

SB 697

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2004

ENROLLED

SENATE BILL NO. 697

(By Senator TOABLIN, MR. PRESIDENT, ET AL)

PASSED March 13, 2004

In Effect 90 days from **Passage**

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Senate Bill No. 697

(BY SENATORS TOMBLIN, MR. PRESIDENT,
HELMICK AND BOWMAN)

[Passed march 13, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §24A-7-7 of the code of West Virginia, 1931, as amended, relating to authorizing the public service commission to delegate motor carrier inspector duties to weight enforcement officers and vice versa.

Be it enacted by the Legislature of West Virginia:

That §24A-7-7 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 7. COMPLAINTS, DAMAGES AND VIOLATIONS.

§24A-7-7. Authority of motor carrier inspectors to enforce all traffic rules as to commercial vehicles; use of radar as evidence.

- 1 (a) The employees of the commission designated as motor
- 2 carrier inspectors have the same authority as law-enforce-
- 3 ment officers generally to enforce the provisions of chapter
- 4 seventeen-c of this code with respect to commercial motor

5 vehicles owned or operated by motor carriers, exempt
6 carriers or private commercial carriers where vehicles
7 have a gross vehicle weight rating of ten thousand pounds
8 or more.

9 The commission is authorized to delegate motor carrier
10 inspector duties to weight enforcement officers as it
11 considers appropriate, following successful training and
12 certification of individual officers, who shall then have the
13 same authority as motor carrier inspectors under this
14 section. The commission is also authorized to delegate
15 weight enforcement duties to motor carrier inspectors.

16 (b) The speed of a commercial motor vehicle owned or
17 operated by a motor carrier, exempt carrier or private
18 commercial carrier may be proved by evidence obtained by
19 use of any device designed to measure and indicate or
20 record the speed of a moving object by means of micro-
21 waves, when the evidence is obtained by employees of the
22 commission designated as motor carrier inspectors. The
23 evidence so obtained is prima facie evidence of the speed
24 of the vehicle.

25 (c) Motor carrier inspectors shall also perform a north
26 American standard safety inspection of each commercial
27 motor vehicle stopped for enforcement purposes pursuant
28 to this section.

29 (d) Before exercising the provisions of this section, the
30 motor carrier inspectors shall receive adequate training.

31 (e) Nothing in this section affects the existing authority
32 of law-enforcement officers not employed by the commis-
33 sion to enforce the provisions of chapter seventeen-c of
34 this code.

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

Carly Love
.....
Chairman Senate Committee

Greg Butcher
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Carroll E. Spivey
.....
Clerk of the Senate

Bryon D. Smith
.....
Clerk of the House of Delegates

Carl Ray Tomlin
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within *is approved* this the *5th*
Day of *April*, 2004.

Bob Mc
.....
Governor

PRESENTED TO THE
GOVERNOR

DATE 3/25/04
TIME 10:55 am