WEST VIRGINIA CODE: §24A-3-3

§24A-3-3. Permit.

(a) Required; application; hearing; granting. — It shall be unlawful for any contract carrier by motor vehicle to operate within this state without first having obtained from the commission a permit unless the contract carrier is an emergency substitute carrier. Upon the filing of an application for such permit, the commission shall fix a time and place for hearing thereon: Provided, That the commission may, after giving notice as hereinafter provided and if no protest is received, waive formal hearing on such application. Said notice shall be by publication which shall state that formal hearing may be waived in the absence of protest to such application. Such notice shall be published as a Class I legal advertisement in compliance with the provisions of §59-3-1 et seq. of this code and the publication area for such publication shall be the area of operation. Such notice shall be published at least 10 days prior to the date of hearing, but not more than 30 days after the filing of the completed application. After hearing or waiver of hearing as aforesaid, as the case may be, the commission shall grant or deny the permit prayed for or grant it for the partial exercise only of the privilege sought, and may attach to the exercise of the privilege granted by such permit such terms and conditions as in its judgment are proper and will carry out the purposes of this chapter. No permit shall be granted unless the applicant has established to the satisfaction of the commission that the privilege sought will not endanger the safety of the public or unduly interfere with the use of the highways or impair unduly the condition or unduly increase the maintenance cost of such highways, directly or indirectly, or impair the efficient public service of any authorized common carrier or common carriers adequately serving the same territory.

(b) *Rules and regulations; evidence at hearing.* — The commission shall prescribe such rules and regulations as it may deem proper for the enforcement of the provisions of this section and may designate any of its employees to take evidence at the hearing on any application for a permit and submit findings of fact as a part of report or reports to be made to the commission.

(c) *Permit not franchise, etc.; assignment or transfer.* — No permit issued in accordance with the terms of this chapter shall be construed to be either a franchise or irrevocable or to confer any proprietary or property rights in the use of the public highways. No permit issued under this chapter shall be assigned or otherwise transferred without the approval of the commission. Upon the death of a person holding a permit, his or her personal representative or representatives may operate under such permit while the same remains in force and effect and, with the consent of the commission, may transfer such permit.

(d) *Suspension, revocation or amendment.* — The commission may, at any time, for good cause, suspend a motor carrier permit and upon suspension authorize an emergency substitute carrier to provide temporary replacement service until further order of the commission: *Provided,* That an emergency substitute carrier may continue to operate during

the pendency of its application for a permit filed pursuant to §24A-3-3(a) of this code. Upon not less than 15 days' notice to the grantee of any permit and an opportunity to be heard, the commission may revoke or amend any permit.

(e) *Reinstitution of permit.* — No sooner than 30 days after a suspension of authority, a grantee of a permit may petition the commission to end the suspension and terminate the authority of an emergency substitute carrier. Upon notice to the emergency substitute carrier and an opportunity to be heard, the commission shall issue its order granting or denying the petition.

(f) *Notice of cessation or abandonment.* — Every contract carrier by motor vehicle who shall cease operation or abandon his or her rights under a permit issued shall notify the commission within 30 days of such cessation or abandonment.

WV Legislature