

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 2586**

4 (By Delegates Brown, D. Poling, Fleischauer and Talbott)

5 (Originating in the Committee on the Judiciary)

6  
7  
8 [February 14, 2011]

9  
10 A BILL to amend and reenact article 8, chapter 64 of the Code of  
11 West Virginia, 1931, as amended, relating generally to the  
12 promulgation of administrative rules by the Department of  
13 Transportation; legislative mandate or authorization for the  
14 promulgation of certain legislative rules by various executive  
15 or administrative agencies of the state; authorizing certain  
16 of the agencies to promulgate certain legislative rules in the  
17 form that the rules were filed in the State Register;  
18 authorizing certain of the agencies to promulgate certain  
19 legislative rules with various modifications presented to and  
20 recommended by the Legislative Rule-Making Review Committee;  
21 authorizing the Commissioner of Highways to promulgate  
22 legislative rules relating to the use of state road rights of  
23 way and adjacent areas (157 CSR 6) the transportation of  
24 hazardous wastes upon the roads and highways (157 CSR 7), and  
25 Community Empowerment Transportation Act Program (157 CSR 10);

1 authorizing the Division of Motor Vehicles to promulgate a  
2 legislative rule relating to the Motor Vehicle Inspection  
3 Manual (91 CSR 12); and authorizing the Department of  
4 Transportation - State Rail Authority to promulgate a  
5 legislative rule relating to the valuation of used rolling  
6 stock and equipment (172 CSR 2).

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

8 That article 8, chapter 64 of the Code of West Virginia, 1931,  
9 as amended, be amended and reenacted to read as follows:

10 **ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF TRANSPORTATION TO**  
11 **PROMULGATE LEGISLATIVE RULES.**

12 **§64-8-1. Commissioner of Highways.**

13 (a) The legislative rule filed in the state register on the  
14 sixteenth day of July, two thousand ten, authorized under the  
15 authority of section one, article twenty, chapter seventeen, of  
16 this code, relating to the Commissioner of Highways (use of state  
17 road rights of way and adjacent areas, 157 CSR 6), is authorized.

18 (b) The legislative rule filed in the state register on the  
19 sixteenth day of July, two thousand ten, authorized under the  
20 authority of section seven, article eighteen, chapter twenty-two,  
21 of this code, relating to the Commissioner of Highways  
22 (transportation of hazardous wastes upon the roads and highways,  
23 157 CSR 7), is authorized.

24 (c) The legislative rule filed in the state register on the  
25 twenty-seventh day of July, two thousand ten, authorized under the

1 authority of section four, article twenty-eight, chapter seventeen,  
2 of this code, modified by the Commissioner of Highways to meet the  
3 objections of the Legislative Rule-Making Review Committee and  
4 refiled in the state register on the twenty-second day of November  
5 two thousand ten, relating to the Commissioner of Highways  
6 (Community Empowerment Transportation Act Program, 157 CSR 10), is  
7 authorized with the following amendments:

8 On page six, section eight, line five, by striking out the  
9 citation "§22-5-1" and inserting in lieu thereof the citation "§5-  
10 22-1"; and

11 On page six, section nine, line eight, by striking out the  
12 words "Committee on Government and Finance".

13 **§64-8-2. Division of Motor Vehicles.**

14 The legislative rule filed in the state register on the  
15 twenty-sixth day of July, two thousand ten, authorized under the  
16 authority of section four, article sixteen, chapter seventeen-c, of  
17 this code, relating to the Division of Motor Vehicles (Motor  
18 Vehicle Inspection Manual, 91 CSR 12), is authorized.

19 **§64-8-3. Department of Transportation.**

20 The legislative rule filed in the state register on the  
21 thirteenth day of May, two thousand ten, authorized under the  
22 authority of section six, article eighteen, chapter twenty-nine, of  
23 this code, relating to the Department of Transportation - State  
24 Rail Authority (valuation of used rolling stock and equipment, 172  
25 CSR 2), is authorized.