AN ACT to amend and reenact section two, article one, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said chapter by adding thereto a new article, designated article six-a, all relating to motor carriers of passengers and property for hire; and regulation of uniform registration of authority and vehicles of interstate for hire carriers.

Be it enacted by the Legislature of West Virginia:

That section two, article one, chapter twenty-four-a, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said chapter be further amended by adding thereto a new article, designated article six-a, all to read as follows:
ARTICLE I. PURPOSES, DEFINITIONS AND EXEMPTIONS.


1. When used in this chapter: (a) The term "motor vehicle" means, and includes, any automobile, truck, tractor, truck-tractor, trailer, semitrailer, motorbus, taxicab, any self-propelling motor-driven motor vehicle, or any combination thereof, used upon any public highway in this state for the purpose of transporting persons or property; (b) the term "public highway" means any public street, alley, road, or highway, or thoroughfare of any kind in this state used by the public; (c) the term "commission" means the public service commission of West Virginia; (d) the term "person" means and includes any individual, firm, copartnership, corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee or personal representative thereof; (e) the term "common carrier by motor vehicle" means any person who undertakes, whether directly or by lease or any other arrangement, to transport passengers or property, or any class or classes of property, for the general public over the highways of this state by motor vehicles for
hire, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail, water or air and of express or forwarding agencies, and leased or rented motor vehicles, with or without drivers; 

(f) the term "contract carrier by motor vehicle" means any person not included in subsection (e) of this section, who under special and individual contracts or agreements, and whether directly or by lease or any other arrangement, transports passengers or property over the highways in this state by motor vehicles for hire; 

(g) the term "motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle; 

(h) the term "exempt carrier" means any person operating a motor vehicle exempt from the provisions of this chapter under section three thereof; 

(i) the term "power unit" means any vehicle which contains within itself the engine, motor, or other source of power by which said vehicle is propelled; 

(j) the letters "I.C.C." mean the interstate commerce commission; 

(k) the words "driveaway operation" mean an operation in which any vehicle or vehicles, operated singly or in lawful com-
41 combinations, new or used, not owned by the transporting
42 motor carrier, constitute the commodity being trans-
43 ported; (l) the letters "NARUC" mean the national as-
44 sociation of regulatory utility commissioners; (m) the
45 term "operations within the borders of this state" means
46 interstate or foreign operations to, from, within or tra-
47 versing this state.

ARTICLE 6A. REGISTRATION OF INTERSTATE COMMERCE
COMMISSION AUTHORITY AND IDENTIFICATION OF VEHICLES.

§24A-6A-1. Registration of interstate commerce commission
authority and identification of vehicles to be
operated thereunder, etc.

1 No motor carrier shall operate within the borders of
2 this state under authority issued by the interstate com-
3 merce commission (hereinafter referred to as I. C. C.)
4 unless and until it shall have filed with this commission
5 a copy of such authority. However, a motor carrier shall
6 only be required to file with this commission that por-
7 tion of its authority permitting operation within the bor-
8 ders of this state. A motor carrier shall not be required
9 to file with this commission an emergency or temporary
10 operating authority having a duration of thirty consecu-
tive days or less if such carrier has; (a) registered its
other authority and identified its vehicles or driveaway
operation under the provisions of this chapter, and (b)
furnished to this commission a telegram or other written
communication describing such emergency or temporary
operating authority and stating that operation thereunder
shall be in full accord with the requirements of this
chapter.

A motor carrier need not register under the provisions
of this article any authority issued by the I. C. C. per-
mitting operation within the borders of this state, when
the same was properly filed with the commission at the
time this article became effective.

§24A-6A-3. When registration and identification required.

No motor carrier subject to the provisions of section
one, article seven of this chapter shall operate any motor
vehicle within the borders of this state unless and until
such vehicle, other than one used in driveaway operation,
shall have been registered with this commission in ac-
cordance with the provisions of this article.
§24A-6A-4. Registration and identification.

(a) On or before the thirty-first day of January of each calendar year, but not earlier than the preceding first day of November, such motor carrier shall apply to the commission for the issuance of an identification stamp or stamps for the registration and identification of the vehicle or vehicles which it intends to operate, or driveaway operations which it intends to conduct, within the borders of this state during the ensuing year. Such motor carrier may thereafter file one or more supplemental applications for additional stamps if the need therefore arises or is anticipated.

(b) If the commission determines that the motor carrier has complied with all applicable provisions of this chapter, the commission shall issue to the motor carrier the number of identification stamps requested.

