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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
FIRST REGULAR SESSION, 2007



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 2877**

(By Mr. Speaker, (Mr. Thompson) and Delegate Armstead)  
[By Request of the Executive]



Passed March 10, 2007

In Effect July 1, 2007

FILED

**E N R O L L E D**

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COMMITTEE SUBSTITUTE

OFFICE WEST VIRGINIA  
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FOR

# **H. B. 2877**

(BY MR. SPEAKER, (MR. THOMPSON) AND DELEGATE ARMSTEAD)  
[BY REQUEST OF THE EXECUTIVE]

[Passed March 10, 2007; in effect July 1, 2007.]

AN ACT to amend and reenact §5B-2-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-2-12 of said code; and to amend and reenact §17C-17B-3 and §17C-17B-4, all relating to the funding of entities ensuring transportation public safety on state highways; eliminating certain funding from the state road fund or reimbursement from the Division of Motor Vehicles; and providing for the funding of a courtesy patrol.

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

That §5B-2-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §15-2-12 of said code be amended and reenacted; and that §17C-17B-3 and §17C-17B-4 of said code be amended and reenacted, all to read as follows:

**CHAPTER 5B. ECONOMIC DEVELOPMENT  
ACT OF 1985.**

**ARTICLE 2. WEST VIRGINIA DEVELOPMENT OFFICE.**

**§5B-2-12. Tourism promotion fund continued; use of funds.**

1       There is hereby continued in the State Treasury the  
2 special revenue fund known as the "Tourism Promotion  
3 Fund" created under prior enactment of section nine, article  
4 one of this chapter.

5       (a) The Legislature finds that a courtesy patrol program  
6 providing assistance to motorists on the state's highways is  
7 one of the most beneficial methods to introduce a tourist  
8 visiting the state of the state's hospitality and good will. For  
9 that reason, four million seven hundred thousand dollars of  
10 the moneys deposited in the fund each year shall be deposited  
11 in a special revenue account in the State Treasury to be  
12 known as the "Courtesy Patrol fund". Expenditures from the  
13 fund shall be used solely to fund the courtesy patrol program  
14 providing assistance to motorists on the state's highways.  
15 Amounts collected in the fund which are found from time to  
16 time to exceed funds needed for the purposes set forth in this  
17 subsection may transferred to other accounts or funds and  
18 redesignated for other purposes by appropriation of the  
19 Legislature.

20       (b) If there are funds remaining after the distribution  
21 required in subsection (a) of this section, a minimum of five  
22 percent of the moneys deposited remaining in the fund each  
23 year shall be used solely for direct advertising for West  
24 Virginia travel and tourism: *Provided*, That no less than  
25 twenty percent of these funds be expended with the approval  
26 of the Director of the Division of Natural Resources to  
27 effectively promote and market the state's parks, state forests,  
28 state recreation areas and wildlife recreational resources.  
29 Direct advertising means advertising which is limited to  
30 television, radio, mailings, newspaper, magazines, and  
31 outdoor billboards, or any combination thereof.

32 (c) The balance of the moneys deposited in the fund shall  
33 be used for direct advertising within the state's travel regions  
34 as defined by the commission. The funds shall be made  
35 available to these districts beginning the first day of July, one  
36 thousand nine hundred ninety-five, according to legislative  
37 rules authorized for promulgation by the Tourism  
38 Commission.

39 (d) All advertising expenditures over twenty-five  
40 thousand dollars from the tourism promotion fund require  
41 prior approval by recorded vote of the commission. No  
42 member of the commission or of any committee created by  
43 the commission to evaluate applications for advertising or  
44 other grants may participate in the discussion of, or action  
45 upon, an application for or an award of any grant in which  
46 the member has a direct financial interest.

