WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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ENROLLED

HOUSE BILL No. H481

(By Delegate's...Stanton and Browning)

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Passed March 10, 1994

In Effect 90 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.

(a) The commission shall have power and authority to promulgate rules implementing a hazardous materials transportation registration and permitting program for operators of motor vehicles transporting hazardous materials upon or over the public highways within the borders of this state. Rules adopted under this section shall be consistent with, and equivalent in scope, coverage, and content to, the report submitted by the alliance for uniform hazardous material transportation
procedures to the secretary of transportation, United
States department of transportation, pursuant to
paragraph (c) of section twenty-two of the "Hazardous
Materials Transportation Uniform Safety Act of 1990",
Public Law 101-615.

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

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

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

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

(f) It shall be unlawful for any person to operate, or
cause to be operated, a motor vehicle transporting
hazardous materials upon or over the public highways within this state without first having complied with the requirements of the registration and permitting program, as established by the commission. Failure to comply with the program requirements, as determined by the commission after notice and opportunity to be heard, may be sufficient cause for suspension or revocation of permits and registration under the program.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Ernest C. Moore

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Darrell E. Hollin

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

Donald L. Whip

The within was approved this the 29th day of March, 1994.

Governor

Byron Leftwich