

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 4206**

5 (By Delegates Brown, D. Poling, Fleischauer and Talbott)

6
7 [Passed February 29, 2012 ; in effect from passage.]

8
9 AN ACT to amend and reenact article 8, chapter 64 of the Code of
10 West Virginia, 1931, as amended, relating generally to the
11 promulgation of administrative rules by the Department of
12 Transportation; legislative mandate or authorization for the
13 promulgation of certain legislative rules by various executive
14 or administrative agencies of the state; authorizing certain
15 of the agencies to promulgate certain legislative rules in the
16 form that the rules were filed in the State Register;
17 authorizing certain of the agencies to promulgate certain
18 legislative rules with various modifications presented to and
19 recommended by the Legislative Rule-Making Review Committee;
20 authorizing certain of the agencies to promulgate certain
21 legislative rules with various modifications presented to and
22 recommended by the Legislative Rule-Making Review Committee
23 and as amended by the Legislature; authorizing the
24 Commissioner of Highways to promulgate a legislative rule
25 relating to the construction and reconstruction of state

1 roads(157 CSR 3);authorizing the Commissioner of Highways to
2 promulgate a legislative rule relating to the transportation
3 of hazardous wastes upon the roads and highways (157 CSR 7);
4 and authorizing the Division of Motor Vehicles to promulgate
5 a legislative rule relating to compulsory motor vehicle
6 liability insurance (91 CSR 13).

7 *Be it enacted by the Legislature of West Virginia:*

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

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

12 **§64-8-1. Commissioner of Highways.**

13 (a) The legislative rule filed in the State Register on the
14 twenty-first day of July, two thousand eleven, authorized under the
15 authority of section eight, article two-a, chapter seventeen, of
16 this code, modified by the Commissioner of Highways to meet the
17 objections of the Legislative Rule-Making Review Committee and
18 refiled in the State Register on the tenth day of January, two
19 thousand twelve, relating to the Commissioner of Highways
20 (construction and reconstruction of state roads, 157 CSR 3), is
21 authorized with the following amendments:

22 On page twenty-seven, subdivision 7.2.1., by striking out the
23 word "al" and inserting in lieu thereof the word "all";

24 On page thirty-five, subdivision 8.1.a., by striking out all
25 of subdivision 8.1.a.;

1 And relettering the remaining subdivisions;

2 On page forty-three, subdivision 9.7.c., by striking out the
3 word "subsection" and inserting in lieu thereof the word
4 "subdivision";

5 On page fifty-four, subdivision 9.21.b, by striking out the
6 words "W.Va. Code §22-11" and inserting in lieu thereof the words
7 "Water Pollution Control Act, W.Va. Code §22-11-1 *et seq*";

8 And,

9 On page ninety-five, subdivision 13.2.e., by striking out
10 "§5A-3-33a-f" and inserting in lieu thereof "§5A-3-33d".

11 (b) The legislative rule filed in the State Register on the
12 eighth day of July, two thousand eleven, authorized under the
13 authority of section seven, article eighteen, chapter twenty-two,
14 of this code, relating to the Commissioner of Highways
15 (transportation of hazardous wastes upon the roads and highways,
16 157 CSR 7), is authorized.

17 **§64-8-2. Division of Motor Vehicles.**

18 The legislative rule filed in the state register on the
19 twenty-ninth day of July, two thousand eleven, authorized under the
20 authority of section eight, article two-a, chapter seventeen-d, of
21 this code, modified by the Division of Motor Vehicles to meet the
22 objections of the Legislative Rule-Making Review Committee and
23 refiled in the State Register on the twentieth day of October, two
24 thousand eleven, relating to the Division of Motor Vehicles
25 (compulsory motor vehicle liability insurance, 91 CSR 13), is

1 authorized.