

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1971



ENROLLED

HOUSE BILL No. 1006

(By Mr. MYLES)



PASSED MARCH 6 1971

In Effect NINETY DAYS FROM Passage



FILED IN THE OFFICE  
JOHN D. DOUGHERTY, IV  
SECRETARY OF STATE  
THIS DATE 3-17-71

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9001

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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 1. PURPOSES, DEFINITIONS AND EXEMPTIONS.****§24A-1-2. Definitions.**

1     When used in this chapter: (a) The term “motor ve-  
2     hicle” means, and includes, any automobile, truck, tractor,  
3     truck-tractor, trailer, semitrailer, motorbus, taxicab, any  
4     self-propelling motor-driven motor vehicle, or any combi-  
5     nation thereof, used upon any public highway in this state  
6     for the purpose of transporting persons or property; (b)  
7     the term “public highway” means any public street, alley,  
8     road, or highway, or thoroughfare of any kind in this  
9     state used by the public; (c) the term “commission” means  
10    the public service commission of West Virginia; (d) the  
11    term “person” means and includes any individual, firm,  
12    copartnership, corporation, company, association, or joint-  
13    stock association, and includes any trustee, receiver, as-  
14    signee or personal representative thereof; (e) the term  
15    “common carrier by motor vehicle” means any person  
16    who undertakes, whether directly or by lease or any  
17    other arrangement, to transport passengers or property,  
18    or any class or classes of property, for the general public  
19    over the highways of this state by motor vehicles for

20 hire, whether over regular or irregular routes, includ-  
21 ing such motor vehicle operations of carriers by rail,  
22 water or air and of express or forwarding agencies, and  
23 leased or rented motor vehicles, with or without drivers;  
24 (f) the term "contract carrier by motor vehicle" means  
25 any person not included in subsection (e) of this sec-  
26 tion, who under special and individual contracts or agree-  
27 ments, and whether directly or by lease or any other  
28 arrangement, transports passengers or property over the  
29 highways in this state by motor vehicles for hire; (g)  
30 the term "motor carrier" includes both a common car-  
31 rier by motor vehicle and a contract carrier by motor  
32 vehicle; (h) the term "exempt carrier" means any per-  
33 son operating a motor vehicle exempt from the provisions  
34 of this chapter under section three thereof; (i) the term  
35 "power unit" means any vehicle which contains within  
36 itself the engine, motor, or other source of power by  
37 which said vehicle is propelled; (j) the letters "I.C.C."  
38 mean the interstate commerce commission; (k) the words  
39 "driveaway operation" mean an operation in which any  
40 vehicle or vehicles, operated singly or in lawful com-

41 binations, 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 IDENTIFICA-  
TION 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-

11 tive days or less if such carrier has; (a) registered its  
12 other authority and identified its vehicles or driveaway  
13 operation under the provisions of this chapter, and (b)  
14 furnished to this commission a telegram or other written  
15 communication describing such emergency or temporary  
16 operating authority and stating that operation thereunder  
17 shall be in full accord with the requirements of this  
18 chapter.

**§24A-6A-2. Prior registration.**

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

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

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

**§24A-6A-4. Registration and identification.**

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

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

16 (c) An identification stamp issued under the provi-  
17 sions of this article shall be used for the purpose of reg-  
18 istering and identifying a vehicle or driveaway operation  
19 as being operated or conducted by a motor carrier under  
20 authority issued by the I. C. C., and shall not be used

21 for the purpose of distinguishing between the vehicles  
22 operated by the same motor carrier. A motor carrier  
23 receiving an identification stamp under the provisions  
24 of this article shall not knowingly permit the use of same  
25 by any other person or organization.

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

40 (e) On or before the thirty-first day of January of  
41 each calendar year, but not earlier than the preceding



42 first day of November, such motor carrier shall apply to  
43 the national association of regulatory utility commissioners  
44 (hereinafter referred to as NARUC) for the issuance of  
45 a sufficient supply or uniform identification cab cards  
46 for use in connection with the registration and identifica-  
47 tion of the vehicle or vehicles which it intends to operate,  
48 or driveaway operations which it intends to conduct,  
49 within the borders of this state during the ensuing year.

