

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2139

BY DELEGATE FAST

[Introduced February 8,2017; Referred
to the Committee on Roads and Transportation then the
Judiciary.]

1 A BILL to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating
 2 to commercial motor carriers generally; providing an exemption from regulation by the
 3 Public Service Commission for motor vehicles used exclusively in the transportation of
 4 roll-off solid waste containers; and requiring the commission to propose rules for legislative
 5 approval to implement the amended provisions of this section.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. PURPOSES, DEFINITIONS AND EXEMPTIONS.

§24A-1-3. Exemptions from chapter.

1 (a) The provisions of this chapter, except where specifically otherwise provided, do not
 2 apply 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 article twenty-seven, chapter eight of this code,
 9 or by any of their departments, and any motor vehicles operated under a contract with a county
 10 board of education exclusively for the transportation of children to and from school or other
 11 legitimate transportation 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 subdivision (1), subsection (d), section one, article
41 four, chapter nineteen of this code from the customers to a facility for further processing: *Provided*,
42 That the vehicles and their operators shall be subject to the safety rules promulgated by the

43 commission and the vehicles that are exempted by this subdivision and are also operated by
44 common carriers by motor vehicle or contract carriers by motor vehicle, and their operators are
45 subject to the insurance rules promulgated by the 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; ~~and~~

60 (13) Motor vehicles used exclusively in the nonemergency medical transportation of
61 Medicaid members by community action agencies as designated by the Governor, although these
62 vehicles and their operators shall be subject to the safety rules promulgated by the commission;

63 (14) Motor vehicles specifically designed and used exclusively for the transportation of
64 solid waste containers, commonly known as "roll-off containers," which are hoisted or winched
65 into a secured position on the vehicle for transportation; and

66 (15) Supply, use or transportation of solid waste containers, commonly known as "roll-off
67 containers" which when transported are lifted, hoisted or winched into a secure position on a
68 vehicle when the containers are used for collecting and transporting solid waste.

69 (b) The commission shall propose rules for legislative approval in accordance with article
70 three, chapter twenty-nine-a of this code to implement the amended provisions of this section.

NOTE: The purpose of this bill is to exempt motor carriers of "roll-off containers" from regulation by the Public Service Commission. It also requires the Public Service Commission to propose rules for legislative approval to implement the amended provisions of this section.

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