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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003

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COMMITTEE SUBSTITUTE
FOR
House Bill No. 3056

(By Delegate Boggs)

Passed March 8, 2003

In Effect Ninety Days from Passage

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FOR

H. B. 3056

(BY DELEGATE BOGGS)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to amend article two, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section six, relating to motor carriers for hire and providing for the regulation of intrastate driving hours and duty hours of for-hire carriers which transport passengers.

Be it enacted by the Legislature of West Virginia:

That article two, chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section six, to read as follows:

ARTICLE 2. COMMON CARRIERS BY MOTOR VEHICLES.

§24A-2-6. For hire common carriers of passengers; definitions; driving time; rules.

1 (a) When used in this section, the following words and
2 phrases have the following meanings, unless the context clearly
3 indicates a different meaning:

4 (1) "Driving time" means all time spent at the driving
5 controls of a commercial for-hire vehicle designed to transport
6 passengers;

7 (2) "Eight consecutive days" means the period of eight
8 consecutive days beginning on any day at the time designated
9 by the for-hire carrier for a twenty-four hour period;

10 (3) "On duty time" means all time from the time a driver
11 begins to work or is required to be in readiness to work until the
12 time he or she is relieved from work and all responsibility for
13 performing work; and

14 (4) "Twenty-four-hour period" means any twenty-four-
15 consecutive-hour period beginning at the time designated by the
16 for-hire carrier for the terminal from which the driver is
17 normally dispatched.

18 (b) The provisions of this section apply only to for-hire
19 carriers operated by an on board driver which is designed to
20 transport passengers exclusively on any public highway or road
21 in this state. The provisions of this section apply only to
22 intrastate commerce and do not apply where preempted by
23 federal regulation.

24 (c) Drivers of for-hire carriers may not:

25 (1) Engage in driving time of a for-hire vehicle for more
26 than ten consecutive hours without eight consecutive hours off
27 duty;

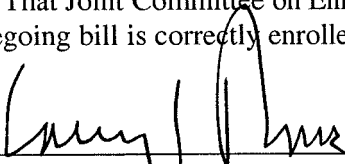
28 (2) Engage in driving time of a for-hire vehicle after the
29 driver has on duty time of fifteen hours without eight consecu-
30 tive hours off duty; or

31 (3) Engage in driving time of a for-hire vehicle after the
32 driver has been on duty for a total of seventy consecutive hours
33 within eight consecutive days.

34 (d) For-hire carrier companies shall keep time records, for
35 six months, indicating the time all for-hire drivers report for
36 duty, the time of relief from duty, hours driven, hours on duty,
37 and hours off duty. These records shall be made available to the
38 state police and the public service commission.

39 (e) The public service commission may promulgate rules
40 necessary to implement the provisions of this section.

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



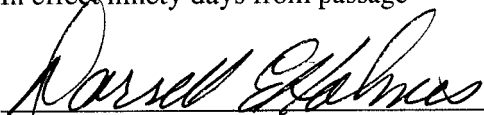
Chairman Senate Committee



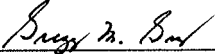
Chairman House Committee

Originating in the House.

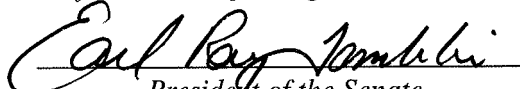
In effect ninety days from passage




Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 2nd
day of April 2003.



Governor

PRESENTED TO THE
GOVERNOR

Date 3/24/03

Time 10:45 p