

ARTICLE 347
Commercial and Heavy Vehicles

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| <p>347.01 Oversize or overweight vehicles.</p> <p>347.011 Special load limits.</p> <p>347.012 Single-axle load limit.</p> <p>347.013 Tandem-axle load limit.</p> <p>347.014 Gross weight of vehicles and loads.</p> <p>347.02 Projecting loads on passenger vehicles.</p> | <p>347.03 Maximum width, height and length.</p> <p>347.04 Loads dropping or leaking.</p> <p>347.05 Towing requirements.</p> <p>347.99 Penalty.</p> |
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CROSS REFERENCES

See sectional histories for similar State law
 Authority to designate weight limits on local streets -
 see W. Va. Code 17C-2-8(a)(7)
 Authority to permit oversized buses - see W. Va.
 Code 17C-17-2(b)
 Red light or flag on extended load - see TRAF. 345.07
 Transporting explosives - see TRAF. 345.27

347.01 OVERSIZE OR OVERWEIGHT VEHICLES.

(a) No owner, lessee or borrower of a vehicle or combination of vehicles shall operate on any highway such vehicle or combination of vehicles, whether driven by such owner, lessee or borrower, or by some person on behalf of such owner, lessee or borrower, of a size or weight exceeding any limitation stated in this article, or otherwise in violation of any provision of this article, whether such limitation or provision be specifically stated in this article or set by express authority granted in this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout this Town. Subject to the penalties for weight violations provided in Section 347.99, violation of this section shall constitute a misdemeanor.

(b) The provisions of this article governing size, weight and load shall not apply to fire apparatus, road machinery, or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued.

(c) The phrase "operate a vehicle or combination of vehicles" shall in this article be interpreted to mean the use of such vehicle or combination of vehicles on behalf of the owner, lessee or borrower, whether driven by him or by some person on behalf of him.
(1969 Code 17-5-1.)

347.011 SPECIAL LOAD LIMITS.

(a) Subject to the provisions of this article limiting the length of vehicles and loads, the load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than six feet beyond the rear of the bed or body of such vehicle.

(b) The limitations as to length of vehicles and loads heretofore stated in Sections 347.01 to 347.011(a) of this article shall not apply to any load upon a pole trailer when transporting poles or pipes or structural material which cannot be dismembered, provided that no pole or pipe or other material exceeding eighty feet in length shall be so transported unless a permit has first been obtained as authorized in West Virginia Code 17C-17-11.
(1969 Code 17-5-5.)

347.012 SINGLE-AXLE LOAD LIMIT.

(a) The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed twenty thousand pounds.

(b) For the purpose of this article an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.
(WVC 17C-17-8.)

347.013 TANDEM-AXLE LOAD LIMIT.

(a) The gross weight imposed on the highway by the wheels of a tandem-axle of a vehicle shall not exceed thirty-four thousand pounds.

(b) For the purpose of this article a tandem-axle load shall be defined as the total load transmitted to the road by two or more consecutive axles whose centers may be included between parallel transverse vertical planes spaced more than forty inches and not more than ninety-six inches apart, extending the full width of the vehicle.
(WVC 17C-17-8a.)

347.014 GROSS WEIGHT OF VEHICLES AND LOADS.

(a) It shall be unlawful for any owner, lessee or borrower of a vehicle or combination of vehicles to operate on any highway such vehicle or combination of vehicles with a gross weight in excess of the gross weight for which such vehicle or combination of vehicles is registered or in excess of any weight limitation set forth in this article, whether such limitation be specifically stated in this article or set by express authority granted in this article.

