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WEST VIRGINIA LEGISLATURE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003

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**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR  
**House Bill No. 3056**

(By Delegate Boggs)

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Passed March 8, 2003

In Effect Ninety Days from Passage

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COMMITTEE SUBSTITUTE

FOR

## H. B. 3056

(BY DELEGATE BOGGS)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to amend article two, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section six, relating to motor carriers for hire and providing for the regulation of intrastate driving hours and duty hours of for-hire carriers which transport passengers.

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

That article two, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section six, to read as follows:

**ARTICLE 2. COMMON CARRIERS BY MOTOR VEHICLES.**

**§24A-2-6. For hire common carriers of passengers; definitions; driving time; rules.**

1 (a) When used in this section, the following words and  
2 phrases have the following meanings, unless the context clearly  
3 indicates a different meaning:

4 (1) "Driving time" means all time spent at the driving  
5 controls of a commercial for-hire vehicle designed to transport  
6 passengers;

7 (2) "Eight consecutive days" means the period of eight  
8 consecutive days beginning on any day at the time designated  
9 by the for-hire carrier for a twenty-four hour period;

10 (3) "On duty time" means all time from the time a driver  
11 begins to work or is required to be in readiness to work until the  
12 time he or she is relieved from work and all responsibility for  
13 performing work; and

14 (4) "Twenty-four-hour period" means any twenty-four-  
15 consecutive-hour period beginning at the time designated by the  
16 for-hire carrier for the terminal from which the driver is  
17 normally dispatched.

18 (b) The provisions of this section apply only to for-hire  
19 carriers operated by an on board driver which is designed to  
20 transport passengers exclusively on any public highway or road  
21 in this state. The provisions of this section apply only to  
22 intrastate commerce and do not apply where preempted by  
23 federal regulation.

24 (c) Drivers of for-hire carriers may not:

25 (1) Engage in driving time of a for-hire vehicle for more  
26 than ten consecutive hours without eight consecutive hours off  
27 duty;

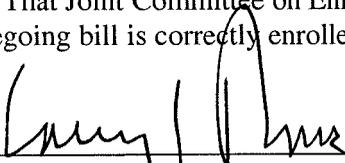
28       (2) Engage in driving time of a for-hire vehicle after the  
29 driver has on duty time of fifteen hours without eight consecu-  
30 tive hours off duty; or

31       (3) Engage in driving time of a for-hire vehicle after the  
32 driver has been on duty for a total of seventy consecutive hours  
33 within eight consecutive days.

34       (d) For-hire carrier companies shall keep time records, for  
35 six months, indicating the time all for-hire drivers report for  
36 duty, the time of relief from duty, hours driven, hours on duty,  
37 and hours off duty. These records shall be made available to the  
38 state police and the public service commission.

39       (e) The public service commission may promulgate rules  
40 necessary to implement the provisions of this section.

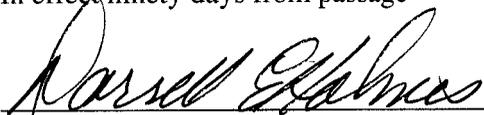
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

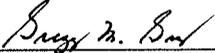
  
\_\_\_\_\_  
Chairman Senate Committee

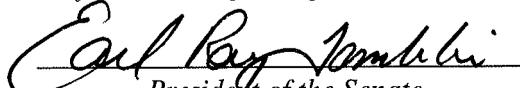
  
\_\_\_\_\_  
Chairman House Committee

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 is approved this the 2<sup>nd</sup>  
day of April 2003.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/24/03

Time 10:45 p