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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 2685

(By Delegates Mahan, Wills, Cann,
Kominar, Faircloth and Riggs)

Passed April 12, 2001

In Effect from Passage

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FOR

H. B. 2685

(BY DELEGATES MAHAN, WILLS, CANN,
KOMINAR, FAIRCLOTH AND RIGGS)

[Passed April 12, 2001; in effect from passage.]

AN ACT to amend and reenact article eight, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating generally to the promulgation of administrative rules by the various executive or administrative agencies and the procedures relating thereto; legislative mandate or authorization for the promulgation of certain legislative rules by various executive or administrative agencies of the state; authorizing certain of the agencies to promulgate certain legislative rules in the form that the rules were filed in the state register; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to and recommended by the legislative rule-making review committee; authorizing certain of the agencies to promulgate certain legislative rules as amended by the legislature; authorizing certain of the agencies to promulgate certain legislative rules with various modifications presented to

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Enr. Com. Sub. for H. B. 2685] 2

and recommended by the legislative rule-making review committee and as amended by the legislature; authorizing the aeronautics commission to promulgate a legislative rule relating to matters pertaining to aeronautics in the state of West Virginia; authorizing the division of highways to promulgate a legislative rule relating to the transportation of hazardous wastes upon the roads and highways; authorizing the division of highways to promulgate a legislative rule relating to the use of state road rights of way and areas adjacent thereto; authorizing the division of highways to promulgate a legislative rule relating to waste tire remediation/environmental clean-up; authorizing the division of motor vehicles to promulgate a legislative rule relating to the examination and issuance of driver's licenses; authorizing the division of motor vehicles legislative rule relating to the denial, suspension, revocation or nonrenewal of driving privileges; and authorizing the division of motor vehicles to promulgate a legislative rule relating to motor vehicle dealers, wrecker/dismantler/rebuilders and license services, automobile auctions, vehicle leasing companies, daily passenger rental car businesses and administrative due process.

Be it enacted by the Legislature of West Virginia:

That article eight, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

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

§64-8-1. Aeronautics Commission.

1 The legislative rule filed in the state register on the first day
2 of September, two thousand, authorized under the authority of
3 section three, article two-a, chapter twenty-nine, of this code,
4 relating to the aeronautics commission (matters pertaining to
5 aeronautics in the state of West Virginia, 171 CSR 1), is
6 authorized.

§64-8-2. Division of Highways.

1 (a) The legislative rule filed in the state register on the
2 twenty-eighth day of August, two thousand, under the authority
3 of section seven, article eighteen, chapter twenty-two of this
4 code, relating to the division of highways (transportation of
5 hazardous wastes upon the roads and highways, 157 CSR 7), is
6 authorized

7 (b) The legislative rule filed in the state register on the
8 twenty-third day of August, two thousand, authorized under the
9 authority of section eight, article two-a, chapter seventeen, of
10 this code, modified by the division of highways to meet the
11 objections of the legislative rule-making review committee and
12 refiled in the state register on the thirtieth day of October, two
13 thousand, relating to the division of highways (use of state road
14 rights of way and areas adjacent thereto, 157 CSR 6), is
15 authorized, with the following amendment:

16 On page 10, subsection 3.8 after the words “Right of Way”
17 by adding the words “dated July 1, 1995, and made a part of
18 this rule”.

19 (c) The legislative rule filed in the state register on the
20 eighteenth day of August, two thousand, authorized under the
21 authority of section four, article twenty-four, chapter seventeen,
22 of this code, modified by the division of highways to meet the
23 objections of the legislative rule-making review committee and
24 refiled in the state register on the thirtieth day of October, two
25 thousand, relating to the division of highways (waste tire
26 remediation/environmental clean-up, 157 CSR 8), is authorized.

§64-8-3. Division of motor vehicles.

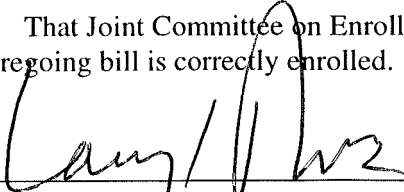
1 (a) The legislative rule filed in the state register on the
2 twenty-first day of August, two thousand, authorized under the
3 authority of section nine, article two, chapter seventeen-a, of

4 this code, modified by the division of motor vehicles to meet
5 the objections of the legislative rule-making review committee
6 and refiled in the state register on the twenty-first day of
7 September, two thousand, relating to the division of motor
8 vehicles (examination and issuance of driver's licenses, 91 CSR
9 4), is authorized.

10 (b) The legislative rule filed in the state register on the
11 thirtieth day of August, two thousand, authorized under the
12 authority of section nine, article two, chapter seventeen-a, of
13 this code, modified by the division of motor vehicles to meet
14 the objections of the legislative rule-making review committee
15 and refiled in the state register on the second day of November,
16 two thousand, relating to the division of motor vehicles (denial,
17 suspension, revocation or nonrenewal of driving privileges, 91
18 CSR 5), is authorized.

19 (c) The legislative rule filed in the state register on the
20 twenty-fifth day of July, two thousand, authorized under the
21 authority of section nine, article two, chapter seventeen-a of this
22 code, modified by the division of motor vehicles to meet the
23 objections of the legislative rule-making review committee and
24 refiled in the state register on the eighteenth day of September,
25 two thousand, relating to the division of motor vehicles (motor
26 vehicle dealers, wrecker/dismantler/rebuilders and license
27 services, automobile auctions, vehicle leasing companies, daily
28 passenger rental car businesses and administrative due process,
29 91 CSR 6), is authorized.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



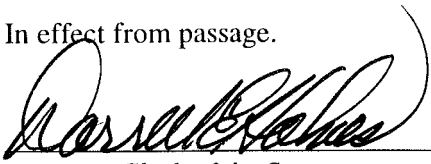
Chairman Senate Committee



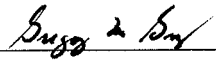
Chairman House Committee

Originating in the House.

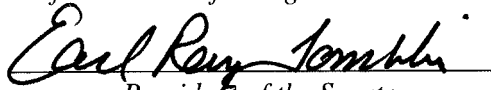
In effect from passage.



Clerk of the Senate



Clerk of the House of Delegates

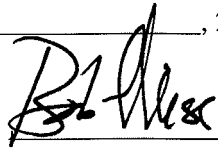


President of the Senate



Speaker of the House of Delegates

The within is approved this the 25th
day of April, 2001.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/23/01

Time 6:45 pm