

HB # 4481

RECEIVED

1994 MAR 29 PM 4: 46

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

HOUSE BILL No. 4481

(By Delegate s. Staton and Browning)



Passed March 10, 1994

In Effect 90 Days From Passage

ENROLLED
H. B. 4481

(By DELEGATES STATON AND BROWNING)

[Passed March 10, 1994; in effect ninety days from passage.]

AN ACT to amend chapter twenty-four-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article six-b, relating to the uniform registration and permitting of motor vehicles operated by persons engaged in the highway transportation of hazardous materials into, through or within the state.

Be it enacted by the Legislature of West Virginia:

That 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 article, designated article six-b, to read as follows:

ARTICLE 6B. REGISTRATION AND IDENTIFICATION OF VEHICLES OPERATED BY PERSONS ENGAGED IN HAZARDOUS MATERIALS TRANSPORTATION.

§24A-6B-1. Participation in the hazardous materials transportation registration system.

- 1 (a) The commission shall have power and authority to
- 2 promulgate rules implementing a hazardous materials
- 3 transportation registration and permitting program for
- 4 operators of motor vehicles transporting hazardous
- 5 materials upon or over the public highways within the
- 6 borders of this state. Rules adopted under this section
- 7 shall be consistent with, and equivalent in scope,
- 8 coverage, and content to, the report submitted by the
- 9 alliance for uniform hazardous material transportation

10 procedures to the secretary of transportation, United
11 States department of transportation, pursuant to
12 paragraph (c) of section twenty-two of the "Hazardous
13 Materials Transportation Uniform Safety Act of 1990",
14 Public Law 101-615.

15 (b) The hazardous materials transportation registra-
16 tion and permitting program established in this section
17 shall be coordinated with hazardous materials regula-
18 tions enforced by other agencies of the state, and shall
19 preempt and supersede hazardous materials transporta-
20 tion regulation and permitting programs administered
21 or enforced by any municipality, county or other
22 political subdivision of this state.

23 (c) The funds for the program established in this
24 section shall be obtained from fees paid by registrants
25 hereunder. Those fees shall be established by rulemak-
26 ing and shall be apportioned; by the percentage of the
27 registrant's activity in this state; by the percentage of
28 a registrant's business that is related to hazardous
29 materials; and by the number of motor vehicles operated
30 in this state by a registrant. Rulemaking may also
31 establish fees for processing and registration: *Provided*,
32 That said fees established in this section shall not exceed
33 fifty dollars per registrant per annum, nor fifty dollars
34 per vehicle per annum: *Provided, however*, That said
35 apportioned vehicle fee shall not be required under this
36 program sooner than the registration year beginning on
37 the first day of July, one thousand nine hundred ninety-
38 five.

39 (d) The commission may enter into agreements with
40 other states, a national repository or federal agencies as
41 necessary to implement the program established under
42 this section.

43 (e) To achieve the purposes of this section, the
44 commission may, through its inspectors or other
45 authorized employees, inspect any facilities or motor
46 vehicles of any person who transports hazardous
47 materials subject to this program.

48 (f) It shall be unlawful for any person to operate, or
49 cause to be operated, a motor vehicle transporting

50 hazardous materials upon or over the public highways
51 within this state without first having complied with the
52 requirements of the registration and permitting pro-
53 gram, as established by the commission. Failure to
54 comply with the program requirements, as determined
55 by the commission after notice and opportunity to be
56 heard, may be sufficient cause for suspension or
57 revocation of permits and registration under the
58 program.

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

[Handwritten Signature]

Chairman Senate Committee

Ernest C. Moore

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harrell E. Adams

Clerk of the Senate

Donald L. Hopp

Clerk of the House of Delegates

Paul Brudette

President of the Senate

Paul Roben

Speaker of the House of Delegates

The within is approved..... this the *29th*
day of *March*, 19*94*.

Gaston Capner

Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/94

Time 10:15am