

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 169

(By Mr. Bear.....)

PASSED March 11..... 1949

In Effect 90 days from..... Passage



169

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Senate Bill No. 169

(By MR. BEAN)

[Passed March 11, 1949; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two and twenty-two, article six, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the licensing of motor vehicles.

Be it enacted by the Legislature of West Virginia:

That sections one, two and twenty-one, article six, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 1. *License for Motor Vehicle Required; Application.*—No motor vehicle shall be driven upon the public
2 roads, or upon any road or street within any incorporated
3 city, town or village within the state, until the owner
4

5 shall first have obtained from the department of motor
6 vehicles, as herein provided, a license or certificate of reg-
7 istration therefor. An applicant desiring such license or
8 certificate may obtain the same by filing with the depart-
9 ment, by mail or otherwise, a statement setting forth the
10 character of the motor vehicle to be licensed, including the
11 name of the manufacturer, the style, color of body, motor
12 number, type and factory number of such vehicle, the
13 character of the motive power, the name, age, residence
14 and business address of the owner of such vehicle, and the
15 name of the county in which he resides, and shall state
16 whether such vehicle is or is not to be used in the public
17 transportation of passengers or property, or both, for
18 compensation, and, if so used or to be used, the applicants
19 shall so certify, and shall, as a condition precedent to the
20 securing of such license or certificate of registration, ob-
21 tain a certificate of convenience, or permit from the pub-
22 lice service commission.

Sec. 2. *Form of Application; Certificate of Registra-
2 tion; Plates; Offenses; Scope of Section.*—Every owner of
3 one or more vehicles, not expressly exempted by this

4 article, shall make a separate application in writing, prop-
5 erly verified for each vehicle, on a form provided by the
6 commissioner of motor vehicles, for permission to operate
7 the same on the public roads of this state. In the applica-
8 tion for registration the applicant shall furnish such in-
9 formation as the commissioner shall require. Upon re-
10 ceipt of such application, together with the fees hereafter
11 provided for, the commissioner shall file the application
12 and give to the same a distinguishing mark and number,
13 and shall issue to the owner of the vehicle a certificate of
14 registration, which shall contain the number or mark as-
15 signed such vehicle, the name and place of residence
16 of the owner and his post office address, if the same shall
17 be different from his place of residence. Such certificate
18 shall be of convenient size and form, and shall be at all
19 times carried upon such vehicle, and shall be subject to
20 examination upon demand by any proper officer, as herein
21 provided. In addition to the certificate of registration, the
22 commissioner shall, without additional charge, deliver to
23 the owner metal plates bearing the abbreviation of the
24 name of this state, the year for which issued, and the

25 distinguishing mark or number assigned to such vehicle.
26 Such plates shall be known as registration plates. Each
27 year there shall be chosen a color, or combination of col-
28 ors, for such registration plates, which shall be as dif-
29 ferent as practical from the color, or colors, used on the
30 plates of the preceding year, and the colors used for the
31 current year of the bordering states, and the numerals
32 and letters on such plates shall be of such color as to be
33 shown in marked contrast to the remainder of the plate.
34 The plates shall be of such size and character as the com-
35 missioner of motor vehicles may prescribe so as to prop-
36 erly accommodate the numerals and other marks. An
37 automobile shall be required to carry two, and any other
38 licensed motor vehicle one, of such plates.

39 Notwithstanding the provisions of this section, the com-
40 missioner may, in his discretion, issue a type of license
41 plate suitable for permanent use on motor vehicles, trail-
42 ers, semi-trailers and motorcycles, together with appro-
43 priate devices to be attached thereto to indicate the year
44 for which such vehicles have been properly licensed. The

45 design of such license plates shall be determined by the
46 Commissioner.

47 No motor vehicle shall be driven upon any of the high-
48 ways of this state without the proper registration plate
49 fastened thereon. Registration plates issued prior to the
50 first of the licensing year for which they are to be effec-
51 tive may be placed on the vehicle for which issued, not
52 more than ten days prior to the first day of such licensing
53 year, and used without additional registration fee: *Pro-*
54 *vided*, That the commissioner of motor vehicles may ex-
55 tend the period during which said registration plates may
56 be used as aforesaid for such time as in his judgment
57 may seem best.

58 Any person, firm or corporation failing to carry the
59 certificate of registration, or who drives a motor vehicle
60 without the proper registration plates affixed thereto, or
61 who changes the name, number or other identification in-
62 formation on the certificate of registration, or registration
63 plates, shall be deemed guilty of a misdemeanor, and, upon
64 conviction, shall be fined not less than ten nor more than
65 one hundred dollars: *Provided*, That in the case of a per-

:66 son to whom a certificate has been issued, but who at the
:67 time of arrest has not the same with him, the minimum
:68 fine shall be one dollar.

:69 The provisions of this section shall apply both to the
:70 operator, or chauffeur, and to the owner who causes or
:71 knowingly permits his vehicle to be operated without a
:72 certificate of registration as herein provided.

Sec. 22. *Government Exemption from Registration*
:2 *Fee; Exemption of Ambulances and Incorporated Volun-*
:3 *teer Fire Departments.*—The United States government,
:4 the state, or any political subdivision thereof, shall be ex-
:5 empted from the payment of any fee on account of reg-
:6 istration of any vehicle owned or operated by the United
:7 States government, the state, or any political subdivision
:8 thereof, as the case may be: *Provided,* That the proper
:9 representative of the federal government, the state, or
:10 any such political subdivision thereof, shall make, or cause
:11 to be made, on the form provided for that purpose, an
:12 application for registration of such vehicle so owned and
:13 operated, and that the registration plate or plates issued
:14 for such vehicle shall be displayed or caused to be dis-

15 played as provided in this article: *Provided further*, That
16 fire apparatus owned by the United States government,
17 the state, or any political subdivision thereof, and by an
18 incorporated volunteer fire department organized for pro-
19 tection of community property shall be exempt from all
20 the provisions of this article except such provisions as re-
21 lates to the qualification and licensing of drivers: *Provided*
22 *further*, That any ambulance used exclusively for charit-
23 able purposes, for which use there is no charge, shall be
24 exempt from all the provisions of this article, except such
25 provisions as relates to the qualifications and licensing
26 of drivers.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frank W. Green
Chairman Senate Committee

R. Matthews
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Howard Hughes
Clerk of the Senate

J. Arliff
Clerk of the House of Delegates

Boaz Thomas
President of the Senate

W. E. Linn
Speaker House of Delegates

The within approved this the 17th
day of MARCH, 1949.

Clay L. Patterson
Governor.



Filed in the Office of the Secretary of State
of West Virginia
MAR 18 1949
D. PITT O'BRIEN,
SECRETARY OF STATE