
67 dollars for the issuance of a permit for a mobile home and a
68 reasonable fee for the issuance of a permit for any other vehicle

69 under the provisions of this section to pay the administrative
70 costs thereof.

71 (e) Every permit shall be carried in the vehicle or combina-
72 tion of vehicles to which it refers and shall be open to inspec-
73 tion by any police officer or authorized agent of the commis-
74 sioner of highways granting the permit, and no person shall
75 violate any of the terms or conditions of the special permit.

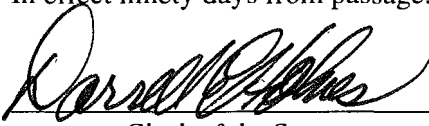
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

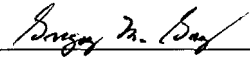

Chairman Senate Committee



Chairman House Committee

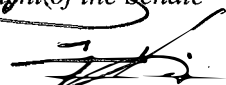
Originating in the House.

In 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 is approved this the 2nd
day of May, 2001.


Governor

PRESENTED TO THE

GOVERNOR

Date

4/24/01

Time

4:45 pm