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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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

ENROLLED

Senate Bill No. 329

(BY SENATORS BURDETTE, MR. PRESIDENT, AND BOLEY,
BY REQUEST OF THE EXECUTIVE)

[Passed March 9, 1991; in effect ninety 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 reenacted, all to read as follows:

ARTICLE 1. PURPOSES, DEFINITIONS AND EXEMPTIONS.

§24A-1-2. Definitions.

- 1 As used in this chapter:
- 2 (1) "Commission" means the public service commis-
3 sion of West Virginia;
- 4 (2) "Common carrier by motor vehicle" means any
5 person who undertakes, whether directly or by lease
6 or any other arrangement, to transport passengers or

7 property, or any class or classes of property, for the
8 general public over the highways of this state by
9 motor vehicles for hire, whether over regular or
10 irregular routes, including such motor vehicle opera-
11 tions of carriers by rail, water or air and of express or
12 forwarding agencies, and leased or rented motor
13 vehicles, with or without drivers;

14 (3) "Contract carrier by motor vehicle" means any
15 person not included in subdivision (2) of this section,
16 who under special and individual contracts or agree-
17 ments, and whether directly or by lease or any other
18 arrangement, transports passengers or property over
19 the highways in this state by motor vehicles for hire;

20 (4) "Driveaway operation" means an operation in
21 which any vehicle or vehicles, operated singly or in
22 lawful combinations, new or used, not owned by the
23 transporting motor carrier, constitute the commodity
24 being transported;

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

28 (6) "I.C.C." means the interstate commerce
29 commission;

30 (7) "Motor carrier" includes both a common carrier
31 by motor vehicle and a contract carrier by motor
32 vehicle;

33 (8) "Motor vehicle" means, and includes, any auto-
34 mobile, truck, tractor, truck-tractor, trailer, semi-
35 trailer, motorbus, taxicab, any self-propelling motor-
36 driven motor vehicle or any combination thereof, used
37 upon any public highway in this state for the purpose
38 of transporting persons or property;

39 (9) "NARUC" means the national association of
40 regulatory utility commissioners;

41 (10) "Operations within the borders of this state"
42 means interstate or foreign operations to, from, within
43 or traversing this state;

44 (11) "Person" means and includes any individual,

45 firm, copartnership, corporation, company, association
46 or joint-stock association, and includes any trustee,
47 receiver, assignee or personal representative thereof;

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

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

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

§24A-1-3. Exemptions from chapter.

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

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

8 (2) Motor vehicles owned and operated by the
9 United States of America, the state of West Virginia,
10 or any county, municipality or county board of educa-
11 tion, urban mass transportation authority established
12 and maintained pursuant to article twenty-seven,
13 chapter eight of this code, or by any department
14 thereof, and any motor vehicles operated under a
15 contract with a county board of education exclusively

16 for the transportation of children to and from school
17 or such other legitimate transportation for the schools
18 as the commission may specifically authorize;

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

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

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

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

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

39 (8) Motor vehicles used by petroleum commission
40 agents and oil distributors solely for the transportation
41 of petroleum products and related automotive pro-
42 ducts when such transportation is incidental to the
43 business of selling said products: *Provided*, That such
44 vehicles and their operators shall be subject to the
45 safety rules promulgated by the commission.

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

Homer Heck
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Russell E. White
.....
Clerk of the Senate

Donald L. Kapp
.....
Clerk of the House of Delegates

Keith Brantley
.....
President of the Senate

W. A. ...
.....
Speaker House of Delegates

The within ~~30~~ *30* days of this the ~~30~~ *30* day of *April*, 1991.

Yaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/91

Time 10:35 am