

H. B. 2547

(By Delegates Howell, Doyle and R. Phillips)
[Introduced January 18, 2011; referred to the
Committee on Roads and Transportation then Finance.]

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10 A BILL to amend and reenact §17A-3-3 of the Code of West Virginia,
11 1931, as amended; and to amend and reenact §17C-16-5 of said
12 code, all relating to the requirements for registration and
13 inspection of motor vehicles; requiring a certificate of
14 inspection to identify the inspection station that issued it
15 and the serial number of the vehicle; and authorizing the
16 State Police to charge \$1 per issued inspection sticker.

17 *Be it enacted by the Legislature of West Virginia:*

18 That §17A-3-3 of the Code of West Virginia, 1931, as amended,
19 be amended and reenacted; and that §17C-16-5 of said code be
20 amended and reenacted, all to read as follows:

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,
CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF
CERTIFICATES OF TITLE.**

**§17A-3-3. Application for registration; statement of insurance or
other proof of security to accompany application;
criminal penalties; fees; special revolving fund.**

1 Every owner of a vehicle subject to registration under this
2 article shall make application to the division for the registration
3 of the vehicle upon the appropriate form or forms furnished by the
4 division and every application shall bear the signature of the
5 owner or his or her authorized agent, written with pen and ink, and
6 the application shall contain:

7 (a) The name, bona fide residence and mailing address of the
8 owner, the county in which he or she resides or business address of
9 the owner if a firm, association or corporation.

10 (b) A description of the vehicle including, insofar as the
11 data specified in this section may exist with respect to a given
12 vehicle, the make, model, type of body, the manufacturer's serial
13 or identification number or other number as determined by the
14 commissioner.

15 (c) In the event a motor vehicle is designed, constructed,
16 converted or rebuilt for the transportation of property, the
17 application shall include a statement of its declared gross weight
18 if the motor vehicle is to be used alone, or if the motor vehicle
19 is to be used in combination with other vehicles, the application
20 for registration of the motor vehicle shall include a statement of
21 the combined declared gross weight of the motor vehicle and the
22 vehicles to be drawn by the motor vehicle; declared gross weight
23 being the weight declared by the owner to be the actual combined
24 weight of the vehicle or combination of vehicles and load when
25 carrying the maximum load which the owner intends to place on the
26 vehicle; and the application for registration of each vehicle shall
27 also include a statement of the distance between the first and last

1 axles of that vehicle or combination of vehicles.

2 The declared gross weight stated in the application may not
3 exceed the permissible gross weight for the axle spacing listed in
4 the application as determined by the table of permissible gross
5 weights contained in chapter seventeen-c of this code; and any
6 vehicle registered for a declared gross weight as stated in the
7 application is subject to the single-axle load limit set forth in
8 that chapter.

9 (d) Each applicant shall state whether the vehicle is or is
10 not to be used in the public transportation of passengers or
11 property, or both, for compensation and if used for compensation,
12 or to be used, the applicants shall certify that the vehicle is
13 used for compensation and shall, as a condition precedent to the
14 registration of the vehicle, obtain a certificate of convenience or
15 permit from the Public Service Commission unless otherwise exempt
16 from this requirement in accordance with chapter twenty-four-a of
17 this code.

18 (e) A statement under penalty of false swearing that liability
19 insurance is in effect and will continue to be in effect through
20 the entire term of the vehicle registration period within limits
21 which may not be less than the requirement of section two, article
22 four, chapter seventeen-d of this code, which shall contain the
23 name and National Association of Insurance commissioners assigned
24 code of the applicant's insurer, the policy number, and any other
25 information required by the Commissioner of Motor Vehicles or that
26 the applicant has qualified as a self-insurer meeting the
27 requirements of section two, article six of said chapter and that

1 as a self-insurer he or she has complied with the minimum security
2 requirements as established in section two, article four of that
3 chapter. If the commissioner determines that the required security
4 is not or was not in effect, he or she shall suspend the vehicle
5 owner's driver's license and revoke the vehicle registration in
6 accordance with the provisions of article two-a, chapter seventeen-
7 d of this code.

8 If any person making an application required under the
9 provisions of this section, in the application knowingly provides
10 false information, false proof of security or a false statement of
11 insurance, or if any person, including an applicant's insurance
12 agent, knowingly counsels, advises, aids or abets another in
13 providing false information, false proof of security, or a false
14 statement of insurance in the application he or she is guilty of a
15 misdemeanor and, upon conviction thereof, shall be fined not more
16 than \$500, or be imprisoned in jail for a period not to exceed
17 fifteen days, or both fined and imprisoned and, in addition to the
18 fine or imprisonment, shall have his or her driver's license
19 suspended for a period of ninety days and vehicle registration
20 revoked if applicable.

