

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-29-81

Time _____

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

No: 654

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ENROLLED

SENATE BILL NO. 654
(*Originating in the*
~~HOUSE~~ *Committee on Finance*)

—•—
PASSED April 16 1981

In Effect ninety days from Passage

OFFICE
SECY. OF STATE

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ENROLLED
Senate Bill No. 654

(Originating in the Committee on Finance)

[Passed April 11, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact section thirteen, article two, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to further amend said article by adding thereto a new section, designated section twenty-three; to amend and reenact sections four and fourteen, article three; sections one and five, article four; section ten, article four-a; section fifteen, article six; section seven, article nine; sections ten, eleven and fourteen, article ten, all of said chapter; to amend and reenact sections eight, eleven and twelve, article two and section nine, article three, chapter seventeen-b of said code; and to amend and reenact section two, article two, chapter seventeen-d of said code, all relating to the department of motor vehicles; increasing fees for records of vehicle registration; providing for a fee when checks are dishonored; increasing fees for certificate of title, special registration plates, temporary registration plates, transfers of registration, duplicate registrations, recording of liens, vehicle reinstatements, registration transfers, special registrations, driver's licenses, providing for photographs on driver's licenses, increasing fees for duplicates and late applications therefor, driver's license reinstatement fees and abstracts of operating records.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article two, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that said article be further amended by adding thereto a new section, designated section twenty-three; that sections four and fourteen, article three;

sections one and five, article four; section ten, article four-a; section fifteen, article six; section seven, article nine; sections ten, eleven and fourteen, article ten, all of said chapter seventeen-a be amended and reenacted; that sections eight, eleven and twelve, article two and section nine, article three, chapter seventeen-b of said code be amended and reenacted; and that section two, article two, chapter seventeen-d of said code be amended and reenacted, all to read as follows:

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION,
REGISTRATION, CERTIFICATE OF TITLE,
AND ANTI-THEFT PROVISIONS.**

ARTICLE 2. DEPARTMENT OF MOTOR VEHICLES.

§17A-2-13. Authority to administer oaths and certify copies of records; information as to registration.

1 (a) Officers and employees of the department designated
2 by the commissioner are, for the purpose of administering the
3 motor vehicle laws, authorized to administer oaths and
4 acknowledge signatures, and shall do so without fee.

5 (b) The commissioner and such officers of the department
6 as he may designate are hereby authorized to prepare under
7 the seal of the department and deliver upon request a
8 certified copy of any record of the department, charging a fee
9 of one dollar for each document so authenticated, and every
10 such certified copy shall be admissible in any proceeding in
11 any court in like manner as the original thereof.

12 (c) The commissioner and such officers of the department
13 as he may designate are hereby authorized to furnish to any
14 person requesting same in writing information regarding the
15 registration of any vehicle at a fee of one dollar for each such
16 registration about which information is furnished.

§17A-2-23. Worthless checks tendered for fees and taxes; penalty.

1 If a check tendered to the department of motor vehicles is
2 returned to the department unpaid for any reason, there shall
3 be a penalty of ten dollars to be paid to the department in
4 addition to the amount due the department. This penalty
5 applies to checks tendered for any fee or tax authorized to be
6 collected by the department and is in addition to any other
7 penalties imposed in this code: *Provided*, That in the event a
8 specific penalty is set forth for the nonpayment or late

9 payment of fees and taxes, the penalty set forth in this section
10 applies only to the extent that such penalty exceeds any
11 specific penalty for nonpayment or late payment.
12 The penalty provided in this section shall be used by the
13 department to defray expenses incurred as a result of
14 receiving returned checks and shall be in addition to the
15 regular appropriation made from the state road fund.

