WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1993

ENROLLED
Com. Sub C for
HOUSE BILL No. 2120

(By Delegates Warner, Michael, Johnson,
Overington, Honouras, O'Melven and Beane)

Passed April 19, 1993

In Effect Ninety Days from Passage
AN ACT to amend and reenact section two-a, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section fourteen, article three, chapter seventeen-a of said code; and to amend and reenact section fourteen, article ten of said chapter, all relating to compensation and allowances for certain appointive state officers; appointment, qualifications, powers and salaries of such officers; increasing the salary for the administrator of the division of motor vehicles; special registration plates and fees; requirements for design of license plates; permitting special plates for certain individuals, officials and judges, national guardsmen, various classes of veterans, nonprofit charitable or educational organizations and emergency personnel; vanity plates; special ten-year registration for exempted persons and antique automobiles; plates for amateur radio station operators; and fees and rules to be promulgated by the commissioner.

Be it enacted by the Legislature of West Virginia:

That section two-a, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section fourteen,
Enr. Com. Sub. for H. B. 2120] 2

article three, chapter seventeen-a of said code be amended and reenacted; and that section fourteen, article ten of said chapter be amended and reenacted, all to read as follows:

CHAPTER 6. GENERAL PROVISIONS RESPECTING OFFICERS.

ARTICLE 7. COMPENSATION AND ALLOWANCES.

§6-7-2a. Terms of certain appointive state officers; appointment; qualifications; powers and salaries of such officers.

(a) Notwithstanding any other provision of this code to the contrary, each of the following appointive state officers named in this subsection shall be appointed by the governor, by and with the advice and consent of the Senate. Each of the appointive state officers shall serve at the will and pleasure of the governor for the term for which the governor was elected and until the respective state officers' successors have been appointed and qualified. Each of the appointive state officers shall hereafter be subject to the existing qualifications for holding each respective office and each shall have and is hereby granted all of the powers and authority and shall perform all of the functions and services heretofore vested in and performed by virtue of existing law respecting each office.

Beginning on the first day of January, one thousand nine hundred ninety, the annual salary of each named appointive state officer shall be as follows:

Administrator, division of highways, sixty thousand dollars; administrator, division of health, fifty-seven thousand two hundred dollars; administrator, division of human services, forty-seven thousand eight hundred dollars; administrator, state tax division, forty-nine thousand nine hundred dollars; administrator, division of energy, sixty-five thousand dollars; administrator, division of finance and administration, sixty thousand eight hundred dollars; administrator, division of corrections, sixty-three thousand six hundred dollars; administrator,
division of workers’ compensation, forty-five thousand
dollars; administrator, division of commerce, sixty-two
thousand five hundred dollars; administrator, division of
natural resources, forty-seven thousand eight hundred
dollars; administrator, division of public safety, forty-
four thousand six hundred dollars; administrator,
lottery division, sixty thousand dollars; director, public
employees insurance agency, fifty-five thousand dollars;
administrator, division of employment security, forty-
five thousand dollars; administrator, division of bank-
ing, thirty-eight thousand three hundred dollars;
administrator, division of insurance, thirty-six thousand
seven hundred dollars; administrator, division of culture
and history, thirty-eight thousand three hundred
dollars; chairman, public service commission, fifty
thousand dollars; members, public service commission,
forty-six thousand two hundred dollars; administrator,
alcohol beverage control commission, thirty-eight
thousand three hundred dollars; administrator, division
of motor vehicles, fifty-five thousand dollars; director,
division of personnel, thirty-eight thousand three
hundred dollars; adjutant general, thirty-five thousand
seven hundred dollars; chairman, health care cost
review authority, forty thousand dollars; members,
health care cost review authority, thirty-six thousand
five hundred dollars; director, human rights commis-
sion, forty thousand dollars; administrator, division of
labor, thirty-five thousand seven hundred dollars;
administrator, division of veterans affairs, thirty-two
thousand dollars; administrator, division of emergency
services, thirty-two thousand dollars; administrator,
nonintoxicating beer commission, thirty-two thousand
dollars; members, board of probation and parole,
twenty-eight thousand three hundred dollars; members,
employment security review board, seventeen thousand
dollars; members, workers’ compensation appeal board,
seventeen thousand eight hundred dollars.

