

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4381

FISCAL
NOTE

BY DELEGATES KIMES, FOSTER, HORST, NESTOR,
LINVILLE, CONLEY, PRITT, STEELE, PACK, HANNA, AND
GRAVES

[Introduced January 25, 2022; Referred to the
Committee on Technology and Infrastructure then
Finance]

1 A BILL to amend and reenact §17C-16-4, §17C-16-5, §17C-16-6, §17C-16-8, and §17C-16-9 of
 2 the Code of West Virginia, 1931, as amended, all relating to modifying the vehicle
 3 inspection process; requiring that all vehicle inspections be completed upon the time of
 4 registration or renewal with the West Virginia Division of Motor Vehicles; providing that an
 5 applicant must provide proof, at time of registration or renewal, of vehicle inspection within
 6 30 days of vehicle registration or renewal with the West Virginia Division of Motor Vehicles;
 7 adding inspection fees, less the cost of stickers, auditing, administration, and otherwise to
 8 the vehicle registration fee with the West Virginia Division of Motor Vehicles; providing that
 9 an applicant pay any inspectors fee directly to inspector; providing for an electronic
 10 database for motor vehicle inspections, where the vehicle inspector enters data and gives
 11 a receipt to applicant, with no sticker required for display on the windshield of a vehicle;
 12 ensuring that the West Virginia State Police retains their portion of the inspection fee; and
 13 reducing the cost of the vehicle inspection from \$14 to \$13.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. INSPECTION OF VEHICLES.

**§17C-16-4. ~~Superintendent of the West Virginia State Police~~ West Virginia Division of
Motor Vehicles 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~~ West Virginia Division of Motor
 2 Vehicles shall ~~once each year~~ require at the time of vehicle registration or renewal that every
 3 motor vehicle, trailer, semitrailer and pole trailer registered in this state be inspected and that an
 4 official certificate of inspection and approval be obtained for each vehicle. An applicant shall
 5 provide proof, at time of registration or renewal, of inspection within 30 days of registration or
 6 renewal. The state inspection fee shall be added to the registration fee, less the cost of stickers,
 7 auditing, administration, or otherwise. An applicant shall pay an inspector fee not to exceed \$13,
 8 as outlined in section §17C-16-6(c) of this code, directly to the inspector. The West Virginia

9 Division of Motor Vehicles shall implement an electronic database for inspections, and the
10 inspector shall enter data of an inspection, with the data given in the form of a receipt to an
11 applicant, with no sticker needed for the windshield of a vehicle. The inspection shall only be
12 necessary at the time of vehicle registration or renewal.

13 The inspections shall be made and the certificates obtained with respect to the
14 mechanism, brakes and equipment of every vehicle designated by the ~~Superintendent~~ West
15 Virginia Division of Motor Vehicles.

16 The ~~Superintendent~~ West Virginia Division of Motor Vehicles may make necessary rules
17 for the administration and enforcement of this section, ~~and may designate any period or periods~~
18 ~~during which owners of any vehicles, subject to this section, shall display upon the vehicles~~
19 ~~certificates of inspection and approval or shall produce the certificates upon demand of any officer~~
20 ~~or employee of the State Police designated by the Superintendent or any police or peace officer~~
21 ~~when authorized by the Superintendent~~

22 (b) The ~~superintendent~~ West Virginia Division of Motor Vehicles may authorize the
23 acceptance in this state of a certificate of inspection and approval issued in another state having
24 an inspection law similar to this chapter and may extend the time within which the resident owner
25 of a vehicle which was not in this state during the time an inspection was required must obtain a
26 certificate.

27 (c) At the request of the ~~Superintendent~~ West Virginia Division of Motor Vehicles, the
28 Commissioner of the Division of Motor Vehicles may suspend the registration of any vehicle which
29 the ~~Superintendent~~ West Virginia Division of Motor Vehicles determines is in such an unsafe
30 condition that it constitutes a menace to safety or which after notice and demand is not equipped
31 as required in this chapter or for which the vehicle's owner has not obtained the required
32 certificate.

33 (d) If requested by the owner of the vehicle, the ~~Superintendent~~ West Virginia Division of
34 Motor Vehicles shall also cause to be inspected a Class A farm use motor vehicle exempt from

35 annual registration certificate and licensing as provided in ~~section two, article three, chapter~~
36 ~~seventeen-a of this code~~ §17A-3-2 of this code. If the Class A farm use motor vehicle passes the
37 inspection, the ~~Superintendent~~ West Virginia Division of Motor Vehicles shall cause a certificate
38 of inspection to be issued for that vehicle.

