

No: 2684

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



ENROLLED

Com. SUB. FOR

HOUSE BILL No. 2684

(By Delegate MR. Speaker MR. Chambers,
+ Delegate PRITT)



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)

ok
Donald L. Hogg, Clerk
B. M. D.

12
[Passed March 21, 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.

§24A-1-1. Purposes.

- 1 It is hereby declared to be the purpose and policy of
- 2 the Legislature in enacting this chapter to confer upon

3 the public service commission of West Virginia, in
4 addition to all other powers conferred and duties
5 imposed upon it by law, the power, authority and duty
6 to supervise and regulate the transportation of persons
7 and property for hire by motor vehicles upon or over the
8 public highways of this state so as to: (a) Protect the
9 safety and welfare of the traveling and shipping public
10 in their use of transportation agencies by motor vehicle;
11 (b) preserve, foster and regulate transportation and
12 permit the coordination of transportation facilities; (c)
13 provide the traveling and shipping public transportation
14 agencies rendering stabilized service at just and
15 reasonable rates. This chapter shall apply to persons and
16 motor vehicles engaged in interstate commerce and to
17 private commercial carriers by motor vehicle as defined
18 in section two of this article, to the extent permitted by
19 the constitution and laws of the United States.

§24A-1-2. Definitions.

1 When used in this chapter: (a) The term "motor
2 vehicle" means, and includes, any automobile, truck,
3 tractor, truck-tractor, trailer, semitrailer, motorbus,
4 taxicab, any self-propelling motor-driven motor vehicle
5 or any combination thereof, used upon any public
6 highway in this state for the purpose of transporting
7 persons or property; (b) the term "public highway"
8 means any public street, alley, road or highway, or
9 thoroughfare of any kind in this state used by the public;
10 (c) the term "commission" means the public service
11 commission of West Virginia; (d) the term "person"
12 means and includes any individual, firm, copartnership,
13 corporation, company, association or joint-stock associ-
14 ation, and includes any trustee, receiver, assignee or
15 personal representative thereof; (e) the term "common
16 carrier by motor vehicle" means any person who
17 undertakes, whether directly or by lease or any other
18 arrangement, to transport passengers or property, or
19 any class or classes of property, for the general public
20 over the highways of this state by motor vehicles for
21 hire, whether over regular or irregular routes, including
22 such motor vehicle operations of carriers by rail, water
23 or air and of express or forwarding agencies, and leased

24 or rented motor vehicles, with or without drivers; (f) the
25 term "contract carrier by motor vehicle" means any
26 person not included in subdivision (e) of this section, who
27 under special and individual contracts or agreements,
28 and whether directly or by lease or any other arrange-
29 ment, transports passengers or property over the
30 highways in this state by motor vehicles for hire; (g) the
31 term "motor carrier" includes both a common carrier by
32 motor vehicle and a contract carrier by motor vehicle;
33 (h) the term "exempt carrier" means any person
34 operating a motor vehicle exempt from the provisions
35 of this chapter under section three thereof; (i) the term
36 "power unit" means any vehicle which contains within
37 itself the engine, motor or other source of power by
38 which said vehicle is propelled; (j) the letters "I.C.C."
39 mean the interstate commerce commission; (k) the
40 words "driveaway operation" mean an operation in
41 which any vehicle or vehicles, operated singly or in
42 lawful combinations, new or used, not owned by the
43 transporting motor carrier, constitute the commodity
44 being transported; (l) the letters "NARUC" mean the
45 national association of regulatory utility commissioners;
46 (m) the term "operations within the borders of this state"
47 means interstate or foreign operations to, from, within
48 or traversing this state; (n) the term "private commer-
49 cial carrier" means and includes any person who
50 undertakes, whether directly or by lease or other
51 arrangement, to transport property, including hazard-
52 ous materials as defined in rules and regulations
53 promulgated by the commission, for himself over the
54 interstate highways of this state, in interstate or
55 intrastate commerce, for any commercial purpose, by
56 truck tractor, semitrailer or full trailer, as hereinbelow
57 defined: *Provided*, That this term shall not include
58 carriers of heavy equipment, used in excavation or
59 construction, by low-bed trailers, to or from construction
60 sites; (o) the term "truck tractor" means a self-propelled
61 motor vehicle designed and used primarily for drawing
62 other vehicles and not so constructed as to carry a load
63 other than a part of the weight of the vehicle and load
64 so drawn; (p) the term "semitrailer" means any motor
65 vehicle other than a "pole trailer," with or without

66 motive power, designed to be drawn by another motor
67 vehicle and so constructed that some part of its weight
68 rests upon the towing vehicle; (q) the term "full trailer"
69 means any motor vehicle, with or without motive power,
70 other than a "pole trailer," designed to be drawn by
71 another motor vehicle and so constructed that no part
72 of its weight except the towing device rests upon the
73 towing vehicle. A semitrailer equipped with an auxil-
74 iary front axle (dolly) shall be deemed to be a "full
75 trailer."

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

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

1 Every private commercial carrier, as defined in
2 section two (n), article one of this chapter, shall
3 establish, maintain and operate its motor vehicles in a
4 safe manner and condition as prescribed by the safety
5 rules and regulations promulgated by the commission
6 under subsection (j), section five, article five of this
7 chapter.

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

Bruce O. Williams

Chairman Senate Committee

Bernard V. Kelly

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Welch

Clerk of the Senate

Donald L. Hogg

Clerk of the House of Delegates

Sam Terhune

President of the Senate

W. P. Call

Speaker of the House of Delegates

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

Arthur R. Kean Jr.

Governor

PRESENTED TO THE
GOVERNOR

Date 3/25/87

Time 4:52 p.m.

RECEIVED

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SPECIAL SERVICES
SERVICES DIVISION