

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Engrossed

Committee Substitute

for

Senate Bill 60

BY SENATOR WOODRUM

[Originating in the Committee on the Judiciary;

reported January 16, 2024]

1 A BILL to amend and reenact §64-8-1 *et seq.* of the Code of West Virginia, 1931, as amended,
2 relating generally to authorizing certain agencies of the Department of Transportation to
3 promulgate legislative rules; authorizing the rules as modified by the Legislative Rule-
4 Making Review Committee and as amended by the Legislature; authorizing the Division
5 of Motor Vehicles to promulgate a legislative rule relating to motor vehicle titling;
6 authorizing the Division of Motor Vehicles to promulgate a legislative rule relating to dealer
7 licensing; authorizing the Division of Motor Vehicles to promulgate a legislative rule
8 relating to handicapped parking permits; authorizing the Division of Highways to
9 promulgate a legislative rule relating to construction and reconstruction of state roads;
10 authorizing the Division of Highways to promulgate a legislative rule relating to traffic and
11 safety rules; and authorizing the Division of Multimodal Transportation Facilities to
12 promulgate a legislative rule relating to valuation of used rolling stock and equipment.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 8. AUTHORIZATION FOR DEPARTMENT OF TRANSPORTATION TO
PROMULGATE LEGISLATIVE RULES.**

§64-8-1. Division of Motor Vehicles.

1 (a) The legislative rule filed in the State Register on July 26, 2023, authorized under the
2 authority of §11-15-3C of this code, modified by the Division of Motor Vehicles to meet the
3 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
4 November 7, 2023, relating to the Division of Motor Vehicles (motor vehicle titling, 91 CSR 03), is
5 authorized with the following amendments:

6 On page 1, by striking out all of subsection 2.1 and inserting in lieu thereof a new
7 subsection 2.1. to read as follows:

8 “2.1. Application. An application for a certificate of title must be accompanied by the
9 appropriate fees:

10 21.1 Proof of Insurance;

11 2.1.2. Photo identification and identity validation and verification developed by the
12 Division of Motor Vehicles;

13 2.1.3. If the vehicle was previously titled in another state or jurisdiction, that title;

14 2.1.4. If a registration plate is also being transferred, appropriate registration
15 information;

16 2.1.5. If the vehicle requires registration, the appropriate fee for the registration plate;
17 and,

18 2.1.6. Sales tax as calculated in subsection 2.2 of this section.”:

19 On page 1, after subsection 2.1 by adding a new subsection 2.2 to read as follows:

20 “2.2. Application for non-resident businesses. An application by a non-resident
21 business for a title through the Title Clearinghouse must be accompanied by any documents
22 prescribed by the Commissioner.”;

23 And,

24 By renumbering the remaining subsections.

25 (b) The legislative rule filed in the State Register on July 26, 2023, authorized under the
26 authority of §17A-2-9 of this code, modified by the Division of Motor Vehicles to meet the
27 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
28 November 7, 2023, relating to the Division of Motor Vehicles (dealer licensing, 91 CSR 06), is
29 authorized.

30 (c) The legislative rule filed in the State Register on July 13, 2023, authorized under the
31 authority of §17C-13-6 of this code, modified by the Division of Motor Vehicles to meet the
32 objections of the Legislative Rule-Making Review Committee and refiled in the State Register on
33 November 7, 2023, relating to the Division of Motor Vehicles (handicapped parking permits, 91
34 CSR 10), is authorized.

§64- 8 - 2. Division of Highways.

