

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 28

(By Mr. JACKSON OF LOGAN ^{VP} MR. MOATS)

PASSED Feb 23 1959

In Effect 90 days from Passage



Filed in Office of the Secretary of State
of West Virginia
MAR 3 1959
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

Senate Bill No. 28

(By MR. JACKSON, OF LOGAN, AND MR. MOATS)

[Passed February 23, 1959; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article three, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the application for, issuance, transfer and revocation of permits for contract motor carriers by the public service commission of West Virginia and rules, regulations and procedure in connection therewith.

Be it enacted by the Legislature of West Virginia:

That section three, article three, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 3. *Permit; Hearing or Waiver of Same on Application; Transfer; Revocation.*— (a) It shall be unlawful

3 for any contract carrier by motor vehicle to operate
4 within this state without first having obtained from the
5 commission a permit. Upon the filing of an application
6 for such permit, the commission shall fix a time and place
7 for hearing thereon: *Provided, however,* That the com-
8 mission may, after giving notice as hereinafter provided
9 and if no protest is received, waive formal hearing on
10 such application. Said notice shall be by publication in a
11 newspaper of general circulation in the area of operation
12 at least ten days prior to the date of hearing and shall state
13 that formal hearing may be waived in the absence of pro-
14 test to such application. After hearing or waiver of hear-
15 ing as aforesaid, as the case may be, the commission shall
16 grant or deny the permit prayed for or grant it for the
17 partial exercise only of the privilege sought, and may
18 attach to the exercise of the privilege granted by such per-
19 mit such terms and conditions as in its judgment are
20 proper and will carry out the purposes of this chapter. No
21 permit shall be granted unless the applicant has estab-
22 lished to the satisfaction of the commission that the privi-
23 lege sought will not endanger the safety of the public or

24 unduly interfere with the use of the highways or impair
25 unduly the condition or unduly increase the maintenance
26 cost of such highways, directly or indirectly, or impair the
27 efficient public service of any authorized common carrier
28 or common carriers adequately serving the same territory.

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

35 (c) No permit issued in accordance with the terms of
36 this chapter shall be construed to be either a franchise or
37 irrevocable or to confer any proprietary or property
38 rights in the use of the public highways. No permit issued
39 under this chapter shall be assigned or otherwise trans-
40 ferred without the approval of the commission. Upon the
41 death of a person holding a permit, his personal represen-
42 tative or representatives may operate under such permit
43 while the same remains in force and effect and, with the
44 consent of the commission, may transfer such permit.

45 (d) The commission may at any time, for good cause,
46 suspend and, upon not less than fifteen days notice to the
47 grantee of any permit and an opportunity to be heard,
48 revoke or amend any permit.

49 (e) Every contract carrier by motor vehicle who shall
50 cease operation or abandon his rights under a permit
51 issued shall notify the commission within thirty days of
52 such cessation or abandonment.

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

W. M. Jasper

Chairman Senate Committee

Eudora Andrews

Chairman House Committee

Originated in the Senate.

Takes effect *90 days from* passage.

J. Howard Shyree

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Ralph Bean

President of the Senate

T. R. Pauley

Speaker House of Delegates

The within *approved* this the *2nd*
day of *March*, 1959.

Leif Henderson

Governor

