WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED

HOUSE BILL No. 1363

Originating in the Committee
(By Mr. [Handwritten: The Judiciary])

PASSED

March 7, 1974

In Effect

Passed

1363

FILED IN THE OFFICE
EDWARD G. CONKIN III
SECRETARY OF STATE
THIS DATE 3-20-74
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 passengers for hire by motor vehicles or other conveyances over regular routes shall be deemed a common carrier of passengers for hire and shall be subject to the jurisdiction and authority of the public service commission of West Virginia as provided in chapter twenty-four and chapter twenty-four-a of
this code, to the same extent as any other common carrier of
passengers for hire, except that the public service commission
shall not have the power to originate, establish, promulgate,
change, investigate and enforce routes and schedules for any
urban mass transportation system established pursuant to this
article: Provided, That it shall be the mandatory duty of the
public service commission to fix and establish, from time
to time, such fees, rates or other charges for each
authority as will provide revenues in each year at least
sufficient to pay the principal of and interest on all bonds
issued by that authority, and reasonable reserves there-
for, as the same shall become due in each year, together
with the cost of administration, maintenance, repair and
operation of such system or systems in each year, to-
gether with all other payments required in each year by the
resolution which authorized the issuance of such bonds or the
trust indenture securing the same, including reasonable re-
serves, margins or sinking funds for any of such purposes.

CHAPTER 24A. MOTOR CARRIERS OF PASSENGERS AND PROPERTY FOR HIRE.

ARTICLE 5. POWERS AND DUTIES OF COMMISSION.

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

The commission shall have power to originate, establish,
promulgate, change, investigate and enforce tariffs, rates, joint
rates, classifications, and schedules for all motor carriers, ex-
cept for routes and schedules of urban mass transportation sys-
tems established and maintained pursuant to article twenty-
seven, chapter eight of this code, and the practices, services and
facilities of all motor carriers. And whenever the commission
shall, after hearing, find any existing rates, tariffs, joint rates,
classifications, schedules, practices, services, or facilities un-
just, unreasonable, insufficient, or unjustly discriminatory or
otherwise in violation of any of the provisions of this chapter,
the commission shall, by order, fix and require reasonable rates,
joint rates, tariffs, classifications, schedules, practices, services,
or facilities to be followed or established in the future in lieu
of those found to be unjust, unreasonable, insufficient, or un-
justly discriminatory or otherwise in violation of any provisions
of law.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Daniel Sarby
Chairman Senate Committee

Clarence E. Fishburne
Chairman House Committee

Originated in the House.
Takes effect from passage.

Howard W. Cowan
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

J. T. Bosticton, Jr.
President of the Senate

Lewis M. M. Mann
Speaker House of Delegates

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

A. C. A. Vance Jr.
Governor
PRESENTED TO THE GOVERNOR

Date 3/18/74

Time 3:05 p.m.