

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 249

BY SENATORS IHLENFELD AND WOELFEL

[Introduced January 10, 2020; referred

to the Committee on Transportation and

Infrastructure; and then 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 the authority of motor carrier inspectors and law-enforcement officers to enforce all
3 traffic rules and safety inspections as to commercial vehicles.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. COMPLAINTS, DAMAGES AND VIOLATIONS.

§24A-7-7. Concurrent authority of motor carrier inspectors and law-enforcement officers 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 10,000 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 or law-enforcement officers. The evidence so obtained is prima facie evidence
16 of the speed of the vehicle.

17 (c) Motor carrier inspectors shall ~~also~~ and law-enforcement officers may perform a north
18 American standard safety inspection of each commercial motor vehicle stopped for enforcement
19 purposes pursuant to this section.

20 (d) Before exercising the provisions of this section, the motor carrier inspectors and law-
21 enforcement shall receive adequate training.

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

NOTE: The bill authorizes law-enforcement officers to make safety inspections of commercial 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.