

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

Form #3 □

Do Not Mark In This Box

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2002 DEC 18 A 9:25

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: Division of Motor Vehicles TITLE NUMBER: 91

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

AMENDMENT TO AN EXISTING RULE: YES X NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 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 PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.


Authorized Signature



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

QUESTIONNAIRE

(Please include a copy of this form with each filing of your rule: Notice of Public Hearing or Comment Period; Proposed Rule, and if needed, Emergency and Modified Rule.)

DATE: December 17, 2002

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: (Agency Name, Address & Phone No) WV State Police/ Division of Motor Vehicles
Building 3, Capitol Complex
Charleston, WV 25317

Phone 746-2124 (State Police)
Phone 558-2723 (DMV)

LEGISLATIVE RULE TITLE: Motor Vehicle Inspection Manual

1. Authorizing statute(s) citation WV Code §17A-2-9 and 17C-16-4

2. a. Date filed in State Register with Notice of Hearing or Public Comment Period:
November 13, 2002

b. What other notice, including advertising, did you give of the hearing?
Please see attached

c. Date of Public Hearing(s) *or* Public Comment Period ended:
December 16, 2002

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received X

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

December 18, 2002

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

<u>First Lt. C.N. Zerkle</u>	<u>Steven O. Dale</u>
WV State Police	Division of Motor Vehicles
725 Jefferson Road	Building 3, Capitol Complex
South Charleston, WV 25309-1698	Charleston, WV 25317
Phone: 746-2124	Phone 558-2723
Fax: 746-2245	Fax 558-1987
e-mail: zerklec@mail.wvnet.edu	E-Mail: sdale@dot.state.wv.us

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

N/A

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

b. Date of hearing or comment period:

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Motor Vehicles

**1800 Kanawha Boulevard East • Building Three
Charleston, West Virginia 25317-0010**

**Bob Wise
Governor**

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

**Roger Pritt
Commissioner**

91 CSR 12 11/02

Persons/Organizations Notified of Public Comment Period

W. V. Automobile and Truck Dealers
1618 Kanawha Boulevard East
Charleston, WV 25311

Capitol Press Service
Main Building, Room 46
Capitol Complex

Executive Vice-President
American Automobile Association
West Virginia State Association
4100 MacCorkle Avenue, S. E.
Charleston, WV 25304

Superintendent of the State Police
725 Jefferson Road
South Charleston, WV 25309

West Virginia Gasoline Dealers and
Automotive Repair Association
1104 Norway Avenue
Huntington, WV 25701

West Virginia Rebuilders Association
Patricia Bungard
RD1, Box 220
Glen Easton, WV 26039



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

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

**Bob Wise
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Secretary**

**Roger Pritt
Commissioner**

91 CSR 12

Motor Vehicle Inspection Manual

Summary of Content

The following changes to the Motor Vehicle Inspection Manual are proposed.

1. Allow motor vehicles equipped with original manufacturer's roof mounted, off road light bar lighting devices labeled by manufacturer as being for off road use only, and which are covered with an opaque covering that prohibits any light from being emitted and not illuminated when the vehicle is operating on the road.
2. Allow decals and stickers to be placed in the non-critical area above the ASI line, but not lower than 5 inches from the top of the windshield.
3. Clarify that tail light lens covers, which do not meet original manufacturers' specifications, do not comply with the inspection program standards.
4. Clarify that in order to pass inspection, the license plate condition and display must be in accordance with the provisions of West Virginia Code §17A-3-15. In particular, the license plate is required to be displayed horizontally, that license plate covers if used are not tinted and that license plate frames do not cover State identification, registration alpha-numerics or expiration information.

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

Roger Pritt
Commissioner



**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**

91 CSR 12

Motor Vehicle Inspection Manual

Statement of Circumstances Requiring Filing

The Motor Vehicle Inspection Program prescribed under West Virginia Code Chapter 17C, Article 16 is administered by the West Virginia State Police. The State Police are responsible for the licensing and regulation of the Inspection Stations as well as the establishment of inspection standards for motor vehicles. However, the provisions of West Virginia Code §17C-16-4 places the authority for the actual promulgation of the rules which govern the program with the Commissioner of Motor Vehicles.

