WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED
Committee Substitute for
SENATE BILL NO. 353

(By Senator Minard, et al)

PASSED
April 8, 2005

In Effect from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 353

(SENATORS MINARD, FANNING, PREZIOSO,
UNGER, BOLEY AND MINEAR, original sponsors)

[Passed April 8, 2005; in effect from passage.]

AN ACT to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, all 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 Division of Highways to promulgate a legislative rule relating to use of state roads rights-of-way and adjacent areas; authorizing Division of Highways to promulgate a legislative rule relating to transportation of hazardous waste upon roads and highways; authorizing Division of Motor Vehicles to promulgate a legislative rule relating to administrative due process; and authorizing Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's licenses.

Be it enacted by the Legislature of West Virginia:

That article 8, chapter 64 of the Code of West Virginia, 1931, 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 twelfth day of January, two thousand four, 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 eighteenth day of August, two thousand four, under the authority of section eight, article two-a, chapter seventeen of this code modified by the Division of Highways to meet the objections of the Legislative Rule-Making Review Committee and refiled in the State Register on the eighteenth day of February, two thousand five, relating to the Division of Highways (use of state roads rights-of-way and adjacent areas, 157 CSR 6) is authorized.

(c) The legislative rule filed in the State Register on the sixth day of August, two thousand four, under the authority of section seven, article eighteen, chapter twenty-two
of this code relating to the Division of Highways (trans-
portation of hazardous wastes upon the roads and high-
ways, 157 CSR 7) is authorized.

§64-8-2. Division of Motor Vehicles.

(a) The legislative rule filed in the State Register on the
twenty-fourth day of August, two thousand four, under the
authority of section nine, article two, chapter seventeen-a
of this code relating to the Division of Motor Vehicles
(administrative due process, 91 CSR 1) is authorized.

(b) The legislative rule filed in the State Register on the
thirteenth day of August, two thousand four, under the
authority of section nine, article two, chapter seventeen-a
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 amendment:

On page twenty-one, subsection 14.4, line three, after the
words “10,000 pounds”, by striking out the word “buy”
and by inserting in lieu thereof the word “but”.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect 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 21st Day of April, 2005.

Governor
PRESENTED TO THE GOVERNOR

APR 15 2005

Time [Signature]