

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5583

By Delegates Toney, Howell, Hanshaw (Mr. Speaker),
and Adkins

[Introduced February 12, 2024; Referred to the
Committee on Technology and Infrastructure]

1 A BILL to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended,
 2 relating to special permits issued pursuant to this section, for a vehicle, that is of a size
 3 exceeding the maximum specified in this chapter or otherwise not in conformity with the
 4 provisions of this chapter, but has a width of less than 10 feet, a height of less than 15 feet,
 5 and is not overweight or in excess of permissible length shall not be subject to any
 6 limitations of movement on permit relating to travel during night, holidays, holiday
 7 weekends, Saturdays, and Sundays; also relating to what roads are applicable for these
 8 allowances.

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 the Division of Highways may, in his or her discretion, upon
 2 application in writing 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 is
 6 continuous or not, provided the applicant agrees to compensate the Commissioner of the Division
 7 of Highways 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 the
 15 conditions that:

16 (A) The container be hauled only on the roadways and highways designated by the
17 Commissioner of the Division 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 the Division of Highways or the
22 Public Service Commission may impose to otherwise ensure compliance with the provisions of
23 this chapter.

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

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

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

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

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

39 (3) The Commissioner of the Division of Highways may, in his or her discretion, upon
40 application in writing and based upon an engineering analysis, issue a special permit in writing
41 authorizing the applicant, when operating upon any highway of this state designated by the

42 commissioner, to operate or move a vehicle or combination of vehicles, hauling commodities
43 manufactured for interstate commerce, of a size or weight or divisible load exceeding the
44 maximum specified in this chapter or otherwise not in conformity with the provisions of this
45 chapter, whether the operation is continuous or not.

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

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

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

53 (4) The Commissioner of the Division of Highways may, in his or her discretion, upon
54 application in writing, issue a special permit in writing authorizing the applicant to transport logs,
55 wood chips, timber, other natural raw wood, lumber, paper, wood veneer, wood pellets, or any
56 other wood product of the forest, craft, or manufacturing. The vehicle authorized by the permit
57 shall be a tractor-semitrailer combination with six axles, each axle equipped with brakes, and
58 limited to a maximum gross vehicular weight of 94,000 pounds, without any tolerance. The
59 maximum weight of each axle, beginning with the steering axle commencing rearwards,
60 respectively shall be 15,000 pounds, 17,000 pounds, 17,000 pounds, 15,000 pounds, 15,000
61 pounds, and 15,000 pounds. The tractor shall have one steer axle and two drive axles in tandem,
62 and the trailer shall have three trailer axles in tridem. The distance between the last drive axle of
63 the tractor and the first trailer axle shall be a minimum of 29 feet and six inches. The Commissioner
64 of the Division of Highways may issue permits for four-axle tractors with one steering axle and
65 three axles in tridem in combination with dual axle pup trailers: *Provided*, That the maximum
66 weight of each axle for pup-combination vehicles beginning with the steering axle commencing
67 rearward respectively does not exceed 14,500 pounds, 16,613 pounds, 16,614 pounds, 16,613

68 pounds, 14,830 pounds, and 14,830 pounds. Permits under this subdivision will not be issued for
69 any vehicle traveling on interstate routes.

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

74 (d) The Public Service Commission is authorized to issue or withhold a permit at its
75 discretion; or, if the permit is issued, to limit the number of trips, or to establish seasonal or other
76 time limitations within which the vehicles described may be operated on or across the highways
77 indicated, or otherwise to limit or prescribe conditions of operation of the vehicle or vehicles, when
78 necessary to assure against undue damage to the road foundations, surface, or structures, and
79 may require the undertaking, bond, or other security considered necessary to compensate for any
80 injury to any roadway structure and to specify the type, number, and the location for escort
81 vehicles for any vehicle: *Provided*, That in establishing limitations on permits issued under this
82 section, the Public Service Commission shall consult with the Commissioner of the Division of
83 Highways, and may not issue, limit, or condition a permit in a manner inconsistent with the
84 authority of the Commissioner of the Division of Highways.

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

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

92 (f) Any special permit issued pursuant to subsection (a) of this section, or (b) (1) of this
93 section, for a vehicle, that is of a size exceeding the maximum specified in this chapter or

94 otherwise not in conformity with the provisions of this chapter, but has a width of less than 10 feet,
95 a height of less than 15 feet, and is not overweight or in excess of permissible length, shall not be
96 subject to any limitations of movement on permit relating to travel during night, holidays, holiday
97 weekends, Saturdays, and Sundays. This subsection applies to all roads overseen by the West
98 Virginia Parkways Authority, interstate highways, divided United States highways with four or more
99 travel lanes, and divided state highways with four or more travel lanes.

NOTE: The purpose of this bill generally relates to special permits issued pursuant to this section, for a vehicle, that is of a size exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter, but has a width of less than 10 feet, a height of less than 15 feet, and is not overweight or in excess of permissible length shall not be subject to any limitations of movement on permit relating to travel during night, holidays, holiday weekends, Saturdays, and Sundays; also relating to what roads are applicable for these allowances.

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