

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Senate Bill 868**

By Senator Stuart

[Introduced March 21, 2025; referred  
to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,  
 2 designated §17A-10-3d; and by adding a new article, designated §17C-16A-1, §17C-16A-  
 3 2, §17C-16A-3, §17C-16A-4, §17C-16A-5, §17C-16A-6, §17C-16A-7, and §17C-16A-8;  
 4 and to repeal §17C-16-1, §17C-16-2, §17C-16-3, §17C-16-4, §17C-16-5, §17C-16-6,  
 5 §17C-16-7, §17C-16-8; and §17C-16-9, all relating to removing the requirement of  
 6 inspections and inspection stickers for non-commercial motor vehicles, trailers,  
 7 semitrailers, or pole trailers, or any combination thereof; and establishing the West Virginia  
 8 road security fee added to annual or biennial motor vehicle registrations and renewals for  
 9 non-commercial motor vehicles, trailers, semitrailers, or pole trailers which shall be  
 10 allocated to the West Virginia State Police.

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

## **ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.**

### **§17A-10-3d. Non-commercial motor vehicles, trailers, semitrailers, or pole trailers road safety fee.**

1 Upon the annual or biennial registration of any non-commercial motor vehicles, trailers,  
 2 semitrailers, or pole trailers, the division shall collect the West Virginia road security fee of \$6 for  
 3 annual registration renewals, and \$12 for biennial registration renewals, in addition to the  
 4 applicable registration fees specified in §17A-10-3, et seq. of this code. The division shall deposit  
 5 all funds collected for the West Virginia road security fee into the State Treasury and credit the  
 6 moneys to the account of the State Police.

## **ARTICLE 16. INSPECTION OF VEHICLES.**

### **§17C-16-1. Vehicles not to operate without required equipment or in unsafe condition.**

1 [Repealed.]

### **§17C-16-2. Inspection by Department of Public Safety [West Virginia State Police].**

1 [Repealed.]

**§17C-16-3. Owners and drivers to comply with inspection laws.**

1 [Repealed.]

**§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1 [Repealed.]

**§17C-16-5. Permit for official inspection stations; fees for and certificate of inspection.**

1 [Repealed.]

**§17C-16-6. Assignment, transfer, and posting of official inspection station permit; issuance and record of certificate of inspection; inspection fee.**

1 [Repealed.]

**§17C-16-7. Improper representation as official stations.**

1 [Repealed.]

**§17C-16-8. False certificates.**

1 [Repealed.]

**§17C-16-9. Operation without certificate or failure to produce certificate; penalty for misdemeanor.**

1 [Repealed.]

**ARTICLE 16A. REVISED INSPECTION OF VEHICLES.****§17C-16A-1. Vehicles may not operate in an unsafe condition.**

2 No person shall drive or move on any highway any motor vehicle, trailer, semitrailer, or pole  
3 trailer, or any combination thereof unless the equipment upon said vehicle is in good working order  
4 and said vehicle is in such safe mechanical condition as not to endanger the driver or other  
5 occupant or any person upon any highway.

**§17C-16A-2. Superintendent of the West Virginia State Police to require annual inspection of commercial motor vehicles subject to federal motor carrier safety administration**

**rules and regulations; inspection fee.**

1       (a) The Superintendent of the West Virginia State Police shall require that commercial  
2 motor vehicles which are subject to the federal motor carrier safety administration rules and  
3 regulations should be inspected at least once annually to meet the requirements of federal motor  
4 carrier safety regulations which require a commercial motor vehicle registered in this state to pass  
5 an annual inspection of all safety equipment. The inspections shall be made and the certificates  
6 obtained with respect to the mechanism, brakes, and equipment of every vehicle designated by  
7 the superintendent. The superintendent may make necessary rules for the administration and  
8 enforcement of this section.

9       (b) The superintendent may authorize the acceptance in this state of a certificate of  
10 inspection and approval of commercial motor vehicles issued in another state having an  
11 inspection law similar to this chapter and in compliance with federal law.

12       (c) At the request of the superintendent, the Commissioner of the Division of Motor  
13 Vehicles may suspend the registration of any commercial motor vehicle subject to motor carrier  
14 safety administration rules and regulations which the superintendent determines is in such an  
15 unsafe condition that it constitutes a menace to safety, or which after notice and demand is not  
16 equipped as required in this chapter, or for which the commercial vehicle's owner has not obtained  
17 the required certificate.

18       (d) If requested by the owner of the commercial vehicle, the superintendent shall also  
19 cause to be inspected on an annual basis any commercial motor vehicle which is subject to the  
20 federal motor carrier safety administration rules and regulations. If the commercial motor vehicle  
21 passes the inspection, the superintendent shall cause a certificate of inspection to be issued for  
22 that commercial vehicle and the validity period of that inspection will be for one year, expiring at the  
23 end of the month one year after the inspection.

24       (e) A charge of \$3 per sticker shall be charged to the inspection station, and the funds  
25 received shall be deposited in the State Treasury and credited to the account of the State Police

for application in the administration and enforcement of the provisions of this article and for the purchase of vehicles, equipment for vehicles, and maintenance of vehicles. For inspections provided pursuant to this subsection, the total charge, including the cost of the sticker, shall not exceed \$14.

