WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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ENROLLED

 HOUSE BILL No. 1383

(By Delegates Warner, Michael Johnson, Overington, Hawcouras and Blair)

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Passed  March 12, 1994

In Effect  90 Days from Passage
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; and to amend and reenact section fourteen, article ten of said chapter, all relating to 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 fourteen, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section fourteen, article ten of said chapter be amended and reenacted, all to read as follows:

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 promul-
gate 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
subdivision, which is in addition to all other fees
required by this chapter.

(3) Members of the national guard forces may be
issued special registration plates as follows:

(A) Upon receipt of an application on a form pres-
cribed 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 applica-
tion 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 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.

(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 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.
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.

(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.

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 design-
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
transferable 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
(2) An initial nonrefundable 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 nonsufficient 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 addi-
tional 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 _______ received this the ______ day of ______, 1994.

Governor