## **CHAPTER 15. PUBLIC SAFETY.**

### **ARTICLE 2. WEST VIRGINIA STATE POLICE.**

#### **§15-2-12. Mission of the State Police; powers of superintendent, officers and members; patrol of turnpike.**

1 (a) The West Virginia State Police shall have the mission  
2 of statewide enforcement of criminal and traffic laws with  
3 emphasis on providing basic enforcement and citizen  
4 protection from criminal depredation throughout the state and  
5 maintaining the safety of the state's public streets, roads and  
6 highways.

7 (b) The superintendent and each of the officers and  
8 members of the division are hereby empowered:

9 (1) To make arrests anywhere within the state of any  
10 persons charged with the violation of any law of this state, or  
11 of the United States, and when a witness to the perpetration  
12 of any offense or crime, or to the violation of any law of this  
13 state, or of the United States, to make arrests without warrant;  
14 to arrest and detain any persons suspected of the commission  
15 of any felony or misdemeanor whenever a complaint is made

16 and a warrant is issued thereon for the arrest, and the person  
17 arrested shall be immediately brought before the proper  
18 tribunal for examination and trial in the county where the  
19 offense for which the arrest has been made was committed;

20 (2) To serve criminal process issued by any court or  
21 magistrate anywhere within this state: *Provided*, That they  
22 may not serve civil process; and

23 (3) To cooperate with local authorities in detecting crime  
24 and in apprehending any person or persons engaged in or  
25 suspected of the commission of any crime, misdemeanor or  
26 offense against the law of this state, or of the United States,  
27 or of any ordinance of any municipality in this state; and to  
28 take affidavits in connection with any application to the  
29 Division of Highways, Division of Motor Vehicles and of  
30 West Virginia State Police for any license, permit or  
31 certificate that may be lawfully issued by these divisions of  
32 state government.

33 (c) Members of the West Virginia State Police are hereby  
34 designated as forest patrolmen and game and fish wardens  
35 throughout the state to do and perform any duties and  
36 exercise any powers of forest patrolmen and game and fish  
37 wardens, and may apprehend and bring before any court or  
38 magistrate having jurisdiction of these matters, anyone  
39 violating any of the provisions of chapters twenty, sixty and  
40 sixty-one of this code. The West Virginia State Police is at  
41 any time subject to the call of the West Virginia Alcohol  
42 Beverage Control Commissioner to aid in apprehending any  
43 person violating any of the provisions of chapter sixty of this  
44 code. They shall serve and execute warrants for the arrest of  
45 any person and warrants for the search of any premises issued  
46 by any properly constituted authority, and shall exercise all  
47 of the powers conferred by law upon a sheriff. They may not  
48 serve any civil process or exercise any of the powers of such  
49 officer in civil matters.

50 (d) Any member of the West Virginia State Police  
51 knowing or having reason to believe that any person has  
52 violated the law may make complaint in writing before any

53 court or officer having jurisdiction and procure a warrant for  
54 the offender, execute the warrant and bring the person before  
55 the proper tribunal having jurisdiction. The member shall  
56 make return on all warrants to the tribunals and his or her  
57 official title shall be "member of the West Virginia State  
58 Police". Members of the West Virginia State Police may  
59 execute any summons or process issued by any tribunal  
60 having jurisdiction requiring the attendance of any person as  
61 a witness before the tribunal and make return thereon as  
62 provided by law. Any return by a member of the West  
63 Virginia State Police showing the manner of executing the  
64 warrant or process has the same force and effect as if made  
65 by a sheriff.

66 (e) Each member of the West Virginia State Police, when  
67 called by the sheriff of any county, or when directed by the  
68 Governor by proclamation, has full power and authority  
69 within the county, or within the territory defined by the  
70 Governor, to direct and command absolutely the assistance of  
71 any sheriff, deputy sheriff, chief of police, policeman, game  
72 and fish warden and peace officer of the state, or of any  
73 county or municipality therein, or of any able-bodied citizen  
74 of the United States, to assist and aid in accomplishing the  
75 purposes expressed in this article. When called, any officer  
76 or person is, during the time his or her assistance is required,  
77 for all purposes a member of the West Virginia State Police  
78 and subject to all the provisions of this article.

