

H. B. 2017

(By Delegates Marshall and Fleischauer)
[Introduced January 12, 2011; referred to the
Committee on Political Subdivisions then the Judiciary.]

A BILL to amend and reenact §24A-2-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §24A-3-1 of said code, all relating to the Public Service Commission; common carriers by motor vehicles; contract carriers by motor vehicles; modifying the commission's role in controlling certain services for solid waste collections and taxi service in Class I and Class II cities; and authorizing Class I and Class II cities to enact ordinances governing additional standards pertaining to their particular service areas and direct the issuing of permits and develop oversight requirements to solid waste collection operators and licensing of taxi company operators.

Be it enacted by the Legislature of West Virginia:

That §24A-2-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §24A-3-1 of said code be amended

1 and reenacted, all to read as follows:

2 **ARTICLE 2. COMMON CARRIERS BY MOTOR VEHICLES.**

3 **§24A-2-1. Subject to public utility and common carrier laws.**

4 All common carriers by motor vehicle are hereby declared to be
5 affected with a public interest and subject to the laws of this
6 state now in force or that hereafter may be enacted pertaining to
7 public utilities and common carriers as far as applicable, and not
8 in conflict herewith.

9 The Legislature further declares that cities are accountable
10 to their citizens for the oversight of common carriers by motor
11 vehicles engaged in the business of hauling or carrying wrecked or
12 disabled vehicles or taxi services within their boundaries and
13 jurisdiction. Class I and Class II cities need the option to
14 develop their own ordinances for additional authority pertaining to
15 their boundaries and jurisdiction to regulate the standards for
16 issuing permits and to explaining oversight requirements to
17 hauling company operators and taxi company operators.

18 On and after July 1, 2011, Class I and Class II cities may
19 enact ordinances regulating common carriers by motor vehicles
20 engaged in the business of hauling or carrying wrecked or disabled
21 vehicles or taxi service. Any such ordinance must be approved by
22 the Public Service Commission and subject to the provisions of this
23 article. The Public Service Commission shall establish minimum
24 standards for these services in Class I and Class II cities and the

1 Class I and Class II cities, by ordinance, may add additional
2 standards pertaining to their particular service areas and direct
3 the issuing of permits and develop oversight requirements to taxi
4 company operators.

5 **ARTICLE 3. CONTRACT CARRIERS BY MOTOR VEHICLES.**

6 **§24A-3-1. Regulation required.**

7 It is hereby declared that the business of contract carriers
8 by motor vehicle is affected with a public interest and that the
9 safety and welfare of the public, the preservation and maintenance
10 of the public highways, and the integrity of the regulation of
11 common carriers require the regulation of contract carriers by
12 motor vehicle to the extent herein provided. The Legislature
13 further declares that cities are accountable to their citizens for
14 the management of solid waste and that Class I and Class II cities
15 need the autonomy to regulate the standards for solid waste
16 management, collection, recycling and oversight of these services.

17 On and after July 1, 2011, Class I and Class II cities may
18 enact ordinances regulating contract carriers by motor vehicles
19 engaged in the business of solid waste collection services. Any
20 such ordinance must be approved by the Public Service Commission
21 and subject to the provisions of this article. The Public Service
22 Commission shall establish minimum standards for these services in
23 Class I and Class II cities and the Class I and Class II cities, by
24 ordinance, may add additional standards pertaining to their

1 particular service areas and direct the issuing of permits and
2 develop oversight requirements to contract carriers by motor
3 vehicles engaged in the business of solid waste collection
4 services.

NOTE: The purpose of this bill is to modify the role of the Public Service Commission in controlling certain services for solid waste collections and taxi service in Class I and Class II cities. The bill authorizes Class I and Class II cities to enact ordinances governing additional standards pertaining to their particular service areas and direct the issuing of permits and licensing and develop oversight requirements to solid waste collection operators and taxi company operators.

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