The State Police have revised and updated the Motor Vehicle Inspection Manual. Consequently, the newly revised manual as promulgated by the State Police is by this rule incorporated by reference.


Roger Pritt
Commissioner

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APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Motor Vehicle Inspection Manual

Type of Rule: Legislative Interpretive Procedural

Agency: Division of Motor Vehicles/ State Police

Address: Building 3, Capitol Complex
Charleston, WV 25317
Phone: 304 558-2723
~~Contact: Steve Dale or Lt. Chuck Zerke (304 746-2124)~~

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:

Changes contemplated by the proposed amendments to this rule will not significantly change the cost of administering the Motor Vehicle Inspection Program

3. Objectives of These Rules:

This proposed amendment updates the existing standards and specifications for the annual inspection of motor vehicles by the West Virginia State Police.

Rule Title: Motor Vehicle Inspection Manual

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

None

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: November 12, 2002

Signature of Agency Head or Authorized Representative:

Ray Pitt

FILED

2002 DEC 18 A 9 25

WEST VIRGINIA LEGISLATIVE RULES

DIVISION OF MOTOR VEHICLES

91 CSR 12

OFFICE 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~~ July 1, 2003.

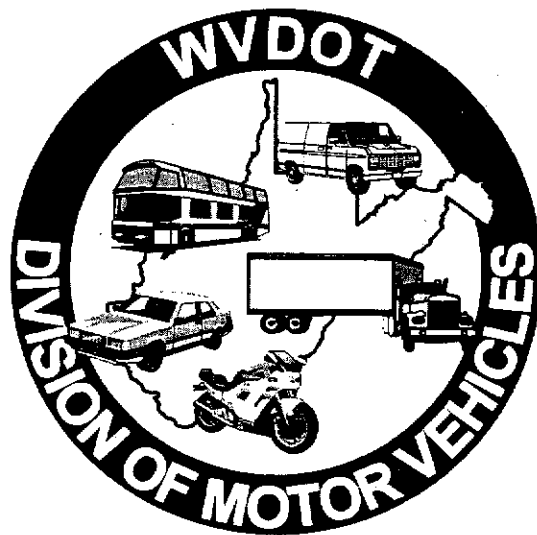
WEST VIRGINIA STATE POLICE

OFFICIAL

MOTOR VEHICLE

INSPECTION

MANUAL



TRAFFIC RECORDS SECTION
725 JEFFERSON ROAD
SOUTH CHARLESTON, WV 25309-1698
304-746-2191

Revised July 1, 2001

Revised July 1, 2003

VERIFY LEGAL REGISTRATION

Check registration card with registration plate, or temporary plate, except Class "D" as to the registration number on each being identical. Also, check registration card as to the name of owner and vehicle serial number. If the number or name does not coincide, do not issue inspection sticker. Notify, in writing, West Virginia State Police, Traffic Records Section, (MVI) 725 Jefferson Road, South Charleston, West Virginia, 25309-1698.

Owner's registration card, title, certificate of transfer, temporary registration card, or notarized bill of sale is satisfactory proof of ownership. If registration number and serial number correspond and name of owner is correct, remove old approval sticker and proceed with the inspection. (Do not remove a rejection sticker until the inspection is complete, and then only if approved.)

IMPORTANT: Do not place rejection sticker on vehicles that cannot produce proof of ownership documents.

PLATE MOUNTING

Inspect license plate to see that it is securely mounted, clean and clearly visible and that the registration validation decal is affixed to the lower right corner of the plate. Reject vehicle if plate is hanging loosely from its mounting brackets, is not mounted in a horizontal fashion, is covered by anything other than a clear protective cover or is obscured so that characters cannot be identified. Protective covers cannot be tinted, faded, cracked, reflective or weathered. License plate frames are permissible if they do not obscure any identification information listed on the plate (Characters, state and registration validation decal) and that the registration validation decal must be fully visible and not obstructed by any portion of the frame. Lighted license plate frames are prohibited. No emblems, decals, stickers, other than the registration validation decal, or foreign materials may be attached or affixed to any portion of a plate or cover.

