WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED

House Bill No. 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
state under authority issued by the interstate commerce com-
mission (hereinafter referred to as I.C.C.) unless and until
it shall have filed with this commission a copy of such autho-
ritv. However, a motor carrier shall only be required to file
with this commission that portion of its authority permitting
operation within the borders of this state. A motor carrier
shall not be required to file with this commission an emergency
or temporary operating authority having a duration of thirty
consecutive days or less if such carrier has: (a) Registered its
other authority and identified its vehicles or driveway opera-
tion 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. Each motor carrier shall
file with the commission its designation of a local agent for
service of process on the uniform application for registration of
interstate operating authority as promulgated by the I.C.C.; ex-
cept that such form need not be filed if the designation has
been filed with the commission pursuant to 49 U.S.C., Sec-
tion 10330(b).

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

(a) On or before the thirty-first day of December of each
calendar year, but not earlier than the preceding first day of
October, such motor carrier shall apply to the commission for
the issuance of an identification stamp or stamps for the regis-
tration and identification of the vehicle or vehicles which it in-
tends to operate, or driveway 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 sup-
plemental applications for additional stamps if the need there-
fore 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 operations) 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 current 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 sixteenth 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 December of each calendar year, but not earlier than the preceding first day of October, 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 of uniform identification cab cards for use in connection with 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 the 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 operation, within the borders of this state during the ensuing 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 driveaway 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 therefor shall become void on the first day of January in the succeeding calendar year, unless such registration is terminated prior thereto.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within ___________________ is approved this the ______ day of ___________________ 1983.

[Signature]
Governor