

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 5583**

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

and Adkins

[Originating in the Committee on Technology and

Infrastructure; Reported on February 22, 2024]



1 A BILL to amend and reenact §17C-17-11 of the Code of West Virginia, 1931, as amended,  
2 relating to the Commissioner of the Division of Highways to issue a special permit, issued  
3 pursuant to this section, with the specifics of the permit to be determined by the  
4 Commissioner of the Division of Highways, authorizing and allowing a vehicle to travel with  
5 a nondivisible load exceeding the maximum specified in this chapter, or otherwise not in  
6 conformity with the provisions of this chapter hauling loads to travel during night, holidays,  
7 holiday weekends, Saturdays, and Sundays.

*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) The Commissioner of the Division of Highways shall issue a special permit, with the  
93 specifics of the permit to be determined by the Commissioner, to operate or move a vehicle with a

94 nondivisible load exceeding the maximum specified in this chapter, or otherwise not in conformity  
95 with the provisions of this chapter, at night, and during holidays, holiday weekends, Saturdays, and  
96 Sundays: *Provided*, That the special permit outlined in this subsection shall apply to all interstate  
97 highways, divided United States highways with four or more travel lanes, and divided highways  
98 within the state with four or more travel lanes.

NOTE: The purpose of this bill generally relates to limited special permits issued pursuant to this section, for a vehicle exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter allowed to travel during night, holidays, holiday weekends, Saturdays, and Sundays.

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