

H. B. 2693

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(By Delegate Fast)

[Introduced February 11, 2015; referred to the
Committee on Roads and Transportation then the Judiciary.]

**FISCAL
NOTE**

10 A BILL to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating
11 to commercial motor carriers generally; and providing an exemption from regulation by the
12 Public Service Commission for motor vehicles used exclusively in the transportation of
13 roll-off solid waste containers.

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

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

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

18 **§24A-1-3. Exemptions from chapter.**

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

21 (1) Motor vehicles operated exclusively in the transportation of United States mail or in the
22 transportation of newspapers: *Provided*, That the vehicles and their operators are subject to the

1 safety rules promulgated by the commission;

2 (2) Motor vehicles owned and operated by the United States of America, the State of West
3 Virginia or any county, municipality or county board of education, urban mass transportation
4 authority established and maintained pursuant to article twenty-seven, chapter eight of this code, or
5 by any of their departments, and any motor vehicles operated under a contract with a county board
6 of education exclusively for the transportation of children to and from school or other legitimate
7 transportation for the schools as the commission may specifically authorize;

8 (3) Motor vehicles used exclusively in the transportation of agricultural or horticultural
9 products, livestock, poultry and dairy products from the farm or orchard on which they are raised or
10 produced to markets, processing plants, packing houses, canneries, railway shipping points and cold
11 storage plants, and in the transportation of agricultural or horticultural supplies to farms or orchards
12 where they are to be used: *Provided*, That the vehicles that are exempted by this subdivision and are
13 also operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their
14 operators are subject to the safety and insurance rules promulgated by the commission;

15 (4) Motor vehicles used exclusively in the transportation of human or animal excreta;

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

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

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

1 carriers by motor vehicle, and their operators are subject to the insurance rules promulgated by the
2 commission;

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

9 (9) Motor vehicles owned, leased by or leased to any person and used exclusively for the
10 transportation of processed source-separated recycled materials, generated by commercial,
11 institutional and industrial customers, transported free of charge from the customers to a facility for
12 further processing: *Provided*, That the vehicles and their operators shall be subject to the safety rules
13 promulgated by the commission and the vehicles that are exempted by this subdivision and are also
14 operated by common carriers by motor vehicle or contract carriers by motor vehicle, and their
15 operators are subject to the insurance rules promulgated by the commission;

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

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

4 (12) Motor vehicles designated by the West Virginia division of public transit operated by
5 organizations that receive federal grants from the federal transit administration: *Provided*, That the
6 vehicles and their operators are subject to the safety and insurance rules promulgated by the
7 commission; and

8 (13) Motor vehicles specifically designed and used exclusively for the transportation of solid
9 waste containers, commonly known as "roll-off containers," which are hoisted or winched into a
10 secured position on the vehicle for transportation.

NOTE: The purpose of this bill is to exempt motor carriers of "roll-off containers" from regulation by the Public Service Commission.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.