

## West Virginia CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD:

### **§17C-1-1. Definitions generally.**

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this article.

### **§17C-1-15. Trailer.**

"Trailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

### **§17C-1-16. Semitrailer.**

"Semitrailer" means every vehicle with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

### **§ 17C-17-4. Height and **length** of vehicles and loads.**

- (a) A vehicle, including any load thereon, may 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 municipalities 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, may not exceed a **length** of forty feet extreme overall dimension, inclusive of front and rear bumper: Provided, that a motor home and school bus may not exceed a **length** of forty-five feet, exclusive of front and rear bumpers.
- (c) Except as hereinafter provided in this subsection or in subsection (d) of this section, a combination of vehicles coupled together may not consist of more than two units and no 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 section eleven-b [[§ 17C-17-11b](#)] of this article and except as otherwise provided in respect to the use of a pole **trailer** as authorized in section five [[§ 17C-17-5](#)] of this article. The limitation that a combination of vehicles coupled together may not consist of more than two units may not apply to: (1) 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, if equipment used in the combination meets the requirements of the safety regulations of the United States Department of Transportation and may not exceed an overall **length** of more than seventy-five feet; or (2) a

combination of vehicles coupled together, one of which is a travel **trailer** or folding camping **trailer** having an overall**length**, exclusive of front and rear bumpers, not exceeding sixty-five feet.

- (d) A combination of two vehicles coupled together, one of which is a motor home, or a combination of vehicles coupled together, one of which is a travel **trailer** or folding camping **trailer**, may not exceed an overall **length**, exclusive of front and rear bumpers of sixty-five feet.
- (e) Notwithstanding the provisions of subsections (a), (b), (c) and (d) of this section, the commissioner may designate, upon his or her own motion or upon the petition of an interested party, a combination vehicle **length** not to exceed seventy feet.
- (f) 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 may not exceed twenty-eight 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.
- (g) The commissioner shall publish annually an official map designating the highways of the State and the various maximum vehicle **lengths** relating thereto.

§ 17C-15-31. **Brakes** — Generally.

- (a) **Brake equipment required.** —
  - (1) Every motor vehicle, other than a motorcycle, motor-driven cycle or moped, when operated upon a highway shall be equipped with **brakes** adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the **brakes**, each of which means shall be effective to apply the **brakes** to at least two wheels. If these two separate means of applying the **brakes** are connected in any way, they shall be so constructed that failure of

any one part of the operating mechanism shall not leave the motor vehicle without **brakes** on at least two wheels.

- (2) Every motorcycle, motor-driven cycle and moped, when operated upon a highway, shall be equipped with at least one **brake** which may be operated by hand or foot.
- (3) Every **trailer** or semitrailer of a gross weight of three thousand pounds or more when operated upon a highway shall be equipped with **brakes** adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said **brakes** shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the **brakes** shall be automatically applied.
- (4) Every new motor vehicle, **trailer** or semitrailer hereinafter sold in this State and operated upon the highways shall be equipped with service **brakes** upon all wheels, with the following exceptions: (1) That trucks and truck-tractors having three or more axles need not have**brakes** on the front wheels, except when such vehicles are equipped with at least two steerable axles, the wheels of one such axle need not be equipped with **brakes**, (2) any motorcycle, motor-driven cycle or moped, and (3) that any semitrailer of less than one thousand five hundred pounds gross weight need not be equipped with **brakes**.
- (5) In any combination of motor-driven vehicles, means shall be provided for applying the rearmost **trailer brakes**, of any **trailer** equipped with **brakes**, in approximate synchronism with the **brakes** on the towing vehicle and developing the required **braking** effort on the rearmost wheels at the fastest rate; or means shall be provided for applying **braking** effort first on the rearmost **trailer** equipped with **brakes**; or both of the above means capable of being used alternatively may be employed.
- (6) Every such vehicle and combination of vehicles, except motorcycles, motor-driven cycles and mopeds, shall be equipped with parking**brakes** adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading on a surface free from snow, ice or loose material. The parking **brakes** shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service **brakes** or other source of power provided that failure of the service **brake** actuation system or other power assisting mechanism will not prevent the parking **brakes** from being applied in conformance with the foregoing requirements. The parking **brakes** shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same **brake** drums, **brake** shoes and lining assemblies, **brake** shoe anchors and mechanical **brake** shoe actuation mechanism normally associated with the

wheel **brake** assemblies may be used for both the service **brakes** and the parking **brakes**. If the means of applying the parking **brakes** and the service **brakes** are connected in any way, they shall be so constructed that a failure of any one part shall not leave the vehicle without operative **brakes**.

- (7) The **brake** shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.
- (b) **Performance ability of brakes.** — Every motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road free from loose material, upon application of the service (foot) **brake**, within the distances specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

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	Feet to stop from 20 miles per hour	Deceleration in feet per second
Vehicles or combinations of vehicles having <b>brakes</b> on all wheels	30	14
Vehicles or combinations of vehicles not having <b>brakes</b> on all wheels	40	10.7

- (c) **Maintenance of brakes.** — All **brakes** shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

#### § 17C-17-7. Trailers and towed vehicles.

- (a) When one vehicle is towing another the **drawbar** or other connection shall be of sufficient strength to pull all weight towed thereby and said**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.

