

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2882

BY DELEGATES HOWELL, WALTERS, HAMRICK,
HORNBUCKLE, BUTLER, LEWIS, ATKINSON, MAYNARD,
LYNCH AND CRISS

[Introduced March 9, 2017; referred
to the Committee on Roads and Transportation then
Finance.]

1 A BILL to repeal §17C-15-48 of the Code of West Virginia, 1931, as amended; to amend and
2 reenact §17C-16-4, §17C-16-5 and §17C-16-6, of said code, all relating to changing the
3 frequency with which vehicles must be inspected; requiring only used motor vehicles to
4 receive inspection upon purchase; eliminating requirements for new motor vehicles to be
5 inspected; directing inspection fees to be placed in general revenue fund; limiting number
6 of inspection station inspectors employed by the Superintendent of the West Virginia State
7 Police; altering calculation for imposing inspection fees; and repealing section related to
8 stickers for modified vehicles.

Be it enacted by the Legislature of West Virginia:

1 That §17C-15-48 of the Code of West Virginia, 1931, be repealed; that §17C-16-4, §17C-
2 16-5 and §17C-16-6 of said code be amended and reenacted, all to read as follows:

ARTICLE 16. INSPECTION OF VEHICLES.

**§17C-16-4. Superintendent of the West Virginia State Police to require ~~periodical~~
inspection of used motor vehicles; acceptance of certificate of inspection from
another state; suspension of registration of unsafe vehicles.**

1 ~~(a) The Superintendent of the West Virginia State Police shall once each year require that~~
2 ~~every motor vehicle, trailer, semitrailer and pole trailer registered in this state be inspected and~~
3 ~~that an official certificate of inspection and approval be obtained for each vehicle. Used Vehicles.~~

4 -- The Superintendent of the West Virginia State Police shall require that every used motor
5 vehicle, trailer, semitrailer and pole trailer purchased in the State of West Virginia be inspected
6 and that an official certificate of inspection and approval be obtained within thirty days of the
7 purchase of the used motor vehicle, trailer, semitrailer or pole trailer.

8 (b) *New Vehicles.* -- Individuals that purchase a new motor vehicle, trailer, semitrailer or
9 pole trailer in the State of West Virginia shall not be required to have the new motor vehicle trailer,
10 semitrailer or pole trailer inspected. In lieu of a certificate of inspection and approval, the vendor
11 of the new motor vehicle, trailer, semitrailer or pole trailer shall issue a certificate verifying that

the buyer of said vehicle is the initial purchaser and that the vehicle does not require inspection.
The new motor vehicle certificate shall be a paper sticker or decal to be affixed to the windshield
of a motor vehicle, shall be serially numbered and shall properly identify the vendor of new motor
vehicles which issued it.

(c) Inspections. -- The inspections referred to in subsection (a) shall be made and the certificates obtained with respect to the mechanism, brakes and equipment of every used vehicle designated by the Superintendent.

(d) Rule-making Authority. -- The Superintendent may make necessary rules for the administration and enforcement of this section and may designate any period or periods during which owners of any vehicles, subject to this section, shall display upon the vehicles:

(1) A certificate ~~certificates~~ of inspection and approval pursuant to subsection (a) of this section; or

(2) A new vehicle certification pursuant to subsection (b) of this section.

Vehicle owners ~~or~~ shall produce the aforementioned certificates upon demand of any officer or employee of the State Police designated by the superintendent or any police or peace officer when authorized by the superintendent.

~~(b)~~ (e) Vehicles registered in other states. -- The superintendent may authorize the acceptance in this state of a certificate of inspection and approval issued in another state ~~having an inspection law similar to this chapter~~ and may extend the time within which the resident owner of a vehicle which was not in this state during the time an inspection was required must obtain a certificate.

~~(e)~~ (f) Suspension of registration. -- At the request of the superintendent, the Commissioner of the Division of Motor Vehicles may suspend the registration of any vehicle which the superintendent determines is in such an unsafe condition that it constitutes a menace to safety or which after notice and demand is not equipped as required in this chapter or for which the vehicle's owner has not obtained the required certificate.

38 ~~(d)~~ (g) Farm use exemption. -- If requested by the owner of the vehicle, the superintendent
39 shall also cause to be inspected a Class A farm use motor vehicle exempt from annual registration
40 certificate and licensing as provided in section two, article three, chapter seventeen-a of this code.
41 If the Class A farm use motor vehicle passes the inspection, the superintendent shall cause a
42 certificate of inspection to be issued for that vehicle.

§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 \$3 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 and~~
11 ~~for the purchase of vehicles, equipment for vehicles, and maintenance of vehicles~~ The
12 superintendent may exchange stickers or make refunds to official inspection stations for stickers
13 on hand when permits are revoked or when, for any reason, the stickers become obsolete.

14 (b) A person shall apply for a permit upon an official form prescribed by the superintendent
15 and the superintendent shall grant permits only when the superintendent is satisfied that the
16 station is properly equipped and has competent personnel to make the inspections and
17 adjustments and that the inspections and adjustments will be properly conducted. The
18 superintendent, before issuing a permit, may require the applicant to file a bond with surety
19 approved by the superintendent, conditioned that such applicant, as a station operator, will make
20 compensation for any damage to a vehicle during an inspection or adjustment due to negligence

on the part of the station operator or employees thereof.

(c) The superintendent shall properly supervise and cause inspections to be made of the stations: Provided, That the superintendent shall not authorize more than two individuals to work as inspectors of inspection stations at any one time. Upon finding that a station is not properly equipped or conducted, the superintendent may, upon a first violation, suspend the permit for a period of up to one year. Upon a second or subsequent finding that a station is not properly equipped or conducted, the superintendent shall permanently revoke and require the surrender of the permit. The superintendent may reinstate the permit of any person whose permit was permanently revoked prior to the effective date of this section upon a first finding that a station was not properly equipped or conducted, upon application, at any time after the expiration of six months from the time of revocation and shall reinstate the permit, upon application, after the expiration of one year. He or she shall maintain and post at his or her office and at any other places as he or she may select lists of all stations holding permits and of those whose permits have been suspended or revoked.

§17C-16-6. Assignment, transfer and posting of official inspection station permit; issuance and record of certificate of inspection; inspection fee.

(a) No permit for an official inspection station shall be assigned or transferred or used at any location other than designated in the permit and every permit shall be posted in a conspicuous place at the station location designated in the permit.

(b) The person operating the station shall issue a certificate of inspection and approval, upon an official form, to the owner of a vehicle upon inspecting the vehicle and determining that its equipment required under this article is in good condition and proper adjustment, but otherwise no certificate shall be issued, except one issued pursuant to section two of this article. When required by the superintendent, a record and report shall be made of every inspection and every certificate issued.

(c) A fee of not more than \$14 multiplied by the sum of one plus the average number of

- 11 full years a vehicle is owned in the State of West Virginia as determined by the Division of Motor
12 Vehicles may be charged for an inspection and any necessary headlight adjustment to proper
13 focus, not including any replacement parts required, and the issuance of the certificate, but the
14 imposition of the charge is not mandatory.

NOTE: The purpose of this bill is to change the frequency with which vehicles must be inspected; require only used motor vehicles to receive inspection upon purchase; eliminate requirements for new motor vehicles to be inspected; direct inspection fees to be placed in general revenue fund; limit the number of inspection station inspectors employed by the Superintendent of the West Virginia State Police; alter the calculation for imposing inspection fees; and repealing section related to stickers for modified 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.