(b) Subject to the limit upon the weight imposed upon the highway through any one axle as set forth in Section 347.012, or the limit imposed upon the highway through any tandem-axle as set forth in Section 347.013, the total gross weight with load imposed upon the highway by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the total group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between the extremes of any groups of two or more consecutive axles	Maximum load in pounds carried on any group of two or more consecutive axles				
	<u>2 axles</u>	<u>3 axles</u>	<u>4 axles</u>	<u>5 axles</u>	<u>6 axles</u>
4	34000				
5	34000				
6	34000				
7	34000				
8	34000	34000			
9	39000	42500			
10	40000	43500			
11		44000			
12		45000	50000		
13		45500	50500		
14		46500	51500		
15		47000	52000		
16		48000	52500	58000	
17		48500	53500	58500	
18		49500	54000	59000	
19		50000	54500	60000	
20		51000	55500	60500	66000
21		51500	56000	61000	66500
22		52500	56500	61500	67000
23		53000	57500	62500	68000
24		54000	58000	63000	68500
25		54500	58500	63500	69000
26		55500	59500	64000	69500
27		56000	60000	65000	70000
28		57000	60500	65500	71000
29		57500	61500	66000	71500
30		58500	62000	66500	72000
31		59000	62500	67500	72500
32		60000	63500	68000	73000
33			64000	68500	74000
34			64500	69000	74500
35			65500	70000	75000
36			66000	70500	75500
37			66500	71000	76000
38			67500	72000	77000
39			68000	72500	77500
40			68500	73000	78000

(b) Subject to the limit upon the weight imposed upon the highway through any one axle as set forth in Section 347.012, or the limit imposed upon the highway through any tandem-axle as set forth in Section 347.013, the total gross weight with load imposed upon the highway by any one group of two or more consecutive axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distance between the first and last axle of the total group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance in feet between the extremes of any groups of two or more consecutive axles	Maximum load in pounds carried on any group of two or more consecutive axles				
	<u>2 axles</u>	<u>3 axles</u>	<u>4 axles</u>	<u>5 axles</u>	<u>6 axles</u>
4	34000				
5	34000				
6	34000				
7	34000				
8	34000	34000			
9	39000	42500			
10	40000	43500			
11		44000			
12		45000	50000		
13		45500	50500		
14		46500	51500		
15		47000	52000		
16		48000	52500	58000	
17		48500	53500	58500	
18		49500	54000	59000	
19		50000	54500	60000	
20		51000	55500	60500	66000
21		51500	56000	61000	66500
22		52500	56500	61500	67000
23		53000	57500	62500	68000
24		54000	58000	63000	68500
25		54500	58500	63500	69000
26		55500	59500	64000	69500
27		56000	60000	65000	70000
28		57000	60500	65500	71000
29		57500	61500	66000	71500
30		58500	62000	66500	72000
31		59000	62500	67500	72500
32		60000	63500	68000	73000
33			64000	68500	74000
34			64500	69000	74500
35			65500	70000	75000
36			66000	70500	75500
37			66500	71000	76000
38			67500	72000	77000
39			68000	72500	77500
40			68500	73000	78000

Distance in feet between the extremes of any groups of two or more consecutive axles	Maximum load in pounds carried on any group of two or more consecutive axles				
	<u>2 axles</u>	<u>3 axles</u>	<u>4 axles</u>	<u>5 axles</u>	<u>6 axles</u>
41			69500	73500	78500
42			70000	74000	79000
43			70500	75000	80000
44			71500	75500	80500
45			72000	76000	81000
46			72500	76500	81500
47			73500	77500	82000
48			74000	78000	83000
49			74500	78500	83500
50			75500	79000	84000
51			76000	80000	84500
52			76500	80500	85000
53			77500	81000	86000
54			78000	81500	86500
55			78500	82500	87000
56			79500	83000	87500
57			80000	83500	88000
58				84000	89000
59				85000	89500
60				85500	90000

