

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2886

FISCAL
NOTE

By Delegates Sheedy, Reynolds, Willis, and

Longanacre

[Introduced January 20, 2023; Referred to the
Committee on Technology and Infrastructure then the
Judiciary]

1 A BILL amend and reenact §17C-16-4 and §17C-16-9 of the Code of West Virginia, 1931, as
 2 amended, relating to elimination of the requirement of annual inspections of motor
 3 vehicles; providing for continuing requirement of inspections of motor vehicles with certain
 4 alterations or modifications; and eliminating criminal penalties for operating motor vehicle
 5 no longer subject to annual inspection without a certificate or for failure to produce
 6 certificate.

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. INSPECTION OF VEHICLES.

§17C-16-4. Superintendent of the West Virginia State Police to require periodical inspection of modified motor vehicles; 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 requiring an
 3 inspection pursuant to §17C-15-48 of this code be inspected and that an official certificate of
 4 inspection and approval be obtained for each vehicle.

5 The inspections shall be made and the certificates obtained with respect to the
 6 mechanism, brakes and equipment and to the requirements of §17C-15-48 of this code of every
 7 vehicle designated by the Superintendent.

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 by
 12 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 is
20 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 A
25 farm use motor vehicle passes the inspection, the Superintendent shall cause a certificate of
26 inspection to be issued for that vehicle.

**§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 pursuant to subsection (a), section four of this article, to operate or permit
3 to 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: *Provided*, That a dealer licensed to sell new vehicles under the
6 provision of article six, chapter seventeen-a of this code shall not be required to display a
7 certificate of inspection and approval upon any new vehicle if the vehicle is driven for an
8 operational purpose including all activities associated with dealer preparation for sale of a motor
9 vehicle belonging to such dealer when such vehicle has not been titled or delivered to a purchaser,
10 and when such car is not to be used in the demonstrator fleet or otherwise routinely driven on the
11 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 required to be inspected pursuant to subsection (a), section

14 four of this article without having displayed thereon a current and valid certificate of inspection and
15 approval or for failure to produce such certificate upon demand of an authorized person shall be
16 punished by a fine of not more than \$100: *Provided*, That any person who obtains an inspection
17 and a current and valid certificate of inspection and who, within five days of the issuance of a
18 citation for a violation of the provisions of this section, provides a receipt of inspection to and
19 makes the vehicle so operated available for examination by a court of competent jurisdiction, shall
20 not be guilty of a violation of the provisions of this section: *Provided, however*, That the
21 misdemeanor penalty shall be imposed if the certificate of inspection has not been valid for a
22 period exceeding three months prior to the date of the issuance of a citation.

NOTE: The purpose of this bill is to eliminate the requirement of annual motor vehicle inspections with certain exceptions; continuing requirement of inspections of motor vehicles with certain alterations or modifications; and eliminating criminal penalties for operation of motor vehicles no longer subject to 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.