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF
CERTIFICATES OF TITLE.**

**§17A-3-4. Application for certificate of title; tax for privilege of
certification of title; penalty for false swearing.**

1 Certificates of registration of any vehicle or registration
2 plates therefor, whether original issues or duplicates, shall
3 not be issued or furnished by the department of motor
4 vehicles or any other officer charged with such duty, unless
5 the applicant therefor already has received, or shall at the
6 same time make application for and be granted, an official
7 certificate of title of such vehicle. Such application shall be
8 upon a blank form to be furnished by the department of
9 motor vehicles and shall contain a full description of the
10 vehicle, which description shall contain a manufacturer's
11 serial or identification number or other number as
12 determined by the commissioner and any distinguishing
13 marks, together with a statement of the applicant's title and of
14 any liens or encumbrances upon such vehicle, the names and
15 addresses of the holders of such liens and such other
16 information as the department of motor vehicles may require.
17 The application shall be signed and sworn to by the applicant.
18 A tax is hereby imposed upon the privilege of effecting the
19 certification of title of each vehicle in the amount equal to five
20 percent of the value of said motor vehicle at the time of such
21 certification. If the vehicle is new, the actual purchase price
22 or consideration to the purchaser thereof shall be the value of
23 said vehicle; if the vehicle is a used or secondhand vehicle,
24 the present market value at time of transfer or purchase shall
25 be deemed the value thereof for the purpose of this section:
26 *Provided*, That so much of the purchase price or
27 consideration as is represented by the exchange of other
28 vehicles on which the tax herein imposed has been paid by
29 the purchaser shall be deducted from the total actual price or
30 consideration paid for said vehicle, whether the same be new
31 or secondhand; if the vehicle be acquired through gift, or by

32 any manner whatsoever, unless specifically exempted in this
33 section, the present market value of the vehicle at the time of
34 the gift or transfer shall be deemed the value thereof for the
35 purposes of this section. No certificate of title for any vehicle
36 shall be issued to any applicant unless such applicant shall
37 have paid to the department of motor vehicles the tax
38 imposed by this section which shall be five percent of the true
39 and actual value of said vehicle whether the vehicle be
40 acquired through purchase, by gift, or by any other manner
41 whatsoever except gifts between husband and wife or
42 between parents and children: *Provided, however,* That
43 husband or wife, or parents or children previously have paid
44 said tax on the vehicles so transferred to the state of West
45 Virginia. The tax imposed by this section shall not apply to
46 vehicles to be registered as Class H vehicles, or Class S
47 vehicles, as defined in section one, article ten of this chapter,
48 which are used or to be used in interstate commerce, nor shall
49 the tax imposed by this section apply to titling of vehicles by
50 a registered dealer of this state for resale only, nor shall the
51 tax imposed by this section apply to titling of vehicles by this
52 state or any political subdivisions thereof, or by any volunteer
53 fire department or duly chartered rescue or ambulance squad
54 organized and incorporated under the laws of the state of
55 West Virginia as a nonprofit corporation for protection of life
56 or property. The total amount of revenue collected by reason
57 of this tax shall be paid into the state road fund and expended
58 by the commissioner of highways for matching federal aid
59 funds allocated for West Virginia. In addition to said tax,
60 there shall be a charge of five dollars for each original
61 certificate of title or duplicate certificate of title so issued:
62 *Provided further,* That this state or any political subdivision
63 thereof, or any such volunteer fire department, or duly
64 chartered rescue squad, shall be exempted from payment of
65 such charge.

66 Such certificate shall be good for the life of the vehicle, so
67 long as the same is owned or held by the original holder of
68 such certificate, and need not be renewed annually, or any
69 other time, except as herein provided.
70

71 If, by will or direct inheritance, a person becomes the owner
72 of a motor vehicle and the tax herein imposed previously has
73 been paid, to the department of motor vehicles, on that
74 vehicle, he shall not be required to pay such tax.

75 A person who has paid the tax imposed by this section shall
76 not be required to pay the tax a second time for the same
77 motor vehicle, but he shall be required to pay a charge of five
78 dollars for the certificate of retitling of that motor vehicle,
79 except that such tax shall be paid by such person when the
80 title to such vehicle has been transferred either in this or
81 another state from such person to another person and
82 transferred back to such person.