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

**§17C-16A-3. Permit for official inspection stations; fees for and certificate of inspection.**

(a) The Superintendent of the State Police is responsible for the commercial motor vehicle inspection as provided in this article and shall prescribe requirements and qualifications for official inspection stations. He or she shall select and designate the stations and shall issue permits for official inspection stations and furnish instructions and all necessary forms for the inspection of commercial motor vehicles as required in this article and the issuance of official certificates of inspection and approval. The certificate of inspection shall be a paper sticker or decal to be affixed to the windshield of a commercial motor vehicle, shall be serially numbered, and shall properly identify the official inspection station which issued it. The superintendent may exchange stickers or make refunds to official inspection stations for stickers on hand when permits are revoked or when, for any reason, the stickers become obsolete.

(b) A person shall apply for a permit upon an official form prescribed by the superintendent and the superintendent shall grant permits only when the superintendent is satisfied that the station is properly equipped, has competent personnel to make the inspections and adjustments,

14 and that the inspections and adjustments will be properly conducted. The superintendent, before  
15 issuing a permit, may require the applicant to file a bond with surety approved by the  
16 superintendent, conditioned that such applicant, as a station operator, will make compensation for  
17 any damage to a vehicle during an inspection or adjustment due to negligence on the part of the  
18 station operator or employees thereof.

19 (c) The superintendent shall properly supervise and cause inspections to be made of the  
20 stations. Upon finding that a station is not properly equipped or conducted, the superintendent  
21 may, upon a first violation, suspend the permit for a period of up to one year. Upon a second or  
22 subsequent finding that a station is not properly equipped or conducted, the superintendent shall  
23 permanently revoke and require the surrender of the permit. The superintendent may reinstate the  
24 permit of any person whose permit was permanently revoked prior to the effective date of this  
25 section upon a first finding that a station was not properly equipped or conducted, upon  
26 application, at any time after the expiration of six months from the time of revocation and shall  
27 reinstate the permit, upon application, after the expiration of one year. He or she shall maintain and  
28 post at his or her office and at any other places as he or she may select lists of all stations holding  
29 permits and of those whose permits have been suspended or revoked.

**§17C-16A-4. Assignment, transfer, and posting of official inspection station permit;**  
**issuance and record of certificate of inspection.**

1 (a) No permit for an official inspection station shall be assigned or transferred or used at  
2 any location other than designated in the permit and every permit shall be posted in a conspicuous  
3 place at the station location designated in the permit.

4 (b) The person operating the station shall issue a certificate of inspection and approval,  
5 upon an official form, to the owner of a commercial vehicle upon inspecting the vehicle and  
6 determining that its equipment required under this article is in good condition and proper  
7 adjustment. When required by the superintendent, a record and report shall be made of every  
8 inspection and every certificate issued.

**§17C-16A-5. Improper representation as official stations.**

(a) No person shall in any manner represent any place as an official inspection station unless such station is operating under a valid permit issued by the department.

(b) No person shall issue a certificate of inspection and approval unless then holding a valid permit hereunder.

**§17C-16A-6. False certificates.**

(a) No person shall make, issue, or knowingly use any imitation or counterfeit of an official certificate of inspection.

(b) No person shall display or cause or permit to be displayed upon a commercial motor vehicle any certificate of inspection and approval knowing the same to be fictitious or issued for another vehicle or issued without an inspection having been made.

**§17C-16A-7. Operation without certificate or failure to produce certificate; penalty for misdemeanor.**

It is a misdemeanor for any owner or operator, or both owner and operator, of any commercial motor vehicle required to be inspected under §17C-16-4(a), to operate or permit to be operated such vehicle without having displayed thereon a current and valid certificate of inspection and approval or fail to produce same upon demand of any authorized person as designated under said subsection: *Provided*, That a dealer licensed to sell new commercial motor vehicles under the provision of §17A-6-1 *et seq.* of this code shall not be required to display a certificate of inspection and approval upon any new commercial motor vehicle if the vehicle is driven for an operational purpose including all activities associated with dealer preparation for sale of a commercial motor vehicle belonging to such dealer when such vehicle has not been titled or delivered to a purchaser, and when such car is not to be used in the demonstrator fleet or otherwise routinely driven on the highways or roads of this state.

Unless another penalty is by the laws of this state provided, every person convicted of a misdemeanor for operating a commercial motor vehicle without having displayed thereon a

14 current and valid certificate of inspection and approval or for failure to produce such certificate  
15 upon demand of an authorized person shall be punished by a fine of not more than \$100:  
16 *Provided, That any person who obtains an inspection and a current and valid certificate of*  
17 *inspection and who, within five days of the issuance of a citation for a violation of the provisions of*  
18 *this section, provides a receipt of inspection to and makes the commercial motor vehicle so*  
19 *operated available for examination by a court of competent jurisdiction, shall not be guilty of a*  
20 *violation of the provisions of this section: *Provided, however, That the misdemeanor penalty shall**  
21 *be imposed if the certificate of inspection has not been valid for a period exceeding three months*  
22 *prior to the date of the issuance of a citation.*

**§17C-16A-8. Personal Vehicle inspections are no longer required.**

1 Vehicle inspections for non-commercial motor vehicles, trailers, semitrailers, or pole  
2 trailers, as previously required under §17C-16-1 *et seq.*, are no longer required. Nothing in this  
3 article related to the inspections of commercial motor vehicles shall be construed to require  
4 inspections for non-commercial motor vehicles, trailers, semitrailers, or pole trailers operated in  
5 this state. This bill shall take effect upon passage.

NOTE: The purpose of this bill is to remove the requirement of inspections and inspection stickers for non-commercial motor vehicles, trailers, semitrailers, or pole trailers, or any combination thereof, while maintaining the same revenue level for the West Virginia State Police by creating an additional registration fee added to annual or biennial motor vehicle registrations and renewals. This bill would leave in place the inspection requirements required of commercial vehicles as currently in place and to remain in compliance with applicable federal law.

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