

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4219

BY DELEGATES HOWELL, OVERINGTON, STATLER,
FOSTER, CADLE, J. NELSON, D. EVANS, R. SMITH, R.
PHILLIPS, ARVON AND CANTERBURY

[Introduced January 21, 2016; Referred
to the Committee on Government Organization then
Finance]

1 A BILL to amend and reenact §17C-16-5 of the Code of West Virginia, 1931, as amended; and to
 2 amend said code by adding thereto a new section, designated §17C-16-10, all relating to
 3 vehicle inspection stations; eliminating the provisions of code authorizing state police to
 4 inspect vehicle inspection stations; requiring all vehicle inspection stations to post a surety
 5 bond with the Commissioner of Motor Vehicles, and establishing conditions under which
 6 an inspection station will forfeit its surety bond and inspection permit.

Be it enacted by the Legislature of West Virginia:

1 That §17C-16-5 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted; and that said code be amended by adding thereto a new section, designated
 3 §17C-16-10, all to read as follows:

ARTICLE 16. INSPECTION OF VEHICLES.

§17C-16-5. Permit for official inspection stations; fees for and certificate of inspection.

1 (a) The Superintendent of the State Police is responsible for the inspection as provided in
 2 this article and shall prescribe requirements and qualifications for official inspection stations. He
 3 or she shall select and designate the stations and shall issue permits for official inspection stations
 4 and furnish instructions and all necessary forms for the inspection of vehicles as required in this
 5 article and the issuance of official certificates of inspection and approval. The certificate of
 6 inspection shall be a paper sticker or decal to be affixed to the windshield of a motor vehicle, shall
 7 be serially numbered and shall properly identify the official inspection station which issued it. A
 8 charge of \$1 per sticker shall be charged by the State Police to the inspection station, and the
 9 funds received shall be deposited into the State Treasury and credited to the account of the State
 10 Police for application in the administration and enforcement of the provisions of this article. Any
 11 balance remaining in the fund on the last day of June of each fiscal year, not required for the
 12 administration and enforcement of the provisions of this article, shall be transferred to the state
 13 road fund. The superintendent may exchange stickers or make refunds to official inspection
 14 stations for stickers on hand when permits are revoked or when, for any reason, the stickers

15 become obsolete.

16 (b) A person shall apply for a permit upon an official form prescribed by the superintendent
17 and the superintendent shall grant permits only when the superintendent is satisfied that the
18 station is properly equipped and has competent personnel to make the inspections and
19 adjustments and that the inspections and adjustments will be properly conducted. The
20 superintendent, before issuing a permit, ~~may~~ shall require the applicant to file a ~~bond with surety~~
21 ~~approved by the superintendent, conditioned that such applicant, as a station operator, will make~~
22 ~~compensation for any damage to a vehicle during an inspection or adjustment due to negligence~~
23 ~~on the part of the station operator or employees thereof~~ the surety bond required by section ten
24 of this article with the Commissioner of Motor Vehicles.

25 (c) ~~The superintendent shall properly supervise and cause inspections to be made of the~~
26 ~~stations. Upon finding that a station is not properly equipped or conducted, the superintendent~~
27 ~~may, upon a first violation, suspend the permit for a period of up to one year. Upon a second or~~
28 ~~subsequent finding that a station is not properly equipped or conducted, the superintendent shall~~
29 ~~permanently revoke and require the surrender of the permit. The superintendent may reinstate~~
30 ~~the permit of any person whose permit was permanently revoked prior to the effective date of this~~
31 ~~section upon a first finding that a station was not properly equipped or conducted, upon~~
32 ~~application, at any time after the expiration of six months from the time of revocation and shall~~
33 ~~reinstate the permit, upon application, after the expiration of one year. He or she shall maintain~~
34 ~~and post at his or her office and at any other places as he or she may select lists of all stations~~
35 ~~holding permits and of those whose permits have been suspended or revoked~~ On or before July
36 1, 2016, every inspection station holding a valid inspection permit is required to post the surety
37 bond required by section ten of this article with the Commissioner of Motor Vehicles in order to
38 maintain such inspection permit. The superintendent shall revoke the inspection permit of any
39 inspection station that has not paid a surety bond at that time.

§17C-16-10. Surety bond for inspection stations; grounds for forfeiture of surety bond.

1 (a) In order to receive an inspection station permit, pursuant to section five of this article,
2 a person must post a surety bond with the Commissioner of Motor Vehicles in the amount of \$500.

3 (b) All inspection stations holding a valid inspection permit prior to the enactment of this
4 section are required to post a surety bond with the Commissioner of Motor Vehicles in the amount
5 of \$500 on or before July 1, 2016. The superintendent will revoke the inspection permit of any
6 inspection station that has not paid a surety bond at that time.

7 (c) An inspection station will forfeit the surety bond required by this section and the
8 superintendent will revoke the inspection station's inspection permit, if either of the following
9 occurs:

10 (1) Within sixty days or 2,000 miles of the date of inspection, whichever occurs first, an
11 individual receives a traffic citation for a vehicle malfunction resulting from wear in a vehicle
12 inspected by the station; or

13 (2) Within sixty days or 2,000 miles of the date of inspection, whichever occurs first, an
14 individual has a vehicle accident because of a vehicle malfunction resulting from wear in a vehicle
15 inspected by the station.

16 (d) The Commissioner of Motor Vehicles will notify the superintendent immediately when
17 the Division of Motor Vehicles receives records indicating that an accident or traffic citation has
18 occurred due to wear in a vehicle with a current certificate of inspection. The Commissioner will
19 deliver copies of such records to the superintendent.

20 (e) On or before July 1, 2016, the Commissioner of Motor Vehicles will develop procedures
21 and rules for receiving and holding the surety bonds required by this section.

NOTE: The purpose of this bill is to eliminate the provisions of Code authorizing state police to inspect vehicle inspection stations, require all vehicle inspection stations to post a surety bond with the Commissioner of Motor Vehicles, and to establish conditions under which an inspection station will forfeit its surety bond and inspection permit.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.