

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5317

By Delegate Linville

[By the request of the Department of Homeland

Security and West Virginia State Police]

[Introduced; Referred

to the Committee on]

1 A BILL to amend and reenact §17C-16-4 of the Code of West Virginia, 1931, as amended, revising
 2 the statute to make it permissive for commercial motor vehicles registered in this state to
 3 pass an annual inspection of all safety equipment to be consistent with the federal motor
 4 carrier safety regulations and adding a definition for the term "Commercial motor vehicle."

Be it enacted by the Legislature of West Virginia:

ARTICLE 16. INSPECTION OF VEHICLES.

**§17C-16-4. Superintendent of the West Virginia State Police to require periodic inspection;
 acceptance of certificate of inspection from another state; suspension of
 registration of unsafe vehicles.**

1 (a) The Superintendent of the West Virginia State Police shall require that every motor
 2 vehicle, trailer, semitrailer, and pole trailer registered in this state be inspected once every two
 3 years; however, commercial motor vehicles should be inspected at least once annually to meet the
 4 requirements of federal motor carrier safety regulations which require a commercial motor vehicle
 5 registered in this state to pass an annual inspection of all safety equipment, and that an official
 6 certificate of inspection and approval be obtained for each vehicle: *Provided*, That the
 7 amendments made to this subsection during the ~~2023~~ 2024 regular session of the Legislature
 8 shall become effective on January 1, ~~2024~~ 2025.

9 "Commercial motor vehicle" is defined as any vehicle used on a highway, in interstate
 10 commerce, that: 1) has a gross vehicle weight rating (GVWR) or gross combination weight rating
 11 (GCWR), or gross vehicle weight (GVW) or gross combination weight (GCW) of 10,001 pounds or
 12 more, whichever is greater; 2) is designed to transport more than eight (8) passengers (including
 13 the driver) for compensation; 3) is designed to transport 16 or more people, including the driver,
 14 and is not used to transport passengers for compensation; or, 4) is transporting hazardous
 15 materials in quantities requiring the vehicle to be placarded.

16 The inspections shall be made and the certificates obtained with respect to the
 17 mechanism, brakes, and equipment of every vehicle designated by the superintendent.

18 The superintendent may make necessary rules for the administration and enforcement of
19 this section and may designate any period or periods during which owners of any vehicles, subject
20 to this section, shall display upon the vehicles certificates of inspection and approval or shall
21 produce the certificates upon demand of any officer or employee of the State Police designated by
22 the superintendent or any police or peace officer when authorized by the superintendent.

23 (b) The superintendent may authorize the acceptance in this state of a certificate of
24 inspection and approval issued in another state having an inspection law similar to this chapter
25 and may extend the time within which the resident owner of a vehicle which was not in this state
26 during the time an inspection was required must obtain a certificate.

27 (c) At the request of the superintendent, the Commissioner of the Division of Motor
28 Vehicles may suspend the registration of any vehicle which the superintendent determines is in
29 such an unsafe condition that it constitutes a menace to safety, or which after notice and demand
30 is not equipped as required in this chapter, or for which the vehicle's owner has not obtained the
31 required certificate.

32 (d) If requested by the owner of the vehicle, the superintendent shall also cause to be
33 inspected a Class A farm use motor vehicle exempt from annual registration certificate and
34 licensing as provided in §17A-3-2 of this code. If the Class A farm use motor vehicle passes the
35 inspection, the superintendent shall cause a certificate of inspection to be issued for that vehicle.

NOTE: The purpose of this bill is to revise the statute to make it permissive for commercial motor vehicles registered in this state to pass an annual inspection of all safety equipment to be consistent with the federal motor carrier safety regulations and adding a definition for the term "Commercial motor vehicle."

This bill was recommended for passage by the West Virginia Department of Homeland Security and the West Virginia State Police during the 2024 regular session of the West Virginia Legislature.

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