

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4662**

(BY DELEGATE WALTERS)

[Originated in the Committee on Finance on

February 26, 2016.]



1 A BILL to amend and reenact §17C-16-5 of the Code of West Virginia, 1931, as amended; and to  
2 amend and reenact §17C-16-6 of said code, all relating to permitting the Superintendent  
3 of the State Police to collect \$3 dollars from the sale of motor vehicle inspection stickers  
4 to purchase, equip and maintain vehicles; increasing the allowable fee for vehicle  
5 inspection and any necessary headlight adjustment.

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

1 That §17C-16-5 of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted; and that §17C-16-6 of said code be amended and reenacted, all to read as follows:

**ARTICLE 16. INSPECTION OF VEHICLES.**

**§17C-16-5. Permit for official inspection stations; fees for and certificate of inspection.**

1 (a) The Superintendent of the State Police is responsible for the inspection as provided in  
2 this article and shall prescribe requirements and qualifications for official inspection stations. He  
3 or she shall select and designate the stations and shall issue permits for official inspection stations  
4 and furnish instructions and all necessary forms for the inspection of vehicles as required in this  
5 article and the issuance of official certificates of inspection and approval. The certificate of  
6 inspection shall be a paper sticker or decal to be affixed to the windshield of a motor vehicle, shall  
7 be serially numbered and shall properly identify the official inspection station which issued it. A  
8 charge of ~~\$4~~ \$3 per sticker shall be charged by the State Police to the inspection station, and the  
9 funds received shall be deposited into the State Treasury and credited to the account of the State  
10 Police for application in the administration and enforcement of the provisions of this article, and  
11 for the purchase of vehicles, equipment for vehicles, and maintenance of vehicles. ~~Any balance~~  
12 ~~remaining in the fund on the last day of June of each fiscal year, not required for the administration~~  
13 ~~and enforcement of the provisions of this article, shall be transferred to the state road fund.~~ The  
14 superintendent may exchange stickers or make refunds to official inspection stations for stickers  
15 on hand when permits are revoked or when, for any reason, the stickers become obsolete.

16 (b) A person shall apply for a permit upon an official form prescribed by the superintendent  
17 and the superintendent shall grant permits only when the superintendent is satisfied that the  
18 station is properly equipped and has competent personnel to make the inspections and  
19 adjustments and that the inspections and adjustments will be properly conducted. The  
20 superintendent, before issuing a permit, may require the applicant to file a bond with surety  
21 approved by the superintendent, conditioned that such applicant, as a station operator, will make  
22 compensation for any damage to a vehicle during an inspection or adjustment due to negligence  
23 on the part of the station operator or employees thereof.

24 (c) The superintendent shall properly supervise and cause inspections to be made of the  
25 stations. Upon finding that a station is not properly equipped or conducted, the superintendent  
26 may, upon a first violation, suspend the permit for a period of up to one year. Upon a second or  
27 subsequent finding that a station is not properly equipped or conducted, the superintendent shall  
28 permanently revoke and require the surrender of the permit. The superintendent may reinstate  
29 the permit of any person whose permit was permanently revoked prior to the effective date of this  
30 section upon a first finding that a station was not properly equipped or conducted, upon  
31 application, at any time after the expiration of six months from the time of revocation and shall  
32 reinstate the permit, upon application, after the expiration of one year. He or she shall maintain  
33 and post at his or her office and at any other places as he or she may select lists of all stations  
34 holding permits and of those whose permits have been suspended or revoked.

**§17C-16-6. Assignment, transfer and posting of official inspection station permit; issuance  
and record of certificate of inspection; inspection fee.**

1 (a) No permit for an official inspection station shall be assigned or transferred or used at  
2 any location other than designated in the permit and every permit shall be posted in a conspicuous  
3 place at the station location designated in the permit.

4 (b) The person operating the station shall issue a certificate of inspection and approval,  
5 upon an official form, to the owner of a vehicle upon inspecting the vehicle and determining that

6 its equipment required under this article is in good condition and proper adjustment, but otherwise  
7 no certificate shall be issued, except one issued pursuant to section two of this article. When  
8 required by the superintendent, a record and report shall be made of every inspection and every  
9 certificate issued.

10 (c) A fee of not more than ~~\$12~~ \$14 may be charged for an inspection and any necessary  
11 headlight adjustment to proper focus, not including any replacement parts required, and the  
12 issuance of the certificate, but the imposition of the charge is not mandatory.