

COMMITTEE SUBSTITUTE

FOR

**H. B. 2586**

---

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

---

(Originating in the Committee on the Judiciary)  
[February 14, 2011]

A BILL 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,

5 [Com. Sub. for H.B. 2586

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.