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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

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ENROLLED

HOUSE BILL No. 2758

(By Mr. Del. Anderson + Love)

— ● —

Passed April 8, 1989

In Effect July 1, 1989 ~~Passage~~

ENROLLED
H. B. 2758

(By DELEGATES ANDERSON AND LOVE)

[Passed April 8, 1989; in effect July 1, 1989.]

AN ACT to amend and reenact section fourteen, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to special registration plates; authorizing the commissioner of motor vehicles to determine the maximum number of letters or numbers on special registration plates; providing for a special registration plate for recipients of the purple heart medal and exempting such plates from registration fees; providing for special registration plates bearing logos or emblems of non-profit charitable and educational organizations to members of such organizations and to the general public, and providing that such special registration plates are to comply with the fees and law regarding Class A registration plates; authorizing legislative rules; authorizing the commissioner of motor vehicles to set certain fees; setting fees; providing for a special registration plate for members of volunteer fire companies, paid fire departments, state fire marshal and assistants, state fire administrator and voluntary rescue squad members, setting the fee therefor, and establishing a special revolving fund; and providing sanctions for a check which is returned for nonsufficient funds.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article three, chapter seventeen-a of

the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

§17A-3-14. Registration plates generally.

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

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

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

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

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

21 (b) Upon appropriate application, there shall be
22 issued to the secretary of state, state superintendent of
23 free schools, auditor, treasurer, commissioner of agricul-
24 ture, and the attorney general, the members of both
25 houses of the Legislature, including the elected officials
26 thereof, the justices of the supreme court of appeals of
27 West Virginia, the representatives and senators of the
28 state in the Congress of the United States, the judges
29 of the United States district courts for the state of West
30 Virginia and the judges of the United States court of
31 appeals for the fourth circuit, if any of said judges shall
32 be residents of West Virginia, a special registration
33 plate for a motor vehicle owned by said official or
34 spouse, but not to exceed two plates for each such

35 official, which plate shall bear any combination of
36 letters not to exceed an amount determined by the
37 commissioner, and with a designation of the office and
38 which plate shall supersede, during his term of office
39 and while such motor vehicle is owned by said official
40 or spouse, the regular numbered plate assigned to him.

41 (c) Upon receipt of an application on a form pres-
42 cribed by the department and receipt of written
43 evidence from the chief executive officer of the army
44 national guard or air national guard, as appropriate,
45 that the applicant is a member thereof, the department
46 shall issue to any member of the national guard of this
47 state a special registration plate designed by the
48 commissioner for a motor vehicle owned by the member
49 or the member's spouse, but not to exceed one plate for
50 each such member.

51 (d) Upon appropriate application, any owner of a
52 motor vehicle subject to Class A registration or the
53 owner of a motorcycle subject to Class G registration
54 under the provisions of this article may request that the
55 department issue a registration plate bearing specially
56 arranged letters or numbers with the maximum
57 number of letters or numbers to be determined by the
58 commissioner. The department shall attempt to comply
59 with such request wherever possible and shall promul-
60 gate appropriate rules and regulations for the orderly
61 distribution of such plates: *Provided*, That for purposes
62 of this subdivision, such registration plates so requested
63 and issued shall include all plates bearing the numbers
64 two through two thousand and shall be subject to the
65 provisions of subdivision (i) of this section.

66 (e) Upon appropriate application, there shall be
67 issued to any disabled veteran, who is exempt from the
68 payment of registration fees under the provisions of this
69 chapter, a registration plate which bears the letters
70 "DV" in red, and also the regular identification
71 numerals in red.

72 (f) Upon appropriate application, there shall be issued
73 to any armed service person holding the distinguished
74 purple heart medal for persons wounded in combat a

75 registration plate bearing letters or numbers. The
76 registration plate designed by the commissioner of
77 motor vehicles shall denote that those individuals who
78 are granted this special registration plate are recipients
79 of the purple heart. All letterings as herein provided
80 shall be in purple where practical. Further, the
81 registration plates herein provided shall be exempt from
82 registration fees under the provisions of this chapter.

