

FILED

2010 APR -2 PM 4:10

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-NINTH LEGISLATURE**  
**REGULAR SESSION, 2010**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 291**

(SENATORS MINARD, SNYDER, PREZIOSO, UNGER,  
BOLEY, AND K. FACEMYER, *original sponsors*)

[Passed March 13, 2010; in effect from passage.]

SB 291

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(SENATORS MINARD, SNYDER, PREZIOSO,  
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[Passed March 13, 2010; in effect from passage.]

AN ACT to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Transportation; 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 the Division of Motor Vehicles to promulgate a legislative rule relating to the denial, suspension, revocation, restriction or nonrenewal of driving privileges; authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the collection of tax on the sale of a motor vehicle;

authorizing the Commissioner of Highways to promulgate a legislative rule relating to the use of state road rights-of-way and adjacent areas; and authorizing the Commissioner of Highways to promulgate a legislative rule relating to the transportation of hazardous wastes upon the roads and highways.

*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 Motor Vehicles.**

1 (a) The legislative rule filed in the State Register on  
2 October 29, 2009, authorized under the authority of  
3 section nine, article two, chapter seventeen-a of this code,  
4 modified by the Division of Motor Vehicles to meet the  
5 objections of the Legislative Rule-Making Review Com-  
6 mittee and refiled in the State Register on November 23,  
7 2009, relating to the Division of Motor Vehicles (Denial,  
8 Suspension, Revocation, Restriction or Nonrenewal of  
9 Driving Privileges, 91 CSR 5), is authorized, with the  
10 following amendments:

11 On page four, paragraph 3.3.c.1, line one, by striking the  
12 words “does not present a danger to the public safety or  
13 welfare” and inserting in lieu thereof the words “is  
14 competent to operate a motor vehicle”;

15 On page four paragraph 3.3.c.2., line one, by striking the  
16 words “does not present a danger to the public safety or  
17 welfare” and inserting in lieu thereof the words “is  
18 competent to operate a motor vehicle”;

19 On page four paragraph 3.3.c.3., line one, by striking the  
20 word “licensee” and inserting in lieu thereof the word  
21 “licensee’s”;

22 On page four paragraph 3.3.c.3., line one, by striking the  
23 words “present a danger to the public safety or welfare  
24 and his or her”;

25 On page eight, subdivision 3.6.a, line four, after the  
26 number “3.2” by inserting a comma and striking the word  
27 “or”;

28 On page eight, subdivision 3.6.a, line four, after the  
29 number “3.3” by inserting the following, “and 3.6”;

30 On page twenty-two, subdivision 9.2.e., line one, after  
31 the word “court or”, by striking the word “an” and  
32 inserting in lieu thereof the words “a designated”; and

33 On page twenty-two, subdivision 9.2.e., line three, by  
34 striking the words “presents a danger to public safety or  
35 welfare” and inserting in lieu thereof the words “is  
36 competent to operate a motor vehicle”.

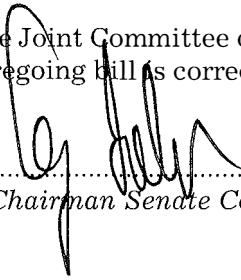
37 (b) The legislative rule filed in the State Register on  
38 October 29, 2009, authorized under the authority of  
39 section three-c, article fifteen, chapter eleven of this code,  
40 relating to the Division of Motor Vehicles (Collection of  
41 Tax on the Sale of a Motor vehicle, 91 CSR 9), is autho-  
42 rized.

**§64-8-2. Commissioner of Highways.**

1 (a) The legislative rule filed in the State Register on  
2 August 4, 2009, authorized under the authority of section  
3 one, article twenty, chapter seventeen of this code, modi-  
4 fied by the Commissioner of Highways to meet the objec-  
5 tions of the Legislative Rule-Making Review Committee  
6 and refiled in the State Register on December 16, 2009,  
7 relating to the Commissioner of Highways (Use of State  
8 Road Rights of Way and Adjacent Areas, 157 CSR 6), is  
9 authorized.

10 (b) The legislative rule filed in the State Register on July  
11 30, 2009, authorized under the authority of section seven,  
12 article eighteen, chapter twenty-two of this code, modified  
13 by the Commissioner of Highways to meet the objections  
14 of the Legislative Rule-Making Review Committee and  
15 refiled in the State Register on December 16, 2009,  
16 relating to the Commissioner of Highways (Transportation  
17 of Hazardous Wastes upon the Roads and Highways, 157  
18 CSR 7), is authorized.

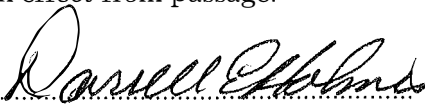
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bills correctly enrolled.

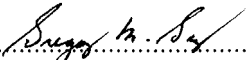
  
.....  
Chairman Senate Committee

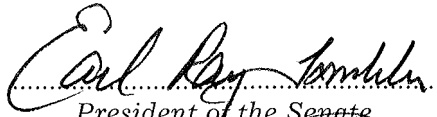
  
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Chairman House Committee

Originated in the Senate.

In effect from passage.

  
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Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within *is approved* this the *2nd*  
*April*  
Day of ....., 2010.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

APR 01 2010

Time 11:25 am