

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 3064

FISCAL
NOTE

BY DELEGATE ATKINSON, MR. SPEAKER (MR.
ARMSTEAD), HILL, SOBONYA, WESTFALL AND FRICH

[Introduced March 14, 2017; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended,
 2 relating to permitting the Division of Highways to issue annual permits allowing vehicles
 3 of a size and weight exceeding certain specifications to operate over routes specified by
 4 the commissioner.

Be it enacted by the Legislature of West Virginia:

1 That §17C-17-11 of the Code of West Virginia, 19321, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 17. SIZE, WEIGHT AND LOAD.

§17C-17-11. Permits for excess size and weight.

1 (a) The Public Service Commission may, in its discretion, upon application in writing and
 2 good cause shown issue a special permit in writing authorizing: (1) The applicant, in crossing any
 3 highway of this state, to operate or move a vehicle or combination of vehicles of a size or weight
 4 or load exceeding the maximum specified in this chapter or otherwise not in conformity with the
 5 provisions of this chapter, whether the operation is continuous or not, provided the applicant
 6 agrees to compensate the commissioner of highways for all damages or expenses incurred in
 7 connection with the crossing; (2) the applicant to operate or move a vehicle or combination of
 8 vehicles of a size or weight of vehicles or nondivisible load exceeding the maximum specified in
 9 this chapter or otherwise not in conformity with the provisions of this chapter; and (3) the applicant
 10 to move or operate, for limited or continuous operation, a vehicle hauling containerized cargo in
 11 a sealed, seagoing container to or from a seaport or inland waterway port that has or will be
 12 transported by marine shipment where the vehicle is not, as a result of hauling the container, in
 13 conformity with the provisions of this article relating to weight limitations, upon the conditions that:
 14 (A) The container be hauled only on the roadways and highways designated by the commissioner
 15 of highways; (B) the contents of the container are not changed from the time it is loaded by the
 16 consignor or the consignor's agent to the time it is delivered to the consignee or the consignee's
 17 agent; and (C) any additional conditions as the commissioner of highways or the Public Service

18 Commission may impose to otherwise ensure compliance with the provisions of this chapter.

19 (b)(1) The commissioner of highways may issue a special permit to operate or move a
20 vehicle or combination of vehicles of a size or weight of vehicles or nondivisible load exceeding
21 the maximum specified in this chapter or otherwise not in conformity with the provisions of this
22 chapter over routes designated by the commissioner of highways upon terms and restrictions
23 prescribed by the Public Service Commission, together with the commissioner of highways.

24 (2) For purposes of this section, nondivisible load means any load exceeding applicable
25 length or weight limits which, if separated into smaller loads or vehicles, would: (A) Compromise
26 the intended use of the vehicle, to the extent that the separation would make it unable to perform
27 the function for which it was intended; (B) destroy the value of the load or vehicle, to the extent
28 that the separation would make it unusable for its intended purpose; or (C) require more than
29 eight workhours to dismantle using appropriate equipment: *Provided*, That the applicant for a
30 nondivisible load permit has the burden of proof as to the number of workhours required to
31 dismantle the load.

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

36 (d) The Public Service Commission is authorized to issue or withhold a permit at his or her
37 discretion; or, if the permit is issued, to limit the number of trips, or to establish seasonal or other
38 time limitations within which the vehicles described may be operated on or across the highways
39 indicated, or otherwise to limit or prescribe conditions of operation of the vehicle or vehicles, when
40 necessary to assure against undue damage to the road foundations, surface, or structures, and
41 may require the undertaking, bond or other security considered necessary to compensate for any
42 injury to any roadway structure and to specify the type, number and the location for escort vehicles
43 for any vehicle: *Provided*, That in establishing limitations on permits issued under this section, the

44 Public Service Commission shall consult with the commissioner of highways, and may not issue,
45 limit or condition a permit in a manner inconsistent with the authority of the commissioner of
46 highways.

47 The Public Service Commission may charge a fee for the issuance of a permit for a mobile
48 home and a reasonable fee for the issuance of a permit for any other vehicle under the provisions
49 of this section to pay the administrative costs thereof.

50 (e) Every permit shall be carried in the vehicle or combination of vehicles to which it refers
51 and shall be open to inspection by any police officer or authorized agent of the commissioner of
52 highways or the Public Service Commission, and no person shall violate any of the terms or
53 conditions of the special permit.

1 (f) Notwithstanding any other provision of this article, the Division of Highways may issue
2 annual permits allowing the operation of a vehicle or combination of vehicles of a size or weight
3 exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions
4 of this chapter over routes designated by the commissioner of highways. All such permits may
5 be issued only upon findings by the commissioner that the approved route including roadways
6 and bridges is capable of sustaining the allowed load of the vehicles approved for use on the
7 designated route without undue damage to the roadways and bridges on which they are operated
8 and that the operation of the vehicles on the prescribed route do not cause undue danger or
9 hazard to other traffic along the approved route.

NOTE: The purpose of this bill is to permit the Division of Highways to issue annual permits allowing vehicles of a size and weight exceeding certain specifications to operate over specified routes designated by the commissioner.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.