§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~~
7 receipt issued directly to an applicant and sent to the West Virginia Division of Motor Vehicles
8 electronically, shall be serially numbered and shall properly identify the official inspection station
9 which issued it. A charge of \$3 per ~~sticker~~ inspection shall be charged by the West Virginia State
10 Police to the inspection station, and the funds received shall be deposited into the State Treasury
11 and credited to the account of the West Virginia State Police for application in the administration
12 and enforcement of the provisions of this article and for the purchase of vehicles, equipment for
13 vehicles, and maintenance of vehicles. ~~The superintendent may exchange stickers or make~~
14 ~~refunds to official inspection stations for stickers on hand when permits are revoked or when, for~~
15 ~~any reason, the stickers become obsolete~~

16 (b) A person shall apply for a permit upon an official form prescribed by the ~~superintendent~~
17 West Virginia Division of Motor Vehicles upon the time of vehicle registration or renewal, and the
18 ~~superintendent~~ West Virginia State Police shall grant permits only when the ~~superintendent~~ West
19 Virginia State Police is satisfied that the station is properly equipped and has competent personnel
20 to make the inspections and adjustments and that the inspections and adjustments will be
21 properly conducted. The ~~superintendent~~ West Virginia State Police, before issuing a permit, may

22 require the applicant to file a bond with surety approved by the ~~superintendent~~ West Virginia State
23 Police, conditioned that such applicant, as a station operator, will make compensation for any
24 damage to a vehicle during an inspection or adjustment due to negligence on the part of the
25 station operator or employees thereof.

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

9 be made of every inspection and every certificate issued.

10 (c) A fee of not more than ~~\$44~~ \$13 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.

§17C-16-8. False certificates.

1 (a) No person shall make, issue, or knowingly use any imitation or counterfeit of an official
2 certificate of inspection.

3 (b) No person shall ~~display or cause or permit to be displayed upon a vehicle~~ issue an
4 electronic receipt of any certificate of inspection and approval knowing the same to be fictitious
5 or issued for another vehicle or issued without an inspection having been made.

**§17C-16-9. Operation without certificate or failure to produce certificate; penalty for
misdemeanor.**

1 It is a misdemeanor for any owner or operator, or both owner and operator, of any vehicle
2 required to be inspected ~~under subsection (a), section four of this article, to operate or permit to~~
3 ~~be operated such vehicle without having displayed thereon a current and valid certificate of~~
4 ~~inspection and approval or fail to produce same upon demand of any authorized person as~~
5 ~~designated under said subsection~~ without an inspection upon registration or renewal: *Provided,*
6 That a dealer licensed to sell new vehicles under the provision of article six, chapter seventeen-
7 a of this code shall not ~~be required to display~~ complete a certificate of inspection and approval
8 upon any new vehicle if the vehicle is driven for an operational purpose including all activities
9 associated with dealer preparation for sale of a motor vehicle belonging to such dealer when such
10 vehicle has not been titled or delivered to a purchaser, and when such car is not to be used in the
11 demonstrator fleet or otherwise routinely driven on the highways or roads of this state.

12 ~~Unless another penalty is by the laws of this state provided, every person convicted of a~~
13 ~~misdemeanor for operating a vehicle without having displayed thereon a current and valid~~
14 ~~certificate of inspection and approval or for failure to produce such certificate upon demand of an~~

15 ~~authorized person shall be punished by a fine of not more than \$100: *Provided*, That any person~~
16 ~~who obtains an inspection and a current and valid certificate of inspection and who, within five~~
17 ~~days of the issuance of a citation for a violation of the provisions of this section, provides a receipt~~
18 ~~of inspection to and makes the vehicle so operated available for examination by a court of~~
19 ~~competent jurisdiction, shall not be guilty of a violation of the provisions of this section: *Provided*,~~
20 ~~however, That the misdemeanor penalty shall be imposed if the certificate of inspection has not~~
21 ~~been valid for a period exceeding three months prior to the date of the issuance of a citation~~

NOTE: The purpose of this bill is to modify the vehicle inspection process. The bill has all vehicle inspections be completed upon registration. The bill says that an individual must provide proof, at time of registration, of inspection within 30 days of registration. The bill adds inspection fees, less cost of stickers, auditing, administration, etc. to the registration fee. The bill says that the applicant pays inspectors fee directly to inspector. The bill implements an electronic database for inspections, where the inspector enters data and gives receipt to applicant, with no sticker on windshield. The bill reduces the cost of the inspection from \$14 to \$13. The bill retains the money sent to the West Virginia State Police from the cost of inspections. Finally, the bill requires an inspection for registration and renewal of a vehicle.

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