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2005 APR 21 P 5:01

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

Committee Substitute for

SENATE BILL NO. 353

(By Senator Minard, et al)

PASSED April 8, 2005

In Effect from **Passage**

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OFFICE WEST VIRGINIA
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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 353

(SENATORS MINARD, FANNING, PREZIOSO,
UNGER, BOLEY AND MINEAR, *original sponsors*)

[Passed April 8, 2005; in effect from passage.]

AN ACT to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, all relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the State Register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the Legislative Rule-Making Review Committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the Legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended

by the Legislative Rule-Making Review Committee and as amended by the Legislature; authorizing the Division of Highways to promulgate a legislative rule relating to traffic and safety; authorizing Division of Highways to promulgate a legislative rule relating to use of state roads rights-of-way and adjacent areas; authorizing Division of Highways to promulgate a legislative rule relating to transportation of hazardous waste upon roads and highways; authorizing Division of Motor Vehicles to promulgate a legislative rule relating to administrative due process; and authorizing Division of Motor Vehicles to promulgate a legislative rule relating to examination and issuance of driver's licenses.

Be it enacted by the Legislature of West Virginia:

That article 8, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF TRANSPORTATION
TO PROMULGATE LEGISLATIVE RULES.**

§64-8-1. Division of Highways.

1 (a) The legislative rule filed in the State Register on the
2 twelfth day of January, two thousand four, under the
3 authority of section eight, article two-a, chapter seventeen
4 of this code relating to the Division of Highways (traffic
5 and safety, 157 CSR 5) is authorized.

6 (b) The legislative rule filed in the State Register on the
7 eighteenth day of August, two thousand four, under the
8 authority of section eight, article two-a, chapter seventeen
9 of this code modified by the Division of Highways to meet
10 the objections of the Legislative Rule-Making Review
11 Committee and refiled in the State Register on the eigh-
12 teenth day of February, two thousand five, relating to the
13 Division of Highways (use of state roads rights-of-way and
14 adjacent areas, 157 CSR 6) is authorized.

15 (c) The legislative rule filed in the State Register on the
16 sixth day of August, two thousand four, under the author-
17 ity of section seven, article eighteen, chapter twenty-two

18 of this code relating to the Division of Highways (trans-
19 portation of hazardous wastes upon the roads and high-
20 ways, 157 CSR 7) is authorized.

§64-8-2. Division of Motor Vehicles.

1 (a) The legislative rule filed in the State Register on the
2 twenty-fourth day of August, two thousand four, under the
3 authority of section nine, article two, chapter seventeen-a
4 of this code relating to the Division of Motor Vehicles
5 (administrative due process, 91 CSR 1) is authorized.

6 (b) The legislative rule filed in the State Register on the
7 thirteenth day of August, two thousand four, under the
8 authority of section nine, article two, chapter seventeen-a
9 of this code relating to the Division of Motor Vehicles
10 (examination and issuance of driver's licenses, 91 CSR 4)
11 is authorized, with the following amendment:

12 On page twenty-one, subsection 14.4, line three, after the
13 words "10,000 pounds", by striking out the word "buy"
14 and by inserting in lieu thereof the word "but".

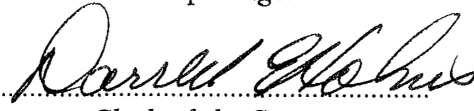
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


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Chairman Senate Committee

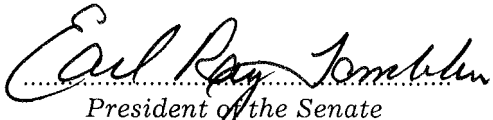

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Chairman House Committee

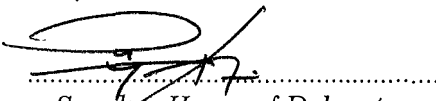
Originated in the Senate.

In effect from passage.

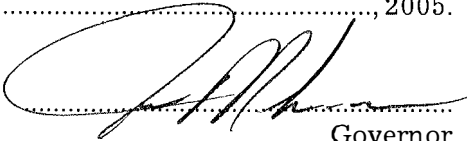

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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within is approved this the 21st
Day of April, 2005.


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Governor

PRESENTED TO THE
GOVERNOR

APR 15 2005

Time

4:15p