

No. 62

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

Committee Substitute for

SENATE BILL NO. 62

(By Senator Palumbo)



PASSED March 8, 1986

In Effect 90 days from Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 62
(SENATOR PALUMBO, *original sponsor*)

[Passed March 8, 1986; in effect ninety days from passage.]

AN ACT to amend article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fifty-four, relating to the placing of trash and garbage collection containers on state road rights-of-way by counties and municipalities.

Be it enacted by the Legislature of West Virginia:

That article four, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fifty-four, to read as follows:

ARTICLE 4. STATE ROAD SYSTEM.

§17-4-54. Location of trash and garbage collection containers by counties and municipalities.

- 1 (a) The commissioner of the department of highways
- 2 is authorized to issue permits to counties and municipali-
- 3 ties for the location of containers on rights-of-way of
- 4 state maintained roads and highways for the collection
- 5 of trash and garbage: *Provided*, That by the issuance of
- 6 these permits, counties and municipalities will not be in

7 direct competition with private common carriers. Private
8 common carriers are carriers that are regulated by the
9 public service commission. Such containers may be located
10 on road and highway rights-of-way only when authorized
11 in writing by the commissioner or his agent in accord-
12 ance with rules promulgated by the commissioner in
13 accordance with chapter twenty-nine-a of this code. Such
14 rules shall take into consideration the safety of travelers
15 on the roads and highways of this state and the elimina-
16 tion of unsightly conditions and health hazards. Such
17 containers may not be located on controlled-access or
18 interstate highways.

19 (b) The written authority given by the commissioner
20 is no guarantee that the state is the owner of the land
21 upon which a container is to be located and if any ques-
22 tion exists concerning ownership of such land, the issu-
23 ance of such written authority may not be granted until
24 the county or municipality certifies that written permis-
25 sion to locate the container has been obtained from any
26 person claiming an interest in the land if such person's
27 whereabouts can be determined.

28 (c) Whenever any county or municipality fails to
29 comply with the rules promulgated by the commissioner
30 or of any order of the commissioner for the removal or
31 relocation of a container, the permit for such container
32 shall be revoked and, if not removed by the county or
33 municipality, the commissioner may remove such con-
34 tainer and charge the expense of removal to the county
35 or municipality failing to comply with the rules or order
36 of the commissioner.

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

Bruce O. Williams
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd C. Miller
Clerk of the Senate

Donald G. Kopp
Clerk of the House of Delegates

Don Touharian
President of the Senate

Joseph P. Allright
Speaker House of Delegates

The within appeared this the 25th
day of March, 1986.

Richard S. Pearce
Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/86

Time 12:29 p.m.

RF0211777

1986 MAR 29 PM 4: 26
OFFICE OF THE
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/26/86