

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 3076

**FISCAL
NOTE**

BY DELEGATE CRISS

[Introduced February 12, 2019; Referred
to the Committee on Technology and Infrastructure then
the Judiciary.]

1 A BILL to repeal §17C-17B-3 of the Code of West Virginia, 1931, as amended; and to amend and
 2 reenact §17C-17B-1, §17C-17B-2, §17C-17B-4 and §17C-17B-5 of said code, all relating
 3 to transferring the jurisdiction over the administration and enforcement of state statutes
 4 and rules relating to inspecting vehicles and loads for safety, size, weight, and vehicular
 5 weight, and the jurisdiction over the issuance of permits for excess vehicular weight from
 6 the Public Service Commission to the State Police.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 17B. TRANSFER OF CERTAIN JURISDICTION AND EMPLOYEES TO
PUBLIC SERVICE COMMISSION THE STATE POLICE.**

§17C-17B-1. Legislative findings and purposes.

1 (a) The Legislature finds that:

2 (1) ~~Enforcement officers of the Public Service Commission of West Virginia are, as part of~~
 3 ~~their enforcement of chapters 24 and 24A of this code with respect to common and contract~~
 4 ~~carriers by motor vehicle, other for-hire carriers and private commercial carriers, currently~~
 5 ~~inspecting for safety many of the same vehicles and loads that are inspected for size and weight~~
 6 ~~by employees of the Department of Transportation~~ In 2003 this article transferred the enforcement
 7 provisions of chapters 24 and 24A of this code with respect to common and contract carriers by
 8 motor vehicle, other for-hire carriers and private commercial carriers to the Public Service
 9 Commission. Effective July 1, 2019, those enforcement provisions of chapters 24 and 24A of this
 10 code are transferred to the State Police; and

11 (2) To effectuate the legislative findings and declarations set forth in §5F-1-1 of this code,
 12 the jurisdiction over the administration and enforcement of state statutes and rules relating to
 13 vehicular weight and the jurisdiction over the issuance of permits for excess vehicular weight
 14 should be transferred to the ~~Public Service Commission~~ State Police; and

15 (3) ~~To preserve continuity and to maximize efficiency, those employees of the Department~~

16 of Transportation who are employed primarily in the performance of the governmental duties
17 described in this section should be transferred to the ~~Public Service Commission~~; and

18 ~~(4)~~ (3) The enforcement of state statutes and rules relating to coal truck weight, including
19 costs of inspections of the vehicles and loads, training of enforcement officers, program oversight,
20 administrative proceedings, personal services, employee benefits and all other costs associated
21 with enforcement matters, falls within the scope of maintenance of state roads and public
22 highways as described in section fifty-two, article six of the Constitution of this state and in §17-
23 3-1 of this code.

24 (b) The purposes of this article are to transfer:

25 (1) Jurisdiction over the enforcement of state statutes and rules, including, but not limited
26 to, the provisions of §17C-17A-1 *et seq.* of this code, relating to coal truck weight, from the
27 ~~Department of Transportation~~ Public Service Commission to the ~~Public Service Commission of~~
28 ~~West Virginia~~ State Police; and

29 (2) Jurisdiction over the issuance of permits for excess vehicular weight under §17C-17-
30 11 of this code from the ~~Department of Transportation~~ Public Service Commission to the ~~Public~~
31 ~~Service Commission of West Virginia~~ State Police. and

32 ~~(3) To the Public Service Commission of West Virginia those employees of the Department~~
33 ~~of Transportation whose primary governmental duties include the administration and enforcement~~
34 ~~of statutes and rules relating to vehicular weight.~~

**§17C-17B-2. Transfer of jurisdiction over vehicle weight enforcement and excess weight
permit issuances to ~~Public Service Commission~~ the State Police.**

1 (a) Effective July 1, 2003 2019, the jurisdiction over the enforcement of state statutes and
2 rules, including, but not limited to, applicable provisions of §17C-17-1 *et seq.* of this code relating
3 to vehicular weight, shall be transferred from the ~~Department of Transportation~~ Public Service
4 Commission to the ~~Public Service Commission of West Virginia~~ State Police;

5 (b) Effective July 1, 2003 2019, the jurisdiction over the issuance of permits for excess

6 vehicular weight shall be transferred from the ~~Department of Transportation~~ Public Service
 7 Commission to the ~~Public Service Commission of West Virginia~~ State Police.

8 (c) All members of the State Police enforcing the provisions of this article shall have
 9 graduated from the State Police Academy and a certified mechanics school.

**§17C-17B-3. Transfer of certain employees from department of transportation to Public
 Service Commission.**

1 [Repealed]

**§17C-17B-4. Costs of enforcement to be funded from revenues in General Revenue Fund
 or from fees collected by ~~Public Service Commission~~ the State Police.**

1 (a) On and after July 1, 2003, the cost of enforcement of this code and rules promulgated
 2 under this code, relating to vehicular weight, including inspections of vehicles and loads, training
 3 of enforcement officers, administrative proceedings, personal services, employees benefits and
 4 all other costs associated with enforcement matters, shall be funded by revenues in the state road
 5 fund, established pursuant to the provisions of §17-3-1 of this code: *Provided*, That effective on
 6 and after July 1, 2007, all of the costs described in this subsection shall be funded by fees
 7 collected from the ~~Public Service Commission~~ State Police or other appropriation by the
 8 Legislature: *Provided, however*, That the foregoing proviso may not be construed to require
 9 appropriation by the Legislature.

10 (b) The ~~secretary of transportation~~ Public Service Commission and the treasurer shall take
 11 all actions necessary to implement the transfer of funding to effectuate the purposes of this article.

12 (c) For fiscal years beginning on and after July 1, ~~2004~~ 2019, the ~~commission~~ State Police
 13 shall include in its budget to the Legislature the costs of implementation and continuing
 14 enforcement of this article for payment and appropriation into the ~~Public Service Commission~~
 15 State Police Fund.

§17C-17B-5. Exceptions.

1 (a) Nothing in this article reduces or eliminates the authority of any other police officer to

2 enforce the provisions of §17C-17-1 *et seq.* of this code.

3 (b) Nothing in this article reduces or eliminates the jurisdiction of the Department of
4 Transportation to administer and enforce §17C-17-11a, §17C-17-11b, §17C-17-11c, and §17C-
5 17-12 of this code.

6 (c) Nothing in this article expands, reduces or eliminates any remedies otherwise available
7 by law.

NOTE: The purpose of this bill is to transfer the jurisdiction over the administration and enforcement of state statutes and rules relating to inspecting vehicles and loads for safety, size, weight, and vehicular weight, and the jurisdiction over the issuance of permits for excess vehicular weight from the Public Service Commission to the State Police.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.