1 (a) The legislative rule filed in the State Register on July 31, 2023, authorized under the
2 authority of §17-2A-8 of this code, modified by the Division of Highways to meet the objections of

3 the Legislative Rule-Making Review Committee and refiled in the State Register on November 7,
4 2023, relating to the Division of Highways (construction and reconstruction of state roads, 157
5 CSR 03), is authorized with the amendment set forth below:

6 On pages 15 and 16, by striking out all of subdivision 5.5.a. and inserting in lieu thereof a
7 new subdivision 5.5.a. to read as follows:

8 5.5.a. The successful bidder has the option of submission of the bond in an amount
9 equivalent to either 102 percent or 100 percent of the contract price.;

10 And,

11 On page 16, by adding 4 new subdivisions, designated 5.5.b., 5.5.c., 5.5.d., and 5.5.e., all
12 to read as follows:

13 5.5.b. The submission of the aforementioned bond in an amount equivalent to 102
14 percent of the contract price by the successful bidder is the standard expectation of the division
15 in order to comply with the current special provision for subcontractor prompt payment and does
16 not necessitate the withholding of retainage by the division from monies due on future progress
17 voucher estimates payable under the terms of the contract. Further, the decision by a particular
18 contractor to submit a bond in an amount equivalent to 102 percent of the contract price shall be
19 consistent and applicable throughout the duration of the contract for which the bond is being
20 submitted and shall be consistent and applicable to all contracts executed between the Division
21 and that particular contractor.

22 5.5.c. If the successful bidder elects to submit the bond in an amount equivalent to 100
23 percent of the contract price, it is necessary that the bidder notify the Contract Administration
24 Division in writing prior to the submission of the bond. Submission of a bond in an amount
25 equivalent to 100 percent of the contract price requires the withholding of retainage by the Division
26 from monies due on future progress voucher estimates payable under the terms of the contract
27 and as set forth in 11.6 of this rule. Further, the decision by a particular contractor to submit a
28 bond in an amount equivalent to 100 percent of the contract price shall be consistent and

29 applicable throughout the duration of the contract for which the bond is being submitted and shall
30 be consistent and applicable to all contracts executed between the division and that particular
31 contractor.

32 5.5.d. As an alternate, the successful bidder may deposit with the State Treasurer cash
33 bond, United States Treasury Bonds, United States Treasury Certificates of Indebtedness, United
34 States Treasury Bills or West Virginia Road Bonds in the amount of either 102 percent or 100
35 percent of the contract amount. A safe keeping receipt from a bank located in the State of West
36 Virginia may be deposited with the State Treasurer in lieu of any of the definitive securities.

37 5.5.e. The State Treasurer shall, on a regular basis, collect all interest or income on
38 the obligations so deposited and pay same, when and if collected, to the contractor who deposited
39 the obligations. If the deposit is in the form of coupon bonds, the State Treasurer shall deliver
40 each coupon as it matures to the contractor.

41 (b) The legislative rule filed in the State Register on July 26, 2023, authorized under the
42 authority of §17-2A-8 of this code, modified by the Division of Highways to meet the objections of
43 the Legislative Rule-Making Review Committee and refiled in the State Register on November 8,
44 2023, relating to the Division of Highways (traffic and safety rules, 157 CSR 05), is authorized
45 with the amendments set forth below:

46 On page 14, Subdivision 7.4.h. by striking out the words “Vehicle speed shall not exceed
47 35 miles per hour” and inserting the following:

48 “Vehicle speed shall not exceed the posted or statutory speed limit in effect and shall not
49 exceed the recommended speed on all warning signs when passing through the area of concern
50 (curve, intersection, etc.).”;

51 On page 14, Subdivision 7.4.j. by striking out the words “or main highway”;

52 And,

53 On page 14, Subdivision 7.4.j., after the word “measures.”, by inserting the following:

54 “When approaching an intersecting roadway, vehicles shall obey any traffic control
55 devices such as stop signs, yield signs, and traffic lights.”

§64- 8 - 3. Division of Multimodal Transportation Facilities.

1 The legislative rule filed in the State Register on July 28, 2023, authorized under the
2 authority of §17-16F-5 of this code, modified by the Division of Multimodal Transportation
3 Facilities to meet the objections of the Legislative Rule-Making Review Committee and refiled in
4 the State Register on September 29, 2023, relating to the Division of Multimodal Transportation
5 Facilities (valuation of used rolling stock and equipment, 220 CSR 01), is authorized.