79 (f) The superintendent may also assign members of the  
80 division to perform police duties on any turnpike or toll road,  
81 or any section of any turnpike or toll road, operated by the  
82 West Virginia Parkways, Economic Development and  
83 Tourism Authority: *Provided*, That the authority shall  
84 reimburse the West Virginia State Police for salaries paid to  
85 the members and shall either pay directly or reimburse the  
86 division for all other expenses of the group of members in  
87 accordance with actual or estimated costs determined by the  
88 superintendent.

89 (g) The West Virginia State Police may develop  
90 proposals for a comprehensive county or multicounty plan on

91 the implementation of an enhanced emergency service  
92 telephone system and may cause a public meeting on the  
93 proposals, all as set forth in section six-a, article six, chapter  
94 twenty-four of this code.

95 (h) By the first day of July, one thousand nine hundred  
96 ninety-three, the superintendent shall establish a network to  
97 implement reports of the disappearance of children by local  
98 law-enforcement agencies to local school division  
99 superintendents and the State Registrar of Vital Statistics.  
100 The network shall be designed to establish cooperative  
101 arrangements between local law-enforcement agencies and  
102 local school divisions concerning reports of missing children  
103 and notices to law-enforcement agencies of requests for  
104 copies of the cumulative records and birth certificates of  
105 missing children. The network shall also establish a  
106 mechanism for reporting the identities of all missing children  
107 to the State Registrar of Vital Statistics.

108 (i) The superintendent may at his or her discretion and  
109 upon the written request of the West Virginia Alcohol  
110 Beverage Control Commissioner assist the commissioner in  
111 the coordination and enforcement of article sixteen, chapter  
112 eleven of this code and chapter sixty of this code.

113 (j) Notwithstanding the provisions of article one-a,  
114 chapter twenty of this code, the superintendent of the West  
115 Virginia State Police may sell any surplus real property to  
116 which the West Virginia State Police or its predecessors  
117 retain title, and deposit the net proceeds into a special  
118 revenue account to be utilized for the purchase of additional  
119 real property and for repairs to or construction of detachment  
120 offices or other facilities required by the West Virginia State  
121 Police. There is hereby created a special revolving fund in  
122 the State Treasury which shall be designated as the "surplus  
123 real property proceeds fund." The fund shall consist of all  
124 money received from the sale of surplus real property owned  
125 by the West Virginia State Police. Moneys deposited in the  
126 fund shall only be available for expenditure upon  
127 appropriation by the Legislature: *Provided*, That amounts  
128 collected which are found from time to time to exceed the

129 funds needed for the purposes set forth in this subsection may  
130 be transferred to other accounts or funds and redesignated for  
131 other purposes by appropriation of the Legislature.

132 (k) Notwithstanding any other provision of this code, the  
133 agency for surplus property is hereby empowered to transfer  
134 funds generated from the sale of vehicles, other equipment  
135 and commodities belonging to the West Virginia State Police  
136 to a special revenue account within the West Virginia State  
137 Police entitled the West Virginia State Police surplus transfer  
138 account. Moneys deposited in the fund shall only be available  
139 for expenditure upon appropriation by the Legislature:  
140 *Provided*, That amounts collected which are found from time  
141 to time to exceed the funds needed for the purposes set forth  
142 in this subsection may be transferred to other accounts or  
143 funds and redesignated for other purposes by appropriation  
144 of the Legislature. Any funds transferred to this account may  
145 be utilized by the superintendent to defray the cost of normal  
146 operating needs of the division.

147 (l) If the State Police or any other law-enforcement  
148 agency in this state receives a report that a person who has  
149 Alzheimer's disease and related dementia is missing, the State  
150 Police or any other law-enforcement agency shall  
151 immediately open an investigation for the purpose of  
152 determining the whereabouts of that missing person. Any  
153 policy of the State Police or any other law-enforcement  
154 agency relating to a waiting period prior to initiation of an  
155 investigation of a missing person shall not apply in the case  
156 of a person who has Alzheimer's disease or other related  
157 dementia of the type referred to in this subsection.

