

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

**COMMITTEE SUBSTITUTE
FOR**

House Bill No. 2648

(By Delegates Mahan, Cann, Kominar and Faircloth)



Passed March 5, 2003

In Effect from Passage

FILED

2003 MAR 17 P 4: 48

**OFFICE WEST VIRGINIA
SECRETARY OF STATE**

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2648

(BY DELEGATES MAHAN, CANN
KOMINAR AND FAIRCLOTH)

[Passed March 5, 2003; in effect from passage.]

AN ACT to amend and reenact article eight, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, 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 highways to promulgate a legislative rule relating to traffic and safety; authorizing the division of highways to promulgate a legislative rule relating to the transportation of hazardous wastes upon the roads and highways; authorizing the division of motor vehicles to promulgate a legislative rule relating to the examination and issuance of driver's licenses; authorizing the division of motor vehicles to promulgate a legislative rule relating to the motor vehicle test and lock program; authorizing the division of motor vehicles to promulgate a legislative rule relating to the motor vehicle inspection manual; authorizing the division of motor vehicles to promulgate a legislative rule relating to the denial, suspension, revocation or nonrenewal of driving privileges; and 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.

Be it enacted by the Legislature of West Virginia:

That article eight, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

§64-8-1. Division of highways.

- 1 (a) The legislative rule filed in the state register on the
- 2 twenty-fourth day of July, two thousand two, authorized under
- 3 the authority of section eight, article two-a, chapter seventeen,
- 4 of this code, relating to the division of highways (traffic and
- 5 safety, 157 CSR 5), is authorized.

6 (b) The legislative rule filed in the state register on the
7 twenty-fourth day of July, two thousand two, under the author-
8 ity of section seven, article eighteen, chapter twenty-two of this
9 code, relating to the division of highways (transportation of
10 hazardous wastes upon the roads and highways, 157 CSR 7), is
11 authorized.

§64-8-2. Division of motor vehicles.

1 (a) The legislative rule filed in the state register on the
2 thirtieth day of December, two thousand two, authorized under
3 the authority of section fifteen, article two, chapter seventeen-b,
4 of this code, relating to the division of motor vehicles (exami-
5 nation and issuance of driver's licenses, 91 CSR 4), is autho-
6 rized with the following amendments:

7 "On page eight, section six, subsection 6.1, line 1, follow-
8 ing the word 'license' by inserting 'or identification card';

9 On page eight, section six, subsection 6.1, following the
10 word 'licensee's' by inserting 'or identification card holder's';

11 On page eight, section six, subsection 6.1, line 7, following
12 the word 'license' by inserting 'or identification card';

13 On page eight, section six, subdivision 6.1.c, following the
14 word 'license' by inserting 'or identification card';

15 On page nine, section seven, subsection 7.1, following the
16 word 'license' by inserting 'or identification card';

17 On page nine, section seven, subsection 7.1, following the
18 word 'applicant' by inserting 'and the length of the applicant's
19 authorized legal presence in the United States';

20 On page ten, section seven, subsection 7.9, following the
21 word 'licensee' by inserting 'or identification card holder';

22 On page ten, section seven, subsection 7.9, following the
23 word 'license' by inserting 'or identification card';

24 On page twelve, section nine, subsection 9.2, following the
25 word 'license' by inserting 'or identification card';

26 On page twelve, section nine, subdivision 9.2.a, line one,
27 following the word 'licensee' by inserting 'or identification
28 card holder';

29 On page twelve, section nine, subdivision 9.2.a, line two,
30 following the word 'licensee' by inserting 'or identification
31 card holder';

32 On page twelve, section nine, subdivision 9.2.b, following
33 the word 'licensee' by inserting 'or identification card holder';

34 On page thirteen, section nine, subsection 9.7, following the
35 word 'license' by inserting 'or identification card';

36 On page thirteen, section nine, subsection 9.8, line one,
37 following the word 'license' by inserting 'or identification
38 card';

39 On page thirteen, section nine, subsection 9.8, line two,
40 following the word 'license' by inserting 'or identification
41 card';

42 On page thirteen, section ten, subsection 10.1, line one,
43 following the word 'license' by inserting 'or identification
44 card';

45 On page thirteen, section ten, subsection 10.1, line two,
46 following the word 'license' by inserting 'or identification
47 card';

48 On page thirteen, section ten, subsection 10.1, line three,
49 following the word 'license' by inserting 'or issue an identifica-
50 tion card to';

51 On page fourteen, section ten, subsection 10.3, line 1,
52 following the word 'license' by inserting 'or issue identification
53 cards to';

54 On page fourteen, section ten, subsection 10.3, following
55 the word 'licensed' by inserting 'or issued identification cards';

56 And,

57 On page fourteen, section ten, subsection 10.3, following
58 the word 'license' by inserting 'or identification card'."

59 (b) The legislative rule filed in the state register on the
60 ninth day of October, two thousand two, authorized under the
61 authority of section three-a, article five-a, chapter seventeen-c,
62 of this code, relating to the division of motor vehicles (motor
63 vehicle test and lock program, 91 CSR 9), is authorized.

64 (c) The legislative rule filed in the state register on the
65 eighteenth day of December, two thousand two, authorized
66 under the authority of section four, article sixteen, chapter
67 seventeen-c of this code, relating to the division of motor
68 vehicles (motor vehicle inspection manual, 91 CSR 12), is
69 authorized with the following amendment:

70 "On page one, section two, subsection 2.1, line 3, by
71 striking the words 'July 1, 2003' and inserting in lieu thereof
72 the phrase 'January 1, 2002.'"

73 (d) The legislative rule filed in the state register on the
74 eighteenth day of July, two thousand two, authorized under the
75 authority of section nine, article two, chapter seventeen-a, of
76 this code, modified by the division of motor vehicles to meet

77 the objections of the legislative rule-making review committee
78 and refiled in the state register on the twenty-third day of
79 September, two thousand two, relating to the division of motor
80 vehicles (denial, suspension, revocation or nonrenewal of
81 driving privileges, 91 CSR 5), is authorized.

82 (e) The legislative rule filed in the state register on the third
83 day of July, two thousand two, authorized under the authority
84 of section nine, article two, chapter seventeen-a, of this code,
85 modified by the division of motor vehicles to meet the objec-
86 tions of the legislative rule-making review committee and
87 refiled in the state register on the twenty-third day of Septem-
88 ber, two thousand two, relating to the division of motor vehicles
89 (motor vehicle dealers, wrecker/dismantler/rebuilders and
90 license services, automobile auctions, vehicle leasing compa-
91 nies, daily passenger rental car businesses and administrative
92 due process, 91 CSR 6), 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 is approved this the 14th
day of March, 2003.

Governor

PRESENTED TO THE
GOVERNOR

Date 3/2/03

Time 11:10 am