WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 291

(Senators Minard, Snyder, Prezioso, Unger, Boley, and K. Facemyer, original sponsors)

[Passed March 13, 2010; in effect from passage.]
AN ACT to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, 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 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 the Division of Motor Vehicles to promulgate a legislative rule relating to the denial, suspension, revocation, restriction or nonrenewal of driving privileges; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the collection of tax on the sale of a motor vehicle;
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authorizing the Commissioner of Highways to promulgate a legislative rule relating to the use of state road rights-of-way and adjacent areas; and authorizing the Commissioner of Highways to promulgate a legislative rule relating to the transportation of hazardous wastes upon the roads and highways.

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 Motor Vehicles.

1 (a) The legislative rule filed in the State Register on October 29, 2009, authorized under the authority of section nine, article two, chapter seventeen-a 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 November 23, 2009, relating to the Division of Motor Vehicles (Denial, Suspension, Revocation, Restriction or Nonrenewal of Driving Privileges, 91 CSR 5), is authorized, with the following amendments:

11 On page four, paragraph 3.3.c.1, line one, by striking the words “does not present a danger to the public safety or welfare” and inserting in lieu thereof the words “is competent to operate a motor vehicle”;

15 On page four paragraph 3.3.c.2., line one, by striking the words “does not present a danger to the public safety or welfare” and inserting in lieu thereof the words “is competent to operate a motor vehicle”;

19 On page four paragraph 3.3.c.3., line one, by striking the word “licensee” and inserting in lieu thereof the word “licensee’s”;
On page four paragraph 3.3.c.3., line one, by striking the words "present a danger to the public safety or welfare and his or her";

On page eight, subdivision 3.6.a, line four, after the number "3.2" by inserting a comma and striking the word "or";

On page eight, subdivision 3.6.a, line four, after the number "3.3" by inserting the following, "and 3.6";

On page twenty-two, subdivision 9.2.e., line one, after the word "court or", by striking the word "an" and inserting in lieu thereof the words "a designated"; and

On page twenty-two, subdivision 9.2.e., line three, by striking the words "presents a danger to public safety or welfare" and inserting in lieu thereof the words "is competent to operate a motor vehicle".

(b) The legislative rule filed in the State Register on October 29, 2009, authorized under the authority of section three-c, article fifteen, chapter eleven of this code, relating to the Division of Motor Vehicles (Collection of Tax on the Sale of a Motor vehicle, 91 CSR 9), is authorized.

§64-8-2. Commissioner of Highways.

(a) The legislative rule filed in the State Register on August 4, 2009, authorized under the authority of section one, article twenty, 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 December 16, 2009, relating to the Commissioner of Highways (Use of State Road Rights of Way and Adjacent Areas, 157 CSR 6), is authorized.
(b) The legislative rule filed in the State Register on July 30, 2009, authorized under the authority of section seven, article eighteen, chapter twenty-two 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 December 16, 2009, relating to the Commissioner of Highways (Transportation of Hazardous Wastes upon the Roads and Highways, 157 CSR 7), is authorized.
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 Day of , 2010.

Governor
PRESENTED TO THE GOVERNOR

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Time 11:25AM