

# **WEST VIRGINIA LEGISLATURE**

**2021 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 655**

BY SENATOR SWOPE

[Passed April 9, 2021; in effect 90 days from passage (July 8, 2021)]



1 AN ACT to amend and reenact §24A-2-2b of the Code of West Virginia, 1931, as amended,  
2 relating to rescheduling a review of Public Service Commission rules regarding recovering,  
3 hauling, and storing wrecked or disabled vehicles; and changing a sunset requirement on  
4 those rules.

*Be it enacted by the Legislature of West Virginia:*

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

**§24A-2-2b. Rule-making authority; establishing rates for recovering, towing, hauling, carrying, or storing wrecked or disabled vehicles; complaint process; and required legislative audit.**

1 (a) On or before July 1, 2016, the commission shall promulgate rules to effectuate the  
2 provisions of this article.

3 (b) The rules promulgated pursuant to the provisions of this section shall describe:

4 (1) Factors determining the fair, effective, and reasonable rates levied by a carrier for  
5 recovering, towing, hauling, carrying, or storing a wrecked or disabled vehicle. The commission  
6 shall consider, but shall not be limited to:

7 (A) Tow vehicles and the special equipment required to complete the recovery or tow;

8 (B) Total time to complete the recovery or tow;

9 (C) Number of regular and extra employees required to complete the recovery or tow;

10 (D) Location of vehicle recovered or towed;

11 (E) Materials or cargo involved in recovery or tow;

12 (F) Comparison with reasonable prices in the region;

13 (G) Weather conditions; and

14 (H) Any other relevant information having a direct effect on the pricing of the recovery,  
15 towing, and storage of a recovered or towed vehicle;

16 (2) The process for filing a complaint, the review and investigation process to ensure it is  
17 fair, effective, and timely: *Provided*, That in any formal complaint against a carrier relating to a

18 third-party tow, the burden of proof to show that the carrier's charges are just, fair, and reasonable  
19 is on the carrier;

20 (3) The process for aggrieved parties to recover the cost, from the carrier, for the charge  
21 or charges levied by a carrier for recovering, towing, hauling, carrying, or storing a wrecked or  
22 disabled vehicle where the commission determines that the charge or charges are not otherwise  
23 just, fair, or reasonable; and

24 (4) The process to review existing maximum statewide wrecker rates and special rates for  
25 the use of special equipment in towing and recovery work to ensure that rates are just, fair, and  
26 reasonable: *Provided*, That the commission shall generally disapprove hourly and flat rates for  
27 ancillary equipment.

28 (c) All carriers regulated under this article shall list their approved rates, fares, and charges  
29 on every invoice provided to an owner, operator, or insurer of a wrecker or disabled motor vehicle.

30 (d) The rules promulgated pursuant to this article shall sunset on July 1, 2023, unless  
31 reauthorized.

32 (e) On or before December 31, 2022, the Legislative Auditor shall review the rules  
33 promulgated by the Public Service Commission under this section. The audit shall evaluate the  
34 rate-making policy for reasonableness, the complaint process for timeliness, the penalties for  
35 effectiveness, and any other metrics the Legislative Auditor considers appropriate. The  
36 Legislative Auditor may recommend that the rule be reauthorized, reauthorized with amendment,  
37 or repealed.

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

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*Chairman, Senate Committee*

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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the.....  
Day of ....., 2021.

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*Governor*