

HB 4244

FILED

2008 MAR 15 PM 12:49

SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2008



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 4244**

(By Delegates Brown, Miley, Burdiss, Talbott,  
and Overington)



Passed March 6, 2008

In Effect from Passage

**ENROLLED**

**FILED**

COMMITTEE SUBSTITUTE

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SECRETARY OF STATE

**H. B. 4244**

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(BY DELEGATES BROWN, MILEY, BURDISS, TALBOTT,  
AND OVERINGTON)

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[Passed March 6, 2008; 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 Department of Transportation; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the Department of Transportation; 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 Commissioner of Highways to promulgate a legislative rule relating to the construction and reconstruction of state roads;

authorizing the Commissioner of Highways to promulgate a legislative rule relating to traffic and safety rules; authorizing the Commissioner of Highways to promulgate a legislative rule relating to the use of state road rights of way and adjacent areas; authorizing the Commissioner 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 licences; and authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the disclosure of information from the files of the Division.

*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 THE DEPARTMENT  
OF TRANSPORTATION TO  
PROMULGATE LEGISLATIVE RULES.**

**§64-8-1. Division of Highways.**

1       (a) The legislative rule filed in the State Register on the  
2 twenty-seventh day of July, two thousand seven, authorized  
3 under the authority of section eight, article two-a, chapter  
4 seventeen, of this code, modified by the Commissioner of  
5 Highways to meet the objections of the Legislative Rule-  
6 Making Review Committee and refiled in the State Register  
7 on the twenty-sixth day of December, two thousand seven,  
8 relating to the Commissioner of Highways (construction and  
9 reconstruction of state roads, 157 CSR 3), is authorized.

10       (b) The legislative rule filed in the State Register on the  
11 twenty-seventh day of July, two thousand seven, authorized  
12 under the authority of section eight, article two-a, chapter

13 seventeen, of this code, relating to the Commissioner of  
14 Highways (traffic and safety rules, 157 CSR 5), is authorized.

15 (c) The legislative rule filed in the State Register on the  
16 twenty-seventh day of July, two thousand seven, authorized  
17 under the authority of section eight, article two-a, chapter  
18 seventeen, of this code, relating to the Commissioner of  
19 Highways (use of state road rights of way and adjacent areas,  
20 157 CSR 6), is authorized with the following amendment:

21 On page ten, paragraph 3.8.d.3, after the words “W. Va.  
22 Code”, by striking the citation “§17-4-17b(d)(4)” and  
23 inserting in lieu thereof the following: “§17-4-17b(d)”.

24 (d) The legislative rule filed in the State Register on the  
25 twenty-seventh day of July, two thousand seven, authorized  
26 under the authority of section seven, article eighteen, chapter  
27 twenty-two, of this code, relating to the Commissioner of  
28 Highways (transportation of hazardous wastes upon the roads  
29 and highways, 157 CSR 7), is authorized.

**§64-8-2. Division of Motor Vehicles.**

1 (a) The legislative rule filed in the State Register on the  
2 twenty-fifth day of July, two thousand seven, authorized  
3 under the authority of section five, article two, chapter  
4 seventeen-b, of this code, modified by the Division of Motor  
5 Vehicles to meet the objections of the Legislative Rule-  
6 Making Review Committee and refiled in the State Register  
7 on the twentieth day of December, two thousand seven,  
8 relating to the Division of Motor Vehicles (examination and  
9 issuance of driver’s licences, 91 CSR 4), is authorized with  
10 the following amendment:

11 On page 3, paragraph 3.9, after the words “address of the  
12 applicant’s”, by striking the word “principle” and inserting in  
13 lieu thereof the word “principal”;

14 And,

15 On page 3, by striking out subdivision 3.9.a. in its  
16 entirety, and inserting in lieu thereof the following:

17 “3.9.a. An applicant who can verify that his or her  
18 principal residence is physically located in West Virginia but  
19 who has no fixed or designated address to which mail can be  
20 delivered by the United States Postal Service and who must  
21 use another address for purposes of receiving mail;”.

22 (b) The legislative rule filed in the State Register on the  
23 first day of November, two thousand seven, authorized under  
24 the authority of section twelve, article two-a, chapter  
25 seventeen-b, of this code, relating to the Division of Motor  
26 Vehicles (the disclosure of information from the files of  
27 Division of Motor Vehicles, 91 CSR 8), is authorized.

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

  
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Chairman Senate Committee

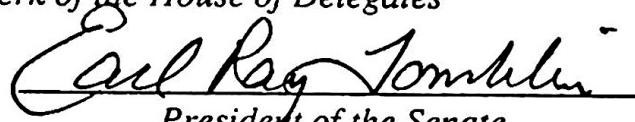
  
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Chairman House Committee


Originating in the House.

In effect from passage.

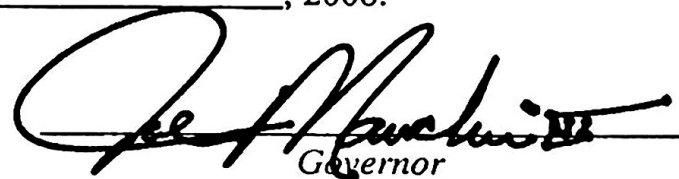
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 15<sup>th</sup>  
day of May, 2008.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 11 2008

Time

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