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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992

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# ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 423

(By Senator *Chapin, et al*)

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PASSED *March 6,* 1992

In Effect *90 days from* Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 423**

(SENATORS CHAFIN, DALTON, WAGNER, HELMICK,  
BRACKENRICH, JONES, WHITLOW, M. MANCHIN, SHARPE, HECK,  
FELTON, TOMBLIN, J. MANCHIN, WEHRLE, MINARD, ANDERSON,  
HAWSE AND BLATNIK, *original sponsors*)

[Passed March 6, 1992; in effect ninety days from passage.]

AN ACT to amend and reenact section three, article one, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to clarifying provisions concerning motor vehicles transporting recycling materials.

*Be it enacted by the Legislature of West Virginia:*

That section 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 to read as follows:

**ARTICLE 1. PURPOSES, DEFINITIONS AND EXEMPTIONS.**

**§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 or  
10 any county, municipality or county board of education,  
11 urban mass transportation authority established and  
12 maintained pursuant to article twenty-seven, chapter  
13 eight of this code, or by any department thereof, and  
14 any motor vehicles operated under a contract with a  
15 county board of education exclusively for the transpor-  
16 tation of children to and from school or such other  
17 legitimate transportation for the schools as the com-  
18 mission may specifically authorize;

19 (3) Motor vehicles used exclusively in the transpor-  
20 tation of agricultural or horticultural products, live-  
21 stock, 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;

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; and

46 (9) Motor vehicles owned, leased by or leased to any  
47 person and used exclusively for the transportation of  
48 processed source-separated recycled materials, gener-  
49 ated by commercial, institutional and industrial custo-  
50 mers, transported free of charge from such customers  
51 to a facility for further processing: *Provided*, That such  
52 vehicles and their operators shall be subject to the  
53 safety rules promulgated by the commission.

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

*Lomer Heck*  
.....  
Chairman Senate Committee

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

Originated in the Senate.

In effect ninety days from passage.

*Parrell E. Adams*  
.....  
Clerk of the Senate

*Donald L. Hoff*  
.....  
Clerk of the House of Delegates

*Will Buntline*  
.....  
President of the Senate

*Bob Zell*  
.....  
Speaker House of Delegates

The within *is approved* this the *18<sup>th</sup>* .....  
day of *March* ....., 1992.

*Yaston Caperton*  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/12/92

Time 4:15 pm