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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

HOUSE BILL No. 2715

(By Delegate S Kominar, Shelton and Warner)



Passed April 12, 1997

In Effect Ninety Days From Passage

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H. B. 2715

(BY DELEGATES KOMINAR, SHELTON AND WARNER)

[Passed April 12, 1997, 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 the public service commission; removing from economic regulation jurisdiction motor vehicles preempted by federal statute.

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 specifi-
2 cally otherwise provided, shall not apply to:

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

8 (2) Motor vehicles owned and operated by the Unit-
9 ed States of America, the state of West Virginia or any
10 county, municipality or county board of education, urban
11 mass transportation authority established and maintained

12 pursuant to article twenty-seven, chapter eight of this code,
13 or by any department thereof, and any motor vehicles
14 operated under a contract with a county board of educa-
15 tion exclusively for the transportation of children to and
16 from school or other legitimate transportation for the
17 schools as the commission may specifically authorize;

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

26 (4) Motor vehicles used exclusively in the transporta-
27 tion of human or animal excreta;

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

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

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

37 (8) Motor vehicles used by petroleum commission
38 agents and oil distributors solely for the transportation of
39 petroleum products and related automotive products when
40 the transportation is incidental to the business of selling
41 said products: *Provided,* That the vehicles and their oper-
42 ators shall be subject to the safety rules promulgated by
43 the commission; and

44 (9) Motor vehicles owned, leased by or leased to any
45 person and used exclusively for the transportation of
46 processed source-separated recycled materials, generated
47 by commercial, institutional and industrial customers,
48 transported free of charge from such customers to a facili-
49 ty for further processing: *Provided,* That the vehicles and

50 their operators shall be subject to the safety rules promul-
51 gated by the commission.

52 (10) Motor vehicles specifically preempted from
53 state economic regulation of intrastate motor carrier oper-
54 ations by the provisions of the Federal Aviation Adminis-
55 tration Authorization Act of 1994 (Pub. L. 103-305 §601
56 108 Stat. 1605 (1994)): *Provided*, That the vehicles and
57 their operators shall be subject to the safety rules promul-
58 gated by the commission.

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

Russell Hoover
Chairman Senate Committee

Nick Frantasia
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Russell Hoover
Clerk of the Senate

Bryony M. Snow
Clerk of the House of Delegates

Carl Ray Tomblin
President of the Senate

P. H. ...
Speaker of the House of Delegates

The within is approved this the 18th
day of May, 1997.

[Signature]
Governor

PRESENTED TO THE

GOVERNOR

Date 4/28/97

Time 2:16 pm