

1 **ENROLLED**

2 **H. B. 4103**

3
4 (By Delegates Staggers, L. Phillips, Barker,
5 Ferro, Guthrie and Cowles)

6 [Passed March 9, 2012; in effect ninety days from passage.]
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10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new article, designated §17A-2B-1, §17A-2B-2
12 and §17A-2B-3, all relating to consolidating government
13 services and enforcement of laws pertaining to the motor
14 carrier industry; stating legislative findings and purpose;
15 designating the Division of Motor Vehicles as the lead agency
16 to develop a plan for the consolidation; and requiring the
17 division to report its plan and recommendations for
18 consolidation to the Joint Committee on Government and Finance
19 by December 1, 2012.

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

21 That the Code of West Virginia, 1931, as amended, be amended
22 by adding thereto a new article, designated §17A-2B-1, §17A-2B-2
23 and §17A-2B-3, all to read as follows:

24 **ARTICLE 2B. CONSOLIDATION OF THE REGULATION OF THE MOTOR CARRIER**

1 **INDUSTRY.**

2 **§17A-2B-1. Legislative findings and purpose.**

3 (a) The Legislature finds that responsibility for delivery of
4 government services and the enforcement of laws pertaining to the
5 motor carrier industry currently resides in several state agencies,
6 divisions and departments including the Division of Motor Vehicles,
7 Public Service Commission, Division of Highways, State Tax
8 Department and the State Police. The Division of Motor Vehicles
9 currently administers numerous provisions of this code relating to
10 the regulation of the motor carrier industry in this state,
11 including chapter seventeen-a of this code, which prescribes the
12 process for titling and registration of all motor vehicles, the
13 provisions for commercial drivers licenses set forth in chapter
14 seventeen-b of this code, and has numerous other responsibilities
15 relating to the motor carrier industry. The Division of Motor
16 Vehicles also has significant interaction with the various federal
17 agencies and other state agencies responsible for the
18 administration of government functions relative to the industry.
19 It further appears to the Legislature that a significant portion of
20 the responsibility, in terms of volume of transactions and its
21 database, routine contact with the industry and assignment of staff
22 pertaining to regulating the motor carrier industry, is currently
23 vested in the Division of Motor Vehicles. Therefore, the
24 Legislature finds that the Division of Motor Vehicles is the

1 appropriate agency to plan the consolidation of the administration
2 and enforcement of the various state laws pertaining to the motor
3 carrier industry.

4 (b) The Legislature further finds that it is very cumbersome
5 and onerous for motor carrier business entities to obtain the
6 necessary permits, licenses and file the necessary returns, reports
7 and other documents through numerous state agencies whose offices
8 are scattered both geographically and administratively throughout
9 state government. The lack of centralization of these various state
10 agencies also results in the redundancy of information provided by
11 motor carrier entities to the various state agencies. The
12 Legislature further finds that the lack of centralization of these
13 government functions does not encourage the growth and success of
14 this industry in the State.

15 © The Legislature further finds that it would be more cost
16 effective and efficient to both the state agencies and the motor
17 carrier industry to provide these services through consolidated
18 facilities, licensing and permitting processes and electronic
19 information and communication technologies.

20 (d) Therefore, it is the purpose of this article to facilitate
21 the consolidation of the administration of government services
22 pertaining to the motor carrier industry and to designate the
23 division as the lead agency in planning the consolidation of state
24 government services and enforcement of laws pertaining to the

1 regulation and taxation of the motor carrier industry.

2 **§17A-2B-2. Development of plan of consolidation of government**
3 **services and regulation applicable to the motor**
4 **carrier industry.**

5 (a) Notwithstanding any other provisions of this code to the
6 contrary, the Division of Motor Vehicles is authorized and
7 directed, and is designated the lead state agency to formulate and
8 develop a plan for the consolidation of state government services
9 and enforcement of laws pertaining to the regulation and taxation
10 of the motor carrier industry.

11 (b) (1) The Public Service Commission, Division of Highways,
12 State Tax Department and the State Police shall cooperate with the
13 division and provide information, aid and assistance as requested
14 by the division to plan the consolidation of state government
15 services and of enforcement of laws pertaining to the regulation
16 and taxation of the motor carrier industry.

17 (2) The division shall consult with these agencies and shall
18 solicit and use any applicable experience and expertise that can be
19 beneficial to the development of the plan of consolidation.

20 **§17A-2B-3. Report to the Joint Committee on Government and**
21 **Finance.**

22 (a) The Division of Motor Vehicles shall submit to the Joint
23 Committee on Government and Finance on or before December 1, 2012,

1 a report setting forth the plan for the consolidation of state
2 government services and of enforcement of laws pertaining to the
3 regulation and taxation of the motor carrier industry.

4 (b) The report shall make recommendations pertaining to
5 changes in laws, administration, personnel and procedure in the
6 provision of government services applicable to the motor carrier
7 industry and shall include drafts of recommended legislation
8 necessary to implement the proposed consolidation.