83 Notwithstanding any provisions of this code to the
84 contrary, the owners of trailers, semitrailers and other
85 vehicles not subject to the certificate of title tax prior to the
86 enactment of this chapter shall be subject to the privilege tax
87 imposed by this section: *Provided*, That mobile homes, house
88 trailers, modular homes and similar nonmotive propelled
89 vehicles susceptible of being moved upon the highways but
90 primarily designed for habitation and occupancy, rather than
91 for transporting persons or property, or any vehicle operated
92 on a nonprofit basis and used exclusively for the
93 transportation of mentally retarded or physically
94 handicapped children when the application for certificate of
95 registration for such vehicle is accompanied by an affidavit
96 stating that such vehicle will be operated on a nonprofit basis
97 and used exclusively for the transportation of mentally
98 retarded and physically handicapped children, shall not be
99 subject to the tax imposed by this section, but shall be
100 taxable under the provisions of articles fifteen and fifteen-a,
101 chapter eleven of this code.

102 If any person making any affidavit required under any
103 provision of this section, shall therein knowingly swear
104 falsely, or if any person shall counsel, advise, aid or abet
105 another in the commission of false swearing, he shall be
106 guilty of a misdemeanor, and, on conviction thereof, shall be
107 fined not more than one hundred dollars or be imprisoned in
108 the county jail for a period not to exceed thirty days, or in the
109 discretion of the court be subject to both such fine and
110 imprisonment.

**§17A-3-14. Registration plates to be furnished by the
department; special registration plates;
permanent registration plates.**

1 The department upon registering a vehicle shall issue to the
2 owner one registration plate for a motorcycle, trailer,
3 semitrailer or other motor vehicle.

4 Every registration plate shall have displayed upon it the
5 registration number assigned to the vehicle for which it is
6 issued, also the name of this state, which may be abbreviated,
7 and the year number for which it is issued or the date of
8 expiration thereof.

9 Such registration plate and the required letters and
10 numerals thereon, except the year number for which issued
11 or the date of expiration, shall be of sufficient size to be
12 plainly readable from a distance of one hundred feet during
13 daylight, said registration numbering to begin with number
14 two.

15 The color of the registration plates shall be blue and gold of
16 reflectorized material.

17 The department shall not issue, permit to be issued, or
18 distribute any special numbers except as follows:

19 (a) The governor shall be issued registration plates, on one
20 of which shall be imprinted the numeral one and on the other
21 the word one.

22 (b) Upon appropriate application, there shall be issued to
23 the secretary of state, state superintendent of free schools,
24 auditor, treasurer, commissioner of agriculture, and the
25 attorney general, the members of both houses of the
26 Legislature, including the clerks thereof, the judges of the
27 supreme court of appeals of West Virginia, the
28 representatives and senators of the state in the Congress of
29 the United States, the judges of the United States district
30 courts for the state of West Virginia and the judges of the
31 United States court of appeals for the fourth circuit, if any of
32 said judges shall be residents of West Virginia, a special
33 registration plate for a motor vehicle owned by him or his
34 wife, but not to exceed one plate for each such official, which
35 plate shall bear the initials of the individual, or any
36 combination of letters not to exceed three, which
37 combination of letters shall be limited to a contraction of the
38 proper name or names of such individual or a familiar form
39 applicable to such names or a name by which the individual is
40 generally known, and shall not include any name that might
41 be construed as a slogan or advertisement which has no
42 relation to the name or names of such individual or to a
43 reasonable name by which he is generally known, together
44 with a designation of his office and which plate shall

45 supersede, during his term of office and while such motor
46 vehicle is owned by him or his wife, the regular numbered
47 plate assigned to him.

48 (c) Upon appropriate application, any owner of a motor
49 vehicle subject to Class A registration under the provisions of
50 this article may request that the department issue to him a
51 registration plate bearing a maximum of five letters or
52 numbers. The department shall attempt to comply with such
53 request wherever possible and shall promulgate appropriate
54 rules and regulations for the orderly distribution of such
55 plates: *Provided*, That for purposes of this subdivision, such
56 registration plates so requested and issued shall include all
57 plates bearing the numbers two through two thousand and
58 shall be subject to the provisions of subdivision (d) of this
59 section.

60 (d) Upon appropriate application, there shall be issued to
61 any disabled veteran, who is exempt from the payment of
62 registration fees under the provisions of this chapter, a
63 registration plate which bears the letters "DV" in red, and
64 also the regular identification numerals in red.

