

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2978

2015 Carryover

(BY DELEGATE UPSON)

[Introduced January 13, 2016; referred to the
Committee on Roads and Transportation then the
Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 16. INSPECTION OF VEHICLES.

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

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

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

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

15 (d) Vehicles with defects in windshields and windows that do not obscure vision may not

16 be determined to be in an unsafe condition preventing a vehicle from passing state inspection.

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

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

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

9 The commissioner ~~is hereby authorized to~~ may make necessary rules and regulations
10 for the administration and enforcement of this section and to designate any period or periods of
11 time during which owners of any vehicles, subject to this section, shall display upon such
12 vehicles certificates of inspection and approval or shall produce the same upon demand of any
13 officer or employee of the department designated by the commissioner or any police or peace
14 officer when authorized by the commissioner.

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

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

22 not been obtained.

23 (d) If requested by the owner thereof, the commissioner shall also cause to be inspected
24 a Class A, farm use, motor vehicle exempt from annual registration certificate and licensing as
25 provided in section two, article three, chapter seventeen-a of this code. If the Class A farm use
26 motor vehicle passes the inspection, the commissioner shall cause to be issued a certificate of
27 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.