WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED
Committee Substitute for
SENATE BILL NO. 386

(By Mr. Huffman)

PASSED April 10, 1981
In Effect ninety days from Passage

RECEIVED
Committee Substitute

For Senate Bill No. 386
(Mr. Huffman, original sponsor)

(Passed April 10, 1981; in effect ninety days from passage.)

AN ACT to amend and reenact sections three and seven, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend chapter seventeen-d of said code by adding thereto a new article, designated article two-a; and to amend and reenact section one, article six-a, chapter thirty-three of said code, all relating to requirement of minimum level of security for registration and operation of a motor vehicle in this state; application for registration; application contents; presentation of proof of security; penalties for providing false information or proof of security; fee required of applicant; special revolving fund for operation of program; additional grounds for refusing registration or certificate of title; security requirements; types of security permitted; application as to certain vehicles; exceptions; certificate of insurance; obligations of insurer and insured in regard thereto; notice of cancellation or nonrenewal of insurance policy; minimum term of such policy; investigation of accident to include inquiry regarding security; notice to department of motor vehicles; suspension, revocation and impoundment of operator's license and/or vehicle registration; notice; hearing; judicial review; reinstatement of license; reissuance of registration; conditions; criminal penalties.

Be it enacted by the Legislature of West Virginia:

That sections three and seven, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred
CHAP. 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION, CERTIFICATE OF TITLE, AND ANTI-THEFT PROVISIONS.

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATE OF TITLE.

§17A-3-3. Application for registration; certificate of insurance or other proof of security to accompany application; fee; special revolving fund; criminal penalties.

(a) Every owner of a vehicle subject to registration hereunder shall make application to the department for the registration thereof upon the appropriate form or forms furnished by the department and every such application shall bear the signature of the owner or his authorized agent, written with pen and ink, and said application shall contain:

(1) The name, bona fide residence and mailing address of the owner, the county in which he resides, or business address of the owner if a firm, association, or corporation.

(2) A description of the vehicle including, insofar as the hereinafter specified data may exist with respect to a given vehicle, the make, model, type of body, the manufacturer's serial or identification number or other number as determined by the commissioner.

(3) In the event a motor vehicle is designated, constructed, converted, or rebuilt for the transportation of property, the application shall include a statement of its declared gross weight if such motor vehicle is to be used alone, or if such motor vehicle is to be used in combination with other vehicles the application for registration of such motor vehicle shall include a statement of the combined declared gross weight of such motor vehicle and the vehicles to be drawn by such motor vehicle; declared gross weight being the weight declared by the
owner to be the actual combined weight of the vehicle
or combination of vehicles and load when carrying the
maximum load which the owner intends to place thereon;
and the application for registration of each such vehicle
shall also include a statement of the distance between
the first and last axles of that vehicle or combination of
vehicles. The declared gross weight stated in the ap-
application shall not exceed the permissible gross weight
for the axle spacing listed therein as determined by the
table of permissible gross weights contained in chapter
seventeen-c of this code; and any vehicle registered
for a declared gross weight as stated in the application
shall be subject to the single-axle load limit set forth in
chapter seventeen-c of this code.

(4) Each such applicant shall state whether such
vehicle is or is not to be used in the public transporta-
tion of passengers or property, or both, for compensa-
tion, and if so used, or to be used, the applicants shall so
certify, and shall, as a condition precedent to the regis-
tration of such vehicle, obtain a certificate of convenience,
 or permit from the public service commission.

(5) A statement that liability insurance is in effect
within limits which shall be no less than the require-
ment of section two, article four, chapter seventeen-d
of this code, or that the applicant has qualified as a self-
insurer meeting the requirements of section two, article
six, chapter seventeen-d of the code and that as a self-
insurer he has complied with the minimum security re-
quirements as established in section two, article four, of
said chapter seventeen-d, or that such applicant has
submitted bond or other security approved by the com-
mmissioner of motor vehicles which shall provide the
equivalent of the policy of insurance herein specified,
or that the applicant has submitted the required cash
or other securities with the state treasurer as set forth
in the provisions of section sixteen, article four, of said
chapter seventeen-d of this code.

