WEST VIRGINIA LEGISLATURE
Regular Session, 2004

ENROLLED

SENATE BILL NO. 697

(By Senator Tomblin, the President pro tempore)

PASSED March 13, 2004

In Effect 90 days from Passage
AN ACT to amend and reenact §24A-7-7 of the code of West Virginia, 1931, as amended, relating to authorizing the public service commission to delegate motor carrier inspector duties to weight enforcement officers and vice versa.

Be it enacted by the Legislature of West Virginia:

That §24A-7-7 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 7. COMPLAINTS, DAMAGES AND VIOLATIONS.

§24A-7-7. Authority of motor carrier inspectors to enforce all traffic rules as to commercial vehicles; use of radar as evidence.

1 (a) The employees of the commission designated as motor carrier inspectors have the same authority as law-enforcement officers generally to enforce the provisions of chapter seventeen-c of this code with respect to commercial motor
vehicles owned or operated by motor carriers, exempt
 carriers or private commercial carriers where vehicles
 have a gross vehicle weight rating of ten thousand pounds
 or more.

The commission is authorized to delegate motor carrier
 inspector duties to weight enforcement officers as it
 considers appropriate, following successful training and
 certification of individual officers, who shall then have the
 same authority as motor carrier inspectors under this
 section. The commission is also authorized to delegate
 weight enforcement duties to motor carrier inspectors.

(b) The speed of a commercial motor vehicle owned or
 operated by a motor carrier, exempt carrier or private
 commercial carrier may be proved by evidence obtained by
 use of any device designed to measure and indicate or
 record the speed of a moving object by means of micro-
 waves, when the evidence is obtained by employees of the
 commission designated as motor carrier inspectors. The
 evidence so obtained is prima facie evidence of the speed
 of the vehicle.

(c) Motor carrier inspectors shall also perform a north
 American standard safety inspection of each commercial
 motor vehicle stopped for enforcement purposes pursuant
 to this section.

(d) Before exercising the provisions of this section, the
 motor carrier inspectors shall receive adequate training.

(e) Nothing in this section affects the existing authority
 of law-enforcement officers not employed by the commis-
 sion to enforce the provisions of chapter seventeen-c of
 this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Greg Butler

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 5th Day of April, 2004.

Governor