65 (e) In addition to the regular registration fees set forth in
66 section three, article ten of this chapter, a fee of forty dollars
67 shall be paid to the department in each case in which an
68 application for a special registration plate is made as provided
69 in subdivisions (a), (b) and (c): *Provided, however*, That
70 nothing in this section shall be construed to require a charge
71 for a free prisoner of war license plate authorized by other
72 provisions of this code.

73 Notwithstanding the provisions of this section, or or any
74 other provision of this chapter, the commissioner may, in his
75 discretion, issue a type of registration plate suitable for
76 permanent use on motor vehicles, trailers and semitrailers,
77 together with appropriate devices to be attached thereto to
78 indicate the year for which such vehicles have been properly
79 registered or the date of expiration of such registration. The
80 design of such plates shall be determined by the
81 commissioner.

ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.

§17A-4-1. Registration expires on transfer by owner; transfer, surrender or retention of plates.

1 Whenever the owner of a registered vehicle transfers or
2 assigns his title, or interest thereto, the registration of such

3 vehicle shall expire: *Provided, however,* That such owner, if
4 he has made application to the department to have said
5 registration plates transferred to be used on another vehicle
6 owned by said owner, may then operate the other vehicle for a
7 period of forty days, but in no event longer than forty days
8 from the date of original transfer. Upon such transfer, it shall
9 be the duty of the original owner to retain the registration
10 plates issued therefor and to immediately notify the
11 commissioner of such transfer upon such form as may be
12 provided therefor and to deliver to him the certificate of
13 registration, whereupon the commissioner shall, upon the
14 payment of a fee of five dollars, issue a new certificate
15 showing the use to be made of such plates. Such plates may
16 then be used by such owner on another vehicle of the same
17 class as the vehicle for which they were originally issued if
18 such other vehicle does not require a greater license fee than
19 was required for such original vehicle. If such other vehicle
20 requires a greater license fee than such original vehicle, then
21 such plates may be used by paying such difference to the
22 commissioner. When such transfer of ownership is made to a
23 licensed dealer in motor vehicles it shall be the duty of such
24 dealer to immediately execute notification of transfer, in
25 triplicate, and to have this notification properly signed by the
26 owner making the transfer. The dealer shall immediately
27 forward to the department the original copy of the
28 notification of transfer. One copy of the notification of
29 transfer shall be given to the owner and one shall be retained
30 by the dealer. The owner shall immediately send to the
31 department the transfer fee of five dollars with any additional
32 fee that may be required under the terms of this chapter. The
33 owner's copy, properly signed by the dealer, will be the
34 owner's identification until he receives a new registration
35 card from the department.

36 The owner of a set of registration plates may surrender
37 them to the commissioner together with the registration card
38 and, upon the payment of five dollars as an exchange fee and
39 upon the payment of such additional fees as are necessary to
40 equalize the value of the plates surrendered with the value of
41 registration plates desired, receive in exchange a set of plates
42 and registration card for a vehicle of a different class.

§17A-4-5. Transfer by operation of law.

1 Whenever the title or interest of an owner in or to a

2 registered vehicle shall pass to another otherwise than by
3 voluntary transfer, the registration thereof shall expire and
4 the vehicle shall not be operated upon the highways unless
5 and until the person entitled to possession of such vehicle
6 shall apply for and obtain the registration thereof, except that
7 such vehicle may be operated by the person entitled to its
8 possession or his legal representative upon the highways for a
9 distance not exceeding seventy-five miles upon displaying
10 upon such vehicle the registration plates issued to the former
11 owner, or in the event title has become vested in the person
12 holding a lien or encumbrance upon said vehicle such person
13 may apply to the department for and obtain special plates as
14 may be issued under this chapter to dealers and may operate
15 any said repossessed vehicle under such special plates only
16 for purposes of transporting the same to a garage or
17 warehouse or for purposes of demonstrating or selling the
18 same: *Provided*, That the commissioner is authorized to
19 transfer the plates of a deceased person to his legal heir or
20 legatee upon payment of a transfer fee of five dollars.

