

FILED

2004 APR -7 P 2: 23

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

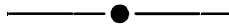
SECOND REGULAR SESSION, 2004



ENROLLED

House Bill No. 4745

(By Delegates Warner, Michael, Stalnaker,
Proudfoot, Boggs, Ashley and G. White)



Passed March 11, 2004

In Effect Ninety Days from Passage

FILED

2004 APR -7 P 2:25

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

H. B. 4745

(BY DELEGATES WARNER, MICHAEL, STALNAKER,
PROUDFOOT, BOGGS, ASHLEY AND G. WHITE)

[Passed March 11, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §17-2A-23 of the code of West Virginia, 1931, as amended, relating to administration of repairs to vehicles and equipment by the division of highways; and providing for decertification of certified vendors in certain circumstances.

Be it enacted by the Legislature of West Virginia:

That §17-2A-23 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.

§17-2A-23. Administration of commercial vehicle and equipment related work orders.

- 1 In order to promote cost effective vehicle and equipment
- 2 repair work efficiently and effectively and in order to provide
- 3 for repair work to be done in a safe and timely manner when in-
- 4 house repair is determined not to be cost effective or practical

5 under the circumstances, the commissioner of highways may
6 establish a cost effective analysis for determining the reason-
7 ableness and effectiveness of obtaining repair of vehicles and
8 equipment by certain certified vendors.

9 The commissioner may issue a commercial work order to
10 certified vendors for repair of vehicles and equipment when the
11 commissioner determines that the repairs would extend the life
12 of the equipment or vehicle a minimum of five years and that
13 the expenditure would be the safest cost effective alternative to
14 purchase of new vehicles and equipment or in-house repair.

15 Any commercial vendor of vehicle and equipment repair
16 may apply to the commissioner for certification as a certified
17 repair vendor under the provisions of this section. In order to
18 qualify, the vendor must provide proof that it has the trained
19 personnel, the required tools, equipment and facilities to
20 provide the work. The commissioner shall inspect or cause to
21 be inspected the facilities and shall review the qualifications of
22 personnel of vendors applying for certification. If approved by
23 the commissioner, the vendor may be certified as a qualified
24 vendor for the type of repair work the commissioner determines
25 the vendor is qualified to provide.

26 Prior to issuing a commercial work order with a certified
27 vendor, the commissioner must determine the cost of repair of
28 the vehicle or equipment. If on site inspection is required, the
29 commissioner may issue a work order to provide for the
30 inspection and estimate.

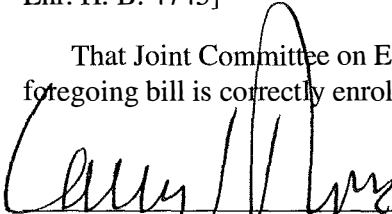
31 Preference for issuing vehicle and equipment repair work
32 orders shall be given to in-state licensed qualified vendors:
33 *Provided*, That a vendor which fails to guarantee its work for at
34 least one year, or which fails to guarantee its work for a longer
35 period if the longer period is comparable to that offered by local
36 rebuild or repair shops, or which fails to complete any work

37 order in the time specified within the work order, or which fails
38 to complete any work order to the specifications of the work
39 order, shall be decertified for a period of one year.

40 Nothing herein requires the commissioner of highways to
41 issue a work order to any particular commercial vendor.

42 The commissioner of highways shall propose a legislative
43 rule pursuant to article three, chapter twenty-nine-a of this code
44 regarding certification of qualified vendors and awarding work
45 orders. The legislative rule may include provisions for devia-
46 tions from the standard cost principles in special situations and
47 circumstances.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee



Chairman House Committee

Originating in the House.

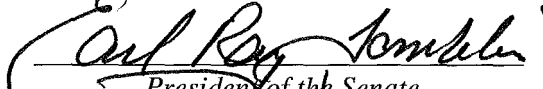
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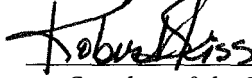
Clerk of the Senate



Clerk of the House of Delegates

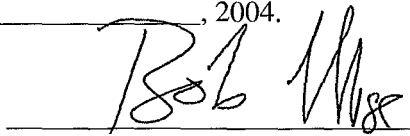


President of the Senate



Speaker of the House of Delegates

The within is approved this the 7th
day of April, 2004.



Governor

PRESENTED TO THE
GOVERNOR

DATE 3/22/04

TIME 10:15 AM