(c) An identification stamp issued under the provisions of this article shall be used for the purpose of registering and identifying a vehicle or driveaway operation as being operated or conducted by a motor carrier under authority issued by the I. C. C., and shall not be used
for the purpose of distinguishing between the vehicles
operated by the same motor carrier. A motor carrier
receiving an identification stamp under the provisions
of this article shall not knowingly permit the use of same
by any other person or organization.

(d) The commission shall require the motor carrier to
accompany such application with a list identifying each
vehicle (other than one to be used in driveaway opera-
tions) which it intends to operate within the borders of
this state during the ensuing year. The commission shall
further require the motor carrier to keep such list cur-
rent by filing with it an identification of each vehicle
acquired for operation within the borders of this state
and each vehicle whose operation is discontinued therein
after the filing of such list. The filing of an identification
of such newly acquired or discontinued vehicle shall be
made with the commission on or before the fifteenth day
after the motor carrier initiates or discontinues operation
of the vehicle within the borders of this state.

(e) On or before the thirty-first day of January of
each calendar year, but not earlier than the preceding
first day of November, such motor carrier shall apply to
the national association of regulatory utility commissioners
(hereinafter referred to as NARUC) for the issuance of
a sufficient supply or uniform identification cab cards
for use in connection with the registration and identifica-
tion of the vehicle or vehicles which it intends to operate,
or driveaway operations which it intends to conduct,
within the borders of this state during the ensuing year.

(f) A motor carrier receiving a cab card under the
provisions of this article shall not knowingly permit the
use of same by any other person or organization. Prior
to operating a vehicle, or conducting a driveaway opera-
tion, within the borders of this state during the en-
suing year, the motor carrier shall place one of such
identification stamps on the back of a cab card in the
square bearing the name of this state in such a manner
that the same cannot be removed without defacing it.
The motor carrier shall thereupon duly complete and
execute the form or certificate printed on the front of the
cab card so as to identify itself and such vehicle or drive-
away operation.
(g) The registration and identification of a vehicle or driveaway operation under the provisions of this article and the identification stamp evidencing same and the cab card prepared therefore shall become void on the first day of February in the succeeding calendar year, unless such registration is terminated prior thereto.

§24A-6A-5. Form and execution of application for identification stamp.

1 The application for the issuance of such identification stamp or stamps shall be in the form prescribed by the commission. The application shall be duly completed and executed by an official of the motor carrier, and shall be accompanied by a three dollar fee for the issuance of each identification stamp. However, the fee for each vehicle identification issued for the period beginning the first day of July, one thousand nine hundred seventy-one, and expiring the first day of February, one thousand nine hundred seventy-three, shall be five dollars. For the period beginning the first day of July, one thousand nine hundred seventy-one, and expiring the first day of February, one thousand nine hundred seventy-three, the
commission shall have the option to issue either a vehicle identification stamp or a vehicle identification card as presently authorized under subdivision (a), section six, article six of this chapter or a combination of such stamp and such card.


Any identification stamp issued under the provisions of this article by the commission shall bear its name or symbol and such other distinctive markings or information, if any, as the commission deems appropriate. The stamp shall be in the shape of a square and shall not exceed one inch in diameter.


The cab card shall be in the form prescribed by the NARUC and the commission.


In the case of a vehicle not used in a driveaway operation, the cab card shall be maintained in the cab of such vehicle for which prepared whenever the vehicle is operated under the authority of the carrier identified in the

1 In the case of a driveaway operation, the cab card shall be maintained in the cab of the vehicle furnishing the motive power for the driveaway operation whenever such an operation is conducted under the authority of the carrier identified in the cab card.

§24A-6A-10. Inspection of cab card.

1 A cab card shall, upon demand, be presented by the driver to any authorized commission personnel for inspection.


1 (a) Each motor carrier shall destroy a cab card immediately upon its expiration.

2 (b) If a motor carrier permanently discontinues the use of a vehicle for which a cab card has been prepared, it shall nullify the cab card at the time of such discontinuance.

1. (a) Any erasure, improper alteration or unauthorized use of a cab card shall render it void.

2. (b) If a cab card is lost, destroyed, multilated or becomes illegible, a new cab card may be prepared and new identification stamps may be issued therefore upon application by the motor carrier and upon payment of the same fee prescribed for the original issuance thereof.


1. Nothing in this article shall be construed to affect the collection or method of collection of taxes or fees by this state from motor carriers for the operation of vehicles within the borders of this state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures and titles]

Originated in the House.

In effect ninety days from passage.

[Signatures and titles]

The within approved this the 15th day of March, 1971.

[Signature]

Governor
PRESENTED TO THE
GOVERNOR

Date  3/10/71
Time  2:25 p.m.

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Mar 17  3 22  AH 71

OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA