

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 4206

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



Passed February 29, 2012

To Take Effect from Passage

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 4206

(BY DELEGATES BROWN, D. POLING, FLEISCHAUER AND TALBOTT)

[Passed February 29, 2012; to take effect from passage.]

AN ACT to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Transportation; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Commissioner of Highways to promulgate a legislative rule relating to the construction and reconstruction of state roads (157 CSR 3); authorizing the Commissioner of Highways to promulgate a legislative rule relating to the transportation of hazardous wastes upon the roads and highways (157 CSR 7); and authorizing the Division of Motor Vehicles to promulgate a

legislative rule relating to compulsory motor vehicle liability insurance (91 CSR 13).

Be it enacted by the Legislature of West Virginia:

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

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

§64-8-1. Commissioner of Highways.

1 (a) The legislative rule filed in the State Register on the
2 twenty-first day of July, two thousand eleven, authorized
3 under the authority of section eight, article two-a, chapter
4 seventeen, of this code, modified by the Commissioner of
5 Highways to meet the objections of the Legislative Rule-
6 Making Review Committee and refiled in the State Register
7 on the tenth day of January, two thousand twelve, relating to
8 the Commissioner of Highways (construction and
9 reconstruction of state roads, 157 CSR 3), is authorized with
10 the following amendments:

11 On page twenty-seven, subdivision 7.2.1., by striking out
12 the word “al” and inserting in lieu thereof the word “all”;

13 On page thirty-five, subdivision 8.1.a., by striking out all
14 of subdivision 8.1.a.;

15 And relettering the remaining subdivisions;

16 On page forty-three, subdivision 9.7.c., by striking out
17 the word “subsection” and inserting in lieu thereof the word
18 “subdivision”;

19 On page fifty-four, subdivision 9.21.b, by striking out the
20 words “W.Va. Code §22-11” and inserting in lieu thereof the
21 words “Water Pollution Control Act, W.Va. Code §22-11-1
22 *et seq*”;

23 And,

24 On page ninety-five, subdivision 13.2.e., by striking out
25 “§5A-3-33a-f” and inserting in lieu thereof “§5A-3-33d”.

26 (b) The legislative rule filed in the State Register on the
27 eighth day of July, two thousand eleven, authorized under the
28 authority of section seven, article eighteen, chapter twenty-
29 two, of this code, relating to the Commissioner of Highways
30 (transportation of hazardous wastes upon the roads and
31 highways, 157 CSR 7), is authorized.

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor