WEST VIRGINIA CODE CHAPTER 24A ARTICLE 1

WV Legislature

§24A-1-1. Purposes.

It is hereby declared to be the purpose and policy of the Legislature in enacting this chapter to confer upon the Public Service Commission of West Virginia, in addition to all other powers conferred and duties imposed upon it by law, the power, authority and duty to supervise and regulate the transportation of persons and property for hire by motor vehicles upon or over the public highways of this state so as to: (a) Protect the safety and welfare of the traveling and shipping public in their use of transportation agencies by motor vehicle; (b) preserve, foster and regulate transportation and permit the coordination of transportation facilities; (c) provide the traveling and shipping public transportation agencies rendering stabilized service at just and reasonable rates. This chapter shall apply to persons and motor vehicles engaged in interstate commerce and to private commercial carriers by motor vehicle as defined in section two of this article, to the extent permitted by the Constitution and laws of the United States.

WV Legislature

§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;

"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

WV Legislature

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.

WV Legislature

§24A-1-3. Exemptions from chapter.

The provisions of this chapter, except where specifically otherwise provided, do not apply to:

(1) Motor vehicles operated exclusively in the transportation of United States mail or in the transportation of newspapers: *Provided*, That the vehicles and their operators are subject to the safety rules promulgated by the commission;

(2) Motor vehicles owned and operated by the United States of America, the State of West Virginia or any county, municipality or county board of education, urban mass transportation authority established and maintained pursuant to §8-27-1 *et seq*. of this code or by any of their departments, and any motor vehicles operated under a contract with a county board of education exclusively for the transportation of children to and from school or other legitimate transportation for the schools as the commission may specifically authorize;

(3) Motor vehicles used exclusively in the transportation of agricultural or horticultural products, livestock, poultry and dairy products from the farm or orchard on which they are raised or produced to markets, processing plants, packing houses, canneries, railway shipping points and cold storage plants, and in the transportation of agricultural or horticultural supplies to farms or orchards where they are to be used: *Provided*, That the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the safety and insurance rules promulgated by the commission;

(4) Motor vehicles used exclusively in the transportation of human or animal excreta;

(5) Motor vehicles used exclusively in ambulance service or duly chartered rescue squad service;

(6) Motor vehicles used exclusively for volunteer fire department service;

(7) Motor vehicles used exclusively in the transportation of coal from mining operations to loading facilities for further shipment by rail or water carriers: *Provided*, That the vehicles and their operators are subject to the safety rules promulgated by the commission and the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the insurance rules promulgated by the commission;

(8) Motor vehicles used by petroleum commission agents and oil distributors solely for the transportation of petroleum products and related automotive products when the transportation is incidental to the business of selling the products: *Provided*, That the vehicles and their operators are subject to the safety rules promulgated by the commission and the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the insurance rules promulgated by the commission;

WV Legislature

(9) Motor vehicles owned, leased by or leased to any person and used exclusively for the transportation of processed source-separated recycled materials generated by commercial, institutional and industrial customers, transported free of charge or by a nonprofit recycling cooperative association in accordance with §19-4-1(d)(1) of this code from the customers to a facility for further processing: *Provided*, That the vehicles and their operators shall be subject to the safety rules promulgated by the commission and the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the insurance rules promulgated by the commission;

(10) Motor vehicles specifically preempted from state economic regulation of intrastate motor carrier operations by the provisions of 49 U. S. C. §14501 as amended by Title I, Section 103 of the federal Interstate Commerce Commission Termination Act of 1995: *Provided*, That the vehicles and their operators are subject to the safety regulations promulgated by the commission and the vehicles that are exempted by this subdivision and are also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the insurance rules promulgated by the commission;

(11) Motor vehicles designated by the West Virginia Bureau of Senior Services for use and operation by local county aging programs: *Provided*, That the vehicles and their operators are subject to the safety rules promulgated by the commission;

(12) Motor vehicles designated by the West Virginia Division of Public Transit operated by organizations that receive federal grants from the Federal Transit Administration: *Provided*, That the vehicles and their operators are subject to the safety and insurance rules promulgated by the commission;

(13) Motor vehicles used exclusively in the nonemergency medical transportation of Medicaid members including those under contract with any broker authorized by the Bureau for Medical Services: *Provided*, That these vehicles and their operators shall be subject to the safety rules promulgated by the commission;

(14) Common carriers or contract carriers engaged in the business of transporting household goods and motor vehicles used exclusively in the transportation of household goods;

(15) Common carriers or contract carriers engaged in the business of transporting scrap tires, waste tires, or other used tires to storage, disposal, or recycling locations; or

(16) Motor vehicles operated under a contract with the West Virginia Department of Environmental Protection exclusively for the cleanup and transportation of waste tires generated from state authorized waste tire remediation or cleanup projects: *Provided*, That the vehicles that are exempted by this subdivision, and their operators, are subject to the safety and insurance rules promulgated by the commission.

WV Legislature

(17) Luxury limousine service: *Provided*, That luxury limousine service vehicles and their operators are subject to the safety rules and insurance requirements promulgated by the commission.

WV Legislature