

# H. B. 4103

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

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[Introduced January 18, 2012; referred to the  
Committee on Roads and Transportation then the Judiciary.]

A BILL 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 consolidation of 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.

*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 Division 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 to  
29 obtain the necessary permits, licenses and file the necessary  
30 returns, reports and other documents through numerous state  
31 agencies whose offices are scattered both geographically and  
32 administratively throughout state government. The lack of  
33 centralization of these various state agencies also results in  
34 the redundancy of information provided by motor carrier  
35 entities to the various state agencies. The Legislature further  
36 finds that the lack of centralization of these government

37 functions does not encourage the growth and success of this  
38 industry in the State.

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

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

NOTE: The purpose of this bill is to authorize the Division of Motor Vehicles to take a lead role to plan and coordinate the consolidation of government services and enforcement of laws currently administered by various state agencies pertaining to the motor carrier industry. The bill requires:

- (1) All affected agencies to cooperate, aid and assist the division in implementation of the consolidation;
- (2) The division to solicit experience and expertise and address concerns of the affected agencies in the development of the plan of consolidation; and
- (3) The division to report to the Legislature a plan to consolidate and recommended legislation.

This article is new; therefore, it has been completely underscored.