WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2003

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2648

(By Delegates Mahan, Cann, Kominar and Faircloth)

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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.

(a) The legislative rule filed in the state register on the twenty-fourth day of July, two thousand two, authorized under the authority of section eight, article two-a, chapter seventeen, of this code, relating to the division of highways (traffic and safety, 157 CSR 5), is authorized.
(b) The legislative rule filed in the state register on the twenty-fourth day of July, two thousand two, under the authority of section seven, article eighteen, chapter twenty-two of this code, relating to the division of highways (transportation of hazardous wastes upon the roads and highways, 157 CSR 7), is authorized.

§64-8-2. Division of motor vehicles.

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

“On page eight, section six, subsection 6.1, line 1, following the word ‘license’ by inserting ‘or identification card’;

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

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

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

On page nine, section seven, subsection 7.1, following the word ‘license’ by inserting ‘or identification card’;

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

On page ten, section seven, subsection 7.9, following the word ‘licensee’ by inserting ‘or identification card holder’;
On page ten, section seven, subsection 7.9, following the word ‘license’ by inserting ‘or identification card’;

On page twelve, section nine, subsection 9.2, following the word ‘license’ by inserting ‘or identification card’;

On page twelve, section nine, subdivision 9.2.a, line one, following the word ‘licensee’ by inserting ‘or identification card holder’;

On page twelve, section nine, subdivision 9.2.a, line two, following the word ‘licensee’ by inserting ‘or identification card holder’;

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

On page thirteen, section nine, subsection 9.7, following the word ‘license’ by inserting ‘or identification card’;

On page thirteen, section nine, subsection 9.8, line one, following the word ‘license’ by inserting ‘or identification card’;

On page thirteen, section nine, subsection 9.8, line two, following the word ‘license’ by inserting ‘or identification card’;

On page thirteen, section ten, subsection 10.1, line one, following the word ‘license’ by inserting ‘or identification card’;

On page thirteen, section ten, subsection 10.1, line two, following the word ‘license’ by inserting ‘or identification card’;
On page thirteen, section ten, subsection 10.1, line three, following the word 'license' by inserting 'or issue an identification card to';

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

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

And,

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

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

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

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

(d) The legislative rule filed in the state register on the eighteenth day of July, two thousand two, authorized under the authority of section nine, article two, chapter seventeen-a, of this code, modified by the division of motor vehicles to meet
the objections of the legislative rule-making review committee
and refiled in the state register on the twenty-third day of
September, two thousand two, relating to the division of motor
vehicles (denial, suspension, revocation or nonrenewal of
driving privileges, 91 CSR 5), is authorized.

(e) The legislative rule filed in the state register on the third
day of July, two thousand two, authorized under the authority
of section nine, article two, chapter seventeen-a, of this code,
modified by the division of motor vehicles to meet the objec-
tions of the legislative rule-making review committee and
refiled in the state register on the twenty-third day of Septem-
ber, two thousand two, relating to the division of motor vehicles
(motor vehicle dealers, wrecker/dismantler/rebuilders and
license services, automobile auctions, vehicle leasing compa-
nies, daily passenger rental car businesses and administrative
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 bill approved this the 19th day of March, 2003.

Governor