

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 4206**

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

5
6 (Originating in the Committee on the Judiciary)

7
8 [February 10, 2012]

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 a
22 legislative rule relating to the construction and
23 reconstruction of state roads(157 CSR 3);authorizing the
24 Commissioner of Highways to promulgate a legislative rule
25 relating to the transportation of hazardous wastes upon the

1 roads and highways (157 CSR 7); and authorizing the Division
2 of Motor Vehicles to promulgate a legislative rule relating to
3 compulsory motor vehicle liability insurance (91 CSR 13).

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

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

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

9 **§64-8-1. Commissioner of Highways.**

10 (a) The legislative rule filed in the State Register on the
11 twenty-first day of July, two thousand eleven, authorized under the
12 authority of section eight, article two-a, chapter seventeen, of
13 this code, modified by the Commissioner of Highways to meet the
14 objections of the Legislative Rule-Making Review Committee and
15 refiled in the State Register on the tenth day of January, two
16 thousand twelve, relating to the Commissioner of Highways
17 (construction and reconstruction of state roads, [157 CSR 3](#)), is
18 authorized.

19 (b) The legislative rule filed in the State Register on the
20 eighth day of July, two thousand eleven, authorized under the
21 authority of section seven, article eighteen, chapter twenty-two,
22 of this code, relating to the Commissioner of Highways
23 (transportation of hazardous wastes upon the roads and highways,
24 [157 CSR 7](#)), is authorized.

25 **§64-8-2. Division of Motor Vehicles.**

1 The legislative rule filed in the state register on the
2 twenty-ninth day of July, two thousand eleven, authorized under the
3 authority of section eight, article two-a, chapter seventeen-d, of
4 this code, modified by the Division of Motor Vehicles to meet the
5 objections of the Legislative Rule-Making Review Committee and
6 refiled in the State Register on the twentieth day of October, two
7 thousand eleven, relating to the Division of Motor Vehicles
8 (compulsory motor vehicle liability insurance, [91 CSR 13](#)), is
9 authorized.