21 Upon any transfer the new owner may secure a new
22 registration and certificate of title upon proper application
23 and upon presentation of the last certificate of title if
24 available, and such instruments or documents of authority or
25 certified copies thereof as may be sufficient or required by
26 law to evidence or effect a transfer of title or interest in or to
27 chattels in such case.

**ARTICLE 4A. LIENS AND ENCUMBRANCES ON VEHICLES TO BE SHOWN ON
CERTIFICATE OF TITLE; NOTICE TO CREDITORS AND
PURCHASERS.**

§17A-4A-10. Fee for recording and release of lien.

1 The department of motor vehicles is hereby authorized to
2 charge a fee of five dollars for the recording of any lien
3 created by the voluntary act of the owner and endorsing it
4 upon such title certificate issued pursuant to this article, and
5 the department of motor vehicles is hereby authorized to
6 charge a fee of fifty cents for recordation of any release of a
7 lien created by the voluntary act of the owner: *Provided*,
8 *however*, That no charge shall be made for the endorsement
9 and recordation of liens or releases thereof as provided under
10 section nine of this article.

**ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS;
SPECIAL PLATES; TEMPORARY PLATES OR MARKERS, ETC.**

§17A-6-15. Temporary registration plates or markers.

1 (a) In order to permit a vehicle which is sold to a purchaser
2 by a dealer to be operated on the streets and highways
3 pending receipt of the annual registration plate from the
4 department for such vehicle, the commissioner may, subject
5 to the limitations and conditions hereinafter set forth, deliver
6 temporary vehicle registration plates or markers to dealers
7 who in turn may, subject to the limitations and conditions
8 hereinafter set forth, issue the same to purchasers of vehicles,
9 but such purchasers must comply with the pertinent
10 provisions of this section.

11 (b) Application by a dealer to the commissioner for such
12 temporary registration plates or markers shall be made on the
13 form prescribed and furnished by the commissioner for such
14 purpose and shall be accompanied by a fee of three dollars for
15 each such temporary registration plate or marker. No refund
16 or credit of fees paid by dealers to the commissioner for
17 temporary registration plates or markers shall be allowed,
18 except that in the event the commissioner discontinues the
19 issuance of such temporary plates or markers, dealers
20 returning temporary registration plates or markers to the
21 commissioner may petition for and be entitled to a refund or a
22 credit thereof. No temporary registration plates or markers
23 shall be delivered by the commissioner to any dealer in house
24 trailers only, and no such temporary plates or markers shall
25 be issued for or used on any house trailer for any purpose.

26 (c) Every dealer who has made application for and
27 received temporary registration plates or markers shall
28 maintain in permanent form a record of all temporary
29 registration plates or markers delivered to him, a record of all
30 temporary registration plates or markers issued by him, and a
31 record of any other information pertaining to the receipt or
32 the issuance of temporary registration plates or markers
33 which the commissioner may require. Each such record shall
34 be kept for a period of at least three years from the date of the
35 making thereof. Every dealer who issues a temporary
36 registration plate or marker shall, within three days after he
37 issues such plate or marker, send to the department a copy of
38 the temporary registration plate or marker certificate
39 properly executed by such dealer and the purchaser. No

40 temporary registration plates or markers may be delivered to
41 any dealer until such dealer has fully accounted to the
42 commissioner for the temporary registration plates or
43 markers last delivered to such dealer, by showing the number
44 issued to purchasers by such dealer and any on hand.

45 (d) A dealer shall not issue, assign, transfer or deliver a
46 temporary registration plate or marker to anyone other than
47 the bona fide purchaser of the vehicle to be registered; nor
48 shall a dealer issue a temporary registration plate or marker to
49 anyone possessed of an annual registration plate for a vehicle
50 which has been sold or exchanged, except a dealer may issue
51 a temporary registration plate or marker to the bona fide
52 purchaser of a vehicle to be registered who possesses an
53 annual registration plate of a different class and makes
54 application to the department to exchange such annual
55 registration plate of a different class in accordance with the
56 provisions of section one, article four of this chapter; nor shall
57 a dealer lend to anyone, or use on any vehicle which he may
58 own, a temporary registration plate or marker. It shall be
59 unlawful for any dealer to issue any temporary registration
60 plate or marker knowingly containing any misstatement of
61 fact, or knowingly to insert any false information upon the
62 face thereof.

