

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED

JUN 6 1 44 PM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: Division of Motor Vehicles TITLE NUMBER: 91CSR12

RULE TYPE: Legislative; CITE AUTHORITY 17A-2-9

AMENDMENT TO AN EXISTING RULE: YES ☒ NO ☐

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 12

TITLE OF RULE BEING AMENDED: Motor Vehicle Inspection Manual

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON July 15, 1996 AT 9:00 a.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Division of Motor Vehicles

Building 3, Room 113

State Capitol Complex

Charleston, WV 25317

RE: Legislative Rule 91CSR12

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.


Jane L. Cline, Commissioner

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

3.40

33.60 w/manual



**WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION**

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

Gaston Caperton
Governor

Fred VanKirk, P.E.
Secretary
Commissioner of Highways

June 4, 1996

The Honorable Ken Hechler
Secretary of State
State Capitol Complex, Building 1
Charleston, West Virginia 25305

Dear Mr. Secretary:

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

Very truly yours,

A handwritten signature in cursive script, appearing to read "Fred Van Kirk".

Fred VanKirk, P.E.
Secretary, Department of Transportation
Commissioner of Highways

FV:h

Enclosure



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Motor Vehicles

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

Gaston Caperton
Governor

Fred VanKirk, P.E.
Secretary
Commissioner of Highways

91 CSR 12
Motor Vehicle Inspection Manual
Proposed Legislative Rule

Jane L. Cline
Commissioner

Summary of Content

The purpose of this rule is to incorporate by reference the Motor Vehicle Inspection Manual as revised and promulgated by the Superintendent of the West Virginia State Police.

These revisions update the Motor Vehicle Inspection Manual which motor vehicle inspection stations use to guide the annual inspection process. The State Police are responsible for the actual inspection program and the licensing and regulation of the inspection stations.

The revisions to the manual which was last revised in 1986, incorporates new information on new types of vehicle systems such as anti-lock brakes and restraints, update tolerances on parts to newer standards suggested by the manufacturers, and revised diagrams and charts. A new section describing the administrative hearing process for licensees appealing a decision by the Superintendent is also included.

A handwritten signature of Jane L. Cline, written in dark ink, positioned above a horizontal line.

Jane L. Cline
Commissioner



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
Division of Motor Vehicles

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

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Statement of Circumstances Requiring Filing

The Motor Vehicle Inspection Program prescribed in West Virginia Code Chapter 17C, Article is administered by the West Virginia State Police. The State Police are responsible for the licensing and regulation of inspections stations. 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.

A handwritten signature in cursive script, appearing to read "Jane L. Cline", written over a horizontal line.

Jane L. Cline
Commissioner

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Motor Vehicle Inspection Manual 91CSR12

Type of Rule: ☒ Legislative ☐ Interpretive ☐ Procedural

Agency Division of Motor Vehicles

Address Building 3, Capitol Complex
Charleston, Wv 25517

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

2. Explanation of above estimates:

Implementation of this rule will have no fiscal impact on the state.
The Motor Vehicle Inspection Program is already in place.

3. Objectives of these rules:

This rule updates the existing criteria for the annual inspection of motor vehicles by inspection stations licensed 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.

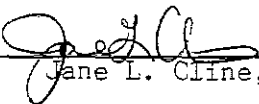
None

C. Economic Impact on Citizens/Public at Large.

None

Date: June 5, 1996

Signature of Agency Head or Authorized Representative



Jane L. Cline, Commissioner

(PROPOSED)
WEST VIRGINIA LEGISLATIVE RULES
DIVISION OF MOTOR VEHICLES
91 CSR 12

FILED

JUN 6 1 44 PM '96

OFFICE OF 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. Repeal of Former Rule- This legislative rule repeals West Virginia Legislative Rules, Division of Motor Vehicles, 91 CSR 6, Vehicle Inspection Manual, as filed May 19, 1965 and April 6, 1986.
- 1.6. 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, revised April, 1996.