ENROLLED

Committee Substitute for Committee Substitute for
SENATE BILL NO. 35

(By Senators RoDo, LoWe and SurrDr)

PASSED March 9, 2002

In Effect Ninety Days From Passage
AN ACT to amend and reenact sections five and six, article sixteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to increasing fees for motor vehicle inspections.

Be it enacted by the Legislature of West Virginia:

That sections five and six, article sixteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 16. INSPECTION OF VEHICLES.
§17C-16-5. Permit for official inspection stations; fees for and certificate of inspection.

(a) The superintendent of the state police is responsible for the inspection as provided in this article and shall prescribe requirements and qualifications for official inspection stations. He or she shall select and designate the stations and shall issue permits for official inspection stations and furnish instructions and all necessary forms for the inspection of vehicles as required in this article and the issuance of official certificates of inspection and approval. The certificate of inspection shall be a paper sticker or decal to be affixed to the windshield of a motor vehicle, shall be serially numbered and shall properly identify the official inspection station which issued it. A charge of one dollar per sticker shall be charged by the state police to the inspection station, and the funds received shall be deposited into the state treasury and credited to the account of the state police for application in the administration and enforcement of the provisions of this article. Any balance remaining in the fund on the last day of June of each fiscal year, not required for the administration and enforcement of the provisions of this article, shall be transferred to the state road fund. The superintendent may exchange stickers or make refunds to official inspection stations for stickers on hand when permits are revoked or when, for any reason, the stickers become obsolete.

(b) A person shall apply for a permit upon an official form prescribed by the superintendent and the superintendent shall grant permits only when the superintendent is satisfied that the station is properly equipped and has competent personnel to make the inspections and adjustments and that the inspections and adjustments will be properly conducted. The superintendent, before issuing a permit, may require the applicant to file a bond with surety approved by the superintendent, conditioned that such applicant, as a station operator, will make compensa-
tion for any damage to a vehicle during an inspection or
adjustment due to negligence on the part of the station
operator or employees thereof.

(c) The superintendent shall properly supervise and
cause inspections to be made of the stations. Upon finding
that a station is not properly equipped or conducted, the
superintendent may, upon a first violation, suspend the
permit for a period of up to one year. Upon a second or
subsequent finding that a station is not properly equipped
or conducted, the superintendent shall permanently revoke
and require the surrender of the permit. The superinten-
dent may reinstate the permit of any person whose permit
was permanently revoked prior to the effective date of this
section upon a first finding that a station was not properly
equipped or conducted, upon application, at any time after
the expiration of six months from the time of revocation
and shall reinstate the permit, upon application, after the
expiration of one year. He or she shall maintain and post
at his or her office and at any other places as he or she may
select lists of all stations holding permits and of those
whose permits have been suspended or revoked.

§17C-16-6. Assignment, transfer and posting of official inspec-
tion station permit; issuance and record of certif-
icate of inspection; inspection fee.

(a) No permit for an official inspection station shall be
assigned or transferred or used at any location other than
designated in the permit and every permit shall be posted
in a conspicuous place at the station location designated in
the permit.

(b) The person operating the station shall issue a certifi-
cate of inspection and approval, upon an official form, to
the owner of a vehicle upon inspecting the vehicle and
determining that its equipment required under this article
is in good condition and proper adjustment, but otherwise
no certificate shall be issued, except one issued pursuant
to section two of this article. When required by the super-
13 intendent, a record and report shall be made of every
14 inspection and every certificate issued.
15 (c) A fee of not more than twelve dollars may be charged
16 for an inspection and any necessary headlight adjustment
17 to proper focus, not including any replacement parts
18 required, and the issuance of the certificate, but the
19 imposition of the charge is not mandatory.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 3rd Day of April, 2002.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/19/02
Time 8:55