



FILED IN THE OFFICE OF
THE SECRETARY OF STATE
THIS DATE June 12, 1987
ADMINISTRATIVE LAW DIVISION

DEPARTMENT OF MOTOR VEHICLES

STATE OFFICE BUILDING
CHARLESTON, W. VA.
25317

ARCH A. MOORE, JR.
Governor

L. W. BECHTOLD
Commissioner

NOTICE OF FINAL FILING - LEGISLATIVE RULE

LEGISLATIVE RULE: Federal Safety Standards Inspection Program

The attached legislative rule is hereby filed by the Department of Motor Vehicles as authorized by Enrolled Senate Bill 748, §64-2-17a(2)(9)(e)


L. W. Bechtold, Commissioner



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Promulgation History Abstract

Rule Title: Federal Safety Standards Inspection Program, Series 21
Rule Type: Legislative
Filed Notice: June 10, 1987
Public Hearing Held: July 15, 1986
Filed Agency Approved Rule: July 25, 1986
Filed Agency Approved Rule with LRMRC: July 25, 1986
Action by LRMRC: Approved as modified by Agency
Legislative Action: Authorized, SB 748 §64-2-17a(2)(9)(e)
Final Rule Filed With Secretary of State: June 12, 1987
Effective Date: June 12, 1987

ENTERED


L. W. Bechtold, Commissioner
Department of Motor Vehicles

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

Title: Federal Safety Standards Inspection Program

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Title: Federal Safety Standards Inspection Program THIS DATE June 12, 1987
ADMINISTRATIVE LAW DIVISION

Section 1. General

1.1 Scope - These legislative rules set forth the procedures for the inspection and issuance of a certificate of inspection and approval 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 - W. Va. Code §17A-2-9 related to W. Va. Code §17A-3A-1 et. seq.

1.3 Filing Date - June 12, 1987

1.4 Effective Date - June 12, 1987

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, prior to issuance of title and registration, inspections of motor vehicles not manufactured in accordance with federal safety standards.

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 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.

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 W. Va. Code §17A-3A-1 et. seq., and these rules.

Section 4. Vehicle Compliance Inspection

4.1 Inspection Fee - The fee for inspecting a vehicle for compliance with Federal Safety Standards shall be fifteen dollars (\$15.00) in accordance with W. Va. Code §17A-3A-1(b).

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 of inspection and approval by signing the certificate, and indicating the date and inspection station location.

4.5 Completed Certificate - The completed checklist and attached certificate of inspection and approval 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 W. Va. Code §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 W. Va. Code §17A-3A-1(b)(2), the inspection fee prescribed by Section 4.1 of these rules shall be submitted to the inspection station prior to each inspection.

Department of Motor Vehicles
Legislative Rule 17A-2
Series 21, Sec. 5

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.

H. B. 2581

(By Delegate Knight)

(Introduced February 4, 1987; referred to the
Committee on Roads and Transportation then the
Judiciary)

10 A BILL to amend and reenact section seventeen-a(two)(nine),
11 article two, chapter sixty-four of the code of West Virginia,
12 one thousand nine hundred thirty-one, as amended, relating to
13 authorizing the commissioner of motor vehicles to promulgate
14 legislative rules relating to a federal safety standards
15 inspection program.

16 Be it enacted by the Legislature of West Virginia:

17 That section seventeen-a (two)(nine), article two, chapter
18 sixty- four of the code of West Virginia, one thousand nine
19 hundred thirty-one, as amended, be amended and reenacted to read
20 as follows:

21 ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE
22 LEGISLATIVE RULES.

23 §64-2-17a(2)(9). Commissioner of motor vehicles.

24 (a) The legislative rules filed in the state register on the
25 second day of December, one thousand nine hundred eighty-two,
26 relating to the commissioner of motor vehicles (denial of driving
27 privileges), are authorized with the amendments set forth below:

1 By inserting the words "licensed in the United States" after
2 the phrase "physician of the applicant's choice," on page five,
3 line two, and page seven, line one; and by striking out the words
4 "licensed vision specialist" and inserting in lieu thereof the
5 words "an optometrist or ophthalmologist licensed in the United
6 States," on page five, line three, and on page seven, line two.

7 These rules were proposed by the commissioner pursuant to
8 section nine, article two, chapter seventeen-a and section six,
9 article three-c, chapter seventeen-b of this code.

10 (b) The legislative rules filed in the state register on the
11 twentieth day of November, one thousand nine hundred eighty-four,
12 relating to the commissioner of motor vehicles (titling a
13 vehicle) are authorized.

14 (c) The legislative rules filed in the state register on the
15 fifth day of August, one thousand nine hundred eighty-five,
16 modified by the the commissioner of motor vehicles to meet the
17 objections of the legislative rule-making review committee and
18 refiled in the state register on the fourth day of October, one
19 thousand nine hundred eighty-five, relating to the commissioner
20 of motor vehicles (eligibility for reinstatement following
21 suspension or revocation of driving privileges) are authorized.

22 (d) The legislative rules filed in the state register on the
23 twenty-fifth day of July, one thousand nine hundred eighty-six,
24 modified by the commissioner of motor vehicles to meet the
25 objections of the legislative rule-making review committee and
26 refiled in the state register on the ninth day of October. one

1 thousand nine hundred eighty-six, relating to the commissioner of
2 motor vehicles (federal safety standards inspection program) are
3 authorized.

4

5 NOTE: The purpose of this bill is to authorize the
6 Commissioner of Motor Vehicles to promulgate legislative rules
7 relating to a Federal Safety Standards Inspection Program which
8 is aimed at making certain that cars manufactured abroad meet
9 federal standards.

10

11 Strike-throughs indicate language that would be stricken from
12 the present law, and underscoring indicates new language that
13 would be added.

Senate Bill No. 342

(By Senator Tucker)

[Introduced February 4, 1987; referred to the Committee
on TRANSPORTATION ; then to the
Committee on THE JUDICIARY .]

A BILL to amend and reenact section seventeen-a(two)(nine),
article two, chapter sixty-four of the code of West Virginia,
one thousand nine hundred thirty-one, as amended, relating to
authorizing the commissioner of motor vehicles to promulgate
legislative rules relating to a federal safety standards
inspection program.

Be it enacted by the Legislature of West Virginia:

That section seventeen-a (two)(nine), article two, chapter
sixty- four of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, be amended and reenacted to read
as follows:

ARTICLE 2. EXECUTIVE AGENCY AUTHORIZATION TO PROMULGATE
LEGISLATIVE RULES.

§64-2-17a(2)(9). Commissioner of motor vehicles.

(a) The legislative rules filed in the state register on the
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relating to the commissioner of motor vehicles (denial of driving
privileges), are authorized with the amendments set forth below:

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