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1986 JUL 25 AM 9:50

DEPARTMENT OF MOTOR VEHICLES
STATE OFFICE BUILDING
CHARLESTON, W. VA.
25317

ARCH A. MOORE, JR.
Governor

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
L. W. BECHTOLD
Commissioner

NOTICE OF AGENCY APPROVAL

LEGISLATIVE RULE: Federal Safety Standards Inspection Program

The attached rule constitutes the official rule approved by the Department of Motor Vehicles on the 25th day of July, 1986 and filed pursuant to law with the West Virginia Secretary of State and the Legislative Rule-Making Review Committee.

A handwritten signature in cursive script that reads "L. W. Bechtold".

L. W. Bechtold
Commissioner

FISCAL NOTE FOR RULES

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Rule Title: Federal Safety Standards Inspection Program

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Type of Rule: 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: July 25, 1986

Signature of Agency Head or Authorized Representative


L. W. Bechtold, Commissioner

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

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SECRETARY OF STATE

Title: Federal Safety Standards Inspection Program

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WEST VIRGINIA LEGISLATIVE RULES
DEPARTMENT OF MOTOR VEHICLES
CHAPTER 17A-2
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SECRETARY OF STATE

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.

(Proposed)
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.



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PUBLIC COMMENT ON PROPOSED RULES

Rule Title: Federal Safety Standards Inspection Program

Rule Type: Legislative

Comment Period Expiration: July 15, 1986

Persons/Groups notified of intent to promulgate rules.

1. WV Auto Truck Dealers Association
2. Capitol Press Service
3. Sgt. J. R. Bias, DPS, Planning and Research
4. Corp. Gray, DPS, Planning and Research
5. WV Safety Council
6. Deloras Martin, AAA State Association
7. American Automobile Association
8. Superintendent of Public Safety, So. Charleston
9. Marvin Z. Grey, WV Gasoline Dealers and Auto Repair Association
10. Mr. Glen O. Pauley, Director, DMV, Winfield Office
11. Mr. Harlan Tetrick, Director, DMV, Martinsburg Office
12. President, West Virginia Independent Auto. Dealers Association
13. Leff Moore, West Virginia Manufacturered Housing Association
14. Everett A. Tolley, Maryland Independent Auto. Dealers Association
15. Brent Galyean, Tag Galyean Chevrolet-Mercedes Benz
16. Charlie Lewis, Lewis Chevrolet-Mercedes Benz
17. Joe Astorg, Astorg Buick-Mercedes Benz
18. Jim Haun, Haun Motors, Inc.
19. John Sisson, John Sisson Motors
20. Steve Griffith, Griffith, Inc.
21. Fred Couch, University Chevrolet
22. Park Wolfe, Bert Wolfe Ford-Porsche-Audi
23. Harvey Shreve, Harvey Shreve Ford-BMW-Saab
24. Jim Clinton, McClinton Chevrolet-BMW
25. Felton Westbury, Derald Rollyson, Inc. (BMW)
26. Robert Wallace, Rich Motor Mart
27. Howard Earehart, Beckley Toyota-Volvo
28. Jim Robinson, Robinson Brothers, Inc.
29. James Lambert, Motor City Datsun
30. Peter Prokopchuk, Pro Pontiac-Olds-VW-Nissan
31. Bill West, Bill West Nissan
32. Frank Spataro, Century Motors
33. Bufford Talbott, Talbott's Subaru
34. Bill Talbott, Greenbrier Motors

Comments received for the Record: None

Amendments prior to Agency Adoption: None

L. W. Bechtold
Commissioner