

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1968



ENROLLED

HOUSE BILL No. 244

(By Mr. Speaker M. White,  
and Mr. Hager of Logan)



PASSED January 25, 1968

In Effect ninety days from Passage



FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
TR.S DATE 2-3-68

# 244

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(By MR. SPEAKER, MR. WHITE, and MR. HAGER, of Logan)

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AN ACT to amend and reenact section five, article two, chapter twenty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the ascertainment and regulation by the public service commission of the quality of water supplied by a public water supply system in accordance with quality standards established by the state board of health.

*Be it enacted by the Legislature of West Virginia:*

That section 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:

**ARTICLE 2. POWERS AND DUTIES OF PUBLIC SERVICE  
COMMISSION.**

**§24-2-5. Supervision of public utilities licensed by municipali-  
ties, county courts or otherwise; right to enter prem-  
ises, inspect and correct meters.**

1 The commission shall have general supervision of all  
2 public utilities having authority under any charter or  
3 franchise of any city, town or municipality, county  
4 court, or tribunal in lieu thereof, or otherwise, to lay  
5 down and maintain wires, pipes, conduits, ducts or other  
6 fixtures in, over or under streets, highways or public  
7 places for the purpose of furnishing and distributing  
8 gas, or for furnishing and transmitting electricity for  
9 light, heat or power, or maintaining underground con-  
10 duits, or ducts for electrical conductors, or for telegraph  
11 or telephone purposes, and for the purpose of furnishing  
12 water, either for domestic or power purposes, and shall  
13 have general supervision of oil and gas pipelines, and  
14 shall have general supervision over any utility engaged  
15 in the transportation of coal and its derivatives and  
16 all mixtures and combinations thereof with any substance  
17 by pipelines.

18 The commission may ascertain the quality and quan-  
19 tity of water, or the quality and quantity of gas or  
20 electricity supplied by such utilities and examine the  
21 methods employed, and shall have power to order such  
22 improvements as will best promote the public interests.

23 In ascertaining and regulating the quality of water, the  
24 commission shall use the quality standards established by  
25 the state board of health by regulations governing public  
26 water supplies.

27 The commission shall have power, through its mem-  
28 bers, inspectors, or employees to enter in, upon and to  
29 inspect the property, buildings, plants, fixtures, power-  
30 houses and offices of any such utilities or municipalities,  
31 and shall have power to examine the books and affairs  
32 to be investigated by it. The commission shall, when  
33 and as necessary, appoint inspectors of gas, electric and  
34 water meters. And, when such inspectors are required  
35 to act, it shall be their duty to inspect, examine, prove  
36 and ascertain the accuracy of any gas, electric, or water  
37 meters used or intended to be used for measuring or  
38 ascertaining the quantity of gas, electricity or water

39 furnished to, by or for the use of any person, firm or  
40 corporation, and, when found to be correct, or made  
41 correct, the inspector shall stamp or mark each of such  
42 meters with some suitable device, which device shall  
43 be recorded in the office of the commission. No public  
44 utility shall furnish or put in use any gas, electric or  
45 water meter which shall not have been inspected, proved  
46 and stamped or marked by an inspector of the com-  
47 mission: *Provided*, That in cases of emergency, gas,  
48 electric or water meters may be installed and used before  
49 being inspected, but notice thereof shall be immediately  
50 given to the public service commission by the public  
51 utility installing the same, and such meters shall be  
52 inspected, proved and stamped or marked, as soon there-  
53 after as practicable. Every gas, electric and water utility  
54 shall provide and keep in and upon its premises suitable  
55 and proper apparatus, to be approved and stamped or  
56 marked by the commission, for testing and proving the  
57 accuracy of gas, electric and water meters furnished for  
58 use by it and by which apparatus every meter may and  
59 shall be tested on the written request of the consumer

60 to whom the same shall be furnished, and in his pres-  
61 ence if he so desires.

62 If any person, firm or corporation to or by whom a  
63 meter has been furnished shall request the commission  
64 in writing to inspect such meter, the commission shall  
65 have the same inspected and tested. If the same on  
66 being tested shall be found to be two percent from  
67 being correct, or shall be found to be to the prejudice  
68 of the user, the inspector shall order the owner of such  
69 meter forthwith to remove the same and to place instead  
70 thereof a correct meter. The expense of such inspecting  
71 and testing shall be borne by the owner if such meter  
72 be found to be incorrect by two percent or more. If the  
73 meter, on being so tested, shall be found to be correct  
74 or within two percent of being correct, the expense of  
75 such inspection and testing shall be borne by the user.  
76 A uniform charge and rule shall be fixed by the com-  
77 mission for this service: *Provided*, That nothing in this  
78 chapter shall prevent the commission from changing and  
79 modifying the method of inspecting meters and adopting  
80 such rules and regulations therefor as to the commission  
81 may seem just and proper.

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

*William Tompkins*  
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Chairman Senate Committee

*St. G. ...*  
-----  
Vice Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Howard Meyers*  
-----  
Clerk of the Senate

*C. Blankenship*  
-----  
Clerk of the House of Delegates

*Howard Roberson*  
-----  
President of the Senate

*H. ...*  
-----  
Speaker of the House of Delegates

The within approved this the 7th  
day of February, 1968.

*Hullett C. Smith*  
-----  
Governor



PRESENTED TO THE  
GOVERNOR

Date 1/29/68

Time 10:35 Am

RECEIVED

FEB 3 10 35 AM '68

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

*Robert D. Buckley*