

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Introduced**

### **Senate Bill 382**

BY SENATOR CLEMENTS

[Introduced February 22, 2021; referred  
to the Committee on Transportation and  
Infrastructure]

1 A BILL to amend and reenact §17C-15-37 of the Code of West Virginia, 1931, as amended,  
 2 relating to removing inoperative provisions requiring Commissioner of Highways set  
 3 standards for studded snow tires.

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

**ARTICLE 15. EQUIPMENT.**

**§17C-15-37. Tire equipment restrictions; rules and regulations as to certain tires.**

1 (a) Every solid rubber tire on a vehicle shall have rubber on its entire traction surface at  
 2 least one inch thick above the edge of the flange of the entire periphery.

3 (b) No person shall operate or move on any highway any motor vehicle, trailer or  
 4 semitrailer having any metal tire in contact with the roadway.

5 (c) No tire on a vehicle moved on a highway shall have on its periphery any block, stud,  
 6 flange, cleat or spike or any other protuberance of any material other than rubber which projects  
 7 beyond the tread of the traction surface of the tire, except that (1) it shall be permissible to use  
 8 farm machinery with tires having protuberances which will not injure the highway, (2) it shall be  
 9 permissible to use tire chains of reasonable proportions upon any vehicle when required for safety  
 10 because of snow, ice or other conditions tending to cause a vehicle to skid, and (3) it shall be  
 11 permissible to use studded tires during the period from November first of each year until April  
 12 fifteenth of the following year: *Provided*, That in the interest of highway maintenance, no vehicle  
 13 moved on a highway, other than school buses, shall be equipped with studded tires which are  
 14 operational with a recommended air pressure greater than forty pounds per square inch.

15 ~~(d) No studded tires or chains shall be sold or used within the State of West Virginia which~~  
 16 ~~do not meet the specifications established by the rules and regulations which the commissioner~~  
 17 ~~of highways shall promulgate, but the commissioner may not by those rules and regulations~~  
 18 ~~prohibit the use of studded tires or chains within the state~~

19 ~~(e)~~ (d) The commissioner of highways and local authorities in their respective jurisdictions  
 20 may in their discretion issue special permits authorizing the operation upon the highway of traction

- 21 engines or tractors having movable tracks with transverse corrugations upon the periphery of  
22 such movable tracks or farm tractors or other farm machinery, the operation of which upon a  
23 highway would otherwise be prohibited under this chapter.

NOTE: The purpose of this bill is to remove the requirement that the Commissioner of the Division of Highways set standards and regulate studded tires. The U.S. Department of Transportation (DOT) National Highway Traffic Safety Administration's (NHTSA) Uniform Tire Quality Grade Standards (UTQG) regulates the safety of motor vehicles and related equipment. NHTSA's regulations are authorized by 49 U.S.C. §30123.

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