158 (m) Notwithstanding any provision of this code to the  
159 contrary, effective on and after the first day of July, two  
160 thousand seven, the expenses and salaries paid to the  
161 members of the West Virginia State Police for the monitoring  
162 and enforcement duties defined in chapter seventeen-c of this  
163 code may not be paid from the state road fund or subject to  
164 reimbursement from the Division of Motor Vehicles but shall  
165 be subject to appropriation by the Legislature.



**CHAPTER 17C. TRAFFIC REGULATIONS AND  
LAWS OF THE ROAD.**

**ARTICLE 17B. TRANSFER OF CERTAIN  
JURISDICTION AND EMPLOYEES TO  
PUBLIC SERVICE COMMISSION.**

**§17C-17B-3. Transfer of certain employees from department  
of transportation to public service  
commission.**

1 Effective the first day of July, two thousand three,  
2 employees of the department of transportation whose primary  
3 governmental duties as of the thirtieth day of June, two  
4 thousand three, included the administration and enforcement  
5 of this code and rules promulgated under this code relating to  
6 vehicular weight or the issuance of permits for excess  
7 vehicular weight shall be transferred from the department of  
8 transportation to the public service commission of West  
9 Virginia.

**§17C-17B-4. Costs of enforcement to be funded from revenues  
in General Revenue Fund or from fees  
collected by Public Service Commission.**

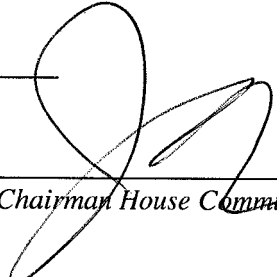
1 (a) On and after the first day of July, two thousand three,  
2 the cost of enforcement of this code and rules promulgated  
3 under this code, relating to vehicular weight, including  
4 inspections of vehicles and loads, training of enforcement  
5 officers, administrative proceedings, personal services,  
6 employees benefits and all other costs associated with  
7 enforcement matters, shall be funded by revenues in the state  
8 road fund, established pursuant to the provisions of section  
9 one, article three, chapter seventeen of this code: *Provided*,  
10 That effective on and after the first day of July, two thousand  
11 seven, all of the costs described in this subsection shall be  
12 funded by fees collected from the Public Service Commission  
13 or other appropriation by the Legislature: *Provided, however*,  
14 That the foregoing proviso may not be construed to require  
15 appropriation by the Legislature.

16 (b) The secretary of transportation and the treasurer shall  
17 take all actions necessary to implement the transfer of  
18 funding to effectuate the purposes of this article.

19 (c) For fiscal years beginning on and after the first day of  
20 July, two thousand four, the commission shall include in its  
21 budget to the Legislature the costs of implementation and  
22 continuing enforcement of this article for payment and  
23 appropriation into the Public Service Commission Fund.

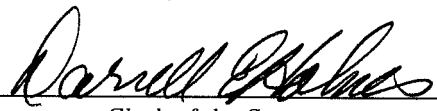
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

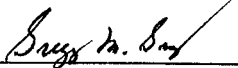
  
\_\_\_\_\_  
Chairman Senate Committee

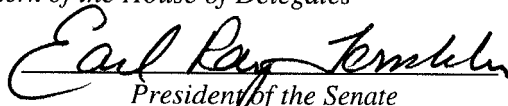
  
\_\_\_\_\_  
Chairman House Committee

Originating in the House.

In effect on July 1, 2007

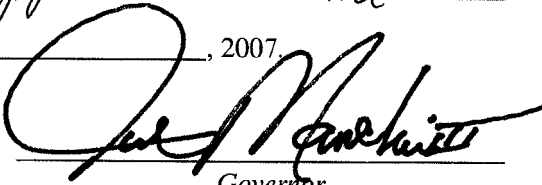
  
\_\_\_\_\_  
Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 2nd  
day of April, 2007.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 26 2007

Time 3:55 pm