63 (e) Every dealer who issues temporary registration plates
64 or markers shall affix or insert clearly and indelibly on the
65 face of each temporary registration plate or marker the date of
66 issuance and expiration thereof, and the make and motor or
67 serial number of the vehicle for which issued.

68 (f) If the commissioner finds that the provisions of this
69 section or his directions are not being complied with by a
70 dealer, he may suspend the right of such dealer to issue
71 temporary registration plates or markers.

72 (g) Every person who is issued a temporary registration
73 plate or marker shall execute and send an application for an
74 annual registration plate to the department, previous to or not
75 later than fifteen days from the day on which the temporary
76 registration plate or marker is issued to such purchaser.

77 (h) Every person to whom a temporary registration plate
78 or marker has been issued shall permanently destroy such
79 temporary registration plate or marker immediately upon
80 receiving the annual registration plate for such vehicle from
81 the department: *Provided*, That if the annual registration

82 plate is not received within forty days of the issuance of the
83 temporary registration plate or marker, the owner shall,
84 notwithstanding the fact that the annual registration plate has
85 not been received, immediately and permanently destroy the
86 temporary registration plate or marker: *Provided, however,*
87 That not more than one temporary registration plate or
88 marker shall be issued to the same bona fide purchaser for the
89 same vehicle.

90 (i) A temporary registration plate or marker shall expire
91 and become void upon the receipt of the annual registration
92 plate from the department or upon the rescission of the
93 contract to purchase the vehicle in question, or upon the
94 expiration of forty days from the date of issuance, depending
95 upon whichever event shall first occur.

**ARTICLE 9. OFFENSES AGAINST REGISTRATION LAWS AND SUSPENSION
OR REVOCATION OF REGISTRATION.**

**§17A-9-7. Surrender of evidences of registration, etc., upon
cancellation, suspension or revocation; willful
failure or refusal to surrender; fee for
reinstatement.**

1 Whenever the registration of a vehicle, a certificate of title, a
2 registration card, registration plate or plates, a temporary
3 registration plate or marker, the right to issue temporary
4 registration plates or markers, any nonresident or other
5 permit, or any license certificate or dealer special plates
6 issued under the provisions of article six of this chapter, is
7 cancelled, suspended or revoked as authorized in this
8 chapter, the owner, holder or other person in possession of
9 such evidences shall, except as otherwise provided in said
10 article six, immediately return the evidences of the
11 registration, title, permit or license so cancelled, suspended,
12 or revoked, together with any dealer special plates relating to
13 any such license certificate, or any dealer special plate or
14 plates if such alone be suspended, to the department:
15 *Provided,* That, the owner or holder shall, before such
16 reinstatement, pay a fee of ten dollars in addition to all other
17 fees, which sum shall be collected by the department and
18 credited to the state road fund to be appropriated to the
19 department for use in enforcement of the provisions of this
20 code. If any person shall willfully fail or refuse to return to the
21 department the evidences of the registration, title, permit or

22 license so cancelled, suspended, or revoked, or any dealer
23 special plates, when obligated so to do as aforesaid, the
24 commissioner shall forthwith notify the superintendent of
25 the department of public safety who shall, as soon as possible,
26 secure possession thereof and return same to the department.
27 Said superintendent of the department of public safety shall
28 make a report in writing to the commissioner, within two
29 weeks after being so notified by the commissioner, as to the
30 result of his efforts to secure the possession and return of
31 such evidences of registration, title, permit or license, or any
32 dealer special plates. For each registration, certificate of title,
33 registration card, registration plate or plates, temporary
34 registration plate or marker, permit, license certificate, or
35 dealer special plate, which the owner, holder or other person
36 in possession thereof shall have willfully failed or refused, as
37 aforesaid, to return to the department within ten days from
38 the time that such cancellation, suspension or revocation
39 becomes effective, and which shall have been certified to the
40 superintendent of the department of public safety as
41 aforesaid, the owner or holder shall, before the same may be
42 reinstated, if reinstatement is permitted, in addition to all
43 other fees and charges, pay a fee of fifteen dollars, which fee
44 shall be collected by the department of motor vehicles, paid
45 into the state treasury and credited to the general fund to be
46 appropriated to the department of public safety for
47 application in the enforcement of the road laws. A total of
48 twenty-five dollars may be collected on each such
49 reinstatement for each vehicle to which any such
50 cancellation, suspension or revocation relates.

