

Senate Bill No. 219

(By Senators Beach and Klempa)

[Introduced January 17, 2012; referred to the Committee on
Transportation and Infrastructure; and then to the Committee on
Finance.]

10 A BILL 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 consolidation of 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
19 Finance.

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

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

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

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

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

1 **§17A-2B-2. Development of plan of consolidation of government**
2 **services and regulation applicable to the motor**
3 **carrier industry.**

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

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

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

19 **§17A-2B-3. Report to the Joint Committee on Government and**
20 **Finance.**

21 (a) The Division of Motor Vehicles shall submit to the Joint
22 Committee on Government and Finance on or before December 1, 2012,
23 a report setting forth the plan for the consolidation of state

1 government services and of enforcement of laws pertaining to the
2 regulation and taxation of the motor carrier industry.

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

NOTE: The purpose of this bill is to authorize the Division of Motor Vehicles to take a lead role to plan and coordinate the consolidation of government services and enforcement of laws currently administered by various state agencies pertaining to the motor carrier industry. The bill requires:

(1) All affected agencies to cooperate, aid and assist the division in implementation of the consolidation;

(2) The division to solicit experience and expertise and address concerns of the affected agencies in the development of the plan of consolidation; and

(3) The division to report to the Legislature a plan to consolidate and recommended legislation.

This article is new; therefore, strike-throughs and underscoring have been omitted.