Senate Bill 174

By Senators Blair and Rucker

[Passed April 8, 2017; in effect 90 days from passage]
Enr. SB 174

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Senate Bill 174

BY SENATORS BLAIR AND RUCKER

[Passed April 8, 2017; in effect 90 days from passage]
AN ACT to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, all relating generally to the jurisdiction of the Public Service Commission over motor carriers; exempting vehicles engaged in nonemergency transportation of Medicaid members from permit requirements; and exempting the transportation of household goods from the jurisdiction of the Public Service Commission.

Be it enacted by the Legislature of West Virginia:

That §24A-1-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 1. PURPOSES, DEFINITIONS AND EXEMPTIONS.

§24A-1-3. Exemptions from chapter.

The provisions of this chapter, except where specifically otherwise provided, do not apply to:

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

(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 education, urban mass transportation authority established and maintained pursuant to article twenty-seven, chapter eight of this code or by any of their departments, 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 other legitimate transportation for the schools as the commission may specifically authorize;

(3) Motor vehicles used exclusively in the transportation of agricultural or horticultural products, livestock, 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 farms or orchards where they are to be used: Provided, That the vehicles that are exempted by this
subdivision and are also operated by common carriers by motor vehicle or contract carriers by
motor vehicle, and their operators are subject to the safety and insurance rules promulgated by
the commission;

(4) Motor vehicles used exclusively in the transportation 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 transportation of coal from mining operations to
loading facilities for further shipment by rail or water carriers: Provided, That the vehicles and their
operators are subject to the safety rules promulgated by the commission and the vehicles that are
exempted by this subdivision and are also operated by common carriers by motor vehicle or
contract carriers by motor vehicle, and their operators are subject to the insurance rules
promulgated by the commission;

(8) Motor vehicles used by petroleum commission agents and oil distributors solely for the
transportation of petroleum products and related automotive products when the transportation is
incidental to the business of selling the products: Provided, That the vehicles and their operators
are subject to the safety rules promulgated by the commission and the vehicles that are exempted
by this subdivision and are also operated by common carriers by motor vehicle or contract carriers
by motor vehicle, and their operators are subject to the insurance rules promulgated by the
commission;

(9) Motor vehicles owned, leased by or leased to any person and used exclusively for the
transportation of processed source-separated recycled materials generated by commercial,
institutional and industrial customers, transported free of charge or by a nonprofit recycling
cooperative association in accordance with subdivision (1), subsection (d), section one, article
four, chapter nineteen of this code from the customers to a facility for further processing: Provided,
That the vehicles and their operators shall be subject to the safety rules promulgated by the
commission and the vehicles that are exempted by this subdivision and are also operated by
common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are
subject to the insurance rules promulgated by the commission;

(10) Motor vehicles specifically preempted from state economic regulation of intrastate
motor carrier operations by the provisions of 49 U. S. C. §14501 as amended by Title I, Section
103 of the federal Interstate Commerce Commission Termination Act of 1995: Provided, That the
vehicles and their operators are subject to the safety regulations promulgated by the commission
and the vehicles that are exempted by this subdivision and are also operated by common carriers
by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the
insurance rules promulgated by the commission;

(11) Motor vehicles designated by the West Virginia Bureau of Senior Services for use
and operation by local county aging programs: Provided, That the vehicles and their operators
are subject to the safety rules promulgated by the commission;

(12) Motor vehicles designated by the West Virginia Division of Public Transit operated by
organizations that receive federal grants from the Federal Transit Administration: Provided, That
the vehicles and their operators are subject to the safety and insurance rules promulgated by the
commission;

(13) Motor vehicles used exclusively in the nonemergency medical transportation of
Medicaid members including those under contract with any broker authorized by the Bureau for
Medical Services: Provided, That these vehicles and their operators shall be subject to the safety
rules promulgated by the commission; and

(14) Common carriers or contract carriers engaged in the business of transporting
household goods and motor vehicles used exclusively in the transportation of household goods.
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 90 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 24th Day of April 2017.

Governor
PRESENTED TO THE GOVERNOR

APR 20 2017

Time 10:40 am