WEST VIRGINIA CODE CHAPTER 17c ARTICLE 17B

WV Legislature

§17C-17B-1. Legislative findings and purposes.

(a) The Legislature finds that:

(1) Enforcement officers of the Public Service Commission of West Virginia are, as part of their enforcement of chapters twenty-four and twenty-four-a of this code with respect to common and contract carriers by motor vehicle, other for-hire carriers and private commercial carriers, currently inspecting for safety many of the same vehicles and loads that are inspected for size and weight by employees of the Department of Transportation;

(2) To effectuate the legislative findings and declarations set forth in section one, article one, chapter five-f of this code, the jurisdiction over the administration and enforcement of state statutes and rules relating to vehicular weight and the jurisdiction over the issuance of permits for excess vehicular weight should be transferred to the Public Service Commission;

(3) To preserve continuity and to maximize efficiency, those employees of the Department of Transportation who are employed primarily in the performance of the governmental duties described in this section should be transferred to the Public Service Commission; and

(4) The enforcement of state statutes and rules relating to coal truck weight, including costs of inspections of the vehicles and loads, training of enforcement officers, program oversight, administrative proceedings, personal services, employee benefits and all other costs associated with enforcement matters, falls within the scope of maintenance of state roads and public highways as described in section fifty-two, article six of the Constitution of this state and in section one, article three, chapter seventeen of this code.

(b) The purposes of this article are to transfer:

(1) Jurisdiction over the enforcement of state statutes and rules, including, but not limited to, the provisions of article seventeen-a of this chapter, relating to coal truck weight, from the Department of Transportation to the Public Service Commission of West Virginia;

(2) Jurisdiction over the issuance of permits for excess vehicular weight under section eleven, article seventeen, of this chapter, from the Department of Transportation to the Public Service Commission of West Virginia; and

(3) To the Public Service Commission of West Virginia those employees of the Department of Transportation whose primary governmental duties include the administration and enforcement of statutes and rules relating to vehicular weight.

WV Legislature

§17C-17B-2. Transfer of jurisdiction over vehicle weight enforcement and excess weight permit issuances to Public Service Commission.

(a) Effective July 1, 2003, the jurisdiction over the enforcement of state statutes and rules, including, but not limited to, applicable provisions of article seventeen of this chapter relating to vehicular weight, shall be transferred from the Department of Transportation to the Public Service Commission of West Virginia.

(b) Effective July 1, 2003, the jurisdiction over the issuance of permits for excess vehicular weight shall be transferred from the Department of Transportation to the Public Service Commission of West Virginia.

WV Legislature

§17C-17B-3. Transfer of certain employees from department of transportation to Public Service Commission.

Effective July 1, 2003, employees of the Department of Transportation whose primary governmental duties as of June 30, 2003, included the administration and enforcement of this code and rules promulgated under this code relating to vehicular weight or the issuance of permits for excess vehicular weight shall be transferred from the Department of Transportation to the Public Service Commission of West Virginia.

WV Legislature

§17C-17B-4. Costs of enforcement to be funded from revenues in General Revenue Fund or from fees collected by Public Service Commission.

(a) On and after July 1, 2003, the cost of enforcement of this code and rules promulgated under this code, relating to vehicular weight, including inspections of vehicles and loads, training of enforcement officers, administrative proceedings, personal services, employees benefits and all other costs associated with enforcement matters, shall be funded by revenues in the state road fund, established pursuant to the provisions of section one, article three, chapter seventeen of this code: Provided, That effective on and after July 1, 2007, all of the costs described in this subsection shall be funded by fees collected from the Public Service Commission or other appropriation by the Legislature: Provided, however, That the foregoing proviso may not be construed to require appropriation by the Legislature.

(b) The secretary of transportation and the treasurer shall take all actions necessary to implement the transfer of funding to effectuate the purposes of this article.

(c) For fiscal years beginning on and after July 1, 2004, the commission shall include in its budget to the Legislature the costs of implementation and continuing enforcement of this article for payment and appropriation into the Public Service Commission Fund.

WV Legislature

§17C-17B-5. Exceptions.

(a) Nothing in this article reduces or eliminates the authority of any police officer to enforce the provisions of article seventeen of this chapter.

(b) Nothing in this article reduces or eliminates the jurisdiction of the Department of Transportation to administer and enforce sections eleven-a, eleven-b, eleven-c and twelve, article seventeen of this chapter.

(c) Nothing in this article expands, reduces or eliminates any remedies otherwise available by law.

WV Legislature