



DEPARTMENT OF MOTOR VEHICLES

STATE OFFICE BUILDING  
CHARLESTON, W. VA.  
25317

ARCH A. MOORE, JR.  
Governor

FILED  
1986 JUN -9 PM 3:30

SECRETARY OF STATE L. W. BECHTOLD  
Commissioner

NOTICE OF PUBLIC HEARING OR COMMENT PERIOD ON PROPOSED RULE  
COMMENT PERIOD

AGENCY: Department of Motor Vehicles

RULE TYPE: Legislative

RULE TITLE: Federal Safety Standards Inspection Program

A COMMENT PERIOD ON THE ABOVE PROPOSED RULE HAS BEEN SCHEDULED AND WILL END ON July 15, 1986 AT 4:30 P.M. REQUESTS FOR COPIES OF THE PROPOSED RULES AS WELL AS WRITTEN COMMENTS ARE TO BE MAILED TO THE FOLLOWING ADDRESS: Department of Motor Vehicles, 1800 Washington Street East, Room 124, Charleston, West Virginia 25317,  
Attention: Steven O. Dale

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

L. W. Bechtold,  
Commissioner

FISCAL NOTE FOR RULES

FILED

1986 JUN -9 PM 3: 31

Rule Title: Federal Safety Standards Inspection Program

OFFICE OF THE SECRETARY OF STATE

Type of Rule: X Legislative        Interpretive        Procedural       

Agency Department of Motor Vehicles Address 1800 Washington St. East  
Charleston, West Virginia 25317

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services					
Current Expenses					
Repairs and Alterations	N O T A P P L I C A B L E				
Equipment					
Other					

2. Explanation of above estimate:

The department does not expect to realize any significant expenses as a result of the House Bill 1419, or these rules. The cost of the inspection will be borne by the vehicle owner.

3. Objectives of these rules:

These rules implement the provisions of Enrolled House Bill 1419 (\$17A-3A-1 et. seq.) by:

1. Establishing a program by which agents of the Commissioner are appointed to conduct a limited inspection of motor vehicles to ascertain compliance with Federal Safety Standards, and
2. Establish the fee for such inspection at \$15.00.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Insignificant

B. Economic Impact on Political Subdivisions; Specific Industries;  
Specific groups of citizens.

Persons wishing to title and register vehicles not manufactured to comply with Federal Safety Standards will be required to pay \$15.00 for limited inspection provided by §17A-3A-1(b)(1).

C. Economic Impact on Citizens/Public at Large.

None

Date: June 9, 1986

Signature of Agency Head or Authorized Representative

  
\_\_\_\_\_  
L. W. Bechtold, Commissioner

FILED

(PROPOSED)  
WEST VIRGINIA LEGISLATIVE RULES  
DEPARTMENT OF MOTOR VEHICLES  
CHAPTER 17A-2  
SERIES 21

1986 JUN -9 PM 3:30  
OFFICE OF LEGISLATION  
SECRETARY OF STATE

Title: Federal Safety Standards Inspection Program

Section 1.	General	1
2.	Application and Enforcement	1
3.	Inspection Station Appointment	1
4.	Vehicle Compliance Inspection	2
5.	Severability	2

(PROPOSED)  
WEST VIRGINIA LEGISLATIVE RULES  
DEPARTMENT OF MOTOR VEHICLES  
CHAPTER 17A-2  
SERIES 21

Title: Federal Safety Standards Inspection Program

---

Section 1. General

1.1 Scope - These legislative rules set forth the procedures for the inspection and issuance of a certificate of inspection prior to the initial application for the titling and registration of a motor vehicle not manufactured in accordance with the United States Motor Vehicle Safety Standards.

1.2 Authority - §17A-2-9 related to §17A-3A-1 et. seq.

1.3 Filing Date -

1.4 Effective Date -

Section 2. Application and Enforcement

2.1 Application - These rules apply to applicants for approval as an inspection station for compliance with federal safety standards and applicants for title and registration of motor vehicles not manufactured in accordance with United States Motor Vehicle Safety Standards.

2.2 Enforcement - Enforcement of these rules is vested with the Commissioner of Motor Vehicles or lawful designee.

Section 3. Inspection Station Appointment

3.1 Commissioner's Inspection - The Commissioner shall select and designate inspection stations to conduct inspection and approval of a motor vehicle not manufactured in accordance with federal safety standards prior to issuance of a title and registration.

3.2 Criteria for Appointment - To be considered for appointment as a Federal Safety Standards Inspection Station an inspection station shall submit the following:

3.2.1 A copy of the applicant's valid certificate of appointment as an Official Inspection Station issued by the Superintendent of Public Safety, and

3.2.2 A notarized affidavit of the owner of the inspection station that the station has the equipment and personnel necessary to ascertain compliance with Federal Safety Standards.

3.3 Inspection Station Approval - The Commissioner shall issue each appointed inspection station a certificate of appointment. Such certificate shall be posted under glass in close proximity to the Certificate of Appointment as an Official Inspection Station.

Department of Motor Vehicles  
Legislative Rule 17A-2  
Series 21, Sec. 3

3.4 Approval Withdrawal - The Commissioner may withdraw an inspection station's designation upon receipt of evidence that the station does not have the equipment or personnel necessary to ascertain compliance with Federal Safety Standards, or is operating contrary to the public interest.

3.5 Inspection - The Commissioner reserves the right to inspect any designated inspection station for compliance with §17A-3A-1 et. seq., and these rules.

Section 4. Compliance Inspection

4.1 Inspection Fee - The fee for inspecting a vehicle for compliance with Federal Safety Standards shall be fifteen dollars (\$15.00).

4.2 Inspection Standards - Each vehicle shall be inspected for compliance with Federal Motor Vehicle Safety Standards as fully set forth in Title 49, Code of Federal Regulations Part 571.

4.3 Inspection Checklist - Compliance with each Federal Motor Vehicle Safety Standard shall be noted on the form prescribed by the Commissioner.

4.4 Issuance of Certificate of Inspection and Approval - Upon completion of the inspection and a finding that the vehicle appears to comply with all Federal Safety Standards noted on the inspection checklist, the inspection station inspector shall complete the certificate by signing the certificate, and indicating the date and inspection station location.

4.5 Completed Certificate - The completed checklist and attached certificate shall be given to the vehicle owner. The inspection station shall retain one copy for its records.

4.6 Disclaimer - Pursuant to the provisions of §17A-3A-1(b)(1), the inspection and certification performed in accordance with these rules may not be construed as state approval of the modifications performed to bring the vehicle into compliance with Federal Standards, or as a state certification that the vehicle is free of hazardous conditions.

4.6 Approval Not Granted - In accordance with the provisions of §17A-4A-1(b)(2), the inspection fee prescribed by Section 4.3 shall be submitted to the inspection station prior to each inspection.

Section 5. Severability

In the event any portion of these rules shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these rules.