

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

— ● —

ENROLLED

HOUSE BILL No. 1363

Originating in the Committee
(By Mr. *on the Judiciary*)

— ● —

PASSED March 9 1974

In Effect from Passage



FILED IN THE OFFICE
EDGAR F. CROOKELL III
SECRETARY OF STATE

THIS DATE 3-20-74

1363

ENROLLED

H. B. 1363

[Passed March 9, 1974; in effect from passage.]

AN ACT to amend and reenact section eighteen, article twenty-seven, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to amend and reenact section one, article five, chapter twenty-four-a of said code, all relating to urban mass transportation systems and the authority, powers and duties of the public service commission with respect thereto.

Be it enacted by the Legislature of West Virginia:

That section eighteen, article twenty-seven, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section one, article five, chapter twenty-four-a of said code be amended and reenacted, all to read as follows:

**CHAPTER 8. MUNICIPAL LAW, MUNICIPALITIES
AND COUNTIES: INTERGOVERNMENTAL
RELATIONS.**

**ARTICLE 27. INTERGOVERNMENTAL RELATIONS—URBAN MASS
TRANSPORTATION SYSTEMS.**

§8-27-18. Authority and duty of public service commission.

1 Each authority which undertakes to engage in transporting
2 passengers for hire by motor vehicles or other conveyances
3 over regular routes shall be deemed a common carrier of pas-
4 sengers for hire and shall be subject to the jurisdiction and
5 authority of the public service commission of West Virginia as
6 provided in chapter twenty-four and chapter twenty-four-a of

7 this code, to the same extent as any other common carrier of
8 passengers for hire, except that the public service commission
9 shall not have the power to originate, establish, promulgate,
10 change, investigate and enforce routes and schedules for any
11 urban mass transportation system established pursuant to this
12 article: *Provided*, That it shall be the mandatory duty of the
13 public service commission to fix and establish, from time
14 to time, such fees, rates or other charges for each
15 authority as will provide revenues in each year at least
16 sufficient to pay the principal of and interest on all bonds
17 issued by that authority, and reasonable reserves there-
18 for, as the same shall become due in each year, together
19 with the cost of administration, maintenance, repair and
20 operation of such system or systems in each year, to-
21 gether with all other payments required in each year by the
22 resolution which authorized the issuance of such bonds or the
23 trust indenture securing the same, including reasonable re-
24 serves, margins or sinking funds for any of such purposes.

CHAPTER 24A. MOTOR CARRIERS OF PASSEN- GERS AND PROPERTY FOR HIRE.

ARTICLE 5. POWERS AND DUTIES OF COMMISSION.

§24A-5-1. Powers of commission as to rates, schedules, etc.

1 The commission shall have power to originate, establish,
2 promulgate, change, investigate and enforce tariffs, rates, joint
3 rates, classifications, and schedules for all motor carriers, ex-
4 cept for routes and schedules of urban mass transportation sy-
5 stems established and maintained pursuant to article twenty-
6 seven, chapter eight of this code, and the practices, services and
7 facilities of all motor carriers. And whenever the commission
8 shall, after hearing, find any existing rates, tariffs, joint rates,
9 classifications, schedules, practices, services, or facilities un-
10 just, unreasonable, insufficient, or unjustly discriminatory or
11 otherwise in violation of any of the provisions of this chapter,
12 the commission shall, by order, fix and require reasonable rates,
13 joint rates, tariffs, classifications, schedules, practices, services,
14 or facilities to be followed or established in the future in lieu
15 of those found to be unjust, unreasonable, insufficient, or un-
16 justly discriminatory or otherwise in violation of any provisions
17 of law.

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

H. David Darby
Chairman Senate Committee

Clarence C. Thurston Jr.
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard W. Larson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. T. Brotherton, Jr.
President of the Senate

Lewis A. M. Mann
Speaker House of Delegates

The within approved this the 19th
March day of _____, 1974.

Anda. Prince, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/18/74

Time 3:05 p.m.