50 (f) A motor carrier receiving a cab card under the  
51 provisions of this article shall not knowingly permit the  
52 use of same by any other person or organization. Prior  
53 to operating a vehicle, or conducting a driveaway opera-  
54 tion, within the borders of this state during the en-  
55 suing year, the motor carrier shall place one of such  
56 identification stamps on the back of a cab card in the  
57 square bearing the name of this state in such a manner  
58 that the same cannot be removed without defacing it.  
59 The motor carrier shall thereupon duly complete and  
60 execute the form or certificate printed on the front of the  
61 cab card so as to identify itself and such vehicle or drive-  
62 away operation.

63 (g) The registration and identification of a vehicle or  
64 driveaway operation under the provisions of this article  
65 and the identification stamp evidencing same and the  
66 cab card prepared therefore shall become void on the  
67 first day of February in the succeeding calendar year,  
68 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  
2 stamp or stamps shall be in the form prescribed by the  
3 commission. The application shall be duly completed and  
4 executed by an official of the motor carrier, and shall  
5 be accompanied by a three dollar fee for the issuance of  
6 each identification stamp. However, the fee for each  
7 vehicle identification issued for the period beginning the  
8 first day of July, one thousand nine hundred seventy-one,  
9 and expiring the first day of February, one thousand  
10 nine hundred seventy-three, shall be five dollars. For  
11 the period beginning the first day of July, one thousand  
12 nine hundred seventy-one, and expiring the first day of  
13 February, one thousand nine hundred seventy-three, the

14 commission shall have the option to issue either a vehicle  
15 identification stamp or a vehicle identification card as  
16 presently authorized under subdivision (a), section six,  
17 article six of this chapter or a combination of such stamp  
18 and such card.

**§24A-6A-6. Form of identification stamp.**

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

**§24A-6A-7. Form of cab card.**

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

**§24A-6A-8. Use of cab cards in connection with vehicles not  
used in driveaway operations.**

1 In the case of a vehicle not used in a driveaway opera-  
2 tion, the cab card shall be maintained in the cab of such  
3 vehicle for which prepared whenever the vehicle is oper-  
4 ated under the authority of the carrier identified in the

5 cab card. Such cab cards shall not be used for any vehicle  
6 except the vehicle for which it was originally prepared.  
7 A motor carrier shall not prepare two or more cab cards  
8 which are effective for the same vehicle at the same time.

**§24A-6A-9. Use of cab cards in driveaway operations.**

1 In the case of a driveaway operation, the cab card  
2 shall be maintained in the cab of the vehicle furnishing  
3 the motive power for the driveaway operation whenever  
4 such an operation is conducted under the authority of  
5 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  
2 driver to any authorized commission personnel for in-  
3 spection.

**§24A-6A-11. Destruction of cab cards.**

1 (a) Each motor carrier shall destroy a cab card im-  
2 mediately upon its expiration.

3 (b) If a motor carrier permanently discontinues the  
4 use of a vehicle for which a cab card has been prepared,  
5 it shall nullify the cab card at the time of such discon-  
6 tinuance.

**§24A-6A-12. Alteration of cab card.**

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

3 (b) If a cab card is lost, destroyed, mutilated or be-  
4 comes illegible, a new cab card may be prepared and new  
5 identification stamps may be issued therefore upon ap-  
6 plication by the motor carrier and upon payment of the  
7 same fee prescribed for the original issuance thereof.

**§24A-6A-13. State taxes and fees.**

1 Nothing in this article shall be construed to affect the  
2 collection or method of collection of taxes or fees by this  
3 state from motor carriers for the operation of vehicles  
4 within the borders of this state.

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

*James G. Bruce*  
Chairman Senate Committee

*Phyllis J. Ruthledge*  
Chairman House Committee

Originated in the House.

In effect ninety days from passage.

*Howard Keener*  
Clerk of the Senate

*W. Blankenship*  
Clerk of the House of Delegates

*E. E. Ebbert*  
President of the Senate

*Ivor F. Boiesby*  
Speaker House of Delegates

The within *approved* this the *15<sup>th</sup>*  
day of *March*, 1971.

*Archie M. Moore, Jr.*  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/10/71

Time 2:25 p.m.

RECEIVED

MAR 17 9 22 AM '71

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA