

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2061

BY DELEGATE UPSON

[Introduced February 8, 2017; 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, all relating to inspection of vehicles and providing that defects in windshields
 3 and windows that do not obscure vision are not unsafe conditions preventing a vehicle
 4 from 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, all to read as follows:

ARTICLE 16. INSPECTION OF VEHICLES.

§17C-16-2. Inspection by the ~~Department of Public Safety~~ West Virginia State Police.

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

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

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

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

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

§17C-16-4. Superintendent of the West Virginia State Police to require periodical inspection; acceptance of certificate of inspection from another state; suspension of registration of unsafe vehicles.

1 (a) The Superintendent of the West Virginia State Police shall once each year require that
2 every motor vehicle, trailer, semitrailer and pole trailer registered in this state be inspected and
3 that an official certificate of inspection and approval be obtained for each vehicle.

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

8 The superintendent may make necessary rules for the administration and enforcement of
9 this section and may designate any period or periods during which owners of any vehicles, subject
10 to this section, shall display upon the vehicles certificates of inspection and approval or shall
11 produce the certificates upon demand of any officer or employee of the State Police designated
12 by the superintendent or any police or peace officer when authorized by the superintendent.

13 (b) The superintendent may authorize the acceptance in this state of a certificate of
14 inspection and approval issued in another state having an inspection law similar to this chapter
15 and may extend the time within which the resident owner of a vehicle which was not in this state
16 during the time an inspection was required must obtain a certificate.

17 (c) At the request of the superintendent, the Commissioner of the Division of Motor
18 Vehicles may suspend the registration of any vehicle which the superintendent determines is in
19 such an unsafe condition that it constitutes a menace to safety or which after notice and demand
20 is not equipped as required in this chapter or for which the vehicle's owner has not obtained the
21 required certificate.

22 (d) If requested by the owner of the vehicle, the superintendent shall also cause to be

23 inspected a Class A farm use motor vehicle exempt from annual registration certificate and
24 licensing as provided in section two, article three, chapter seventeen-a of this code. If the Class
25 A farm use motor vehicle passes the inspection, the superintendent shall cause a certificate of
26 inspection to be issued 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 a heading or the present law and underscoring indicates new language that would be added.