The department shall make random periodic checks
of the applications required by this section to enforce
the requirements hereof.

If any person making an application required under
the provision of this section, therein knowingly provides false information, or if any person knowingly counsels, advises, aids or abets another in providing false information in such application, he is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars, or be imprisoned in the county jail for a period not to exceed thirty days, and shall have his operator's or chauffeur's license and vehicle registration suspended for a period of six months in addition to either of the aforesaid penalties.

(6) Such further information as may reasonably be required by the department to enable it to determine whether the vehicle is lawfully entitled to registration.

(7) Each such application for registration shall be accompanied by the fees hereafter provided.

(b) Every applicant for registration of a motor vehicle under the provisions of this article shall, at the time of making application for registration required by this section, submit the following:

(1) A certificate of insurance obtained by the applicant pursuant to the provisions of section three, article two-a, chapter seventeen-d of the code, or

(2) Proof of other security provided by the applicant pursuant to the provisions of section three, article two-a, chapter seventeen-d of the code, and

(3) A fee of two dollars for each motor vehicle for which the applicant seeks registration, such fee to be deposited in a special revolving fund for the operation by the department of its functions established by the provisions of article two-a, chapter seventeen-d of the code.

Any applicant knowingly submitting false proof of security in making application required by this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one hundred dollars, or be imprisoned in the county jail not to exceed thirty days, or both fined and imprisoned, and in addition to such fine and/or imprisonment, such person shall have his operator's or chauffeur's license and vehicle registration suspended for a period of six months.
§17A-3-7. Grounds for refusing registration or certificate of title.

The department shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

1. That the application contains any false or fraudulent statement or that the applicant has failed to furnish required information or reasonable additional information requested by the department or that the applicant is not entitled to the issuance of a certificate of title or registration of the vehicle under this chapter;
2. That the applicant fails to present a certificate of insurance or proof of other security as required pursuant to the provisions of section three of this article;
3. That the vehicle is mechanically unfit or unsafe to be operated or moved upon the highways;
4. That the department has reasonable grounds to believe that the vehicle is a stolen or embezzled vehicle or that the granting of registration or the issuance of certificate of title would constitute a fraud against the rightful owner or other person having a valid lien upon such vehicle;
5. That the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this state;
6. That the required fees have not been paid.

CHAPTER 17D. MOTOR VEHICLE SAFETY RESPONSIBILITY LAW.

ARTICLE 2A. SECURITY UPON MOTOR VEHICLES.

§17D-2A-1. Purpose of article.

The purpose of this article is to promote the public welfare by requiring every owner or registrant of a motor vehicle licensed in this state to maintain certain security during the registration period for such vehicle.

§17D-2A-2. Scope of article.

This article applies to the operation of all motor vehicles required to be registered pursuant to article three of chapter seventeen-a of this code, with the exception of
motor vehicles owned by the state, any of its political subdivisions or by the federal government.


1 Every owner or registrant of a motor vehicle required to be registered and licensed in this state shall maintain security as hereinafter provided in effect continuously throughout the registration or licensing period.

2 Every nonresident owner or registrant of a motor vehicle which is operated upon any road or highway of this state, and which has been physically present within this state for more than thirty days during the preceding three hundred sixty-five days, shall thereafter maintain security as hereinafter provided in effect continuously throughout the period such motor vehicle remains within this state.

3 No person shall knowingly drive or operate upon any road or highway in this state any motor vehicle upon which security is required by the provisions of this article unless such security is in effect.

4 Such security shall be provided by one of the following methods:

   (a) By an insurance policy delivered or issued for the delivery in this state by an insurance company authorized to issue vehicle liability and property insurance policies in this state within limits which shall be no less than the requirements of section two, article four, and section five, article three of chapter seventeen-cl of this code, or

   (b) By any other method approved by the commissioner of the department of motor vehicles of this state as affording security equivalent to that offered by a policy of insurance, including qualification as a self-insurer under the provisions of section two, article six, chapter seventeen-d, or

   (c) By depositing with the state treasurer such cash or other securities in the manner set forth in section sixteen, article four, chapter seventeen-d of this code.

