WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1987

ENTR O L L E D
Com. Sub. for
HOUSE BILL No. 2684

(By Delegate Mr. Speaker, Mr. Chambers,)
Delegate Pratt

Passed MARCH 12, 1987
In Effect Ninety Days From Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2684
(By Mr. Speaker, Mr. Chambers, and Delegate Pritt)
[Passed March 27, 1987; in effect ninety days from passage]

AN ACT to amend and reenact sections one and two, article one, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said chapter by adding thereto a new article, designated article four, all relating to the powers and duties of the public service commission generally; authorizing such commission to prescribe and enforce safety rules and regulations pertaining to the operation of heavy motor vehicles by private commercial carriers of both hazardous and conventional cargo over the state's interstate highways.

Be it enacted by the Legislature of West Virginia:

That sections one and two, article one, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said chapter be further amended by adding thereto a new article, designated article four, all to read as follows:

ARTICLE 1. PURPOSES, DEFINITIONS AND EXEMPTIONS.


1 It is hereby declared to be the purpose and policy of
2 the Legislature in enacting this chapter to confer upon
the public service commission of West Virginia, in addition to all other powers conferred and duties imposed upon it by law, the power, authority and duty to supervise and regulate the transportation of persons and property for hire by motor vehicles upon or over the public highways of this state so as to: (a) Protect the safety and welfare of the traveling and shipping public in their use of transportation agencies by motor vehicle; (b) preserve, foster and regulate transportation and permit the coordination of transportation facilities; (c) provide the traveling and shipping public transportation agencies rendering stabilized service at just and reasonable rates. This chapter shall apply to persons and motor vehicles engaged in interstate commerce and to private commercial carriers by motor vehicle as defined in section two of this article, to the extent permitted by the constitution and laws of the United States.


When used in this chapter: (a) The term “motor vehicle” means, and includes, any automobile, truck, tractor, truck-tractor, trailer, semitrailer, motorbus, taxicab, any self-propelling motor-driven motor vehicle or any combination thereof, used upon any public highway in this state for the purpose of transporting persons or property; (b) the term “public highway” means any public street, alley, road or highway, or thoroughfare of any kind in this state used by the public; (c) the term “commission” means the public service commission of West Virginia; (d) the term “person” means and includes any individual, firm, copartnership, corporation, company, association or joint-stock association, and includes any trustee, receiver, assignee or personal representative thereof; (e) the term “common carrier by motor vehicle” means any person who undertakes, whether directly or by lease or any other arrangement, to transport passengers or property, or any class or classes of property, for the general public over the highways of this state by motor vehicles for hire, whether over regular or irregular routes, including such motor vehicle operations of carriers by rail, water or air and of express or forwarding agencies, and leased
or rented motor vehicles, with or without drivers; (f) the term "contract carrier by motor vehicle" means any person not included in subdivision (e) of this section, who under special and individual contracts or agreements, and whether directly or by lease or any other arrangement, transports passengers or property over the highways in this state by motor vehicles for hire; (g) the term "motor carrier" includes both a common carrier by motor vehicle and a contract carrier by motor vehicle; (h) the term "exempt carrier" means any person operating a motor vehicle exempt from the provisions of this chapter under section three thereof; (i) the term "power unit" means any vehicle which contains within itself the engine, motor or other source of power by which said vehicle is propelled; (j) the letters "I.C.C." mean the interstate commerce commission; (k) the words "driveaway operation" mean an operation in which any vehicle or vehicles, operated singly or in lawful combinations, new or used, not owned by the transporting motor carrier, constitute the commodity being transported; (l) the letters "NARUC" mean the national association of regulatory utility commissioners; (m) the term "operations within the borders of this state" means interstate or foreign operations to, from, within or traversing this state; (n) the term "private commercial carrier" means and includes any person who undertakes, whether directly or by lease or other arrangement, to transport property, including hazardous materials as defined in rules and regulations promulgated by the commission, for himself over the interstate highways of this state, in interstate or intrastate commerce, for any commercial purpose, by truck tractor, semitrailer or full trailer, as hereinbelow defined: Provided, That this term shall not include carriers of heavy equipment, used in excavation or construction, by low-bed trailers, to or from construction sites; (o) the term "truck tractor" means a self-propelled motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn; (p) the term "semitrailer" means any motor vehicle other than a "pole trailer," with or without
motive power, designed to be drawn by another motor vehicle and so constructed that some part of its weight rests upon the towing vehicle; (q) the term “full trailer” means any motor vehicle, with or without motive power, other than a “pole trailer,” designed to be drawn by another motor vehicle and so constructed that no part of its weight except the towing device rests upon the towing vehicle. A semitrailer equipped with an auxiliary front axle (dolly) shall be deemed to be a “full trailer.”

ARTICLE 4. PRIVATE COMMERCIAL CARRIERS OF PROPERTY BY MOTOR VEHICLE.

§24A-4-1. Vehicular and operational safety.

Every private commercial carrier, as defined in section two (n), article one of this chapter, shall establish, maintain and operate its motor vehicles in a safe manner and condition as prescribed by the safety rules and regulations promulgated by the commission under subsection (j), section five, article five of this chapter.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 31st day of March, 1987.

Governor
PRESENTED TO THE GOVERNOR
Date 3/45/87
Time 4:52 p.m.