

Senate Bill No. 493

(By Senators Stollings and Minard)

[Introduced February 11, 2011; referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.]

A BILL to amend and reenact §24A-1-3 of the Code of West Virginia, 1931, as amended, relating to exempting motor vehicles used by the Department of Health and Human Resources solely for transporting Medicaid patients from the jurisdiction of the Public Service Commission; and providing a safety and insurance exception.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. PURPOSES, DEFINITIONS AND EXEMPTIONS.

§24A-1-3. Exemptions from chapter.

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

- (1) Motor vehicles operated exclusively in the transportation

1 of United States mail or in the transportation of newspapers.

2 ~~Provided, That~~ However, the vehicles and their operators are
3 subject to the safety rules promulgated by the commission;

4 (2) Motor vehicles owned and operated by the United States of
5 America, the State of West Virginia or any county, municipality or
6 county board of education, urban mass transportation authority
7 established and maintained pursuant to article twenty-seven,
8 chapter eight of this code, or by any of their departments and ~~any~~
9 motor vehicles operated under a contract with a county board of
10 education exclusively for the transportation of children to and
11 from school or other legitimate transportation for the schools as
12 the commission may specifically authorize;

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

24 (4) Motor vehicles used exclusively in the transportation of

1 human or animal excreta;

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

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

6 (7) Motor vehicles used exclusively in the transportation of
7 coal from mining operations to loading facilities for further
8 shipment by rail or water carriers. ~~Provided, That~~ However, the
9 vehicles and their operators are subject to the safety rules
10 promulgated by the commission and the vehicles that are exempted by
11 this subdivision and are also operated by common carriers by motor
12 vehicle or contract carriers by motor vehicle and their operators
13 are subject to the insurance rules promulgated by the commission;

14 (8) Motor vehicles used by petroleum commission agents and oil
15 distributors solely for the transportation of petroleum products
16 and related automotive products when the transportation is
17 incidental to the business of selling the products. ~~Provided, That~~
18 However, the vehicles and their operators are subject to the safety
19 rules promulgated by the commission and the vehicles that are
20 exempted by this subdivision and are also operated by common
21 carriers by motor vehicle or contract carriers by motor vehicle and
22 their operators are subject to the insurance rules promulgated by
23 the commission;

24 (9) Motor vehicles owned, leased by or leased to any person

1 and used exclusively for the transportation of processed source-
2 separated recycled materials, generated by commercial,
3 institutional and industrial customers, transported free of charge
4 from the customers to a facility for further processing. ~~Provided,~~
5 ~~That~~ However, the vehicles and their operators ~~shall be~~ are subject
6 to the safety rules promulgated by the commission and the vehicles
7 that are exempted by this subdivision and are also operated by
8 common carriers by motor vehicle or contract carriers by motor
9 vehicle and their operators are subject to the insurance rules
10 promulgated by the commission;

11 (10) Motor vehicles specifically preempted from state economic
12 regulation of intrastate motor carrier operations by the provisions
13 of 49 U.S.C. §14501 as amended by Title I, Section 103 of the
14 federal "Interstate Commerce Commission Termination Act of 1995."
15 ~~Provided, That~~ However, the vehicles and their operators are
16 subject to the safety regulations promulgated by the commission and
17 the vehicles that are exempted by this subdivision and are also
18 operated by common carriers by motor vehicle or contract carriers
19 by motor vehicle and their operators are subject to the insurance
20 rules promulgated by the commission;

21 (11) Motor vehicles designated by the West Virginia Bureau of
22 Senior Services for use and operation by local county aging
23 programs. ~~Provided, That~~ However, the vehicles and their operators
24 are subject to the safety rules promulgated by the commission;

1 (12) Motor vehicles designated by the West Virginia Division
2 of Public Transit operated by organizations that receive federal
3 grants from the federal transit administration. ~~Provided, That~~
4 However, the vehicles and their operators are subject to the safety
5 and insurance rules promulgated by the commission; and

6 (13) Motor vehicles designated by the West Virginia Department
7 of Health and Human Resources, one or more of its bureaus, or its
8 contracted transportation vendor for use and operation solely to
9 transport Medicaid clients to covered services pursuant to a
10 transportation agreement. However, the vehicles and their
11 operators are subject to the safety and insurance rules promulgated
12 by the commission.

NOTE: The purpose of this bill is to exempt Department of Health and Human Resources motor vehicles used solely to transport Medicaid clients from the jurisdiction of the Public Service Commission. The bill provides that those vehicles are subject to the commission's safety and insurance requirements.

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