5 The requirements of this section apply to every registered and licensed vehicle upon the next application for renewal of license following the effective date of this
provided, That this article shall not apply to any motor vehicle owned by the state or by a political subdivision of this state, nor to any motor vehicle owned by the federal government.


(a) All insurance carriers transacting insurance in this state, shall supply a certificate to the insured or to any person subject to the registration provisions of article three, chapter seventeen-a of this code, certifying that there is in effect a motor vehicle liability policy upon such motor vehicle in accordance with the provisions of article three of chapter seventeen-a of this code. The certificate shall give its effective date and the effective date of the policy and, unless the policy is issued to a person who is not the owner of a motor vehicle, must designate by explicit description, in such detail as the commissioner of the department of motor vehicles shall by rule require all motor vehicles covered and all replacement vehicles of similar classification. The certificate must specify for each vehicle listed therein, that there is a minimum liability insurance coverage not less than the requirements of section two, article four, and section five, article three of chapter seventeen-d of this code.

(b) The certificate of insurance provided pursuant to the provisions of this section shall be submitted to the commissioner of motor vehicles prior to the issuance of any certificate of registration or renewal or registration of any motor vehicle or registration plates pursuant to article three of chapter seventeen-a of this code.

§17D-2A-5. Cancellation of insurance policy; notice; suspension of registration; minimum term for liability policy; notice and hearing.

(a) Cancellation or termination of the insurance policy by the insurance carrier is effective only upon the expiration of thirty days' notice of cancellation, or forty-five days' notice in the case of nonrenewal, to the commissioner of motor vehicles and to the insured.

(b) The commissioner of motor vehicles shall, upon receipt of notice of cancellation or nonrenewal of insur-
ance, as provided in this section, suspend the registration of any motor vehicle for which the insurance policy has been cancelled or renewal of which has been refused, unless the registrant furnishes the commissioner of motor vehicles a new certificate of insurance within applicable notice period as provided in subsection (a) of this section: Provided, That the registrant shall be given notice and afforded an opportunity for hearing and judicial review thereof in accordance with the provisions of subsection (c) of section seven of this article.

(c) No policy of motor vehicle liability insurance issued or delivered for issuance in this state shall be contracted for a period of less than ninety days: Provided, however, that certain exceptions to such ninety-day requirement may be established under regulations of the commissioner of insurance.

§17D-2A-6. Investigation of motor vehicle accident by duly authorized law-enforcement officer to include inquiry regarding required security; notice to department of motor vehicles.

At the time of investigation of a motor vehicle accident in this state by the department of public safety or other law-enforcement agency, the officer of such agency making such investigation shall inquire of the operators of any motor vehicles involved and of the department of motor vehicles as to the existence upon such vehicle or vehicles of the security required by the provisions of this article and upon a finding by such law-enforcement agency, officer or agent thereof that the security required by the provisions of this article is not in effect, as to any such vehicle, he shall promptly notify the department of motor vehicles of such finding.

§17D-2A-7. Revocation of operator's or chauffeur's license and/or motor vehicle registration; notice; hearing; judicial review; reinstatement.

(a) Any owner of a motor vehicle, subject to the provisions of this article, who fails to have the required security in effect at the time such vehicle is being operated upon the roads or highways of this state, shall have
his operator's or chauffeur's license suspended by the commissioner of the department of motor vehicles for a period of ninety days and shall have his motor vehicle registration revoked until such time as he shall present to the department of motor vehicles the proof of security required by this article.

(b) Any person who knowingly operates a motor vehicle upon the roads or highways of this state, which does not have the security required by the provisions of this article, shall have his operator's or chauffeur's license suspended by the commissioner of the department of motor vehicles for a period of ninety days.

