

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

House Bill 5317

By Delegate Linville

(By the Request of the Department of Homeland
Security and West Virginia State Police)

[Originating in the Committee on Technology and
Infrastructure; Reported on February 9, 2024]

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
3 subject to the federal motor carrier safety administration rules and regulations to pass an
4 annual inspection of all safety equipment to be consistent with the federal motor carrier
5 safety regulations; providing for a schedule of and payment of appropriate fees; and
6 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; and that an official certificate of inspection and approval be obtained for each
4 vehicle: *Provided*, ~~That the amendments made to this subsection during the 2023 regular session~~
5 ~~of the Legislature shall become effective on January 1, 2024.~~ commercial motor vehicles which
6 are subject to the federal motor carrier safety administration rules and regulations should be
7 inspected at least once annually to meet the requirements of federal motor carrier safety
8 regulations which require a commercial motor vehicle registered in this state to pass an annual
9 inspection of all safety equipment. The inspections shall be made and the certificates obtained
10 with respect to the mechanism, brakes, and equipment of every vehicle designated by the
11 superintendent.

12 The superintendent may make necessary rules for the administration and enforcement of
13 this section and may designate any period or periods during which owners of any vehicles, subject
14 to this section, shall display upon the vehicles certificates of inspection and approval or shall

15 produce the certificates upon demand of any officer or employee of the State Police designated by
16 the superintendent or any police or peace officer when authorized by the superintendent.

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

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

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

30 (e) (1) If requested by the owner of the vehicle, the superintendent shall also cause to be
31 inspected on an annual basis any commercial motor vehicle which is subject to the federal motor
32 carrier safety administration rules and regulations. If the commercial motor vehicle passes the
33 inspection, the superintendent shall cause a certificate of inspection to be issued for that vehicle
34 and the validity period of that inspection will be for one year, expiring at the end of the month one
35 year after the inspection: *Provided*, That, notwithstanding the provisions of 17C-16-5, a charge of
36 \$3 per sticker shall be charged to the inspection station, and the funds received shall be deposited
37 in the State Treasury and credited to the account of the State Police for application in the
38 administration and enforcement of the provisions of this article and for the purchase of vehicles,
39 equipment for vehicles, and maintenance of vehicles. For inspections provided pursuant to this
40 subsection, the total charge, including the cost of the sticker, shall not exceed \$14.

41 (2) For purposes of this section, "Commercial motor vehicle" is defined as any vehicle
42 registered in this state used on a highway, in interstate commerce, that: (1) has a gross vehicle
43 weight rating (GVWR) or gross combination weight rating (GCWR), or gross vehicle weight (GVW)
44 or gross combination weight (GCW) of 10,001 pounds or more, whichever is greater; (2) is
45 designed to transport more than eight (8) passengers (including the driver) for compensation; (3)
46 is designed to transport 16 or more people, including the driver, and is not used to transport
47 passengers for compensation; or, (4) is transporting hazardous materials in quantities requiring
48 the vehicle to be placarded.

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.