

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED

HOUSE BILL No. 380

(By Mr. Kidd)



PASSED March 12 1949

In Effect July 1, 1949 Passage



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House Bill No. 380

(By MR. KIDD, by request)

[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:

Article 1. Purposes, Definitions, and Exemptions.

Section 1. *Purposes.*—It is hereby declared to be the

2 purpose and policy of the Legislature in enacting this
3 law to confer upon the public service commission of
4 West Virginia, in addition to all other powers conferred
5 and duties imposed upon it by law, the power, authority,
6 and duty to supervise and regulate the transportation of
7 persons and property for hire by motor vehicles upon
8 or over the public highways of this state so as to: (a)
9 protect the safety and welfare of the traveling and
10 shipping public in their use of transportation agencies
11 by motor vehicle; (b) preserve, foster, and regulate trans-
12 portation and permit the co-ordination of transportation
13 facilities; (c) provide the traveling and shipping public
14 transportation agencies rendering stabilized service at just
15 and reasonable rates. This act shall apply to persons and
16 motor vehicles engaged in interstate commerce to the
17 extent permitted by the constitution and laws of the
18 United States.

Sec. 3. *Exemptions.*—The provisions of this act, except
2 where specifically otherwise provided, shall not apply to:
3 (a) motor vehicles operated exclusively in the transpor-
4 tation of United States mail or in the transportation of

5 newspapers; (b) motor vehicles owned and operated by
6 the United States of America, the state of West Virginia,
7 or any county, municipality, or county board of education,
8 or by and department thereof, and any motor vehicles
9 operated under a contract with a county board of educa-
10 tion exclusively for the transportation of children to and
11 from school or such other legitimate transportation for
12 the schools as the commission may specifically authorize;

13 (c) motor vehicles owned and operated by farmers for
14 the transportation, with or without compensation, of agri-
15 cultural products produced on the farm owned or leased
16 by such farmer, or on lands within a radius of eight air
17 miles of such farm or lands, or the transportation of agri-
18 cultural supplies to be used on such farm or lands, and
19 in the transportation of such farmer, of fresh fruits, raw
20 milk, or livestock, from point of production to markets
21 or processing plants, packing houses, railroad stations and
22 cold storage plants, and (d) motor vehicles used exclu-
23 sively in the transportation of trash, rubbish, garbage, and
24 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;*

2 *Appropriation.*—In addition to the license fee, registration
3 fees, or any other taxes required by law to be collected
4 from motor carriers subject to this act, each such motor
5 carrier shall be subject to, and shall pay to the public
6 service commission, a special annual assessment for the
7 purpose of paying the salaries, compensation, costs and
8 expenses of administering and enforcing this act. All pro-
9 ceeds or funds derived from such assessment shall be paid
10 into the state treasury and credited to a special fund desig-
11 nated public service commission motor carrier fund, to be
12 appropriated as provided by law for the purpose herein
13 stated. Each member of the commission shall receive a
14 salary of fifteen hundred dollars per annum as compen-
15 sation for the administration of this act in addition to
16 all other salary or compensation otherwise provided by
17 law, to be paid in monthly installments from said fund.
18 The special assessment against each motor carrier shall be
19 apportioned upon the number and capacity of motor ve-

20 hicles used by said carrier, computed as hereinafter pro-
 21 vided.

22 (a) For each identification card and plate..... \$ 1.00

23 (b) Upon each motor vehicle, except semi-
 24 trailers of such carriers of property, in accordance
 25 with its capacity as rated by its manufacturer, in
 26 addition to amount of subsection (a)

27 Of one ton or less capacity..... \$ 9.00

28 Of over one to one and one-half tons capacity..... \$13.50

29 Of over one and one-half tons to two tons capacity 18.00

30 Of over two tons to three tons capacity..... 22.50

31 Of over three tons to four tons capacity..... 27.00

32 Of over four tons to five tons capacity..... 31.50

33 Of over five tons to six tons capacity..... 36.00

34 Of over six tons to seven tons capacity..... 40.50

35 Of over seven tons to eight tons capacity..... 45.00

36 Of over eight tons to nine tons capacity..... 49.50

37 Of over nine tons to ten tons capacity..... 54.00

38 Of over ten tons capacity, \$54.00 plus \$4.50 for each

39 additional ton of capacity in excess of ten tons.