VERIFY CERTIFICATE OF INSURANCE

Each inspector mechanic will verify proof of insurance along with proof of ownership before proceeding with an inspection of any vehicle. Proof of insurance means a certificate of insurance, an insurance policy, a mechanically reproduced copy of an insurance policy, or a certificate of self-insurance.

Government vehicles and vehicles operated with dealer plates do not have to carry proof of insurance.

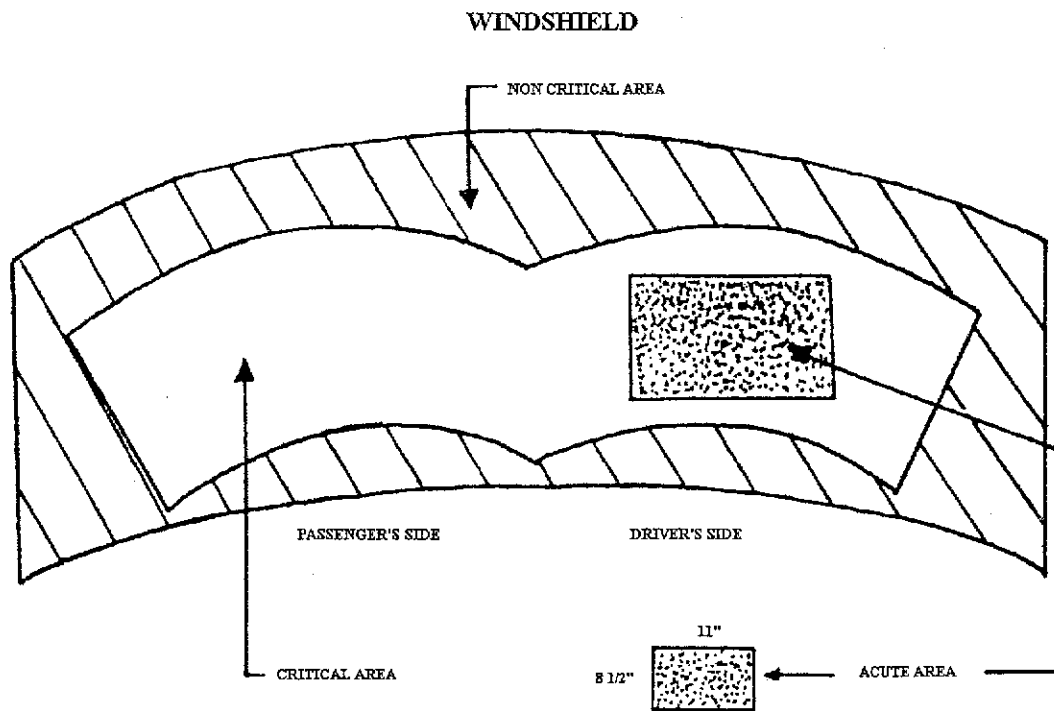
Commercial carriers that are controlled by the Public Service Commission of the State of West Virginia do not have to carry proof of insurance, i.e., taxies, wreckers, buses.

Salvage vehicles when operated on a valid One-Trip Permit do not have to have proof of insurance presented.

IMPORTANT: Do not place rejection sticker on vehicles that cannot produce proof of insurance. Do not proceed with inspection if proper documentation is not presented.

Provided However: That vehicles operated in interstate commerce shall be exempted from the foregoing prohibitions and limitations, which vehicles displaying upon the front windshield, side wings, or side or rear windows of same, valid signs, posters, stickers, decals or other non-transparent materials issued by a foreign state, jurisdiction or any agency of the United States Government and required by such foreign state, jurisdiction or any agency of the United States Government for vehicles operated in interstate commerce in accordance with its statutes, laws, or rules and/or regulations provided further, and the exemptions here in above immediately set out relative to vehicles operated in interstate commerce shall not in any way be deemed or interpreted to waive the provisions of Chapter 17-C, Article 15, Section 36(a), Official Code of West Virginia, 1931, as amended by Acts of the Legislature, regular session, 1991.

Provided However: A vehicle may have one (1) sticker, decal, non-transparent sign, poster or other non-transparent material affixed to the windshield, but in no instance shall it be greater than (4) inches in diameter if circular, 3 x 5 inches if rectangular, nor 4 inches square, except the area above the "AS"1 line, or from the top of the windshield 5 inches downward or which ever is closer to the top of the windshield. In all cases, this additional sticker must be affixed in the non-critical area as shown below. In addition, one (1) sticker, decal, non-transparent sign, poster, or other non-transparent material of the same dimensions as above will be permitted on the rear glass.



