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WEST VIRGINIA LEGISLATURE

SECOND EXTRAORDINARY SESSION, 1991

—●—
ENROLLED
Committee Substitute for
SENATE BILL NO. 4

(By Senators Burdette, Mr. President, and Boley, By Request of the Executive)
—●—

PASSED October 11, **1991**
In Effect from **Passage**

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 4

(BY SENATORS BURDETTE, MR. PRESIDENT, AND BOLEY,
BY REQUEST OF THE EXECUTIVE)

[Passed October 11, 1991; in effect from passage.]

AN ACT to amend and reenact section forty-eight, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the alteration of motor vehicles; vehicle height limits; other modifications; exceptions; required inspection; and rules of division of public safety.

Be it enacted by the Legislature of West Virginia:

That section forty-eight, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 15. EQUIPMENT.

§17C-15-48. Alteration of motor vehicles; bumper height limits; other modifications; exceptions; required inspection; and rules of division of public safety.

1 (a) No person may operate upon a public highway any

2 motor vehicle registered or required to be registered
3 in this state if it has been modified by alteration of its
4 height from the ground to the extent that its bumpers,
5 measured to any point on the lower edge of the main
6 horizontal bumper bar, exclusive of any bumper
7 guards, do not fall within the limits specified herein
8 for its gross vehicle weight rating category. The front
9 and rear bumper height of motor vehicles whose gross
10 vehicle weight rating is ten thousand pounds or less
11 may be no less than six inches and no more than
12 thirty-one inches. In the absence of bumpers, and in
13 cases where bumper heights have been altered or
14 modified, height measurements shall be made to the
15 bottom of the frame rail. If a motor vehicle has a
16 bumper, the bumper must be at least three inches in
17 vertical width, centered on the center line of the
18 motor vehicle and not less than the width of the wheel
19 track distance. The provisions of this subsection do not
20 apply to motor vehicles with a gross vehicle weight
21 rating in excess of ten thousand pounds. For the
22 purpose of this subsection, the term "gross vehicle
23 weight ratings" means the manufacturer's gross
24 vehicle weight ratings established for that vehicle.

25 (b) The maximum distance between the vehicle
26 body to the vehicle frame may not exceed three
27 inches. The distance from the vehicle body to the
28 vehicle frame shall be measured from the vehicle
29 body mount seat to the vehicle frame mount seat:
30 *Provided*, That the maximum distance limitation shall
31 not prohibit a body lift kit up to three inches to be
32 added to the manufacturer's original spacer between
33 the body and the frame. No vehicle may be modified
34 to cause the vehicle body or chassis to come in contact
35 with the ground, expose the fuel tank to damage from
36 collision, or cause the wheels to come in contact with
37 the body under normal operation. No part of the
38 original suspension system may be disconnected to
39 defeat the safe operation of the suspension system.
40 Modification of the front end suspension by the use of
41 lift blocks is expressly prohibited.

42 (c) Nothing contained in this section prevents the

43 installation of heavy duty equipment, including shock
44 absorbers and overload springs.

45 (d) Nothing contained in this section prohibits the
46 operation on a public highway of a motor vehicle with
47 normal wear to the suspension system if such normal
48 wear does not adversely affect the control of the
49 vehicle.

50 (e) This section does not apply to specially designed
51 or modified motor vehicles when operated off the
52 public highways in races and similar events. Such
53 motor vehicles may be lawfully towed on the high-
54 ways of this state.

55 (f) Modifications to motor vehicles, not prohibited
56 herein, shall be made subject to inspection as provided
57 in subsection (g) herein.

58 (g) Nothing contained in this section shall subject a
59 vehicle modified solely by the installation of tires not
60 larger than two sizes beyond the maximum specified
61 by the manufacturer to inspection as provided in
62 subsection (h) herein.

63 (h) Any motor vehicle which has been altered from
64 the manufacturer's specification with respect to
65 bumper height for that vehicle make and model but
66 within the allowable limits of subsection (a) or any
67 motor vehicle which has been altered from the manu-
68 facturer's specification for that vehicle make and
69 model with respect to the distance from the vehicle
70 body to vehicle frame but within the allowable limits
71 of subsection (b) may be operated upon a public
72 highway in this state, subject to inspection hereunder:
73 *Provided*, That any motor vehicle which has been
74 altered from the manufacturer's specification by
75 lowering the bumper height for that vehicle make and
76 model within the allowable limits of subsection (a)
77 shall be exempt from the inspection requirements
78 hereunder and may be operated upon a public high-
79 way in this state subject to provisions of article sixteen
80 of this chapter. If a motor vehicle and its equipment
81 subject to inspection under this section are inspected
82 and found to be in compliance with the provisions of

83 this section and to be otherwise in safe condition, an
84 official "modified vehicle sticker" shall be issued for
85 display on the vehicle. The fee for the modified
86 vehicle stickers will be twenty-five dollars with the
87 division of public safety establishing rules concerning
88 such inspection. Each municipal, county and state law-
89 enforcement agency must record on accident report
90 forms whether a modified vehicle was involved in the
91 accident.

92 (i) The division of public safety shall promulgate
93 rules governing a complete safety inspection of these
94 vehicles and other rules as necessary to fully enforce
95 and implement the provisions of this section. Notwith-
96 standing the provisions of article three, chapter
97 twenty-nine-a of this code, the division of public safety
98 may promulgate emergency legislative rules relating
99 to vehicle modifications under this section and such
100 rules shall be effective for a period of fifteen months
101 beginning with the month of November, one thousand
102 nine hundred ninety-one.

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

Somer Seck
.....
Chairman Senate Committee

Delores H. Cook
.....
Vice-Chairman House Committee

Originated in the Senate.

In effect from passage.

Russell E. Helms
.....
Clerk of the Senate

Donald L. Hoop
.....
Clerk of the House of Delegates

Paul Sundt
.....
President of the Senate

W. A. ...
.....
Speaker House of Delegates

The within *is approved* this the *15th* day of *October*, 1991.

Walter Cooper
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 10/15/91

Time 9:30 AM