40 (c) Upon each semi-trailer of such carriers of

41 property, in accordance with its capacity as rated
42 by its manufacturer, in an amount of two-thirds of
43 the amount provided for vehicles of its capacity
44 in subsection (b) of this section.

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

48 Of ten passengers or less.....	\$13.50
49 Of eleven to twenty passengers, inclusive.....	22.50
50 Of twenty-one to thirty passengers, inclusive.....	31.50
51 Of thirty-one to forty passengers, inclusive.....	45.00
52 Of over forty passengers.....	54.00

53 (e) The annual assessment of each motor carrier shall
54 be paid on or before the first day of July of each year.
55 Additional assessments shall be collected upon the placing
56 in use of any additional motor vehicle: *Provided*, That
57 such additional assessment shall be subject to a reduction
58 in the amounts shown in subsections (b), (c), and (d)
59 corresponding to the unexpired quarterly periods of the
60 fiscal year, but shall not in any event be less than one

61 fourth of such amount plus the sum of one dollar pro-
62 vided in subsection (a).

63 (f) Upon payment by any motor carrier of the assess-
64 ment provided for, the public service commission shall
65 advise the state road commission by notice in writing
66 that such assessment has been paid, whereupon the state
67 road commission may issue motor vehicle license for the
68 vehicles described in said notice.

69 (g) Prior to the beginning of any fiscal year the public
70 service commission, after taking into consideration any
71 unexpended balance in the motor carrier fund, the prob-
72 able receipts to be received in the ensuing fiscal year, and
73 the probable costs of administering and enforcing the mo-
74 tor carrier act for the ensuing fiscal year, may fix the
75 assessment provided for in this section for the ensuing
76 fiscal year in amounts which, in the commission's judg-
77 ment, will produce sufficient revenue to administer and
78 enforce the motor carrier act for said fiscal year: *Provided,*
79 That in no event shall such assessment exceed the amounts
80 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
2 any motor carrier, or any motor carrier, and every person
3 who violates, procures, aids, or abets in the violation of
4 any of the provisions of this act, or who fails to obey any
5 order, decision, requirement, rule, or regulation of the
6 commission or procures, aids, or abets any person in his
7 failure to obey such order, decision, requirement, rule, or
8 regulation, shall be deemed guilty of a misdemeanor and,
9 upon conviction, shall be fined not exceeding one thou-
10 sand dollars or confined in jail for not less than thirty
11 days nor more than one year, or both, in the discretion
12 of the court. Justices of the peace shall have concurrent
13 jurisdiction with the circuit, criminal and intermediate
14 courts of proceedings to enforce the penalties prescribed
15 by this section.

Sec. 5. *Second Offense; Penalty.*—When any person is
2 convicted for a violation of any provision of this act or
3 any order, decision, requirement, rule, or regulation of
4 the commission and it is alleged in the indictment upon

5 which he is convicted and it is admitted, or by jury found,
6 that he has been before convicted of a violation of any
7 provision of this act or order, decision, requirement, rule,
8 or regulation of the commission, committed prior to the
9 violation for which the indictment upon trial was found,
10 then he shall be fined not less than five hundred dollars
11 nor more than five thousand dollars and shall, in addition
12 thereto, be confined in the county jail for not less than
13 three months nor more than one year.

Sec. 6. Duty of Prosecuting Attorneys and Peace Officers
2 *to Enforce Chapter; Police Powers of Inspectors.*—It shall
3 be the duty of the department of public safety and the
4 sheriffs of the counties in West Virginia to make arrests
5 and the duty of the prosecuting attorneys of the several
6 counties to prosecute all violations of this act, and the
7 commission employees designated by it as inspectors shall
8 have all the lawful powers of peace officers to enforce this
9 act in any county or city of this state.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frank L. McGinn

Chairman Senate Committee

R. Matthews

Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1949 passage.

Howard Myers

Clerk of the Senate

J. R. Cliff

Clerk of the House of Delegates

W. B. Johnston

President of the Senate

W. E. Lawrence

Speaker House of Delegates

The within APPROVED this the 18TH

day of MARCH, 1949.

Chas. S. Patton
Governor.



Filed in the Office of the Secretary of State
of West Virginia **MAR 18 1949**

D. PITT O'BRIEN,
SECRETARY OF STATE