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WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

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January 08, 2003

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NOTICE OF ACTION TAKEN BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Joe Manchin, Secretary of State, State Register

TO: Steven O. Dale
Motor Vehicles, Division of
Capitol Complex
Building 3, Room 118

FROM: Legislative Rule-Making Review Committee

Proposed Rule: **Motor Vehicle Inspection Manual, 91CSR12**

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative rule
 - (a) as originally filed ☒
 - (b) as modified by the agency ☐
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. ☐
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. ☐
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. ☐
5. Recommends that the Legislative rule be withdrawn; a statement of reasons for such recommendation is attached. ☐

SCANNED

ANALYSIS OF PROPOSED LEGISLATIVE RULES

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Agency: Division of Motor Vehicles

2002 DEC 19 P 1:48

Subject: Motor Vehicle Inspection Manual, 91CSR12

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PERTINENT DATES

Filed for public comment: November 13, 2002

Public comment period ended: December 16, 2002

Filed following public comment period: December 18, 2002

Filed LRMRC: December 18, 2002

Filed as emergency: October 18, 2002

Fiscal Impact: None

ABSTRACT

The proposed rule incorporates, by reference, the State Police Official Motor Vehicle Inspection Manual as it is revised on July 1, 2003. The changes to the manual would:

- Allow motor vehicles with original manufacturer's roof mounted, off road light bar lighting devices labeled by the manufacturer for off road use only. The lights must be covered with an opaque covering and not illuminated when the vehicle is operating on the road;
- Allow one decal or sticker to be placed in the upper 5 inches of a windshield;
- Require tail light lens covers to meet the original manufacturer's specifications; and,
- Require a license plate be displayed horizontally, to not have tinted license plate covers, and require that license plate frames do not cover the plate's information.

AUTHORITY

Statutory authority: W.Va. Code, §17C-16-4, which provides, in part, as follows:

...The commissioner is hereby authorized to make necessary rules and regulations for the administration and enforcement of this section and to designate any period or periods of time during which owners of any vehicles, subject to this section, shall display upon such vehicles certificates of inspection and approval or shall produce the same upon demand of any officer or employee of the department designated by the commissioner or any police or peace officer when authorized by the commissioner...

ANALYSIS

I. HAS THE AGENCY EXCEEDED THE SCOPE OF ITS STATUTORY AUTHORITY IN APPROVING THE PROPOSED LEGISLATIVE RULE?

No.

II. IS THE PROPOSED LEGISLATIVE RULE IN CONFORMITY WITH THE INTENT OF THE STATUTE WHICH THE RULE IS INTENDED TO IMPLEMENT, EXTEND, APPLY, INTERPRET OR MAKE SPECIFIC?

Yes.

III. DOES THE PROPOSED LEGISLATIVE RULE CONFLICT WITH OTHER CODE PROVISIONS OR WITH ANY OTHER RULE ADOPTED BY THE SAME OR A DIFFERENT AGENCY?

No.

IV. IS THE PROPOSED LEGISLATIVE RULE NECESSARY TO FULLY ACCOMPLISH THE OBJECTIVES OF THE STATUTE UNDER WHICH THE PROPOSED RULE WAS PROMULGATED?

Yes.

- V. IS THE PROPOSED LEGISLATIVE RULE REASONABLE, ESPECIALLY AS IT AFFECTS THE CONVENIENCE OF THE GENERAL PUBLIC OR OF PERSONS AFFECTED BY IT?

Yes.

- VI. CAN THE PROPOSED LEGISLATIVE RULE BE MADE LESS COMPLEX OR MORE READILY UNDERSTANDABLE BY THE GENERAL PUBLIC?

No.

- VII. WAS THE PROPOSED LEGISLATIVE RULE PROMULGATED IN COMPLIANCE WITH THE REQUIREMENTS OF CHAPTER 29A, ARTICLE 3 AND WITH ANY REQUIREMENTS IMPOSED BY ANY OTHER PROVISIONS OF THE CODE?

Yes.

- VIII. OTHER