83 (g) Subject to rules promulgated by the commissioner,
84 nonprofit charitable and educational organizations shall
85 be authorized to design a logo or emblem for inclusion
86 on a special registration plate and to market this special
87 registration plate to organization members and the
88 general public. Approved nonprofit organizations may
89 accept applications for the special registration plate
90 from the owner of motor vehicles subject to a Class A
91 registration and payment of fees therefor under the
92 provisions of this article and may request that the
93 department issue a registration plate bearing a
94 combination of letters or numbers with the organizations'
95 logo or emblem, with the maximum number of letters
96 or numbers to be determined by the commissioner:
97 *Provided,* That such rules, regulations and standards
98 that are promulgated by the commissioner for purpose
99 of this subdivision shall be promulgated in accordance
100 with the provisions of chapter twenty-nine-a of this code.
101 Nonprofit organizations seeking to market such plates
102 shall be authorized to collect, a fee for successfully
103 processing a registration plate application and shall
104 deposit an appropriate fee, which shall be determined
105 by the commissioner, with the department of motor
106 vehicles to defray the administrative costs associated
107 with designing and manufacturing special registration
108 plates for the organization.

109 (h) Any owner of a motor vehicle who is a resident of
110 the state of West Virginia, and who is a member of a
111 volunteer fire company, a paid fire department, a
112 member of the state fire commission, the state fire
113 marshal, the state fire marshal's assistants, the state fire
114 administrator and voluntary rescue squad members
115 upon application, accompanied by an affidavit signed by

116 the fire chief or department head of the applicant,
117 stating that the applicant is justified in having a
118 registration with an insignia designed by the commis-
119 sioner of the department of motor vehicles to denote
120 those individuals who are granted special registration
121 plates under this article, complying with the motor
122 vehicle laws of the state relative to registration and
123 licensing of motor vehicles, and upon payment of the
124 registration, license and other fees required by law, and
125 the payment of the additional special fee herein
126 provided, shall be issued a license plate for a private
127 passenger car, upon which, in lieu of the registration
128 number prescribed by law, shall be inscribed the
129 insignia designed by the commissioner of the depart-
130 ment of motor vehicles to denote those individuals who
131 are granted this special registration insignia in addition
132 to their existing registration numbers.

133 The special fee that shall be charged each applicant
134 for the issuance of a license plate bearing the insignia
135 designed by the commissioner of the department of
136 motor vehicles to denote those individuals who are
137 granted this special registration insignia in addition to
138 their existing registration number, shall be five dollars,
139 which special fee shall be in addition to all other fees
140 required by law. This special fee is for the purpose of
141 compensating the department of motor vehicles for
142 additional costs and services required in the issuing of
143 such special registration and shall be collected by the
144 department and deposited in a special revolving fund to
145 be used for the administration of this section.

146 The commissioner is authorized to prescribe proper
147 forms to be used in making application for the special
148 license plates authorized by this section.

149 (i) In addition to the regular registration fees set forth
150 in section three, article ten of this chapter, a fee of
151 fifteen dollars shall be paid to the department in each
152 case in which an application for a special registration
153 plate is made as provided in subdivisions (a), (b), (c) and
154 (d): *Provided*, That nothing in this section shall be
155 construed to require a charge for a free prisoner of war
156 license plate authorized by other provisions of this code.

157 Notwithstanding the provisions of this section, or of
158 any other provision of this chapter, the commissioner
159 may, in his discretion, issue a type of registration plate
160 of reflectorized material suitable for permanent use on
161 motor vehicles, trailers and semitrailers, together with
162 appropriate devices to be attached thereto to indicate
163 the year for which such vehicles have been properly
164 registered or the date of expiration of such registration.
165 The design of such plates shall be determined by the
166 commissioner.

167 Further, notwithstanding any provisions of this
168 chapter to the contrary, any license plate issued or
169 renewed pursuant to this chapter, which is paid for by
170 a check that is returned for nonsufficient funds, shall
171 be void without further notice to the applicant, and the
172 applicant may not reinstate the registration until the
173 returned check is paid by the applicant in cash, money
174 order or certified check and all applicable fees assessed
175 as a result thereof have been paid.

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

Frederick L. Purser
.....
Chairman Senate Committee

F. L. Lett
.....
Chairman House Committee

Originating in the House.

Takes effect July 1, 1989.

Jack C. Miller
.....
Clerk of the Senate

Donald T. Kopp
.....
Clerk of the House of Delegates

Sam D. Tucker
.....
President of the Senate

Robert
.....
Speaker of the House of Delegates

The within *is approved* this the *26th*
day of *April*, 1989.

Yaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/24/89

Time 2:17