

6817  
#

**WEST VIRGINIA LEGISLATURE**

REGULAR SESSION, 1988

— ● —

**ENROLLED**

**HOUSE BILL No. 4189**

(By ~~ME~~ *Delegates Leary & Pitrolo*)

— ● —

Passed *March 12* 1988

In Effect *Ninety Days from* Passage

**ENROLLED**  
**H. B. 4189**

(By DELEGATES LEARY and PITROLO)

---

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

---

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article three, chapter seventeen-d of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections three, four and seven, article two-a of said chapter be amended and reenacted, all to read as follows: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

**§17D-2A-3. Required security; exceptions.**

1 Every owner or registrant of a motor vehicle required  
2 to be registered and licensed in this state shall maintain  
3 security as hereinafter provided in effect continuously  
4 throughout the registration or licensing period except in  
5 case of a periodic use or seasonal vehicle, in which case  
6 the owner or registrant is required to maintain security  
7 upon the vehicle only for the portion of the year the  
8 vehicle is in actual use. As used in this section, a  
9 periodic use or seasonal vehicle means a recreational  
10 vehicle, antique motor vehicle, motorcycle or other  
11 motor vehicle which is stored part of the year and used  
12 seasonally.

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

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

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

27 (a) By an insurance policy delivered or issued for the  
28 delivery in this state by an insurance company autho-  
29 rized to issue vehicle liability and property insurance  
30 policies in this state within limits which shall be no less  
31 than the requirements of section two, article four,  
32 chapter seventeen-d of this code; or

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

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

42 The requirements of this section apply to every  
43 registered and licensed vehicle upon the next applica-  
44 tion for renewal of license following the effective date  
45 of this section: *Provided*, That this article shall not apply  
46 to any motor vehicle owned by the state or by a political  
47 subdivision of this state, nor to any motor vehicle owned  
48 by the federal government.

#### §17D-2A-4. Certificate of insurance.

1 (a) All insurance carriers transacting insurance in

2 this state shall supply a certificate to the insured or to  
3 any person subject to the registration provisions of  
4 article three, chapter seventeen-a of this code, certifying  
5 that there is in effect a motor vehicle liability policy  
6 upon such motor vehicle in accordance with the provi-  
7 sions of article three, chapter seventeen-a of this code.  
8 The certificate shall give its effective date and the  
9 effective date of the policy and, unless the policy is  
10 issued to a person who is not the owner of a motor  
11 vehicle, must designate by explicit description, in such  
12 detail as the commissioner of the department of motor  
13 vehicles shall by rule require, all motor vehicles covered  
14 and all replacement vehicles of similar classification:  
15 *Provided*, That on and after the first day of July, one  
16 thousand nine hundred eighty-four, insurance compan-  
17 ies shall supply a certificate of insurance in duplicate  
18 for each policy term and for each vehicle included in a  
19 policy, except for those listed in a fleet policy. Each such  
20 certificate of insurance shall list the name of the  
21 policyholder and the name of the vehicle owner if  
22 different from the policyholder.

23 The certificate must specify for each vehicle listed  
24 therein, that there is a minimum liability insurance  
25 coverage not less than the requirements of section two,  
26 article four, chapter seventeen-d of this code.

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

**§17D-2A-7. Suspension or revocation of license, registra-  
tion; reinstatement.**

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

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

17 (c) No person shall have his operator's or chauffeur's  
18 license or motor vehicle registration suspended or  
19 revoked under any provisions of this section unless he  
20 shall first be given written notice of such suspension or  
21 revocation sent by certified mail, at least twenty days  
22 prior to the effective date of such suspension or  
23 revocation, and upon such person's written request, sent  
24 by certified mail, he shall be afforded an opportunity for  
25 a hearing thereupon as well as a stay of the commission-  
26 er's order of suspension or revocation and an opportunity  
27 for judicial review of such hearing. Upon affirmation of  
28 the commissioner's order, the owner or operator, as the  
29 case may be, shall surrender such revoked license  
30 and/or registration or have the same impounded in the  
31 manner set forth in the provisions of section seven,  
32 article nine, chapter seventeen-a of the code.

33 (d) Such suspended operator's or chauffeur's license  
34 shall be reinstated following the period of suspension  
35 upon compliance with the conditions set forth in this  
36 article and such revoked motor vehicle registration shall  
37 be reissued only upon lawful compliance with the  
38 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.

*Isaac C. Hahn*  
 Clerk of the Senate

*Donald D. Kopp*  
 Clerk of the House of Delegates

*Don Tandonil*  
 President of the Senate

*[Signature]*  
 Speaker of the House of Delegates

The within *appeared* this the *21th*  
*Hand*  
 day of \_\_\_\_\_, 1988.

*Arthur A. Shaffer, Jr.*  
 Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/88

Time 3:18 p.m.

RECEIVED

1500 APR -5 AM 8 50

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE