

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4416

BY DELEGATES COOPER, AMBLER, D. EVANS AND O'NEAL

[Introduced February 5, 2016; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §24A-7-7 of the Code of West Virginia, 1931, as amended, relating
 2 to expanding the authority of motor carrier inspectors; and requiring compliance by
 3 commercial vehicle drivers.

Be it enacted by the Legislature of West Virginia:

1 That §24A-7-7 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

ARTICLE 7. COMPLAINTS, DAMAGES AND VIOLATIONS.

§24A-7-7. Authority of motor carrier inspectors to enforce all traffic rules as to commercial vehicles; use of radar as evidence.

1 (a) The employees of the commission designated as motor carrier inspectors have the
 2 same authority as law-enforcement officers generally to enforce the provisions of chapter
 3 seventeen-c of this code with respect to commercial motor vehicles owned or operated by motor
 4 carriers, exempt carriers or private commercial carriers where vehicles have a gross vehicle
 5 weight rating of ten thousand pounds or more.

6 The commission is authorized to delegate motor carrier inspector duties to weight
 7 enforcement officers as it considers appropriate, following successful training and certification of
 8 individual officers, who shall then have the same authority as motor carrier inspectors under this
 9 section. The commission is also authorized to delegate weight enforcement duties to motor carrier
 10 inspectors.

11 (b) The speed of a commercial motor vehicle owned or operated by a motor carrier,
 12 exempt carrier or private commercial carrier may be proved by evidence obtained by use of any
 13 device designed to measure and indicate or record the speed of a moving object by means of
 14 microwaves, when the evidence is obtained by employees of the commission designated as motor
 15 carrier inspectors. The evidence so obtained is prima facie evidence of the speed of the vehicle.

16 (c) Motor carrier inspectors shall also perform a North American standard safety inspection
 17 of each commercial motor vehicle stopped for enforcement purposes pursuant to this section.

18 (d) Before exercising the provisions of this section, the motor carrier inspectors shall
19 receive adequate training.

20 (e) Nothing in this section affects the existing authority of law-enforcement officers not
21 employed by the commission to enforce the provisions of chapter seventeen-c of this code.

22 (f) A commission employee designated as a motor carrier inspector has authority to
23 enforce the provisions of the following sections of this code when an assault, battery, or both,
24 occurs in the presence of the officer.

25 (1) Section ten-b, article two, chapter sixty one of this code, regarding assault on a
26 governmental representative;

27 (2) Section seventeen, article five, chapter sixty-one of said code, regarding obstructing,
28 fleeing from or disarming a law-enforcement officer;

29 (3) Section ten, article five, chapter sixty-one of said code, regarding escape from a law-
30 enforcement officer; and

31 (4) Section nine, article two, chapter sixty-one of said code, regarding assault and battery
32 that occurs in the presence of an officer.

33 (g) A commission employee designated as a motor carrier inspector has authority to
34 enforce the provisions of the following chapters of this code as they apply to possession of a
35 controlled substance by drivers of commercial motor vehicles and their passengers:

36 (1) Chapter seventeen-a;

37 (2) Chapter seventeen-b;

38 (3) Chapter seventeen-d;

39 (4) Chapter seventeen-e; and

40 (5) Chapter sixty-a.

41 (h) Any law-enforcement officer or motor carrier inspector of the Public Service
42 Commission who holds a current safety inspector certification from the Commercial Vehicle Safety
43 Alliance may require, at any time, a driver operating a commercial vehicle on the highways of this

44 state to stop and submit to an inspection of the vehicle and the driver's records for the purpose of
45 verifying compliance with commercial motor vehicle regulations in this state. Any driver or vehicle
46 in violation of this subsection shall be removed from service pursuant to the North American
47 Uniform Out-of-Service Criteria issued by the Commercial Vehicle Safety Alliance.

48 (i) A person may not knowingly hinder, obstruct or willfully refuse to comply with any lawful
49 order or direction of an officer authorized by law to enforce this chapter and to perform driver and
50 vehicle motor carrier safety inspections. Lawful orders or directions include providing
51 documentation and answering questions necessary to determine compliance with the commercial
52 motor vehicle statutes and rules of this state. The driver of a commercial vehicle shall assist the
53 inspection officer, as needed, during the course of any such inspection.

NOTE: The purpose of this bill is to extend the authority of law-enforcement officers to motor carrier inspectors when possession of a controlled substance, assault or battery is committed in the inspector's presence, and to expand the authority of inspectors to inspect vehicles.

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