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

§17A-10-10. Fees upon transfer of registration and issuance of certificates of title.

1 A fee of five dollars shall be paid for a transfer of
2 registration by an owner from one vehicle to another vehicle
3 of the same class or for surrender of registration of one
4 vehicle in exchange for registration of a vehicle of a different
5 class in addition to the payment of any difference in fees as
6 provided in section one, article four of this chapter.

7 A fee of five dollars shall be paid for the transfer of
8 registration from a deceased person to his legal heir or legatee
9 as provided in section five, article four of this chapter.

10 A fee of five dollars shall be paid for the issuance of a
11 certificate of title.

§17A-10-11. Fees for duplicate registration plates, registration cards and certificates of title.

1 A fee of five dollars shall be paid for the issuance of
2 duplicate or substitute registration plates, registration cards
3 or certificates of title.

§17A-10-14. License plate for amateur radio station operators.

1 Any owner of a motor vehicle who is a resident of the state
2 of West Virginia, and who holds an unrevoked and unexpired
3 official amateur radio station license and/or amateur class
4 operators' license issued by the federal communications
5 commission, upon application, accompanied by proof of
6 ownership of such amateur radio station license, complying
7 with the motor vehicle laws of the state relative to registration
8 and licensing of motor vehicles, and upon payment of the
9 registration, license and other fees required by law, and the
10 payment of the additional special fee herein provided, shall
11 be issued a license plate for a private passenger car, upon
12 which, in lieu of the registration number prescribed by law,
13 shall be inscribed the official amateur radio call letters of
14 such applicant as assigned by the federal communications
15 commission.

16 The special fee that shall be charged each applicant for the
17 issuance of a license plate bearing the official amateur radio
18 call letters, in lieu of a registration number, shall be five
19 dollars, which special fee shall be in addition to all other fees
20 required by law. This special fee is for the purpose of
21 compensating the department of motor vehicles for
22 additional costs and services required in the issuing of such
23 licenses.

24 The commissioner is authorized to prescribe proper forms
25 to be used in making application for the special license plates
26 authorized by this section.

**CHAPTER 17B. MOTOR VEHICLE OPERATORS' AND
CHAUFFEURS' LICENSES.**

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

§17B-2-8. Issuance and contents of licenses; license fees.

1 On and after the first day of January, one thousand nine
2 hundred eighty-two, the department shall, upon payment of

3 the required fee, issue to every applicant qualifying therefor
4 an operator's or chauffeur's license which license shall
5 contain a coded number assigned to the licensee, the full
6 name, date of birth, residence address, a brief description and
7 a color photograph of the licensee and either a facsimile of the
8 signature of the licensee or a space upon which the signature
9 of the licensee shall be written with pen and ink immediately
10 upon receipt of the license. No license shall be valid until it
11 has been so signed by the licensee. The department shall use
12 such process or processes in the issuance of licenses that will,
13 insofar as possible, prevent any alteration, counterfeiting,
14 duplication, reproduction, forging, or modification of, or the
15 superimposition of a photograph on, such license. The color
16 photograph shall be contained on all licenses issued on and
17 after the first day of January, one thousand nine hundred
18 eighty-two, and upon every such license issued under the
19 provisions of section twelve of this article.

20 The fee for the issuance of an operator's license shall be ten
21 dollars. The fee for the issuance of a chauffeur's license shall
22 be fifteen dollars.

§17B-2-11. Duplicate permits and licenses.