21 (f) Presentation of the certificate of inspection which shall
22 be a form which properly identifies the official inspection station
23 which issued it and the serial number or vehicle identification
24 number of the vehicle.

25 ~~(f)~~ (g) Any further information that is reasonably required by
26 the division to enable it to determine whether the vehicle is
27 lawfully entitled to registration.

1 ~~(g)~~ (h) Each application for registration shall be accompanied
2 by the fees provided in this article and an additional fee of .50
3 for each motor vehicle for which the applicant seeks registration.

4 ~~(h)~~ (i) Revocation of a motor vehicle registration pursuant to
5 this section does not affect the perfection or priority of a lien
6 or security interest attaching to the motor vehicle that is noted
7 on the certificate of title to the motor vehicle.

8 **CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.**

9 **ARTICLE 16. INSPECTION OF VEHICLES.**

10 **§17C-16-5. Permit for official inspection stations; fees for and**
11 **certificate of inspection.**

12 (a) The Superintendent of the State Police is responsible for
13 the inspection as provided in this article and shall prescribe
14 requirements and qualifications for official inspection stations.
15 He or she or she shall select and designate the stations and shall
16 issue permits for official inspection stations and furnish
17 instructions and all necessary forms for the inspection of vehicles
18 as required in this article and the issuance of official
19 certificates of inspection and approval.

20 (b) The certificate of inspection for vehicles which are not
21 licensed on an annual or biennial basis shall be a paper sticker or
22 decal to be affixed to the windshield of a motor vehicle, shall be
23 serially numbered and shall properly identify the official
24 inspection station which issued it. A charge of \$1 per sticker
25 shall be charged by the State Police to the inspection station, and
26 the funds received shall be deposited into the State Treasury and
27 credited to the account of the State Police for application in the

1 administration and enforcement of the provisions of this article.
2 Any balance remaining in the fund on ~~the last day of~~ June 30 of
3 each fiscal year, not required for the administration and
4 enforcement of the provisions of this article, shall be transferred
5 to the State Road Fund. The superintendent may exchange stickers
6 or make refunds to official inspection stations for stickers on
7 hand when permits are revoked or when, for any reason, the stickers
8 become obsolete.

9 (c) The certificate of inspection shall be a form which shall
10 properly identify the official inspection station which issued it
11 and shall contain the serial number or vehicle identification
12 number of the vehicle. A charge of \$1 per form issued shall be
13 charged by the State Police to the inspection station, and the
14 funds received shall be deposited into the State Treasury and
15 credited to the account of the State Police for application in the
16 administration and enforcement of the provisions of this article.
17 Any balance remaining in the fund on June 30 of each fiscal year,
18 not required for the administration and enforcement of the
19 provisions of this article, shall be transferred to the State Road
20 Fund.

21 ~~(b)~~ (d) A person shall apply for a permit upon an official
22 form prescribed by the superintendent and the superintendent shall
23 grant permits only when the superintendent is satisfied that the
24 station is properly equipped and has competent personnel to make
25 the inspections and adjustments and that the inspections and
26 adjustments will be properly conducted. The superintendent, before
27 issuing a permit, may require the applicant to file a bond with

1 surety approved by the superintendent, conditioned that such
2 applicant, as a station operator, will make compensation for any
3 damage to a vehicle during an inspection or adjustment due to
4 negligence on the part of the station operator or employees
5 thereof.

6 ~~(c)~~ (e) The superintendent shall properly supervise and cause
7 inspections to be made of the stations. Upon finding that a
8 station is not properly equipped or conducted, the superintendent
9 may, upon a first violation, suspend the permit for a period of up
10 to one year. Upon a second or subsequent finding that a station is
11 not properly equipped or conducted, the superintendent shall
12 permanently revoke and require the surrender of the permit. The
13 superintendent may reinstate the permit of any person whose permit
14 was permanently revoked prior to the effective date of this section
15 upon a first finding that a station was not properly equipped or
16 conducted, upon application, at any time after the expiration of
17 six months from the time of revocation and shall reinstate the
18 permit, upon application, after the expiration of one year. He or
19 she or she shall maintain and post at his or her office and at any
20 other places as he or she may select lists of all stations holding
21 permits and of those whose permits have been suspended or revoked.

NOTE: The purpose of this bill is to require a certificate of inspection to identify the inspection station that issued it and the serial number of the inspected vehicle. The bill also authorizes the State Police to charge \$1 per issued inspection sticker.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would

be added.