WEST VIRGINIA CODE: §24A-1-2

§24A-1-2. Definitions.

As used in this chapter:

"Commission" means the Public Service Commission of West Virginia;

"Common carrier by motor vehicle" means any person who undertakes, whether directly or by lease or any other arrangement, to transport passengers or property, or any class or classes of property, for the general public over the highways of this state by motor vehicles for hire, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail, water, or air, and of express or forwarding agencies, and leased or rented motor vehicles, with or without drivers;

"Contract carrier by motor vehicle" means any person not included within the definition of "common carrier by motor vehicle", who under special and individual contracts or agreements, and whether directly or by lease or any other arrangement, transports passengers or property over the highways in this state by motor vehicles for hire;

"Driveaway operation" means an operation in which any vehicle or vehicles, operated singly or in lawful combinations, new or used, not owned by the transporting motor carrier, constitute the commodity being transported;

"Emergency substitute carrier" means a common carrier by motor vehicle or a contract carrier by motor vehicle that is authorized by the Public Service Commission to provide service on a temporary basis outside of its certificated territory or its contract because of commission suspension of a motor carrier certificate of convenience and necessity, or contract carrier by motor vehicle permit;

"Exempt carrier" means any person operating a motor vehicle exempt from the provisions of §24A-1-3 of this code;

"I.C.C." means the Interstate Commerce Commission;

"Luxury limousine service" means passenger motor carrier service by pre-arranged appointment with a minimum charge of no less than $60.00, with a formally dressed chauffeur, using a large and luxurious sedan, sport utility vehicle, or van, or an antique vehicle: *Provided*, That "luxury limousine service" does not include a passenger motor carrier that is serving railroad crews for railroad purposes or used for nonemergency medical transportation other than Medicaid members.

"Motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle;

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"Motor vehicle" means, and includes, any automobile, truck, tractor, truck-tractor, trailer, semitrailer, motorbus, taxicab, any self-propelling motor-driven motor vehicle, or any combination thereof used upon any public highway in this state for the purpose of transporting persons or property;

"NARUC" means the National Association of Regulatory Utility Commissioners;

"Operations within the borders of this state" means interstate or foreign operations to, from, within, or traversing this state;

"Person" means and includes any individual, firm, copartnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof;

"Planting and harvesting season" means January 1 through December 31 of each calendar year only as it relates to the administration of rules promulgated pursuant to §24A-5-5(j) of this code;

"Private commercial carrier" means and includes any person who undertakes, whether directly or by lease or other arrangement, to transport property, including hazardous materials as defined in rules and regulations promulgated by the commission, for himself or herself over the public highways of this state, in interstate or intrastate commerce, for any commercial purpose, by motor vehicle with a gross vehicle weight rating of 10,001 pounds or more, by motor vehicle designed to transport more than 15 passengers, including the driver; or by any motor vehicle used to transport hazardous materials in a quantity requiring placarding under federal hazardous material regulations as adopted by the commission;

"Power unit" means any vehicle which contains within itself the engine, motor, or other source of power by which said vehicle is propelled; and

"Public highway" means any public street, alley, road or highway, or thoroughfare of any kind in this state used by the public.

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