

**H. B. 2978**

(By Delegate Upson)

[Introduced February 24, 2015; referred to the  
Committee on Roads and Transportation then the Judiciary.]

A BILL to amend and reenact §17C-16-2 and §17C-16-4 of the Code of West Virginia, 1931, as amended, relating to inspection of vehicles and providing that defects in windshields and windows that do not obscure vision are not unsafe conditions preventing a vehicle from passing state inspection.

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

That §17C-16-2 and §17C-16-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 16. INSPECTION OF VEHICLES.**

**§17C-16-2. Inspection by Department of Public Safety.**

(a) The Department of Public Safety may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

1 (b) ~~In the event such~~ If the vehicle and its equipment are found to be in safe condition and  
2 in full compliance with the law, the officer making ~~such the~~ inspection shall issue to the driver an  
3 official certificate of inspection and approval of such vehicle specifying those parts or equipment so  
4 inspected and approved.

5 (c) ~~In the event such~~ If the vehicle is found to be in unsafe condition or any required part or  
6 equipment is not present or is not in proper repair and adjustment the officer shall give a written  
7 notice to the driver and shall send a copy to the department. ~~Said~~ The notice shall require that ~~such~~  
8 the vehicle be placed in safe condition and its equipment in proper repair and adjustment specifying  
9 the particulars with reference thereto and that a certificate of inspection and approval be obtained  
10 within five days.

11 (d) Vehicles with defects in windshields and windows that do not obscure vision may not be  
12 determined to be in an unsafe condition preventing a vehicle from passing state inspection.

13 **§17C-16-4. Commissioner to require periodical inspection; acceptance of certificate of**  
14 **inspection from another state; suspension of registration of unsafe vehicles.**

15 (a) The Commissioner of Motor Vehicles shall once each year require that every motor  
16 vehicle, trailer, semitrailer, and pole trailer registered in this state be inspected and that an official  
17 certificate of inspection and approval be obtained for each such vehicle.

18 Such inspections shall be made and such certificates obtained with respect to the mechanism,  
19 brakes, and equipment of every such vehicle as shall be designated by the commissioner: Provided,  
20 That vehicles with defects in windshields and windows that do not obscure vision may not be  
21 determined to be in an unsafe condition preventing a vehicle from passing state inspection.

22 The commissioner is hereby authorized to may make necessary rules and regulations for the

1 administration and enforcement of this section and to designate any period or periods of time during  
2 which owners of any vehicles, subject to this section, shall display upon such vehicles certificates  
3 of inspection and approval or shall produce the same upon demand of any officer or employee of the  
4 department designated by the commissioner or any police or peace officer when authorized by the  
5 commissioner.

6 (b) The commissioner may authorize the acceptance in this state of a certificate of inspection  
7 and approval issued in another state having an inspection law similar to this chapter and may extend  
8 the time within which a certificate shall be obtained by the resident owner of a vehicle which was  
9 not in this state during the time an inspection was required.

10 (c) The commissioner may suspend the registration of any vehicle which he or she determines  
11 is in such unsafe condition as to constitute a menace to safety or which after notice and demand is  
12 not equipped as required in this chapter or for which a required certificate has not been obtained.

13 (d) If requested by the owner thereof, the commissioner shall also cause to be inspected a  
14 Class A, farm use, motor vehicle exempt from annual registration certificate and licensing as  
15 provided in section two, article three, chapter seventeen-a of this code. If the Class A farm use  
16 motor vehicle passes the inspection, the commissioner shall cause to be issued a certificate of  
17 inspection for that vehicle.

NOTE: The purpose of this bill is to provide that defects in windshields and windows that do not obscure vision are not unsafe conditions preventing a vehicle from passing state inspection.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.