WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 28

(By Mr. Jackson of Logan, Chairperson)

PASSED ________________________ 1959

In Effect ________________________

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
for any contract carrier by motor vehicle to operate within this state without first having obtained from the commission a permit. Upon the filing of an application for such permit, the commission shall fix a time and place for hearing thereon: Provided, however, 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 in a newspaper of general circulation in the area of operation at least ten days prior to the date of hearing and shall state that formal hearing may be waived in the absence of protest to such 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) 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) 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 trans-
ferred without the approval of the commission. Upon the
death of a person holding a permit, his personal represen-
tative 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) The commission may at any time, for good cause, suspend and, upon not less than fifteen days notice to the grantee of any permit and an opportunity to be heard, revoke or amend any permit.

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

Takes effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

President of the Senate

[Signature]
Speaker House of Delegates

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

[Signature]
Governor