WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

HOUSE BILL No. 380

(By Mr. Kidd)

PASSED March 12, 1949

In Effect July 1, 1949
AN ACT to amend and reenact sections one and three, article one; and section six, article six; chapter fifty, acts of the Legislature, one thousand nine hundred thirty-seven, as amended, and to amend article seven thereof by amending and reenacting sections four and five, and by adding a new section, to be designated section six, all relating to the regulation of motor carriers of persons or property for hire.

Be it Enacted by the Legislature of West Virginia:

That sections one and three, article one; and section six, article six; chapter fifty, acts of the Legislature, one thousand nine hundred thirty-seven, as amended, be amended and reenacted, and that article seven thereof be amended by amending and reenacting sections four and five and by adding thereto a new section to be designated section six, all to read as follows:


Section 1. Purposes.—It is hereby declared to be the
purpose and policy of the Legislature in enacting this law 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 co-ordination of transportation facilities; (c) provide the traveling and shipping public transportation agencies rendering stabilized service at just and reasonable rates. This act shall apply to persons and motor vehicles engaged in interstate commerce to the extent permitted by the constitution and laws of the United States.

Sec. 3. Exemptions.—The provisions of this act, except where specifically otherwise provided, shall not apply to: (a) motor vehicles operated exclusively in the transportation of United States mail or in the transportation of
newspapers; (b) 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, or by and department thereof, 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 such other legitimate transportation for the schools as the commission may specifically authorize; (c) motor vehicles owned and operated by farmers for the transportation, with or without compensation, of agricultural products produced on the farm owned or leased by such farmer, or on lands within a radius of eight air miles of such farm or lands, or the transportation of agricultural supplies to be used on such farm or lands, and in the transportation of such farmer, of fresh fruits, raw milk, or livestock, from point of production to markets or processing plants, packing houses, railroad stations and cold storage plants, and (d) motor vehicles used exclusively in the transportation of trash, rubbish, garbage, and human or animal excreta.
Article 6. Duties and Privileges of Motor Carriers Subject to Regulation of the Commission.

Section 6. Motor Carrier Fund; Assessment; Collection; Appropriation.—In addition to the license fee, registration fees, or any other taxes required by law to be collected from motor carriers subject to this act, each such motor carrier shall be subject to, and shall pay to the public service commission, a special annual assessment for the purpose of paying the salaries, compensation, costs and expenses of administering and enforcing this act. All proceeds or funds derived from such assessment shall be paid into the state treasury and credited to a special fund designated public service commission motor carrier fund, to be appropriated as provided by law for the purpose herein stated. Each member of the commission shall receive a salary of fifteen hundred dollars per annum as compensation for the administration of this act in addition to all other salary or compensation otherwise provided by law, to be paid in monthly installments from said fund. The special assessment against each motor carrier shall be apportioned upon the number and capacity of motor ve-
vehicles used by said carrier, computed as hereinafter provided.

(a) For each identification card and plate $ 1.00

(b) Upon each motor vehicle, except semitrailers of such carriers of property, in accordance with its capacity as rated by its manufacturer, in addition to amount of subsection (a)

<table>
<thead>
<tr>
<th>Capacity</th>
<th>Fee</th>
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<tbody>
<tr>
<td>Of one ton or less capacity</td>
<td>$ 9.00</td>
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<tr>
<td>Of over one to one and one-half tons capacity</td>
<td>$13.50</td>
</tr>
<tr>
<td>Of over one and one-half tons to two tons capacity</td>
<td>18.00</td>
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<tr>
<td>Of over two tons to three tons capacity</td>
<td>22.50</td>
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<tr>
<td>Of over three tons to four tons capacity</td>
<td>27.00</td>
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<tr>
<td>Of over four tons to five tons capacity</td>
<td>31.50</td>
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<tr>
<td>Of over five tons to six tons capacity</td>
<td>36.00</td>
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<tr>
<td>Of over six tons to seven tons capacity</td>
<td>40.50</td>
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<tr>
<td>Of over seven tons to eight tons capacity</td>
<td>45.00</td>
</tr>
<tr>
<td>Of over eight tons to nine tons capacity</td>
<td>49.50</td>
</tr>
<tr>
<td>Of over nine tons to ten tons capacity</td>
<td>54.00</td>
</tr>
<tr>
<td>Of over ten tons capacity, $54.00 plus $4.50 for each additional ton of capacity in excess of ten tons.</td>
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(c) Upon each semi-trailer of such carriers of
property, in accordance with its capacity as rated by its manufacturer, in an amount of two-thirds of the amount provided for vehicles of its capacity in subsection (b) of this section.

