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
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.

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

(b) The legislative rule filed in the State Register on the twenty-seventh day of July, two thousand seven, authorized under the authority of section eight, article two-a, chapter
seventeen, of this code, relating to the Commissioner of Highways (traffic and safety rules, 157 CSR 5), is authorized.

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

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

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

§64-8-2. Division of Motor Vehicles.

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

On page 3, paragraph 3.9, after the words "address of the applicant's", by striking the word "principle" and inserting in lieu thereof the word "principal";
And,

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

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

(b) The legislative rule filed in the State Register on the first day of November, two thousand seven, authorized under the authority of section twelve, article two-a, chapter seventeen-b, of this code, relating to the Division of Motor Vehicles (the disclosure of information from the files of Division of Motor Vehicles, 91 CSR 8), is authorized.
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 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 15th day of [Month], 2008.

Governor