

RECEIVED

3 MAR 29 PM 3:54

CLERK OF WEST VIRGINIA
SPECIAL OFFICE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000

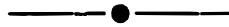


ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4258

(By Delegates Hunt, Linch, Compton,
Jenkins, Faircloth and Riggs)



Passed March 10, 2000

In Effect from Passage

RECEIVED

3 MAR 29 PM 3:54

FILED IN WEST VIRGINIA
OFFICE OF THE STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4258

(BY DELEGATES HUNT, LINCH, COMPTON,
JENKINS, FAIRCLOTH AND RIGGS)

[Passed March 10, 2000; in effect from passage.]

AN ACT to amend and reenact section one, article eight, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section two, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the

Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee and as amended by the Legislature; authorizing the division of motor vehicles to promulgate a legislative rule relating to administrative due process; authorizing the division of motor vehicles to promulgate a legislative rule relating to motor vehicle dealers, wrecker/dismantler/rebuilders and license services, automobile auctions, vehicle leasing companies, daily passenger rental car businesses and administrative due process; authorizing the division of highways to promulgate a legislative rule relating to the construction and reconstruction of state roads; authorizing the division of highways to promulgate a legislative rule relating to traffic and safety; and authorizing the division of highways to promulgate a legislative rule relating to the transportation of hazardous wastes upon the roads and highways.

Be it enacted by the Legislature of West Virginia:

That section one, article eight, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section two, all to read as follows:

ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF TRANSPORTATION TO PROMULGATE LEGISLATIVE RULES.

§64-8-1. Division of motor vehicles.

- 1 (a) The legislative rule filed in the state register on the fifth
- 2 day of August, one thousand nine hundred ninety-nine, autho-
- 3 rized under the authority of section nine, article two, chapter
- 4 seventeen-a, of this code, modified by the division of motor
- 5 vehicles to meet the objections of the legislative rule-making
- 6 review committee and refiled in the state register on the twenty-
- 7 third day of September, one thousand nine hundred ninety-nine,

8 relating to the division of motor vehicles (administrative due
9 process, 91 CSR 1), is authorized.

10 (b) The legislative rule filed in the state register on the fifth
11 day of August, one thousand nine hundred ninety-nine, autho-
12 rized under the authority of section nine, article two, chapter
13 seventeen-a, of this code, modified by the division of motor
14 vehicles to meet the objections of the legislative rule-making
15 review committee and refiled in the state register on the twenty-
16 third day of September, one thousand nine hundred ninety-nine,
17 relating to the division of motor vehicles (motor vehicle
18 dealers, wrecker/dismantler/rebuilders and license services,
19 automobile auctions, vehicle leasing companies, daily passen-
20 ger rental car businesses and administrative due process, 91
21 CSR 6), is authorized.

§64-8-2. Division of highways.

1 (a) The legislative rule filed in the state register on the
2 sixteenth day of November, one thousand nine hundred
3 ninety-eight, under the authority of section eight, article two-a,
4 chapter seventeen, of this code, modified by the division of
5 highways to meet the objections of the legislative rule-making
6 review committee and refiled in the state register on the twenty-
7 ninth day of July, one thousand nine hundred ninety-nine,
8 relating to the division of highways (construction and recon-
9 struction of state roads, 157 CSR 3), is authorized with the
10 following amendment:

11 On page one hundred two, at the end of paragraph 11.6.e.4
12 by adding thereto a new subdivision 11.6.f to read as follows:

13 11.6.f. Substitution of Surety Bond for Retainages

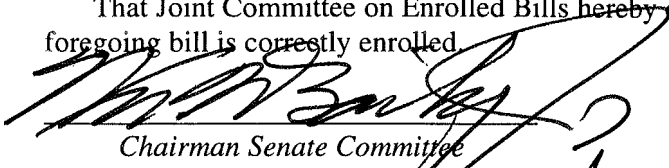
14 The contractor may at any time withdraw the amounts
15 retained by the Division in accordance with subdivision 11.6.b
16 and substitute therefore a surety bond, in a form acceptable to

17 the Commissioner, in the amount of two percent of the contract
18 bid amount plus all change order amounts approved as of the
19 time of tender of the surety bond. This surety bond shall be in
20 addition to, or an increase of, the performance bond required in
21 subsection 11.5.5. of this rule. The surety bond shall be
22 conditioned upon the payment by the contractor of all applica-
23 ble taxes imposed by West Virginia Code § 11-13-1 et seq.; §11-
24 21-1 et seq. and §11-24-1 et seq. as amended, and any applica-
25 ble county and municipal business and occupation taxes. This
26 surety bond will not be released, nor will final payment be
27 made on the contract, until the Division receives from the
28 Commissioner of Tax and Revenue, and the county commission
29 or municipality, where applicable, a certificate declaring that all
30 taxes levied or accrued have been paid or provided for.

31 (b) The legislative rule filed in the state register on the
32 twenty-third day of September, one thousand nine hundred
33 ninety-eight, under the authority of section eight, article two-a,
34 chapter seventeen, of this code, modified by the division of
35 highways to meet the objections of the legislative rule-making
36 review committee and refiled in the state register on the thirty-
37 first day of August, one thousand nine hundred ninety-nine,
38 relating to the division of highways (traffic and safety, 157 CSR
39 5), is authorized.

40 (c) The legislative rule filed in the state register on the sixth
41 day of October, one thousand nine hundred ninety-eight, under
42 the authority of section seven, article eighteen, chapter twenty-
43 two, of this code, modified by the division of highways to meet
44 the objections of the legislative rule-making review committee
45 and refiled in the state register on the twenty-ninth day of July,
46 one thousand nine hundred ninety-nine, relating to the division
47 of highways (transportation of hazardous wastes upon the roads
48 and highways, 157 CSR 7), is authorized.

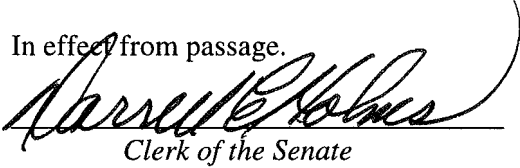
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

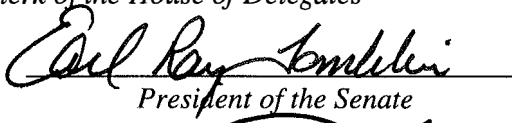

Chairman House Committee

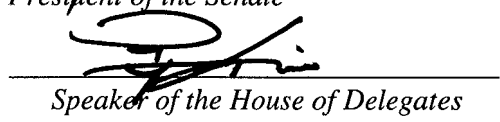
Originating in the House.

In effect from passage.

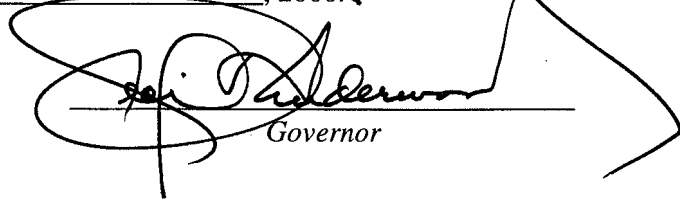

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 28th
day of March, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/00

Time 3:45pm