1 In the event that an instruction permit, operator's license or
2 chauffeur's license issued under the provisions of this
3 chapter is lost or destroyed, the person to whom such permit
4 or license was issued may upon making proper application
5 and upon payment of a fee of five dollars obtain a duplicate
6 thereof upon furnishing proof satisfactory to the department
7 that such permit or license has been lost or destroyed.

§17B-2-12. Expiration of licenses; renewal; renewal fees.

1 On and after the first day of January, one thousand nine
2 hundred eighty-two, every operator's license and every
3 chauffeur's license shall expire four years from the date of its
4 issuance, except that the operator's or chauffeur's license of
5 any person in the armed forces shall be extended for a period
6 of six months from the date the person is separated under
7 honorable circumstances from active duty in the armed
8 forces.

9 A person who allows his operator's or chauffeur's license to
10 expire may apply to the department for renewal thereof.
11 Application shall be made upon a form furnished by the
12 department and shall be accompanied by payment of the fee

13 required by section eight of this article plus an additional fee
14 of one dollar and fifty cents. The commissioner shall
15 determine whether such person qualifies for a renewed
16 license and may, in his discretion, renew any expired license
17 without examination of the applicant.

18 On and after the first day of January, one thousand nine
19 hundred eighty-two, each renewal of an operator's or
20 chauffeur's license shall contain a new color photograph of
21 the licensee. By first class mail to the address last known to
22 the department, the commissioner shall notify each person
23 who holds a valid operator's or chauffeur's license of the
24 expiration date of the license. The notice shall be mailed at
25 least thirty days prior to the expiration date of the license and
26 shall include a renewal application form.

ARTICLE 3. CANCELLATION, SUSPENSION OR REVOCATION OF LICENSES.

**§17B-3-9. Surrender and return of license; willful refusal to
return; additional fee for reinstatement.**

1 The department upon suspending or revoking a license
2 shall require that such license shall be surrendered to and be
3 retained by the department, except that at the end of the
4 period of suspension such license so surrendered shall be
5 returned to the licensee: *Provided*, That, before such license
6 may be reinstated, the licensee shall pay a fee of ten dollars, in
7 addition to all other fees and charges, which fee shall be
8 collected by the department and deposited in the state road
9 fund to be appropriated to the department for use in the
10 enforcement of the provisions of this section. If any person
11 shall willfully fail to return to the department such suspended
12 or revoked license, the commissioner shall forthwith notify
13 the superintendent of the department of public safety who
14 shall, as soon as possible, secure possession thereof and
15 return same to the department. Said superintendent of the
16 department of public safety shall make a report in writing to
17 the commissioner, within two weeks after being so notified
18 by the commissioner, as to the result of his efforts to secure
19 the possession and return of such license. For each license
20 which shall have been suspended or revoked and which the
21 holder thereof shall have willfully failed to return to the
22 department within ten days from the time that such
23 suspension or revocation becomes effective and which shall
24 have been certified to the superintendent of the department

25 of public safety as aforesaid, the holder thereof, before the
26 same may be reinstated, in addition to all other fees and
27 charges, shall pay a fee of fifteen dollars, which shall be
28 collected by the department of motor vehicles and paid into
29 the state treasury and credited to the general fund to be
30 appropriated to the department of public safety for
31 application in the enforcement of the road laws.

**CHAPTER 17D. MOTOR VEHICLE SAFETY
RESPONSIBILITY LAW.**

ARTICLE 2. ADMINISTRATION OF LAW.

**§17D-2-2. Commissioner to furnish abstract of operating record;
fee for abstract.**

1 The commissioner shall upon request furnish any person a
2 certified abstract of the operating record of any person
3 subject to the provisions of this chapter, which abstract shall
4 fully designate the vehicles, if any, registered in the name of
5 such person, and if there shall be no record of any conviction
6 of such person of a violation of any law relating to the
7 operation of a motor vehicle or of any injury or damage
8 caused by such person the commissioner shall so certify. The
9 commissioner shall collect three dollars for each abstract.

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

R. P. Baylor
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Isabel C. Willis
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Wm. D. Brown
President of the Senate

Charles H. Lee, Jr.
Speaker House of Delegates

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

John I. Rhyne
Governor

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SECY. OF STATE

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