WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

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ENROLLED

HOUSE BILL No. 4189

(By Delegates: Leary & Petruolo)

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Passed March 12, 1988

In Effect Ninety Days from Passage
ENROLLED

H. B. 4189

(By Delegate Leary and Pitrillo)

[Passed March 12, 1988; in effect ninety days from passage.]

AN ACT to repeal article three, chapter seventeen-cl of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections three, four and seven, article two-a of said chapter, relating to security upon motor vehicles.

Be it enacted by the Legislature of West Virginia:

That article three, chapter seventeen-cl of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections three, four and seven, article two-a of said chapter be amended and reenacted, all to read as follows:

ARTICLE 2A. SECURITY UPON MOTOR VEHICLES.


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 except in case of a periodic use or seasonal vehicle, in which case the owner or registrant is required to maintain security upon the vehicle only for the portion of the year the vehicle is in actual use. As used in this section, a periodic use or seasonal vehicle means a recreational vehicle, antique motor vehicle, motorcycle or other motor vehicle which is stored part of the year and used seasonally.
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.

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.

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, chapter seventeen-d 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.

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 section: 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, 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: Provided, That on and after the first day of July, one thousand nine hundred eighty-four, insurance companies shall supply a certificate of insurance in duplicate for each policy term and for each vehicle included in a policy, except for those listed in a fleet policy. Each such certificate of insurance shall list the name of the policyholder and the name of the vehicle owner if different from the policyholder.

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, chapter seventeen-d of this code.

(b) The certificate provided pursuant to the provisions of this section or other proof of insurance shall be carried by the insured in the appropriate vehicle for use as proof of security, and must be presented at the time of vehicle inspection as required by article sixteen, chapter seventeen-c of this code: Provided, That an insured shall not be guilty of a violation of this subsection (b) if he furnishes proof that such insurance was in effect within seven days of being cited for not carrying such certificate or other proof in such vehicle. As used in this section, proof of insurance means a certificate of insurance, an insurance policy, a mechanically reproduced copy of an insurance policy or a certificate of self-insurance.

§17D-2A-7. Suspension or revocation of license, registration; 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 twenty 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. 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 Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce O. Williams  
Chairman Senate Committee

Bernard V. Kelly  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jeff C. Miller  
Clerk of the Senate

Donald L. Kapp  
Clerk of the House of Delegates

Don T. Toland  
President of the Senate

K.D. Cole  
Speaker of the House of Delegates

The within bill approved this the 21st day of ____________, 1988.

Andrew P. Harris  
Governor