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2003 MAR 18 P 6:19

OFFICE WEST VIRGINIA
SECRETARY OF STATE

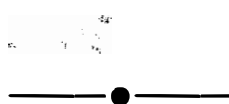
WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2003



ENROLLED

House Bill No. 3104

(By Delegate Warner)



Passed March 6, 2003

In Effect Ninety Days from Passage

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 3104

(BY DELEGATE WARNER)

[Passed March 6, 2003; in effect ninety days from passage.]

AN ACT to amend article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-three, relating to the commissioner of highways generally; providing for commercial work orders for vehicle and equipment repair; establishing criteria for commercial vehicle and equipment repair vendors; and requiring a cost effectiveness analysis for issuing commercial work orders.

Be it enacted by the Legislature of West Virginia:

That article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-three, to read as follows:

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-23. Administration of commercial vehicle and equipment related work orders.

STATE

1 In order to promote cost effective vehicle and equipment
2 repair work efficiently and effectively and in order to provide
3 for repair work to be done in a safe and timely manner when in-
4 house repair is determined not to be cost effective or practical
5 under the circumstances, the commissioner of highways may
6 establish a cost effective analysis for determining the reason-
7 ableness and effectiveness of obtaining repair of vehicles and
8 equipment by certain certified vendors.

9 The commissioner may issue a commercial work order to
10 certified vendors for repair of vehicles and equipment when the
11 commissioner determines that the repairs would extend the life
12 of the equipment or vehicle a minimum of five years and that
13 the expenditure would be the safest cost effective alternative to
14 purchase of new vehicles and equipment or in-house repair.

15 Any commercial vendor of vehicle and equipment repair
16 may apply to the commissioner for certification as a certified
17 repair vendor under the provisions of this section. In order to
18 qualify, the vendor must provide proof that it has the trained
19 personnel, the required tools, equipment and facilities to
20 provide the work. The commissioner shall inspect or cause to
21 be inspected the facilities and shall review the qualifications of
22 personnel of vendors applying for certification. If approved by
23 the commissioner, the vendor may be certified as a qualified
24 vendor for the type of repair work the commissioner determines
25 the vendor is qualified to provide.

26 Prior to issuing a commercial work order with a certified
27 vendor, the commissioner must determine the cost of repair of
28 the vehicle or equipment. If on site inspection is required, the
29 commissioner may issue a work order to provide for the
30 inspection and estimate.

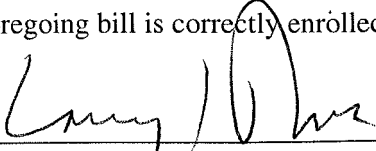
31 Preference for issuing vehicle and equipment repair work
32 orders shall be given to in-state licensed qualified vendors:

33 *Provided*, That a vendor failing to guarantee its work for five
34 years or failing to complete any work order in the time and to
35 the specifications of the work order shall be decertified for a
36 period of five years.

37 Nothing herein requires the commissioner of highways to
38 issue a work order to any particular commercial vendor.

39 The commissioner of highways shall propose a legislative
40 rule pursuant to article three, chapter twenty-nine-a of this code
41 regarding certification of qualified vendors and awarding work
42 orders. The legislative rule may include provisions for devia-
43 tions from the standard cost principles in special situations and
44 circumstances.

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



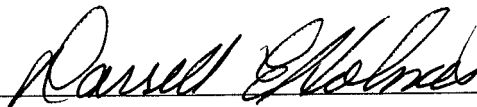
Chairman Senate Committee



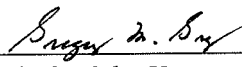
Chairman House Committee

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 approved this the 18
day of March, 2003.



Governor

PRESENTED TO THE
GOVERNOR

Date 3/14/03

Time 9:40am