

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 73

BY SENATOR CLINE

[Introduced January 9, 2019; Referred
to the Committee on Transportation and Infrastructure; and
then to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto two new
 2 sections, designated §17C-1-70 and §17C-1-71; and to amend and reenact §17C-17-9a,
 3 §17C-17-11a, and §17C-17-11d of said code, all relating to increasing the weight limits for
 4 vehicles on highways other than the national system of interstate and defense highways;
 5 and providing definitions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 17. SIZE, WEIGHT, AND LOAD.

§17C-1-70. Highways other than the national system of interstate and defense highways.

1 “Highways other than the national system of interstate and defense highways” means all
 2 West Virginia routes, county routes, local service routes, and other public streets, roadways, or
 3 highways in this state that are not also part of a Coal Resource Transportation Road under §17C-
 4 17A-1 et seq. of this code or the national system of interstate and defense highways as defined
 5 in §17C-1-71 of this code.

§17C-1-71. National system of interstate and defense highways.

1 “National system of interstate and defense highways” means the “Dwight D. Eisenhower
 2 National System of Interstate and Defense Highways” described in 23 U.S.C. 103.

§17C-17-9a. Gross weight of vehicles and loads on highways other than the national system of interstate and defense highways.

1 (a) It is unlawful for any owner, lessee, or borrower of a vehicle or combination of vehicles
 2 to operate on any highway other than the national system of interstate and defense highways that
 3 vehicle or combination of vehicles with a gross weight in excess of the gross weight for which
 4 ~~such~~ the vehicle or combination of vehicles is registered or in excess of any weight limitation set
 5 forth in this chapter, whether ~~such~~ the limitation ~~be~~ is specifically stated in this chapter or set by
 6 express authority granted this chapter: *Provided*, That if ~~any~~ a vehicle is operated within the
 7 tolerances established in this section for the gross weight of that vehicle, then that vehicle ~~shall~~
 8 ~~be deemed~~ is for all purposes ~~to be~~ operating at the gross weight for which it is registered and

9 the registered weight is deemed to include the 10 percent tolerance associated with it under this
10 section.

11 (b) Subject to the limit ~~upon the weight imposed upon the highway through any one axle~~
12 as set forth in §17C-17-8 of this code, the total gross weight on vehicles or combination of vehicles
13 operated on any highway other than the national system of interstate and defense highways ~~shall~~
14 ~~be is~~ as follows:

15 (1) A single unit truck having one steering axle and two axles in tandem ~~shall be is~~ limited
16 to a maximum gross weight of ~~60,000~~ 70,000 pounds with a tolerance of 10 percent.

17 (2) A single unit truck having one steering axle and three axles in tridem arrangement ~~shall~~
18 ~~be is~~ limited to a maximum gross weight of ~~70,000~~ 80,000 pounds with a tolerance of 10 percent.

19 (3) A single unit truck having one steering axle and four axles in quadem arrangement,
20 ~~shall be~~ a tractor-semitrailer combination with five axles, a tractor-semitrailer combination with six
21 or more axles, a single unit truck having one steering axle and two axles in tandem in combination
22 with a trailer with two axles, and a single unit truck having one steering axle and three axles in
23 tridem in combination with a trailer with two axles, are each limited to a maximum gross weight of
24 ~~73,000~~ 90,000 pounds with a tolerance of 10 percent.

25 ~~(4) A tractor-semitrailer combination with five axles, a tractor-semitrailer combination with~~
26 ~~six or more axles, a single unit truck having one steering axle and two axles in tandem in~~
27 ~~combination with a trailer with two axles and a single unit truck having one steering axle and three~~
28 ~~axles in tridem in combination with a trailer with two axles, shall be limited to a maximum gross~~
29 ~~weight of 80,000 pounds with a tolerance of ten percent~~

**§17C-17-11a. Authority of Commissioner of the department Division of Highways to
increase but not decrease weight limitations upon highways designated by him or
her.**

1 If, in the opinion of the Commissioner of the department Division of Highways, the design,
2 construction, and safety of any highway in this state including the national system of interstate

3 and defense highways and highways other than the national system of interstate and defense
 4 highways, or portion thereof, are such that the gross weight limitations prescribed in §17C-17-9
 5 or §17C-17-9a of this code can be increased without undue damage to any such highway, the
 6 commissioner may, by order, increase but not decrease the gross weight limitations of vehicles
 7 which may be operated upon any such highway, or portion thereof, designated by him or her in
 8 such order and may establish therein the gross weight limitations which shall thereafter be
 9 applicable to ~~the~~ any such highway, or portion thereof, so designated by him or her: *Provided,*
 10 That the maximum gross weight, including the load, established by the commissioner for any such
 11 ~~designated~~ highway, or portion thereof, shall may not exceed ~~80,000 pounds, except as otherwise~~
 12 the gross weight limits provided in this article: *Provided, however,* That no such order of the
 13 commissioner shall establish any weight limitation in excess of or in conflict with any weight
 14 limitation prescribed by or pursuant to acts of Congress with respect to the national system of
 15 interstate and defense highways.

**§17C-17-11d. Establishing maximum ~~road~~ highway weights for highways other than the
national system of interstate and defense highways.**

1 ~~Effective July 1, 2004,~~ The maximum gross vehicle weight on ~~existing state-maintained~~
 2 ~~roads and public highways~~ any highway other than the national system of interstate and defense
 3 highways designated for ~~gross weight vehicle load of sixty-five thousand pounds, seventy-three~~
 4 ~~thousand five hundred pounds and eighty thousand pounds~~ vehicles with a gross weight not
 5 exceeding 90,000 pounds shall have a tolerance of 10 percent. All requirements for vehicle design
 6 and axle weights otherwise established under this code remain applicable. In no case may the
 7 commissioner authorize weight limits on any ~~state-maintained road or public highway~~ other than
 8 the national system of interstate and defense highways that would jeopardize or otherwise limit
 9 federal highway fund appropriations to this state. ~~The commissioner of highways shall, by~~
 10 ~~December 31, 2004, review and revise, as the commissioner deems appropriate, weight limits for~~
 11 ~~all state-maintained roads and public highways and provide to the Joint Committee on~~

- 12 ~~Government and Finance a report denoting all weight limits as they have been designated on~~
13 ~~state-maintained roads and public highways~~

NOTE: The purpose of this bill is to increase the weight limits for vehicles on certain highways in this state; clarify the commissioner's authority to increase but not decrease weight limits; and to define certain highways in this state.

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