WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1991

ENROLLED

SENATE BILL NO. 329

(By Senator Burdette, Mr. President et al.)

PASSED March 9, 1991
In Effect 90 days from Passage
AN ACT to amend and reenact sections two and three, article one, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to supervision and regulation of the transportation of persons and property for hire by motor vehicles upon or over the public highways of this state.

Be it enacted by the Legislature of West Virginia:

That sections two and three, article one, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and re-enacted, all to read as follows:

ARTICLE 1. PURPOSES, DEFINITIONS AND EXEMPTIONS.


As used in this chapter:

1. "Commission" means the public service commission of West Virginia;

2. "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 opera-
tions of carriers by rail, water or air and of express or
forwarding agencies, and leased or rented motor
vehicles, with or without drivers;

(3) “Contract carrier by motor vehicle” means any
person not included in subdivision (2) of this section,
who under special and individual contracts or agree-
ments, 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;

(4) “Driveaway operation” means 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;

(5) “Exempt carrier” means any person operating a
motor vehicle exempt from the provisions of this
chapter under section three thereof;

(6) “I.C.C.” means the interstate commerce
commission;

(7) “Motor carrier” includes both a common carrier
by motor vehicle and a contract carrier by motor
vehicle;

(8) “Motor vehicle” means, and includes, any auto-
mobile, truck, tractor, truck-tractor, trailer, semi-
tractor, 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;

(9) “NARUC” means the national association of
regulatory utility commissioners;

(10) “Operations within the borders of this state”
means interstate or foreign operations to, from, within
or traversing this state;

(11) “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;

(12) "Private commercial carrier" means and
includes any person who undertakes, whether directly
or by lease or other arrangement, to transport prop­
erty, including hazardous materials as defined in rules
and regulations promulgated by the commission, for
himself over the public highways of this state, in
interstate or intrastate commerce, for any commercial
purpose, by motor vehicle with a gross vehicle weight
rating of ten thousand one pounds or more, by motor
vehicle designed to transport more than fifteen pas­sengers, including the driver; or by any motor vehicle
used to transport hazardous materials in a quantity
requiring placarding under federal hazardous material
regulations as adopted by the commission.

(13) "Power unit" means any vehicle which contains
within itself the engine, motor or other source of
power by which said vehicle is propelled;

(14) "Public highway" means any public street,
alley, road or highway, or thoroughfare of any kind in
this state used by the public.

§24A-1-3. Exemptions from chapter.

1 The provisions of this chapter, except where specif­
ically otherwise provided, shall not apply to:

3 (1) Motor vehicles operated exclusively in the
transportation of United States mail or in the trans­
portation of newspapers: Provided, That such vehicles
and their operators shall be subject to the safety rules
promulgated by the commission;

8 (2) Motor vehicles owned and operated by the
United States of America, the state of West Virginia,
or any county, municipality or county board of educa­
tion, urban mass transportation authority established
and maintained pursuant to article twenty-seven,
chapter eight of this code, or by any department
thereof, and any motor vehicles operated under a
contract with a county board of education exclusively
for the transportation of children to and from school
or such other legitimate transportation for the schools
as the commission may specifically authorize;

(3) Motor vehicles used exclusively in the transpor-
tation of agricultural or horticultural products, lives-
tock, poultry and dairy products from the farm or
orchard on which they are raised or produced to
markets, processing plants, packing houses, canneries,
 railway shipping points and cold storage plants, and in
the transportation of agricultural or horticultural
supplies to such farms or orchards to be used thereon;

(4) Motor vehicles used exclusively in the transpor-
tation of human or animal excreta;

(5) Motor vehicles used exclusively in ambulance
service, or duly chartered rescue squad service;

(6) Motor vehicles used exclusively for volunteer fire
department service;

(7) Motor vehicles used exclusively in the transpor-
tation of coal from mining operations to loading
facilities for further shipment by rail or water carri-
ers: Provided, That such vehicles and their operators
shall be subject to the safety rules promulgated by the
commission; and

(8) Motor vehicles used by petroleum commission
agents and oil distributors solely for the transportation
of petroleum products and related automotive pro-
ducts when such transportation is incidental to the
business of selling said products: Provided, That such
vehicles and their operators shall be subject to the
safety rules promulgated by the commission.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within ............... day of ............... 1991.

Governor