

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5583

BY DELEGATES TONEY, HOWELL, HANSHAW (MR. SPEAKER), AND

ADKINS

[Passed March 8, 2024; in effect ninety 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 authorizing the Commissioner of the Division of Highways to issue special
3 permits to operate or move a vehicle or combination of vehicles of a size or weight of
4 vehicles or nondivisible load exceeding the maximum specified in state law over routes
5 designated by the Commissioner of the Division of Highways at night, and during holidays,
6 holiday weekends, Saturdays, and Sundays; specifying application of permit to certain
7 highways; and specifying when such a permit shall be promptly issued.

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
6 is continuous or not, provided the applicant agrees to compensate the Commissioner of the
7 Division 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
15 the 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
35 it 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
50 pounds.

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

54 (4) The Commissioner of the Division of Highways may, in his or her discretion, upon
55 application in writing, issue a special permit in writing authorizing the applicant to transport logs,
56 wood chips, timber, other natural raw wood, lumber, paper, wood veneer, wood pellets, or any
57 other wood product of the forest, craft, or manufacturing. The vehicle authorized by the permit
58 shall be a tractor-semitrailer combination with six axles, each axle equipped with brakes, and
59 limited to a maximum gross vehicular weight of 94,000 pounds, without any tolerance. The
60 maximum weight of each axle, beginning with the steering axle commencing rearwards,
61 respectively shall be 15,000 pounds, 17,000 pounds, 17,000 pounds, 15,000 pounds, 15,000
62 pounds, and 15,000 pounds. The tractor shall have one steer axle and two drive axles in tandem,
63 and the trailer shall have three trailer axles in tridem. The distance between the last drive axle of
64 the tractor and the first trailer axle shall be a minimum of 29 feet and six inches. The
65 Commissioner of the Division of Highways may issue permits for four-axle tractors with one
66 steering axle and three axles in tridem in combination with dual axle pup trailers: *Provided*, That
67 the maximum weight of each axle for pup-combination vehicles beginning with the steering axle

68 commencing rearward respectively does not exceed 14,500 pounds, 16,613 pounds, 16,614
69 pounds, 16,613 pounds, 14,830 pounds, and 14,830 pounds. Permits under this subdivision will
70 not be issued for any vehicle traveling on interstate routes.

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

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

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

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

93 (f) The Commissioner of the Division of Highways may issue a special permit to operate
94 or move a vehicle or combination of vehicles of a size or weight of vehicles or nondivisible load
95 exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions
96 of this chapter over routes designated by the Commissioner of the Division of Highways at night,
97 and during holidays, holiday weekends, Saturdays, and Sundays: *Provided*, That the special
98 permit outlined in this subsection shall apply to all interstate highways, United States highways
99 with four or more travel lanes, and divided highways within the state with four or more travel lanes:
100 *Provided, however*, That the Commissioner of the Division of Highways shall promptly issue a
101 requested permit if the application is properly completed and the requested route, dates, and
102 times meet state and federal laws, regulations, and safety requirements and do not violate any
103 bond covenants.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2024.

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Governor