Prior to the first day of January, one thousand nine
hundred ninety, each of the officers named in subsection
(a) of this section shall continue to receive the annual
salaries they were receiving as of the last day of March,
one thousand nine hundred eighty-nine.
(b) Notwithstanding any other provisions of this code to the contrary, each of the state officers named in this subsection shall continue to be appointed in the manner prescribed in this code, and shall be paid an annual salary as follows, except that any increase in salary over and above the salary being received by any of the following state officers as of the last day of March, one thousand nine hundred eighty-nine, shall not become effective until the first day of January, one thousand nine hundred ninety:

Chancellor, board of regents, seventy thousand dollars; state superintendent of schools, seventy thousand dollars; administrator, division of risk and insurance management, forty-two thousand dollars; director, division of rehabilitation services, fifty-five thousand dollars; executive director, educational broadcasting authority, forty-seven thousand five hundred dollars; secretary, library commission, forty-seven thousand five hundred dollars; director, geologic and economic survey, forty-seven thousand five hundred dollars; executive director, educational broadcasting authority, forty-seven thousand five hundred dollars; secretary, library commission, forty-seven thousand five hundred dollars; director, water development authority, fifty-four thousand two hundred dollars; executive secretary, teacher’s retirement system, forty-seven thousand two hundred dollars; executive secretary, public employees retirement system, forty-seven thousand two hundred dollars; executive director, air pollution control commission, forty-seven thousand two hundred dollars; executive director, public legal services council, forty-seven thousand five hundred dollars; director, commission on aging, forty thousand two hundred dollars; commissioner, oil and gas conservation commission, forty thousand dollars; director, farm management commission, thirty-two thousand five hundred dollars; state fire administrator, twenty-five thousand dollars; executive secretary, municipal bond commission, thirty thousand two hundred dollars; director, railroad maintenance authority, thirty-two thousand five hundred dollars; executive secretary, women’s commission, thirty thousand one hundred dollars; executive director, regional jail authority, forty-two thousand six hundred dollars; executive director, hospital finance authority, twenty-five thousand eight hundred dollars.
No increase in the salary of any appointive state officer pursuant to this section shall be paid until and unless the appointive state officer shall have first filed with the state auditor and the legislative auditor a sworn statement, on a form to be prescribed by the attorney general, certifying that the spending unit is in compliance with any general law providing for a salary increase for his or her employees. The attorney general shall prepare and distribute the form to the affected spending units: Provided, That no decrease in salary shall be effective for any current appointive state officer appointed prior to the first day of January, one thousand nine hundred eighty-nine: Provided, however, That decreases shall take effect at such time as any appointive office is vacated.

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

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

§17A-3-14. Registration plates generally; description of plates; issuance of special numbers and plates; registration fees; special application fees; exemptions; commissioner to promulgate forms; suspension and nonrenewal.

(a) The division upon registering a vehicle shall issue to the owner one registration plate for a motorcycle, trailer, semitrailer or other motor vehicle.

(b) Registration plates issued by the division shall meet the following requirements:

(1) Every registration plate shall be of reflectorized material and have displayed upon it the registration number assigned to the vehicle for which it is issued; the name of this state, which may be abbreviated; and the year number for which it is issued or the date of expiration of the plate.

(2) Every registration plate and the required letters and numerals on the plate shall be of sufficient size to
be plainly readable from a distance of one hundred feet during daylight: Provided, That the requirements of this subdivision shall not apply to the year number for which the plate is issued or the date of expiration.

(3) Registration numbering for registration plates shall begin with number two.

(c) The division shall not issue, permit to be issued, or distribute any special registration plates except as follows:

(1) The governor shall be issued two registration plates, on one of which shall be imprinted the numeral one and on the other the word one.

(2) State officials and judges may be issued special registration plates as follows:

(A) Upon appropriate application, there shall be issued to the secretary of state, state superintendent of free schools, auditor, treasurer, commissioner of agriculture, and the attorney general, the members of both houses of the Legislature, including the elected officials thereof, the justices of the supreme court of appeals of West Virginia, the representatives and senators of the state in the Congress of the United States, the judges of the United States district courts for the state of West Virginia and the judges of the United States court of appeals for the fourth circuit, if any of the judges are residents of West Virginia, a special registration plate for a Class A motor vehicle owned by the official or his or her spouse: Provided, That the division shall not issue more than two plates for each official.

(B) Each plate issued pursuant to this subdivision shall bear any combination of letters and numbers not to exceed an amount determined by the commissioner, and a designation of the office. Each plate shall supersede the regular numbered plate assigned to the official or his or her spouse during the official’s term of office and while the motor vehicle is owned by the official or his or her spouse.

(C) An annual fee of fifteen dollars shall be charged for every registration plate issued pursuant to this
(3) Members of the national guard forces may be issued special registration plates as follows:

(A) Upon receipt of an application on a form prescribed by the division and receipt of written evidence from the chief executive officer of the army national guard or air national guard, as appropriate, or the commanding officer of any United States Armed Forces Reserve Unit that the applicant is a member thereof, the division shall issue to any member of the national guard of this state or a member of any reserve unit of the United States Armed Forces a special registration plate designed by the commissioner for any number of Class A motor vehicles owned by the member.

(B) An initial application fee of ten dollars shall be charged for each special registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter. All initial application fees collected by the division shall be deposited into a special revolving fund to be used in the administration of this section.