Provided, that no vehicle or combination of vehicles shall have a gross weight, including the load, in excess in sixty-five thousand pounds, except that the maximum gross weight of vehicles operating on the national system of interstate and defense highways and any highway providing reasonable access to and from terminals and facilities for food, fuel, repairs and rest within the State shall not be in excess of eighty thousand pounds and except as otherwise provided in this article. Notwithstanding the limits prescribed in subsection (b) of this section, two consecutive sets of tandem-axles may carry a gross load of thirty-four thousand pounds each providing the overall distance between the first and last axles of such consecutive sets of tandem-axles is thirty-six feet or more: provided, however, that the limits prescribed in subsection (b) of this section shall not prohibit the operation of any vehicle or combination of vehicles of a type which could be lawfully operated in accordance with gross vehicle weights in effect on the first day of January, one thousand nine hundred seventy-five: provided, further, that no maximum weight in excess of or in conflict with any weight limitations prescribed by or pursuant to any act of Congress shall be permitted on the national system of interstate and defense highways.
(WVC 17C-17-9)

347.02 PROJECTING LOADS ON PASSENGER VEHICLES.

No passenger-type vehicle shall be operated on any street or highway with any load carried thereon extending beyond the line of the fenders of the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof.
(WVaC 17C-17-3)

347.03 MAXIMUM WIDTH, HEIGHT AND LENGTH.

(a) A vehicle including any load thereon shall not exceed a height of thirteen feet six inches, but the owner or owners of such vehicles shall be responsible for damage to any bridge or highway structure and to the Municipality for any damage to traffic control devices or other highway structures where such bridges, devices or structures have a vehicle clearance of less than thirteen feet six inches.

(b) A motor vehicle including any load thereon shall not exceed a length of forty feet extreme overall dimension, inclusive of front and rear bumpers.

(c) Except as hereinafter provided, a combination of vehicles coupled together shall not consist of more than two units, and no such combination of vehicles including any load thereon shall have an overall length, inclusive of front and rear bumpers, in excess of fifty-five feet, except as provided in West Virginia Code 17C-17-11b, and except as otherwise provided in respect to the use of a pole trailer as authorized in West Virginia Code 17C-17-5: provided, that the limitation that a combination of vehicles coupled together shall not consist of more than two units shall not apply to a combination of vehicles coupled together by a saddle mount device used to transport motor vehicles in a drive-away service when no more than three saddle mounts are used: provided, however, that equipment used in such combination meets the requirements of the safety regulations of the United States Department of Transportation and shall not exceed an overall length of more than sixty-five feet.

(d) The length limitations for truck tractor-semitrailer combinations and truck tractor-semitrailer-trailer combinations operating on the national system of interstate and defense highways and those classes of qualifying federal-aid primary system highways so designated by the United States Secretary of Transportation, and those highways providing reasonable access to and from terminals, facilities for food, fuel, repairs and rest, and points of loading and unloading for household goods carriers from such highways, and further, as to other highways so designated by the West Virginia Commissioner of Highways, shall be as follows: the maximum length of a semitrailer unit operating in a truck tractor-semitrailer combination shall not exceed forty-eight feet in length, except where semitrailers have an axle spacing of not more than thirty-seven feet between the rear axle of the truck tractor and the front axle of the semitrailer, such semitrailer shall be allowed to be not more than fifty-three feet in length and the maximum length of any semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination shall not exceed twenty-eight and one-half feet in length and in no event shall any combinations exceed three units, including the truck tractor: provided, that nothing herein contained shall impose an overall length limitation as to commercial motor vehicles operating in truck tractor-semitrailer or truck tractor-semitrailer-trailer combinations.
(WVaC 17C-17-4)

(e) The total outside width, exclusive of safety equipment authorized by the United States Department of Transportation, of any vehicle or the load thereon shall not exceed ninety-six inches, except as otherwise provided in West Virginia Code Article 17C-17: provided, that any vehicle with a total outside width of 102 inches, exclusive of safety equipment authorized by the United States Department of Transportation, may be operated on any street or highway designated by the United States Department of Transportation or the Commissioner of the Department of Highways or on any street or highway having a minimum lane width of ten feet.

