

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



# ENROLLED

## House Bill No. 4103

(By Delegates Staggers, L. Phillips, Barker,  
Ferro, Guthrie and Cowles)



Passed March 9, 2012

To Take Effect Ninety Days From Passage

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## H. B. 4103

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(BY DELEGATES STAGGERS, L. PHILLIPS, BARKER,  
FERRO, GUTHRIE AND COWLES)

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[Passed March 9, 2012; to take effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §17A-2B-1, §17A-2B-2 and §17A-2B-3, all relating to consolidating government services and enforcement of laws pertaining to the motor carrier industry; stating legislative findings and purpose; designating the Division of Motor Vehicles as the lead agency to develop a plan for the consolidation; and requiring the division to report its plan and recommendations for consolidation to the Joint Committee on Government and Finance by December 1, 2012.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §17A-2B-1, §17A-2B-2 and §17A-2B-3, all to read as follows:

### **ARTICLE 2B. CONSOLIDATION OF THE REGULATION OF THE MOTOR CARRIER INDUSTRY.**

#### **§17A-2B-1. Legislative findings and purpose.**

- 1 (a) The Legislature finds that responsibility for delivery
- 2 of government services and the enforcement of laws

3 pertaining to the motor carrier industry currently resides in  
4 several state agencies, divisions and departments including  
5 the Division of Motor Vehicles, Public Service Commission,  
6 Division of Highways, State Tax Department and the State  
7 Police. The Division of Motor Vehicles currently administers  
8 numerous provisions of this code relating to the regulation of  
9 the motor carrier industry in this state, including chapter  
10 seventeen-a of this code, which prescribes the process for  
11 titling and registration of all motor vehicles, the provisions  
12 for commercial drivers licenses set forth in chapter  
13 seventeen-b of this code, and has numerous other  
14 responsibilities relating to the motor carrier industry. The  
15 Division of Motor Vehicles also has significant interaction  
16 with the various federal agencies and other state agencies  
17 responsible for the administration of government functions  
18 relative to the industry. It further appears to the Legislature  
19 that a significant portion of the responsibility, in terms of  
20 volume of transactions and its database, routine contact with  
21 the industry and assignment of staff pertaining to regulating  
22 the motor carrier industry, is currently vested in the Division  
23 of Motor Vehicles. Therefore, the Legislature finds that the  
24 Division of Motor Vehicles is the appropriate agency to plan  
25 the consolidation of the administration and enforcement of  
26 the various state laws pertaining to the motor carrier industry.

27 (b) The Legislature further finds that it is very  
28 cumbersome and onerous for motor carrier business entities  
29 to obtain the necessary permits, licenses and file the  
30 necessary returns, reports and other documents through  
31 numerous state agencies whose offices are scattered both  
32 geographically and administratively throughout state  
33 government. The lack of centralization of these various state  
34 agencies also results in the redundancy of information  
35 provided by motor carrier entities to the various state  
36 agencies. The Legislature further finds that the lack of  
37 centralization of these government functions does not

38 encourage the growth and success of this industry in the  
39 State.

40 (c) The Legislature further finds that it would be more  
41 cost effective and efficient to both the state agencies and the  
42 motor carrier industry to provide these services through  
43 consolidated facilities, licensing and permitting processes and  
44 electronic information and communication technologies.

45 (d) Therefore, it is the purpose of this article to facilitate  
46 the consolidation of the administration of government  
47 services pertaining to the motor carrier industry and to  
48 designate the division as the lead agency in planning the  
49 consolidation of state government services and enforcement  
50 of laws pertaining to the regulation and taxation of the motor  
51 carrier industry.

**§17A-2B-2. Development of plan of consolidation of  
government services and regulation  
applicable to the motor carrier industry.**

1 (a) Notwithstanding any other provisions of this code to  
2 the contrary, the Division of Motor Vehicles is authorized  
3 and directed, and is designated the lead state agency to  
4 formulate and develop a plan for the consolidation of state  
5 government services and enforcement of laws pertaining to  
6 the regulation and taxation of the motor carrier industry.

7 (b) (1) The Public Service Commission, Division of  
8 Highways, State Tax Department and the State Police shall  
9 cooperate with the division and provide information, aid and  
10 assistance as requested by the division to plan the  
11 consolidation of state government services and of  
12 enforcement of laws pertaining to the regulation and taxation  
13 of the motor carrier industry.

14       (2) The division shall consult with these agencies and  
15 shall solicit and use any applicable experience and expertise  
16 that can be beneficial to the development of the plan of  
17 consolidation.

**§17A-2B-3. Report to the Joint Committee on Government and  
Finance.**

1       (a) The Division of Motor Vehicles shall submit to the  
2 Joint Committee on Government and Finance on or before  
3 December 1, 2012, a report setting forth the plan for the  
4 consolidation of state government services and of  
5 enforcement of laws pertaining to the regulation and taxation  
6 of the motor carrier industry.

7       (b) The report shall make recommendations pertaining to  
8 changes in laws, administration, personnel and procedure in  
9 the provision of government services applicable to the motor  
10 carrier industry and shall include drafts of recommended  
11 legislation necessary to implement the proposed  
12 consolidation.

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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

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*Governor*