

# **WEST VIRGINIA LEGISLATURE**

**2018 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 439**

BY SENATORS PLYMALE, BOSO, AND JEFFRIES

[Originating in the Committee on Transportation and  
Infrastructure; Reported on February 14, 2018]

1 A BILL to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating  
2 to exempting vehicles engaged in nonemergency transportation of Medicaid members by  
3 centers for independent living from certain statutory requirements.

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

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

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

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

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

6 (2) Motor vehicles owned and operated by the United States of America, the State of West  
7 Virginia or any county, municipality, or county board of education, urban mass transportation  
8 authority established and maintained pursuant to §8-27-1 *et seq.* of this code or by any of their  
9 departments, and any motor vehicles operated under a contract with a county board of education  
10 exclusively for the transportation of children to and from school or other legitimate transportation  
11 for the schools as the commission may specifically authorize;

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

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

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

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

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

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

37 (9) Motor vehicles owned, leased by, or leased to any person and used exclusively for the  
38 transportation of processed source-separated recycled materials generated by commercial,  
39 institutional and industrial customers, transported free of charge or by a nonprofit recycling  
40 cooperative association in accordance with ~~§19-4-1(d)(1)~~ §19-4-1(d) of this code from the  
41 customers to a facility for further processing: *Provided*, That the vehicles and their operators shall  
42 be subject to the safety rules promulgated by the commission and the vehicles that are exempted  
43 by this subdivision and are also operated by common carriers by motor vehicle or contract carriers  
44 by motor vehicle, and their operators are subject to the insurance rules promulgated by the  
45 commission;

46 (10) Motor vehicles specifically preempted from state economic regulation of intrastate

47 motor carrier operations by the provisions of 49 U. S. C. §14501 as amended by Title I, Section  
48 103 of the federal Interstate Commerce Commission Termination Act of 1995: *Provided*, That the  
49 vehicles and their operators are subject to the safety regulations promulgated by the commission  
50 and the vehicles that are exempted by this subdivision and are also operated by common carriers  
51 by motor vehicle or contract carriers by motor vehicle, and their operators are subject to the  
52 insurance rules promulgated by the commission;

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

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

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

64 (14) Common carriers or contract carriers engaged in the business of transporting  
65 household goods and motor vehicles used exclusively in the transportation of household goods.

NOTE: The purpose of this bill is to exempt vehicles engaged in nonemergency medical transportation of Medicaid members from Public Service Commission permit requirements.

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