

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2124**

BY DELEGATE COOPER

[ Introduced January 9, 2019; 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:*

**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 17C of  
 3 this code with respect to commercial motor vehicles owned or operated by motor carriers, exempt  
 4 carriers or private commercial carriers where vehicles have a gross vehicle weight rating of 10,000  
 5 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~~ may also delegate weight enforcement duties to  
 10 motor carrier 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 17C 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) §61-2-10b, regarding assault on a governmental representative;

26 (2) §61-5-17, regarding obstructing, fleeing from or disarming a law-enforcement officer;

27 (3) §61-5-10, regarding escape from a law-enforcement officer; and

28 (4) §61-2-9, regarding assault and battery that occurs in the presence of an officer.

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

32 (1) Chapter 17A;

33 (2) Chapter 17B;

34 (3) Chapter 17D;

35 (4) Chapter 17E; and

36 (5) Chapter 60A.

37 (h) Any law-enforcement officer or motor carrier inspector of the Public Service  
38 Commission who holds a current safety inspector certification from the Commercial Vehicle Safety  
39 Alliance may require, at any time, a driver operating a commercial vehicle on the highways of this  
40 state to stop and submit to an inspection of the vehicle and the driver's records for the purpose of  
41 verifying compliance with commercial motor vehicle regulations in this state. Any driver or vehicle  
42 in violation of this subsection shall be removed from service pursuant to the North American  
43 Uniform Out-of-Service Criteria issued by the Commercial Vehicle Safety Alliance.

44 (i) A person may not knowingly hinder, obstruct or willfully refuse to comply with any lawful  
45 order or direction of an officer authorized by law to enforce this chapter and to perform driver and

46 vehicle motor carrier safety inspections. Lawful orders or directions include providing  
47 documentation and answering questions necessary to determine compliance with the commercial  
48 motor vehicle statutes and rules of this state. The driver of a commercial vehicle shall assist the  
49 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.