- ACUTE AREA:** Directly in the driver's line of vision in the center of driver's critical area. (8 1/2 X 11 inches, size of standard typing paper).
- CRITICAL AREA:** The area cleaned by the normal sweep of windshield wiper blades, other than the acute area.
NOTE: Blade size cannot be reduced when replacing.
- NON-CRITICAL AREA:** All other windshield area.

Reject Vehicle If:

- Any required lamp is missing.
- Any bulb or sealed beam unit fails to light.
- Turn signals do not properly indicate right and left when so switched.
- Back-up light system does not turn off automatically when vehicle goes forward.
- Lamp shows color contrary to law.
- Lamp fails to light the proper filament indicated at switch position.
- Any lamp or reflector does not direct light properly.
- Auxiliary equipment is placed on, in, or in front of any lamp (except original equipped headlamps with transparent covers).
- Lamp assembly improperly fastened.
- Lamp has a cracked, broken, or missing lens, or visible moisture on interior.
- Any headlamp fails to have the letters "DOT" horizontally or vertically on the lens.
- Any headlamp that has the word "motorcycle" on the lens.
- Any white lights are mounted in a position greater than 54 inches from ground or above the original manufacturer's headlamps. (Except for approved snow removal equipment lighting.)
- More than one spotlight. (Except utility and emergency equipment.)
- More than six white lights to front.
- More than two fog lamps, or fog lamps mounted less than 12 inches or more than 30 inches.
- More than one auxiliary passing lamp or mounted less than 24 inches or more than 42 inches.
- More than one auxiliary driving lamp or mounted less than 16 inches or more than 42 inches.

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 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."

WARNING: Avoid touching or contacting the inner bulb in halogen headlamps, halogen driving lamps, or the replacement halogen headlamp bulb. Severe burns and damage to the bulb could result.

Rear Lamps and Rear Lamp Combinations

Chapter 17-C, Article 15, Section 5, Motor Vehicle Law

Inspect For and Reject If:

- . Lamps are not of approved type.
- . Bulbs are blackened or discolored.
- . Lenses are not red (except registration light, back-up light "white" and stop light which may be red or yellow.)
- . Lamps are not mounted according to law.
- . Filament in all rear lamps does not burn when headlamp switch is turned on to any position or if lamps do not provide a red indication visible 500 feet to the rear (back-up lights excepted.)
- . Rear license plate is not illuminated by white light as to be legible at a distance of fifty feet.
- . Any darkened tail lamp/brake lamp cover that would inhibit the illumination of those lamps of 500 feet to the rear.
- . Any flashing running lamps that surround the license plate.
- . Auxiliary equipment is placed on, in, or in front of any lamp.

Reject any vehicle that is not equipped with rear lamp or rear lamp combination of an approved type.

AUXILIARY LAMPS

(Driving, Passing, and Fog Lamps)

Chapter 17-C, Article 15, Section 17, Motor Vehicle Law.

Inspect For and Reject If:

- Not approved type.
- Bulbs are blackened or discolored.
- Lens cracked, broken or rotated away from the proper position.
- Wiring is frayed, with poor electrical connections.
- Driving and passing lamps are not wired to burn only with corresponding headlamp circuits.
- Lamps not aimed in accordance with requirements.
- Any lamp is mounted above the level of the regular headlamps, or is not mounted firmly to prevent vibration.
- Any lamp mounted in such a way to illuminate the ground or roadway from beneath the vehicle.

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 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."

Mounting

- Driving lamps mounted on front at a height not less than 16 inches or more than 42 inches above the level surface upon which vehicle stands.
- Passing lamp mounted on front at a height not less than 24 inches nor more than 42 inches above level surface upon which vehicle stands.

No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof. This shall not apply to any vehicle upon which a red light visible from the front is expressly authorized or required.

Reject any vehicle equipped with a combination of auxiliary lamps which includes more than two fog lamps, more than one driving lamp, more than one passing lamp.