#### § 17C-15-35. Mirrors.

Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the

driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

§ 17C-6-1. **Speed** limitations generally; penalty.

- (a) No person may drive a vehicle on a highway at a **speed** greater than is reasonable and prudent under the existing conditions and the actual and potential hazards. In every event **speed** shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highways in compliance with legal requirements and the duty of all persons to use due care.
- (b) Where no special hazard exists that requires lower **speed** for compliance with subsection (a) of this section, the **speed** of any vehicle not in excess of the limits specified in this section or established as authorized in this section is lawful, but any **speed** in excess of the limits specified in this subsection or established as authorized in this section is unlawful. The following **speed** limits apply:
  - (1) Fifteen miles per hour in a school zone during school recess or while children are going to or leaving school during opening or closing hours. A school zone is all school property, including school grounds and any street or highway abutting the school grounds and extending one hundred twenty-five feet along the street or highway from the school grounds. The **speed** restriction does not apply to vehicles traveling on a controlled-access highway which is separated from the school or school grounds by a fence or barrier approved by the Division of Highways;
  - (2) Twenty-five miles per hour in any business or residence district; and
  - (3) Fifty-five miles per hour on open country highways, except as otherwise provided by this chapter.
    - The **speeds** set forth in this section may be altered as authorized in sections two [[§ 17C-6-2](#)] and three [[§ 17C-6-3](#)] of this article.
- (c) The driver of every vehicle shall, consistent with the requirements of subsection (a) of this section, drive at an appropriate reduced **speed** when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway and when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.
- (d) The **speed** limit on controlled access highways and interstate highways, where no special hazard exists that requires a lower **speed**, shall be not less than fifty-five miles per hour and the **speed** limits specified in subsection (b) of this section do not apply.

- (e) Unless otherwise provided in this section, any person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars; upon a second conviction within one year thereafter, shall be fined not more than two hundred dollars; and, upon a third or subsequent conviction within two years thereafter, shall be fined not more than five hundred dollars: Provided, That if the third or subsequent conviction is based upon a violation of the provisions of this section where the offender exceeded the **speed** limit by fifteen miles per hour or more, then upon conviction, shall be fined not more than five hundred dollars or confined in the county or regional jail for not more than six months, or both.
- (f) Any person who violates the provisions of subdivision (1), subsection (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars: Provided, That if the conviction is based upon a violation of the provisions of subdivision (1), subsection (b) of this section where the offender exceeded the **speed** limit by fifteen miles per hour or more in the presence of one or more children, then upon conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars or confined in the regional or county jail for not more than six months, or both.
- (g) If an owner or driver is arrested under the provisions of this section for the offense of driving above the posted **speed** limit on a controlled access highway or interstate highway and if the evidence shows that the motor vehicle was being operated at ten miles per hour or less above the **speed** limit, then, upon conviction thereof, that person shall be fined not more than five dollars, plus court costs.
- (h) Any person operating a commercial motor vehicle engaged in the transportation of coal on the coal resource transportation road system who violates subsection (a), (b) or (c) of this section shall, upon conviction, be subject to fines in triple the amount otherwise provided in subsection (e) of this section.
- (i) If an owner or driver is convicted under the provisions of this section for the offense of driving above the **speed** limit on a controlled-access highway or interstate highway of this State and if the evidence shows that the motor vehicle was being operated at ten miles per hour or less above the **speed** limit, then notwithstanding the provisions of section four [[§ 17B-3-4](#)], article three, chapter seventeen-b of this code, a certified abstract of the judgment on the conviction shall not be transmitted to the Division of Motor Vehicles: Provided, That the provisions of this subsection do not apply to conviction of owners or drivers who have been issued a commercial driver's license as defined in chapter seventeen-e [[§§ 17E-1-1](#) et seq.] of this code, if the offense was committed while operating a commercial vehicle.
- (j) If an owner or driver is convicted in another state for the offense of driving above the maximum **speed** limit on a controlled-access highway or interstate highway and if the maximum **speed** limit in the other state is less than the maximum **speed** limit for a comparable controlled-access highway or interstate highway in this State, and if the

evidence shows that the motor vehicle was being operated at ten miles per hour or less above what would be the maximum **speed** limit for a comparable controlled-access highway or interstate highway in this State, then notwithstanding the provisions of section four, article three, chapter seventeen-b of this code, a certified abstract of the judgment on the conviction shall not be transmitted to the Division of Motor Vehicles or, if transmitted, shall not be recorded by the division, unless within a reasonable time after conviction, the person convicted has failed to pay all fines and costs imposed by the other state: Provided, That the provisions of this subsection do not apply to conviction of owners or drivers who have been issued a commercial driver's license as defined in chapter seventeen-e of this code, if the offense was committed while operating a commercial vehicle.