

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 616**

SENATORS BOSO AND CLINE, *original sponsors*

[Passed March 8, 2018; in effect 90 days from passage]



1 AN ACT to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended,  
2 relating to permitting the Commissioner of Highways to issue a special permit increasing  
3 the maximum gross weight for certain wood-bearing vehicles equipped with six axles.

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

**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 discretion, upon application in writing  
2 and good cause shown issue a special permit in writing authorizing:

3 (1) The applicant, in crossing any highway of this state, to operate or move a vehicle or  
4 combination of vehicles of a size or weight or load exceeding the maximum specified in this  
5 chapter or otherwise not in conformity with the provisions of this chapter, whether the operation  
6 is continuous or not, provided the applicant agrees to compensate the Commissioner of Highways  
7 for all damages or expenses incurred in connection with the crossing;

8 (2) The applicant to operate or move a vehicle or combination of vehicles of a size or  
9 weight of vehicles or nondivisible load exceeding the maximum specified in this chapter or  
10 otherwise not in conformity with the provisions of this chapter; and

11 (3) The applicant to move or operate, for limited or continuous operation, a vehicle hauling  
12 containerized cargo in a sealed, seagoing container to or from a seaport or inland waterway port  
13 that has or will be transported by marine shipment where the vehicle is not, as a result of hauling  
14 the container, in conformity with the provisions of this article relating to weight limitations, upon  
15 the conditions that:

16 (A) The container be hauled only on the roadways and highways designated by the  
17 Commissioner of Highways;

18 (B) The contents of the container are not changed from the time it is loaded by the  
19 consignor or the consignor's agent to the time it is delivered to the consignee or the consignee's  
20 agent; and

21 (C) Any additional conditions as the Commissioner of Highways or the Public Service  
22 Commission may impose to otherwise ensure compliance with the provisions of this chapter.

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

28 (2) For purposes of this section, nondivisible load means any load exceeding applicable  
29 length or weight limits which, if separated into smaller loads or vehicles, would:

30 (A) Compromise the intended use of the vehicle, to the extent that the separation would  
31 make it unable to perform the function for which it was intended;

32 (B) Destroy the value of the load or vehicle, to the extent that the separation would make  
33 it unusable for its intended purpose; or

34 (C) Require more than eight work hours to dismantle using appropriate equipment:  
35 *Provided*, That the applicant for a nondivisible load permit has the burden of proof as to the  
36 number of work hours required to dismantle the load.

37 (3) The Commissioner of Highways may, in his or her discretion, upon application in writing  
38 and based upon an engineering analysis, issue a special permit in writing authorizing the  
39 applicant, when operating upon any highway of this state designated by the commissioner, to  
40 operate or move a vehicle or combination of vehicles, hauling commodities manufactured for  
41 interstate commerce, of a size or weight or divisible load exceeding the maximum specified in this  
42 chapter or otherwise not in conformity with the provisions of this chapter, whether the operation  
43 is continuous or not.

44 (A) The engineering analysis must demonstrate that the vehicle permitted under this  
45 subdivision does not adversely affect the designated routes when compared to the size, weight,  
46 and load provisions of this chapter.

47 (B) The maximum gross vehicle weight permitted under this subsection is 120,000  
48 pounds.

49 (C) The permit may contain any additional conditions the Commissioner of Highways or  
50 the Public Service Commission may impose to otherwise ensure compliance with the provisions  
51 of this chapter.

52 (4) The Commissioner of Highways may, in his or her discretion, upon application in  
53 writing, issue a special permit in writing authorizing the applicant to transport logs, wood chips,  
54 timber, other natural raw wood, lumber, paper, wood veneer, wood pellets, or any other wood  
55 product of the forest, craft, or manufacturing. The vehicle authorized by the permit shall be a  
56 tractor-semitrailer combination with six axles, each axle equipped with brakes, and limited to a  
57 maximum gross vehicular weight of 94,000 pounds, without any tolerance. The maximum weight  
58 of each axle, beginning with the steering axle commencing rearwards, respectively shall be  
59 15,000 pounds, 17,000 pounds, 17,000 pounds, 15,000 pounds, 15,000 pounds, and 15,000  
60 pounds. The tractor shall have one steer axle and two drive axles in tandem, and the trailer shall  
61 have three trailer axles in tridem. The distance between the last drive axle of the tractor and the  
62 first trailer axle shall be a minimum of 29 feet and six inches. Permits under this subdivision will  
63 not be issued for any vehicle traveling on interstate routes.

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

68 (d) The Public Service Commission is authorized to issue or withhold a permit at his or her  
69 discretion; or, if the permit is issued, to limit the number of trips, or to establish seasonal or other  
70 time limitations within which the vehicles described may be operated on or across the highways  
71 indicated, or otherwise to limit or prescribe conditions of operation of the vehicle or vehicles, when  
72 necessary to assure against undue damage to the road foundations, surface, or structures, and

73 may require the undertaking, bond, or other security considered necessary to compensate for any  
74 injury to any roadway structure and to specify the type, number, and the location for escort  
75 vehicles for any vehicle: *Provided*, That in establishing limitations on permits issued under this  
76 section, the Public Service Commission shall consult with the Commissioner of Highways, and  
77 may not issue, limit, or condition a permit in a manner inconsistent with the authority of the  
78 Commissioner of Highways.

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

82           (e) Every permit shall be carried in the vehicle or combination of vehicles to which it refers  
83 and shall be open to inspection by any police officer or authorized agent of the Commissioner of  
84 Highways or the Public Service Commission, and no person shall violate any of the terms or  
85 conditions of the special permit.

The 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*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2018.

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*Governor*