

SB 35

FILED

2002 APR -3 P 8:10

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2002



ENROLLED

COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 35

(By Senators *REDD, LOVE and Snyder*)



PASSED MARCH 9, 2002

In Effect every day from Passage

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Senate Bill No. 35

(SENATORS REDD, LOVE AND SNYDER, *original sponsors*)

[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.

019 §17C-16-5. **Permit for official inspection stations; fees for and certificate of inspection.**

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

26 (b) A person shall apply for a permit upon an official
27 form prescribed by the superintendent and the superinten-
28 dent shall grant permits only when the superintendent is
29 satisfied that the station is properly equipped and has
30 competent personnel to make the inspections and adjust-
31 ments and that the inspections and adjustments will be
32 properly conducted. The superintendent, before issuing a
33 permit, may require the applicant to file a bond with
34 surety approved by the superintendent, conditioned that
35 such applicant, as a station operator, will make compensa-

36 tion for any damage to a vehicle during an inspection or
37 adjustment due to negligence on the part of the station
38 operator or employees thereof.

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

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

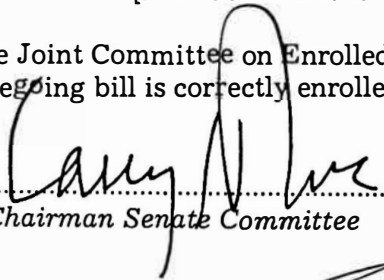
1 (a) No permit for an official inspection station shall be
2 assigned or transferred or used at any location other than
3 designated in the permit and every permit shall be posted
4 in a conspicuous place at the station location designated in
5 the permit.

6 (b) The person operating the station shall issue a certifi-
7 cate of inspection and approval, upon an official form, to
8 the owner of a vehicle upon inspecting the vehicle and
9 determining that its equipment required under this article
10 is in good condition and proper adjustment, but otherwise
11 no certificate shall be issued, except one issued pursuant
12 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.

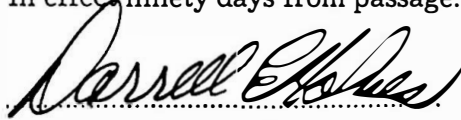
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

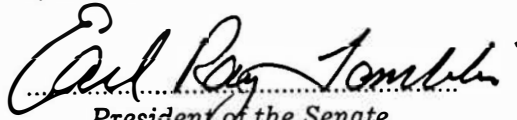

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Chairman House Committee

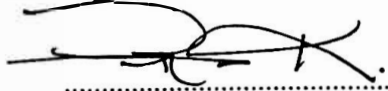
Originated in the Senate.

1 In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

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


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Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/02

Time 8:55am