

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**
Form #7

Do Not Mark In This Box
Filing Date

FILED

2002 OCT 18 P 4: 30

WEST VIRGINIA
SECRETARY OF STATE

Effective Date

October 21, 2002

NOTICE OF AN EMERGENCY RULE

AGENCY: Division of Motor Vehicles TITLE NUMBER: 91CSR12

CITE AUTHORITY: WV Code §§17A-2-9, 17C-16-4

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: Series 12

TITLE OF RULE BEING AMENDED: Motor Vehicle Inspection Manual

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

Please see attached



Authorized Signature

Use additional sheets if necessary

SCANNED



WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION
1900 Kanawha Boulevard East • Building Five • Room 109
Charleston, West Virginia 25305-0440 • 304/558-0444

Bob Wise
Governor

Fred VanKirk, P. E.
Secretary

October 18, 2002

The Honorable Joe Manchin III
Secretary of State
State Capitol Building
Charleston, WV 25305

Dear Mr. Secretary:

The Commissioner of Motor Vehicles is hereby authorized to promulgate emergency and proposed amendments to 91 CSR 12, Motor Vehicle Inspection Manual.

Very truly yours,

A handwritten signature in cursive script that reads "Fred VanKirk".

Fred VanKirk, P.E.
Secretary/Highways Commissioner

FV:sd

Enclosure



EMERGENCY RULE QUESTIONNAIRE

DATE: October 18, 2002

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No.) Division of Motor Vehicles
Building 3, Capitol Complex
Charleston, WV 25317
Phone 304 558-2723
Contact: Steven O. Dale

EMERGENCY RULE TITLE: Motor Vehicle Inspection Manual

1. Date of filing October 18, 2002

2. Statutory authority for promulgating emergency rule:
WV Code §§17A-2-9, 17C-16-4

3. Date of filing of proposed legislative rule: Within 30 days

4. Does the emergency rule adopt new language or does it amend or appeal a current legislative rule? Amend

5. Has the same or similar emergency rule previously been filed and expired?
No

6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the **immediate** preservation of public peace, health, safety or welfare.
N/A

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

N/A

8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

Please see attached



**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Motor Vehicles**

**1800 Kanawha Boulevard East • Building Three
Charleston, West Virginia 25317**

**Bob Wise
Governor**

**Fred VanKirk, P. E.
Secretary**

**Roger Pritt
Commissioner**

Summary of Proposed Rule

This rule modifies the Motor Vehicle Inspection Manual by allowing motor vehicles that are equipped with original manufacturer's roof mounted, off road light bar lighting devices labeled by the manufacturer as being for off road use only and which conform to or exceed standards established by the Society of Automotive Engineers, and which are covered with an opaque covering that prohibits any light from being emitted, and not used when the vehicle is being operated on the roads or highways of this state, to pass the annual motor vehicle inspection.

Circumstances Requiring the Promulgation of This Rule on an Emergency Basis to Prevent Substantial Harm to the Public Interest

This rule alleviates economic hardship caused to businesses and citizens of West Virginia, including motor vehicle dealers that have been prohibited from selling new motor vehicles or reselling used motor vehicles manufactured with off-road activity lights. The loss of sales of these vehicles to citizens of West Virginia and surrounding states has a negative economic impact and results in lost revenue for motor vehicle dealers who are major employers in many areas of the state. This emergency rule allows vehicles manufactured with off-road lights to pass state inspection, therefore alleviating the economic and business disruption and restoring consumer fairness.

West Virginia Code §17C-15-17 does not include a reference to off-road lighting systems now being offered by manufacturers as standard equipment on new models. These off-road lighting systems do not fall under any of the enumerated categories identified in West Virginia Code §17C-15-17. Consequently this emergency rule is necessary to provide guidance on this issue.

A handwritten signature in cursive script that reads "Roger Pritt".

Roger Pritt
Commissioner

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Motor Vehicle Inspection Manual

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Motor Vehicles

Address: Building 3, Capitol Complex
Charleston WV 25317

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	0	0	0	0	0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT					
OTHER					

2. Explanation of Above Estimates:

This rule has no effect on the expenses of the State. Small cost to advise all Motor Vehicle Inspection Stations of new rule.

3. Objectives of These Rules:

This rule will allow licensed West Virginia motor vehicle dealers to sell vehicles with factory installed roof mounted, off road light bar lighting devices.

Rule Title: Motor Vehicle Inspection Manual

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

Increased privilege tax collections due to possible additional motor vehicle sales.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: Motor Vehicle dealers will be able to sell motor vehicles equipped with roof mounted, off road light bar lighting devices.

C. Economic Impact on Citizens/Public at Large.

Public at large will be able to purchase motor vehicles equipped with roof mounted, off road, lighting devices

Date: October 18, 2002

Signature of Agency Head or Authorized Representative:



FILED

WEST VIRGINIA LEGISLATIVE RULES
DIVISION OF MOTOR VEHICLES
91 CSR 12

2002 OCT 18 P 4: 31

WEST VIRGINIA
SECRETARY OF STATE

Title: Motor Vehicle Inspection Manual

§91-12-1 General

- 1.1. Scope - This legislative rule relates to the Motor Vehicle Inspection Manual.
- 1.2. Authority- West Virginia Code §17A-2-9, §17C-16-4.
- 1.3. Filing Date -
- 1.4. Effective Date-
- 1.5. Application and Enforcement - This legislative rule applies to the administration and enforcement of the motor vehicle inspection laws of this state. Enforcement to this rule is vested with the Commissioner of Motor Vehicles and the Superintendent of the State Police.

§91-12-2 Motor Vehicle Inspection Manual

2.1. Incorporation by reference- The Commissioner of Motor Vehicles hereby incorporates by reference the Official Motor Vehicle Inspection Manual as promulgated by the Superintendent of the West Virginia State Police, and as revised July, 2001 and as amended by subsection 2.2.

2.2. The following language is added to the subsections entitled Preparation & Lighting, General, page 100, line 16 and Auxiliary Lamps, page 112, line 12 as follows: Provided, That no vehicle may be rejected because of the presence of any original manufacturer's roof mounted, off road light bar lighting devices labeled by the manufacturer as being for off road use only, and installed and aimed by or at the direction of the manufacturer, and which conform to or exceed the standards and specifications of the Society of Automotive Engineers applicable to such equipment and approved by the American Association of Motor Vehicle Administrators and which are both covered with an opaque covering that prohibits any light from being emitted and not illuminated when the vehicle is being operated on the roads or highways of this state."