WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1962

ENROLLED

HOUSE BILL No. ... 30 ...

(By Mr. Speaker, Mr. [Signature])

PASSED February 7, 1962

In Effect Ninety Days from Passage

Filed in Office of the Secretary of State of West Virginia 2-15-62

JOE F. BURDETT
SECRETARY OF STATE
AN ACT to amend and reenact sections one and five, article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the jurisdiction of the public service commission generally and extending its jurisdiction to and supervisory authority over any utility engaged in the transportation of coal and its derivatives and all mixtures and combinations thereof with any substance by pipe lines.

Be it enacted by the Legislature of West Virginia:

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

Section 1. Jurisdiction of Commission.—The jurisdiction of the commission shall extend to all public utilities
in this state, and shall include any utility engaged in any of the following public services:

Common carriage of passengers or goods, whether by railroad, street railroad, motor or otherwise, by express or otherwise, by land, water or air, whether wholly or partly by land, water or air; transportation of oil, gas or water by pipe line; transportation of coal and its derivatives and all mixtures and combinations thereof with other substances by pipe line; sleeping car or parlor car services; transmission of messages by telephone, telegraph or radio; generation and transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility; supplying water, gas or electricity, by municipalities or others; sewer systems servicing twenty-five more persons or firms other than the owner of the sewer systems; toll bridges, wharves, ferries; and any other public service.

Sec. 5. Supervision of Public Utilities Licensed by Municipalities, County Courts or Otherwise; Right to Enter Premises, Inspect and Correct Meters.—The commission
shall have general supervision of all public utilities having authority under any charter or franchise of any city, town or municipality, county court, or tribunal in lieu thereof, or otherwise, to lay down and maintain wires, pipes, conduits, ducts or other fixtures in, over or under streets, highways or public places for the purpose of furnishing and distributing gas, or for furnishing and transmitting electricity for light, heat or power, or maintaining underground conduits, or ducts for electrical conductors, or for telegraph or telephone purposes, and for the purpose of furnishing water, either for domestic or power purposes, and shall have general supervision of oil and gas pipe lines, and shall have general supervision over any utility engaged in the transportation of coal and its derivatives and all mixtures and combinations thereof with any substance by pipe lines.

The commission may ascertain the quantity of water, or the quality and quantity of gas or electricity supplied by such utilities and examine the methods employed, and shall have power to order such improvements as will best promote the public interests.
The commission shall have power, through its members, inspectors, or employees to enter in, upon and to inspect the property, buildings, plants, fixtures, power houses and offices of any such utilities or municipalities, and shall have power to examine the books and affairs to be investigated by it. The commission shall, when and as necessary, appoint inspectors of gas, electric and water meters. And, when such inspectors are required to act, it shall be their duty to inspect, examine, prove and ascertain the accuracy of any gas, electric, or water meters used or intended to be used for measuring or ascertaining the quantity of gas, electricity or water furnished to, by or for the use of any person, firm or corporation, and, when found to be correct, or made correct, the inspector shall stamp or mark each of such meters with some suitable device, which device shall be recorded in the office of the commission. No public utility shall furnish or put in use any gas electric or water meter which shall not have been inspected, proved and stamped or marked by an inspector of the commission: Provided, That in cases of emergency, gas, electric
or water meters may be installed and used before being
inspected, but notice thereof shall be immediately given
to the public service commission by the public utility
installing the same, and such meters shall be inspected,
proved and stamped or marked, as soon thereafter as
practicable. Every gas, electric and water utility shall
provide and keep in and upon its premises suitable and
proper apparatus, to be approved and stamped or marked
by the commission, for testing and proving the accuracy
of gas, electric and water meters furnished for use by it
and by which apparatus every meter may and shall be
tested on the written request of the consumer to whom
the same shall be furnished, and in his presence if he
so desires.

If any person, firm or corporation to or by whom a
meter has been furnished shall request the commission
in writing to inspect such meter, the commission shall
have the same inspected and tested. If the same on being
tested shall be found to be two per cent from being cor-
rect, or shall be found to be to the prejudice of the user,
the inspector shall order the owner of such meter forth-
with to remove the same and to place instead thereof
a correct meter. The expense of such inspecting and test-
ing shall be borne by the owner if such meter be found
to be incorrect by two per cent or more. If the meter, on
being so tested, shall be found to be correct, or within
two per cent of being correct, the expense of such in-
spection and testing shall be borne by the user. A uni-
form charge and rule shall be fixed by the commission
for this service: Provided, That nothing in this chapter
shall prevent the commission from changing and modify-
ing the method of inspecting meters and adopting such
rules and regulations therefor as to the commission may
seem just and proper.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the fifteenth day of February, 1962.

Governor