

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2654

BY DELEGATE HARSHBARGER, BIBBY, HANNA AND HILL

[Introduced January 24, 2019; Referred
to the Committee on Government Organization then
Finance.]

1 A BILL to amend and reenact §17C-16-1, §17C-16-2, §17C-16-3, and §17C-16-4 of the Code of
 2 West Virginia, 1931, as amended, relating to inspection of motor vehicles; and removing
 3 certain vehicles from the requirement for vehicle inspection; and requiring the
 4 Superintendent of the West Virginia State Police to propose legislative rules defining the
 5 exempt vehicles.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. INSPECTION OF VEHICLES.

§17C-16-1. Vehicles not to operate without required equipment or in unsafe condition.

1 No person ~~shall~~ may drive or move on any highway any motor vehicle, trailer, semitrailer,
 2 or pole trailer, or any combination thereof unless the equipment upon any and every said vehicle
 3 is in good working order and adjustment as required in this chapter and ~~said~~ the vehicle is in such
 4 safe mechanical condition as not to endanger the driver or other occupant or any person upon
 5 any highway: *Provided, That* motor vehicles considered as family vehicles, light trailers, light
 6 trucks and motorcycles as determined by the Superintendent of the West Virginia State Police
 7 are exempt from the inspection requirement provisions of this article. All other vehicles are subject
 8 to inspection under this article.

§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 that is subject to inspection under this article is unsafe or not equipped as required
 3 by law, or that its equipment is not in proper adjustment or repair, require the driver of ~~such~~ the
 4 vehicle to stop and submit ~~such~~ the vehicle to an inspection and such test with reference thereto
 5 as may be appropriate.

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

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

§17C-16-3. Owners and drivers to comply with inspection laws.

1 (a) No person driving a vehicle that is subject to inspection under this article ~~shall~~ may
2 refuse to submit ~~such~~ the vehicle to an inspection and test when required to do so by the
3 department of public safety.

4 (b) Every owner or driver of a vehicle that is subject to inspection under this article, upon
5 receiving a notice as provided in §17C-16-2 of this code shall comply therewith and shall within
6 five days secure an official certificate of inspection and approval which shall be issued in duplicate,
7 one copy to be retained by the owner or driver and the other copy to be forwarded to the
8 department. In lieu of compliance with this paragraph the vehicle ~~shall~~ may not be operated,
9 except as provided in the next succeeding paragraph.

10 (c) No person ~~shall~~ may operate any vehicle that is subject to inspection under this article
11 after receiving a notice with reference thereto as above provided, except as may be necessary to
12 return ~~such~~ the vehicle to the residence or place of business of the owner or driver, or to a garage,
13 until ~~said~~ the vehicle and its equipment has been placed in proper repair and adjustment and
14 otherwise made to conform to the requirements of this chapter and a certificate of inspection and
15 approval shall be obtained as promptly as possible thereafter.

16 (d) ~~In the event~~ If repair or adjustment of any vehicle that is subject to inspection under
17 this article or its equipment is found necessary upon inspection, the owner of ~~said~~ the vehicle may
18 obtain such repair or adjustment at any place he or she may choose, but in every event an official

19 certificate of inspection and approval must be obtained, otherwise ~~such~~ the vehicle ~~shall~~ may not
20 be operated upon the highways of this state.

21 (e) "Inspection and test," as used in this article, ~~shall~~ means inspections and tests as
22 related to the actual mechanical and operating ability of ~~such~~ the vehicle.

**§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 that is subject to
3 inspection under this article be inspected and that an official certificate of inspection and approval
4 be obtained for each vehicle.

5 The inspections shall be made and the certificates obtained with respect to the
6 mechanism, brakes and equipment of every vehicle designated by the Superintendent.

7 The Superintendent may make necessary rules for the administration and enforcement of
8 this section and may designate any period or periods during which owners of any vehicles, subject
9 to this section, shall display upon the vehicles certificates of inspection and approval or shall
10 produce the certificates upon demand of any officer or employee of the State Police designated
11 by the Superintendent or any police or peace officer when authorized by the Superintendent. The
12 superintendent shall propose rules for legislative approval in accordance with §29-A-3-1 et seq.
13 defining motor vehicles that are otherwise described as or considered family vehicles, light trucks,
14 motorcycles or light trailers that are not subject to inspection under this article.

15 (b) The superintendent 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 the resident owner of a vehicle that is subject to inspection
18 under this article which was not in this state during the time an inspection was required must
19 obtain a certificate.

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

25 (d) If requested by the owner of the vehicle that is subject to inspection under this article,
26 the superintendent shall also cause to be inspected a Class A farm use motor vehicle exempt
27 from annual registration certificate and licensing as provided in §17A-3-2 of this code. If the Class
28 A farm use motor vehicle passes the inspection, the superintendent shall cause a certificate of
29 inspection to be issued for that vehicle.

NOTE: The purpose of this bill is to exempt from the motor vehicle inspection requirements of this state motor vehicles that are otherwise described as or considered family vehicles , light trucks, motorcycles or light trailers. The bill requires the Superintendent of the West Virginia State Police to propose rules defining these exempt vehicles.

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