(4) Specially arranged registration plates may be issued as follows:

(A) Upon appropriate application, any owner of a motor vehicle subject to Class A registration, or a motorcycle subject to Class G registration, as defined by this article, may request that the division issue a registration plate bearing specially arranged letters or numbers with the maximum number of letters or numbers to be determined by the commissioner. The division shall attempt to comply with the request wherever possible.

(B) The commissioner shall promulgate rules in accordance with the provisions of chapter twenty-nine-a of this code regarding the orderly distribution of the plates: Provided, That for purposes of this subdivision, the registration plates requested and issued shall include all plates bearing the numbers two through two
thousand.

(C) An annual fee of fifteen dollars shall be charged for each special registration plate issued pursuant to this subdivision, which is in addition to all other fees required by this chapter.

(5) Honorably discharged veterans may be issued special registration plates as follows:

(A) Upon appropriate application, there shall be issued to any honorably discharged veteran, of any branch of the armed services of the United States, a special registration plate for any number of vehicles titled in the name of the qualified applicant with an insignia designed by the commissioner of the division of motor vehicles.

(B) A special initial application fee of ten dollars shall be charged in addition to all other fees required by law. This special fee is to compensate the division of motor vehicles for additional costs and services required in the issuing of the special registration and shall be collected by the division and deposited in a special revolving fund to be used for the administration of this section: Provided, That nothing in this section shall be construed to exempt any veteran from any other provision of this chapter.

(C) Special registration plates issued pursuant to this subdivision are not transferable to any other person. Any special registration issued under this subdivision terminates upon the death of the registered owner of the special registration plate.

(6) Disabled veterans may be issued special registration plates as follows:

(A) Upon appropriate application, there shall be issued to any disabled veteran, who is exempt from the payment of registration fees under the provisions of this chapter, a registration plate for a vehicle titled in the name of the qualified applicant which bears the letters "DV" in red, and also the regular identification numerals in red.
(B) Special registration plates issued pursuant to this subdivision are not transferrable to any other person.

Any special registration issued under this subdivision terminates upon the death of the registered owner of the special registration plate.

(7) Recipients of the distinguished purple heart medal may be issued special registration plates as follows:

(A) Upon appropriate application, there shall be issued to any armed service person holding the distinguished purple heart medal for persons wounded in combat a registration plate for a vehicle titled in the name of the qualified applicant bearing letters or numbers. The registration plate shall be designed by the commissioner of motor vehicles and shall denote that those individuals who are granted this special registration plate are recipients of the purple heart. All letterings shall be in purple where practical.

(B) Registration plates issued pursuant to this subdivision are exempt from all registration fees otherwise required by the provisions of this chapter.

(C) Special registration plates issued pursuant to this subdivision are not transferrable to any other person. Any special registration issued under this subdivision terminates upon the death of the registered owner of the special registration plate.

(8) Survivors of the attack on Pearl Harbor may be issued special registration plates as follows:

(A) Upon appropriate application, the owner of a motor vehicle who was enlisted in any branch of the armed services that participated in and survived the attack on Pearl Harbor on the seventh day of December, one thousand nine hundred forty-one, shall be issued a special registration plate for a vehicle titled in the name of the qualified applicant. The registration plate shall be designed by the commissioner of motor vehicles.

(B) Registration plates issued pursuant to this subdivision are exempt from the payment of all registration fees otherwise required by the provisions of this chapter.
Special registration plates issued pursuant to this subdivision are not transferable to any other person. Any special registration issued under this subdivision terminates upon the death of the registered owner of the special registration plate.

(9) Nonprofit charitable and educational organizations may be issued special registration plates as follows:

(A) Nonprofit charitable and educational organizations may design a logo or emblem for inclusion on a special registration plate and submit the logo or emblem to the commissioner for approval and authorization. Upon the approval and authorization, the nonprofit charitable and educational organizations may market the special registration plate to organization members and the general public.

(B) Approved nonprofit charitable and educational organizations may accept and collect applications for special registration plates from owners of Class A motor vehicles together with a special annual fee of fifteen dollars, which is in addition to all other fees required by this chapter. The applications and fees shall be submitted to the division of motor vehicles with the request that the division issue a registration plate bearing a combination of letters or numbers with the organizations' logo or emblem, with the maximum number of letters or numbers to be determined by the commissioner.

(C) The commissioner shall promulgate rules in accordance with the provisions of chapter twenty-nine-a of this code regarding the procedures for and approval of special registration plates issued pursuant to this subdivision.

(D) The commissioner shall set an appropriate fee to defray the administrative costs associated with designing and manufacturing special registration plates for a nonprofit charitable or educational organization. The nonprofit charitable or educational organization shall collect this fee and forward it to the division for deposit in a special revolving fund to pay the administrative costs. The nonprofit charitable or educational organiza-
tion may also collect a fee for marketing the special registration plates.

