

No: 1396

APPROVED AND SIGNED BY THE GOVERNOR

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OFFICE OF THE GOVERNOR

Date 3-29-83

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



ENROLLED

Com. Sub. for
HOUSE BILL No. 1396

(By Mr. Albright)



Passed March 12, 1983

In Effect From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1396

(By MR. ALBRIGHT)

[Passed March 12, 1983; in effect from passage.]

AN ACT to amend and reenact sections one and four, article six-a, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to motor carrier registration generally; the registration of motor carriers with the public service commission of the motor vehicles used by such carriers and the identification of such vehicles; requiring the designation of a local agent for the purpose of service of process; changing the dates required for the application for and the issuance of stamps used for the registration and identification of such motor vehicles and the date for applying for the form used for such purposes; and changing the date which such identification and registration expire.

Be it enacted by the Legislature of West Virginia:

That sections one and four, article six-a, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 6A. REGISTRATION OF INTERSTATE COMMERCE COMMISSION AUTHORITY AND IDENTIFICATION OF VEHICLES TO BE OPERATED THEREUNDER.

§24A-6A-1. Filing of interstate commerce commission authority required; exception.

1 No motor carrier shall operate within the borders of this

2 state under authority issued by the interstate commerce com-
3 mission (hereinafter referred to as I.C.C.) unless and until
4 it shall have filed with this commission a copy of such author-
5 ity. However, a motor carrier shall only be required to file
6 with this commission that portion of its authority permitting
7 operation within the borders of this state. A motor carrier
8 shall not be required to file with this commission an emergency
9 or temporary operating authority having a duration of thirty
10 consecutive days or less if such carrier has: (a) Registered its
11 other authority and identified its vehicles or driveway opera-
12 tion under the provisions of this chapter, and (b) furnished to
13 this commission a telegram or other written communication
14 describing such emergency or temporary operating authority
15 and stating that operation thereunder shall be in full accord
16 with the requirements of this chapter. Each motor carrier shall
17 file with the commission its designation of a local agent for
18 service of process on the uniform application for registration of
19 interstate operating authority as promulgated by the I.C.C.; ex-
20 cept that such form need not be filed if the designation has
21 been filed with the commission pursuant to 49 U.S.C., Sec-
22 tion 10330(b).

**§24A-6A-4. Application for, issuance and use of identification
stamps and cab cards; expiration of registration and
identification.**

1 (a) On or before the thirty-first day of December of each
2 calendar year, but not earlier than the preceding first day of
3 October, such motor carrier shall apply to the commission for
4 the issuance of an identification stamp or stamps for the regis-
5 tration and identification of the vehicle or vehicles which it in-
6 tends to operate, or driveway operations which it intends to
7 conduct, within the borders of this state during the ensuing
8 year. Such motor carrier may thereafter file one or more sup-
9 plemental applications for additional stamps if the need there-
10 fore arises or is anticipated.

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

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

24 (d) The commission shall require the motor carrier to ac-
25 company such application with a list identifying each vehicle
26 (other than one to be used in driveaway operations) which it
27 intends to operate within the borders of this state during the
28 ensuing year. The commission shall further require the motor
29 carrier to keep such list current by filing with it an identifi-
30 cation of each vehicle acquired for operation within the
31 borders of this state and each vehicle whose operation is
32 discontinued therein after the filing of such list. The filing of
33 an identification of such newly acquired or discontinued ve-
34 hicle shall be made with the commission on or before the
35 sixteenth day after the motor carrier initiates or discontinues
36 operation of the vehicle within the borders of this state.

37 (e) On or before the thirty-first day of December of each
38 calendar year, but not earlier than the preceding first day of
39 October, such motor carrier shall apply to the national asso-
40 ciation of regulatory utility commissioners (hereinafter referred
41 to as NARUC) for the issuance of a sufficient supply of uni-
42 form identification cab cards for use in connection with the
43 registration and identification of the vehicle or vehicles which
44 it intends to operate, or driveaway operations which it intends
45 to conduct, within the borders of the state during the ensuing
46 year.

47 (f) A motor carrier receiving a cab card under the provi-
48 sions of this article shall not knowingly permit the use of
49 same by any other person or organization. Prior to operating a
50 vehicle, or conducting a driveaway operation, within the
51 borders of this state during the ensuing year, the motor carrier
52 shall place one of such identification stamps on the back of a

53 cab card in the square bearing the name of this state in such a
54 manner that the same cannot be removed without defacing it.
55 The motor carrier shall thereupon duly complete and execute
56 the form or certificate printed on the front of the cab card so
57 as to identify itself and such vehicle or driveaway operation.

58 (g) The registration and identification of a vehicle or drive-
59 away operation under the provisions of this article and the
60 identification stamp evidencing same and the cab card pre-
61 pared therefor shall become void on the first day of January in
62 the succeeding calendar year, unless such registration is
63 terminated prior thereto.

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

[Handwritten Signature]
Chairman Senate Committee

[Handwritten Signature]
Chairman House Committee

Originating in the House.

Takes effect from passage.

[Handwritten Signature]
Clerk of the Senate

[Handwritten Signature]
Clerk of the House of Delegates

[Handwritten Signature]
President of the Senate

[Handwritten Signature]
Speaker House of Delegates

The within is approved this the 29
day of March, 1983.

[Handwritten Signature]
Governor

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