(c) No person shall have his operator's or chauffeur's license or motor vehicle registration suspended or revoked under any provisions of this section unless he shall first be given written notice of such suspension or revocation sent by certified mail, at least fifteen days prior to the effective date of such suspension or revocation, and upon such person's written request, sent by certified mail, he shall be afforded an opportunity for a hearing thereupon as well as a stay of the commissioner's order of suspension or revocation and an opportunity for judicial review of such hearing as set forth in the provisions of section fifteen, article three, chapter seventeen-d of this code. Upon affirmation of the commissioner's order, the owner or operator, as the case may be, shall surrender such revoked license and/or registration or have the same impounded in the manner set forth in the provisions of section seven, article nine, chapter seventeen-a of the code.

(d) Such suspended operator's or chauffeur's license shall be reinstated following the period of suspension upon compliance with the conditions set forth in this article and such revoked motor vehicle registration shall be reissued only upon lawful compliance with the provisions of this article.


The commissioners of the departments of motor vehicles and insurance are hereby authorized to promulgate such rules and regulations, in accordance with chapter twenty-
nine-a of this code, as each deems necessary for the ad-
ministration, operation and enforcement of the provisions
of this article.

1 In addition to any other penalty provided for violation
2 of any provision of this article, any person who violates
3 any provision of this article is guilty of a misdemeanor,
4 and, upon conviction, shall be fined not less than one
5 hundred dollars nor more than one thousand dollars, or
6 imprisoned in the county jail not less than ten days nor
7 more than one year, or both fined and imprisoned.
8 The arrest procedures authorized in section four, ar-
9 ticle nineteen, chapter seventeen-c of this code shall ap-
10 ply to the enforcement of the provisions of this article.

CHAPTER 33. INSURANCE.

ARTICLE 6A. CANCELLATION OR NONRENEWAL OF AUTOMO-
BILE LIABILITY POLICIES.

§33-6A-1. Cancellation prohibited except for specified reasons;
notice.
1 No insurer once having issued or delivered a policy
2 providing automobile liability insurance in this state in-
3 suring a private passenger automobile shall, after the
4 policy has been in effect for sixty days, or in case of re-
5 newal effective immediately, issue or cause to issue a
6 notice of cancellation during the term of the policy except
7 for one or more of the following specified reasons:
8 (a) The named insured fails to discharge when due any
9 of his obligations in connection with the payment of
10 premium for such policy or any installment thereof;
11 (b) The policy was obtained through material mis-
12 representation;
13 (c) The insured violates any of the material terms and
14 conditions of the policy;
15 (d) The named insured or any other operator, either
16 resident in the same household or who customarily oper-
17 ates an automobile insured under such policy:
18 (1) Has had his operator's license suspended or revoked
19 during the policy period including suspension or revoca-
20 tion for failure to comply with the provisions of article
21. Chapter seventeen-c of this code regarding consent for chemical test for intoxication; or
22. (2) Is or becomes subject to epilepsy or heart attacks, and such individual cannot produce a certificate from a physician testifying to his ability to operate a motor vehicle.
23. (e) The named insured or any other operator, either resident in the same household or who customarily operates an automobile insured under such policy is convicted of or forfeits bail during the policy period for any of the following:
24. (1) Any felony or assault involving the use of a motor vehicle;
25. (2) Negligent homicide arising out of the operation of a motor vehicle;
26. (3) Operating a motor vehicle while under the influence of alcohol or of any controlled substance or while having an alcohol concentration in his blood of ten one hundredths of one percent (.10) or more by weight;
27. (4) Leaving the scene of a motor vehicle accident in which the insured is involved without reporting as required by law;
28. (5) Theft of a motor vehicle or the unlawful taking of a motor vehicle;
29. (6) Making false statements in an application for a motor vehicle operator's license;
30. (7) A third violation, committed within a period of twelve months, of any moving traffic violation which constitutes a misdemeanor, whether or not the violations were repetitious of the same offense or were different offenses. Notwithstanding any of the provisions of this section to the contrary, no insurance company may cancel a policy of automobile liability insurance without first giving the insured thirty days' notice of its intention to cancel.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

K.P. Baylee
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Todd C. Wilks
Clerk of the Senate

Clark L. Blankenship
Clerk of the House of Delegates

Nathan B. Jefferson
President of the Senate

Jared M. Lee, Jr.
Speaker House of Delegates

The within is approved this the 29th day of April, 1981.

John D. Dwyer
Governor