(d) Upon each motor vehicle of such carriers of passengers, in accordance with the seating capacity thereof, in addition to amount in subsection (a).

<table>
<thead>
<tr>
<th>Passengers</th>
<th>Amount</th>
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<tbody>
<tr>
<td>10 or less</td>
<td>$13.50</td>
</tr>
<tr>
<td>11 to 20 inclusive</td>
<td>$22.50</td>
</tr>
<tr>
<td>21 to 30 inclusive</td>
<td>$31.50</td>
</tr>
<tr>
<td>31 to 40 inclusive</td>
<td>$45.00</td>
</tr>
<tr>
<td>Over 40 inclusive</td>
<td>$54.00</td>
</tr>
</tbody>
</table>

(e) The annual assessment of each motor carrier shall be paid on or before the first day of July of each year. Additional assessments shall be collected upon the placing in use of any additional motor vehicle: Provided, That such additional assessment shall be subject to a reduction in the amounts shown in subsections (b), (c), and (d) corresponding to the unexpired quarterly periods of the fiscal year, but shall not in any event be less than one.
(f) Upon payment by any motor carrier of the assessment provided for, the public service commission shall advise the state road commission by notice in writing that such assessment has been paid, whereupon the state road commission may issue motor vehicle license for the vehicles described in said notice.

(g) Prior to the beginning of any fiscal year the public service commission, after taking into consideration any unexpended balance in the motor carrier fund, the probable receipts to be received in the ensuing fiscal year, and the probable costs of administering and enforcing the motor carrier act for the ensuing fiscal year, may fix the assessment provided for in this section for the ensuing fiscal year in amounts which, in the commission's judgment, will produce sufficient revenue to administer and enforce the motor carrier act for said fiscal year: Provided, That in no event shall such assessment exceed the amounts set up in this section.
Article 7. Complaints, Damages and Violations.

Section 4. Penalty for Violation of Chapter; Jurisdiction.—Every officer, agent, employee, or stockholder of any motor carrier, or any motor carrier, and every person who violates, procures, aids, or abets in the violation of any of the provisions of this act, or who fails to obey any order, decision, requirement, rule, or regulation of the commission or procures, aids, or abets any person in his failure to obey such order, decision, requirement, rule, or regulation, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not exceeding one thousand dollars or confined in jail for not less than thirty days nor more than one year, or both, in the discretion of the court. Justices of the peace shall have concurrent jurisdiction with the circuit, criminal and intermediate courts of proceedings to enforce the penalties prescribed by this section.

Sec. 5. Second Offense; Penalty.—When any person is convicted for a violation of any provision of this act or any order, decision, requirement, rule, or regulation of the commission and it is alleged in the indictment upon
which he is convicted and it is admitted, or by jury found,
that he has been before convicted of a violation of any
provision of this act or order, decision, requirement, rule,
or regulation of the commission, committed prior to the
violation for which the indictment upon trial was found,
then he shall be fined not less than five hundred dollars
nor more than five thousand dollars and shall, in addition
thereto, be confined in the county jail for not less than
three months nor more than one year.

Sec. 6. Duty of Prosecuting Attorneys and Peace Officers
to Enforce Chapter; Police Powers of Inspectors.—It shall
be the duty of the department of public safety and the
sheriffs of the counties in West Virginia to make arrests
and the duty of the prosecuting attorneys of the several
counties to prosecute all violations of this act, and the
commission employees designated by it as inspectors shall
have all the lawful powers of peace officers to enforce this
act in any county or city of this state.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1949

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within APPROVED this the 18TH

day of MARCH, 1949.

[Signature]
Governor.

[Signature]
Filed in the Office of the Secretary of State
of West Virginia
MAR 18 1949
D. PITI O'BRIEN,
SECRETARY OF STATE