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WEST VIRGINIA LEGISLATURE

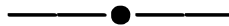
SECOND REGULAR SESSION, 2000



ENROLLED

House Bill No. 4172

(By Delegates Williams, Mezzatesta, Martin,
Kelley, Stemple, Anderson and Michael)



Passed March 11, 2000

In Effect Ninety Days from Passage

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ENROLLED

H. B. 4172

(BY DELEGATES WILLIAMS, MEZZATESTA, MARTIN,
KELLEY, STEMPLE, ANDERSON AND MICHAEL)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article one, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to defining the term “planting and harvesting season” for the purpose of administering rules applicable to drivers transporting agricultural commodities or farm supplies for agricultural purposes.

Be it enacted by the Legislature of West Virginia:

That section 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 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 commission of
- 3 West Virginia;

4 (2) "Common carrier by motor vehicle" means any person
5 who undertakes, whether directly or by lease or any other
6 arrangement, to transport passengers or property, or any class
7 or classes of property, for the general public over the highways
8 of this state by motor vehicles for hire, whether over regular or
9 irregular routes, including such motor vehicle operations of
10 carriers by rail, water or air and of express or forwarding
11 agencies, and leased or rented motor vehicles, with or without
12 drivers;

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

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

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

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

27 (7) "Motor carrier" includes both a common carrier by
28 motor vehicle and a contract carrier by motor vehicle;

29 (8) "Motor vehicle" means, and includes, any automobile,
30 truck, tractor, truck-tractor, trailer, semitrailer, motorbus,
31 taxicab, any self-propelling motor-driven motor vehicle or any
32 combination thereof, used upon any public highway in this state
33 for the purpose of transporting persons or property;

34 (9) "NARUC" means the national association of regulatory
35 utility commissioners;

36 (10) "Operations within the borders of this state" means
37 interstate or foreign operations to, from, within or traversing
38 this state;

39 (11) "Person" means and includes any individual, firm,
40 copartnership, corporation, company, association or joint-stock
41 association, and includes any trustee, receiver, assignee or
42 personal representative thereof;

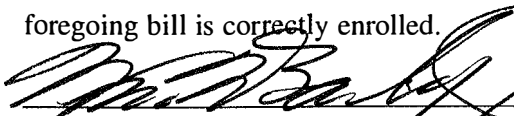
43 (12) "Planting and harvesting season" means the first day
44 of January through the thirty-first day of December of each
45 calendar year only as it relates to the administration of rules
46 promulgated pursuant to subsection (j), section five, article five
47 of this chapter;


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

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

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

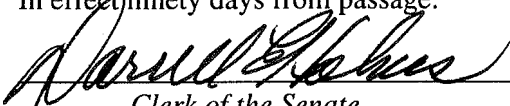
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

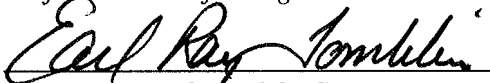

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

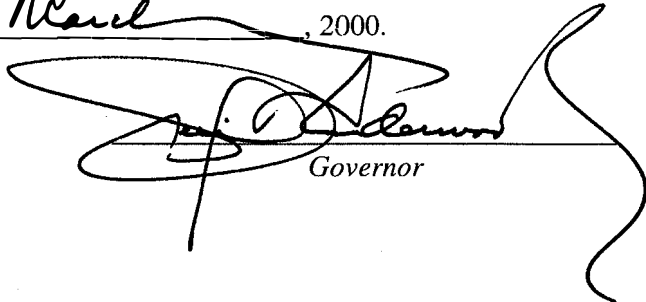

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 22nd
day of March, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/02

Time 12:45pm