(f) Motor buses with a total outside width of 102 inches, excluding safety equipment authorized by the United States Department of Transportation may operate on any street or highway.
(WVaC 17C-17-2)

347.04 LOADS DROPPING OR LEAKING.

(a) No vehicle or combination of vehicles shall be operated on any street or highway unless such vehicle or combination of vehicles is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

(b) No person shall operate on any street or highway any vehicle or combination of vehicles with any load unless such load and any covering thereon is securely fastened so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the street or highway.
(WVaC 17C-17-6)

347.05 TOWING REQUIREMENTS.

(a) When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby and such drawbar or other connection shall not exceed fifteen feet from one vehicle to the other except the connection between any two vehicles transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered.

(b) When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square.
(WVaC 17C-17-7)

347.99 PENALTY.

(EDITOR'S NOTE: See Section 303.99 for general Traffic Code penalty.)

Any owner, lessee or borrower of a vehicle or combination of vehicles who operates or permits to be operated on any highway such vehicle or combination of vehicles with any axle load in excess of that permitted by Sections 347.012 and 347.013, or with a total gross weight with load imposed upon the highway by any one group of two or more consecutive axles in excess of that permitted by Section 347.014, shall be punished by a fine scheduled in proportion to the amount of pounds in excess of the registered weight, or in excess of allowable weights for single axle, or in excess of allowable weights for groups of two or more consecutive axles, in accordance with the schedule in words and figures as follows:

Pounds in excess of registered weight, or in excess of allowable weights for single axle, or in excess of allowable weights for groups of two or more consecutive axles.

	<u>Amount of Fine</u>
1 to 4,000	\$20.00
4,001 to 5,000	25.00
5,001 to 6,000	60.00
6,001 to 7,000	70.00
7,001 to 8,000	80.00
8,001 to 9,000	90.00
9,001 to 10,000	100.00
10,001 to 11,000	165.00
11,001 to 12,000	180.00
12,001 to 13,000	195.00
13,001 to 14,000	210.00
14,001 to 15,000	225.00
15,001 to 16,000	320.00
16,001 to 17,000	340.00
17,001 to 18,000	360.00
18,001 to 19,000	380.00
19,001 to 20,000	400.00
20,001 to 21,000	525.00
21,001 to 22,000	550.00
22,001 to 23,000	575.00
23,001 to 24,000	600.00
24,001 to 25,000	625.00
25,001 to 26,000	780.00
26,001 to 27,000	810.00
27,001 to 28,000	840.00
28,001 to 29,000	870.00
29,001 to 30,000	900.00
30,001 to 40,000	1,200.00
40,001 to 50,000	1,400.00
50,001 and over	1,600.00

In the event any owner, lessee or borrower of a vehicle is charged with violating this article, the vehicle which is charged to be overloaded shall be impounded by the arresting officer and shall not be released to such owner, lessee or borrower unless and until such owner, lessee or borrower either shall have been found guilty and paid any fine assessed against such owner, lessee or borrower, or shall have furnished cash or surety bond in at least double the amount of the fine which may be assessed against such owner, lessee or borrower for such violation of this section and conditioned upon the payment of any such fine and costs assessed for such violation, or shall have been acquitted of such charge. Such owner, lessee or borrower shall be liable for any reasonable storage costs incurred in storing such vehicle: provided, that if the owner of such vehicle is a resident of or has a principal place of business located in this State, and said vehicle has been duly licensed in the State, then said vehicle shall not be impounded but the arresting officer shall deliver to the driver a written notice stating such violation; the place, date and time; the license number of said vehicle; the title number and name and address of the owner; the driver's name, address and the number of his operator's or chauffeur's card or permit; and the court, place, date and time for hearing, which shall be within five days of such violation (Saturdays, Sundays and holidays, excluded). A copy of such notice shall within forty-eight hours be mailed to the owner of said vehicle. Upon failure by such owner or his or its agent to appear at the designated time and place, or upon failure to pay the fine and costs assessed for such violation, unless such owner shall have been acquitted of such charge, the court shall order a bond or the impounding of said vehicle as provided in this section.

(WVC 17C-17-14)