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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED



House Bill No. 2797

(By Delegates Warner and Butcher)



Passed March 8, 2003

In Effect Ninety Days from Passage

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OFFICE OF THE CLERK
SECRETARY OF STATE

ENROLLED

H. B. 2797

(BY DELEGATES WARNER AND BUTCHER)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact section eighteen-a, article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section eight, article one-d, chapter seventeen-b of said code, all relating to advisory boards to the commissioner of motor vehicles; authorizing the division of motor vehicles to reimburse members of the motor vehicle dealer advisory board and members of the motorcycle safety awareness board for travel and other reasonable and necessary expenses.

Be it enacted by the Legislature of West Virginia:

That section eighteen-a, article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section eight, article one-d, chapter seventeen-b of said code be amended and reenacted, all to read as follows:

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION,
REGISTRATION, CERTIFICATE OF TITLE, AND
ANTITHEFT PROVISIONS.**

**ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR
DISMANTLERS; SPECIAL PLATES; TEMPORARY
PLATES OR MARKERS.**

§17A-6-18a. Motor vehicle dealers advisory board.

1 (a) There is continued a motor vehicle dealers advisory
2 board to assist and to advise the commissioner on the adminis-
3 tration of laws regulating the motor vehicle industry; to work
4 with the commissioner in developing new laws, rules or policies
5 regarding the motor vehicle industry; and to give the commis-
6 sioner any further advice and assistance as he or she may from
7 time to time require.

8 The board shall consist of nine members and the commis-
9 sioner of motor vehicles, or his or her representative, who shall
10 be an ex officio member. Two members shall represent new
11 motor vehicle dealers, with one of these two members repre-
12 senting dealers that sell less than one hundred new vehicles per
13 year; one member shall represent used motor vehicle dealers;
14 one member shall represent wrecker/dismantler/rebuilders; one
15 member shall represent automobile auctions; one member shall
16 represent recreational dealers; one member shall represent the
17 West Virginia attorney general's office; and two members shall
18 represent consumers. All of the representatives, except the
19 attorney general representative who shall be designated by the
20 attorney general, shall be appointed by the governor with the
21 advice and consent of the Senate, with no more than five
22 representatives being from the same political party.

23 The terms of the board members shall be for three years.
24 The attorney general representative shall serve continuously.

25 The board shall meet at least four times annually and at the
26 call of the commissioner.

27 (b) The commissioner shall consult with the board before
28 he or she takes any disciplinary action against a dealer, an
29 automobile auction or a license service to revoke, or suspend a
30 license, place the licensee on probation or levy a civil penalty,
31 unless the commissioner determines that the consultation would
32 endanger a criminal investigation.

33 (c) The commissioner may consult with the board by mail,
34 by facsimile, by telephone or at a meeting of the board, but the
35 commissioner is not bound by the recommendations of the
36 board. The commissioner shall give members seven days from
37 the date of a mailing or other notification to respond to pro-
38 posed actions, except in those instances when the commissioner
39 determines that the delay in acting creates a serious danger to
40 the public's health or safety or would unduly compromise the
41 effectiveness of the action.

42 (d) No action taken by the commissioner is subject to
43 challenge or rendered invalid on account of his or her failure to
44 consult with the board.

45 (e) The appointed members shall serve without compensa-
46 tion, however, members are entitled to reimbursement of travel
47 and other necessary expenses actually incurred while engaged
48 in legitimate board activities in accordance with the guidelines
49 of the travel management office of the department of adminis-
50 tration or its successor agency.

CHAPTER 17B. MOTOR VEHICLE DRIVER'S LICENSES.

ARTICLE 1D. MOTORCYCLE SAFETY EDUCATION.

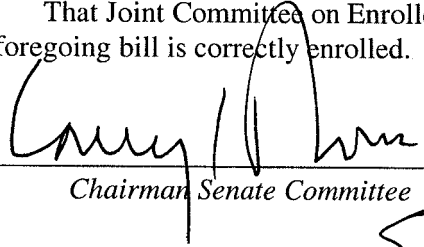
§17B-1D-8. Motorcycle safety awareness board continued.

1 (a) There is continued an eight member motorcycle safety
2 awareness board consisting of four ex officio members and four
3 nongovernmental members. The ex officio members are the
4 motorcycle safety program coordinator, as appointed under
5 section two of this article, or a designee; the superintendent of
6 the state police or a designee; the commissioner of the bureau
7 of public health or a designee; and the commissioner of the
8 division of tourism or a designee. The four nongovernmental
9 members are a licensed motorcycle operator; a member of
10 American bikers aimed toward education (ABATE) or the West
11 Virginia confederation of motorcycle clubs; a licensed insur-
12 ance agent who has a valid motorcycle endorsement who will
13 be appointed for an initial term of two years; and, an owner of
14 a motorcycle dealership or supplier of aftermarket
15 nonfranchised motorcycle supplies who will be appointed for an
16 initial term of three years. The motorcycle safety program
17 coordinator shall serve as chair of the board. The
18 nongovernmental members shall be appointed by the governor
19 with the advice and consent of the Senate. The terms are for
20 three years, except for the initial appointments which will be
21 staggered according to the provisions of this article. Members
22 may be reappointed to the board. Any nongovernmental
23 member who is absent without good cause from three consecu-
24 tive meetings of the board may be removed from the board and
25 a new member appointed by the governor.

26 (b) The board may recommend to the superintendent of the
27 state police types and makes of protective helmets, eye protec-
28 tion devices and equipment offered for sale, purchased or used
29 by any person. The board may make recommendations to the
30 commissioner of motor vehicles regarding the use of the
31 moneys in the motorcycle safety fund created under section
32 seven of this article. The board shall report annually to the
33 Legislature on or before the first day of each regular legislative
34 session.

35 (c) The appointed members shall serve without compensa-
36 tion, however, members are entitled to reimbursement of travel
37 and other necessary expenses actually incurred while engaged
38 in legitimate board activities in accordance with the guidelines
39 of the travel management office of the department of adminis-
40 tration or successor agency.

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



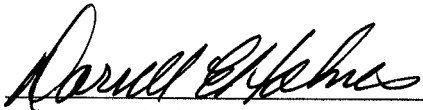
Chairman Senate Committee



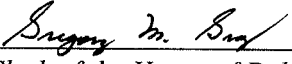
Chairman House Committee

Originating in the House.

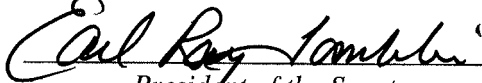
In effect ninety days from passage



Clerk of the Senate



Clerk of the House of Delegates

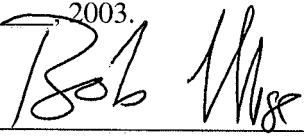


President of the Senate



Speaker of the House of Delegates

The within is approved this the 1st
day of April 2003.



Governor

PRESENTED TO THE
GOVERNOR

Date 3/24/03

Time 10:35 am