(10) Specified emergency or volunteer registration plates may be issued as follows:

(A) Any owner of a motor vehicle who is a resident of the state of West Virginia, and who is a certified paramedic or emergency medical technician, a member of a volunteer fire company or a paid fire department, a member of the state fire commission, the state fire marshal, the state fire marshal's assistants, the state fire administrator and voluntary rescue squad members may apply for a special license plate for any number of Class A vehicles titled in the name of the qualified applicant which bears the insignia of the profession, group or commission. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subdivision shall bear the requested insignia in addition to the registration number issued to the applicant pursuant to the provisions of this article.

(B) Each application submitted pursuant to this subdivision shall be accompanied by an affidavit signed by the fire chief or department head of the applicant, stating that the applicant is justified in having a registration with the requested insignia; proof of compliance with all laws of this state regarding registration and licensure of motor vehicles; and payment of all required fees.

(C) Each application submitted pursuant to this subdivision shall be accompanied by payment of a special initial application fee of ten dollars, which is in addition to any other registration or license fee required by this chapter. All special fees shall be collected by the division and deposited into a special revolving fund to be used for the purpose of compensating the division of motor vehicles for additional costs and services required in the issuing of such special registration and for the administration of this section.

(d) The commissioner shall promulgate rules in accordance with the provisions of chapter twenty-nine-a of this code regarding the proper forms to be used in
making application for the special license plates authorized by this section.

(e) Nothing in this section shall be construed to require a charge for a free prisoner of war license plate or a free recipient of the congressional medal of honor license plate for a vehicle titled in the name of the qualified applicant as authorized by other provisions of this code: Provided, That the registration plates are not transferrable to any person, and the registration plates terminate upon the death of the registered owner of the special registration plate.

(f) Special ten-year registration plates may be issued as follows:

(1) The commissioner may issue or renew for a period of no more than ten years any registration plate exempted from registration fees pursuant to any provision of this code or any restricted use antique motor vehicle license plate authorized by section three-a, article ten of this chapter: Provided, That the provisions of this subsection shall not apply to any person who has had a special registration suspended for failure to maintain motor vehicle liability insurance as required by section three, article two-a, chapter seventeen-d of this code or failure to pay personal property taxes as required by section three-a of this article.

(2) An initial non-refundable fee shall be charged for each special registration plate issued pursuant to this subsection, which is the total amount of fees required by section fifteen, article ten of this chapter, section three, article three of this chapter, or section three-a, article ten of this chapter for the period requested.

(3) Special registration plates issued pursuant to this subsection are not transferable to any other person. Any special registration issued under this subsection terminates upon the death of the registered owner of the special registration plate.

(g) The provisions of this section shall not be construed to exempt any registrant from maintaining motor
vehicle liability insurance as required by section three, article two-a, chapter seventeen-d of this code or from paying personal property taxes on any motor vehicle as required by section three-a of this article.

(h) The commissioner may, in his or her discretion, issue a registration plate of reflectorized material suitable for permanent use on motor vehicles, trailers and semitrailers, together with appropriate devices to be attached thereto to indicate the year for which the vehicles have been properly registered or the date of expiration of the registration. The design and expiration of the plates shall be determined by the commissioner.

(i) Any license plate issued or renewed pursuant to this chapter, which is paid for by a check that is returned for non-sufficient funds, shall be void without further notice to the applicant. The applicant may not reinstate the registration until the returned check is paid by the applicant in cash, money order or certified check and all applicable fees assessed as a result thereof have been paid.

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

§17A-10-14. Registration plate for amateur radio station operators; fees; rules and forms.

(a) Any owner of a motor vehicle who is a resident of the state of West Virginia, and who holds an unrevoked and unexpired official amateur radio station license and/or amateur class operators' license issued by the federal communications commission, may apply for a special registration plate for a Class A motor vehicle which, in lieu of the registration numbers required by this article, shall be inscribed with the official amateur radio call letters of the applicant as assigned by the federal communications commission.

(b) Each application shall be accompanied by proof of ownership of the amateur radio station license; proof of compliance with the motor vehicle laws of the state relative to registration and licensing of motor vehicles; payment of the registration, license and other fees required by law; and payment of a special initial
application fee in the amount of ten dollars, which is in addition to all other fees required by law. This special fee shall be collected by the division and deposited into a special revolving fund to be used for the purpose of compensating the division of motor vehicles for additional costs and services required in the issuing of the licenses.

(c) The commissioner shall promulgate rules in accordance with the provisions of chapter twenty-nine-a of this code regarding proper forms to be used in making application for the special license plates authorized by this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 12th day of May, 1993.

Governor
PRESENTED TO THE
GOVERNOR
Date 4/30/43
Time 3:25 pm