

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2011



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 2586

(By Delegates Brown, D. Poling, Fleischauer
and Talbott)



Passed March 8, 2011

In Effect From Passage

E N R O L L E D

COMMITTEE SUBSTITUTE

FOR

H. B. 2586

(BY DELEGATES BROWN, D. POLING, FLEISCHAUER
AND TALBOTT)

[Passed March 8, 2011; in effect from passage.]

AN ACT to amend and reenact article 8, chapter 64 of the Code of West Virginia, 1931, as amended, relating generally to the promulgation of administrative rules by the Department of Transportation; 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 the Commissioner of Highways to promulgate legislative rules

relating to the use of state road rights of way and adjacent areas (157 CSR 6) the transportation of hazardous wastes upon the roads and highways (157 CSR 7), and Community Empowerment Transportation Act Program (157 CSR 10); authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to the Motor Vehicle Inspection Manual (91 CSR 12); and authorizing the Department of Transportation - State Rail Authority to promulgate a legislative rule relating to the valuation of used rolling stock and equipment (172 CSR 2).

Be it enacted by the Legislature of West Virginia:

That article 8, chapter 64 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

§64-8-1. Commissioner of Highways.

1 (a) The legislative rule filed in the state register on the
2 sixteenth day of July, two thousand ten, authorized under the
3 authority of section one, article twenty, chapter seventeen, of
4 this code, relating to the Commissioner of Highways (use of
5 state road rights of way and adjacent areas, 157 CSR 6), is
6 authorized.

7 (b) The legislative rule filed in the state register on the
8 sixteenth day of July, two thousand ten, authorized under the
9 authority of section seven, article eighteen, chapter twenty-
10 two, of this code, relating to the Commissioner of Highways
11 (transportation of hazardous wastes upon the roads and
12 highways, 157 CSR 7), is authorized.

13 (c) The legislative rule filed in the state register on the
14 twenty-seventh day of July, two thousand ten, authorized

15 under the authority of section four, article twenty-eight,
16 chapter seventeen, of this code, modified by the
17 Commissioner of Highways to meet the objections of the
18 Legislative Rule-Making Review Committee and refiled in
19 the state register on the twenty-second day of November two
20 thousand ten, relating to the Commissioner of Highways
21 (Community Empowerment Transportation Act Program, 157
22 CSR 10), is authorized with the following amendments:

23 On page six, section eight, line five, by striking out the
24 citation “§22-5-1” and inserting in lieu thereof the citation
25 “§5-22-1”; and

26 On page six, section nine, line eight, by striking out the
27 words “Committee on Government and Finance”.

§64-8-2. Division of Motor Vehicles.

1 The legislative rule filed in the state register on the
2 twenty-sixth day of July, two thousand ten, authorized under
3 the authority of section four, article sixteen, chapter
4 seventeen-c, of this code, relating to the Division of Motor
5 Vehicles (Motor Vehicle Inspection Manual, 91 CSR 12), is
6 authorized.

§64-8-3. Department of Transportation.

1 The legislative rule filed in the state register on the
2 thirteenth day of May, two thousand ten, authorized under the
3 authority of section six, article eighteen, chapter twenty-nine,
4 of this code, relating to the Department of Transportation -
5 State Rail Authority (valuation of used rolling stock and
6 equipment, 172 CSR 2), is authorized.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2011.

Governor