

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 457

BY SENATOR BEACH

[Introduced February 1, 2018; Referred
to the Committee on Government Organization; and then
to the Committee on the Judiciary]

1 A BILL to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating
 2 generally to the jurisdiction of the Public Service Commission over motor carriers; and
 3 exempting vehicles engaged in nonemergency transportation of Medicaid members from
 4 permit 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) of this code from the customers to a
41 facility for further processing: *Provided*, That the vehicles and their operators shall be subject to
42 the safety rules promulgated by the commission and the vehicles that are exempted by this
43 subdivision and are also operated by common carriers by motor vehicle or contract carriers by
44 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 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.