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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995



ENROLLED

SENATE BILL NO. 310

(By Senator WHITLOW, ET AL)



PASSED MARCH 11, 1995

In Effect 90 DAYS FROM Passage

ENROLLED

Senate Bill No. 310

(BY SENATORS WHITLOW, MILLER, LOVE, DITTMAR, OLIVERIO,
PLYMALE, SCHOONOVER, BUCKALEW AND DUGAN)

[Passed March 11, 1995; in effect ninety 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, relating to motor vehicle administration; original and renewal of registration; registration plates generally; relating to special license plates; providing a scenic license plate; authorizing persons holding the distinguished purple heart medal, qualified disabled veterans, survivors of the Pearl Harbor attack, qualified former prisoners of war and holders of the congressional medal of honor to be issued two registration plates; and setting the fees and costs thereof.

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; description of plates; issuance of special numbers and plates; registration fees; special application fees; exemptions; commissioner to promulgate forms; suspension and nonrenewal.

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

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

6 (1) Every registration plate shall be of reflectorized
7 material and have displayed upon it the registration
8 number assigned to the vehicle for which it is issued; the
9 name of this state, which may be abbreviated; and the
10 year number for which it is issued or the date of expira-
11 tion of the plate.

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

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

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

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

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

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

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

51 (C) An annual fee of fifteen dollars shall be charged for
52 every registration plate issued pursuant to this subdivi-
53 sion, which is in addition to all other fees required by
54 this chapter.

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

57 (A) Upon receipt of an application on a form pre-
58 scribed by the division and receipt of written evidence
59 from the chief executive officer of the army national
60 guard or air national guard, as appropriate, or the
61 commanding officer of any United States armed forces
62 reserve unit that the applicant is a member thereof, the
63 division shall issue to any member of the national guard
64 of this state or a member of any reserve unit of the
65 United States armed forces a special registration plate

66 designed by the commissioner for any number of Class A
67 motor vehicles owned by the member.

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

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

77 (A) Upon appropriate application, any owner of a
78 motor vehicle subject to Class A registration, or a
79 motorcycle subject to Class G registration, as defined by
80 this article, may request that the division issue a regis-
81 tration plate bearing specially arranged letters or
82 numbers with the maximum number of letters or num-
83 bers to be determined by the commissioner. The division
84 shall attempt to comply with the request wherever
85 possible.

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

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

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

98 (A) Upon appropriate application, there shall be issued
99 to any honorably discharged veteran, of any branch of
100 the armed services of the United States, a special regis-
101 tration plate for any number of vehicles titled in the

102 name of the qualified applicant with an insignia de-
103 signed by the commissioner of the division of motor
104 vehicles.

105 (B) A special initial application fee of ten dollars shall
106 be charged in addition to all other fees required by law.
107 This special fee is to compensate the division of motor
108 vehicles for additional costs and services required in the
109 issuing of the special registration and shall be collected
110 by the division and deposited in a special revolving fund
111 to be used for the administration of this section: *Pro-*
112 *vided*, That nothing in this section shall be construed to
113 exempt any veteran from any other provision of this
114 chapter.

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

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

122 (A) Upon appropriate application, there shall be issued
123 to any disabled veteran, who is exempt from the payment
124 of registration fees under the provisions of this chapter,
125 a registration plate for a vehicle titled in the name of the
126 qualified applicant which bears the letters "DV" in red
127 and also the regular identification numerals in red.

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

133 (C) A qualified disabled veteran may obtain a second
134 disabled veteran license plate as described in this section
135 for use on a passenger vehicle titled in the name of the
136 qualified applicant. An annual fee of fifteen dollars, in
137 addition to all other fees required by this chapter, shall
138 be charged for the second plate.

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

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

151 (B) Registration plates issued pursuant to this subdivi-
152 sion are exempt from all registration fees otherwise
153 required by the provisions of this chapter.

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

159 (D) A recipient of the purple heart medal may obtain a
160 second purple heart medal license plate as described in
161 this section for use on a passenger vehicle titled in the
162 name of the qualified applicant. An annual fee of fifteen
163 dollars, in addition to all other fees required by this
164 chapter, shall be charged for the second plate.

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

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

174 designed by the commissioner of motor vehicles.

175 (B) Registration plates issued pursuant to this subdivi-
176 sion are exempt from the payment of all registration fees
177 otherwise required by the provisions of this chapter.

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

183 (D) A survivor of the attack on Pearl Harbor may
184 obtain a second survivors of the attack on Pearl Harbor
185 license plate as described in this section for use on a
186 passenger vehicle titled in the name of the qualified
187 applicant. An annual fee of fifteen dollars, in addition to
188 all other fees required by this chapter, shall be charged
189 for the second plate.

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

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

200 (B) Approved nonprofit charitable and educational
201 organizations may accept and collect applications for
202 special registration plates from owners of Class A motor
203 vehicles together with a special annual fee of fifteen
204 dollars, which is in addition to all other fees required by
205 this chapter. The applications and fees shall be submit-
206 ted to the division of motor vehicles with the request
207 that the division issue a registration plate bearing a
208 combination of letters or numbers with the organiza-
209 tions' logo or emblem, with the maximum number of
210 letters or numbers to be determined by the commis-

211 sioner.

212 (C) The commissioner shall promulgate rules in accor-
213 dance with the provisions of chapter twenty-nine-a of
214 this code regarding the procedures for and approval of
215 special registration plates issued pursuant to this subdi-
216 vision.

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

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

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

244 (B) Each application submitted pursuant to this
245 subdivision shall be accompanied by an affidavit signed
246 by the fire chief or department head of the applicant
247 stating that the applicant is justified in having a regis-

248 tration with the requested insignia; proof of compliance
249 with all laws of this state regarding registration and
250 licensure of motor vehicles; and payment of all required
251 fees.

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

262 (11) Special scenic registration plates:

263 (A) Upon appropriate application, the commissioner
264 shall issue a special registration plate displaying a scenic
265 design of West Virginia no later than the first day of
266 January, one thousand nine hundred ninety-six. This
267 special plate shall display the words "Wild Wonderful"
268 as a slogan.

269 (B) A special one-time initial application fee of ten
270 dollars shall be charged in addition to all other fees
271 required by this chapter. All initial application fees
272 collected by the division shall be deposited into a special
273 revolving fund to be used in the administration of this
274 chapter.

275 (d) The commissioner shall promulgate rules in accor-
276 dance with the provisions of chapter twenty-nine-a of
277 this code regarding the proper forms to be used in
278 making application for the special license plates autho-
279 rized by this section.

280 (e) Nothing in this section shall be construed to require
281 a charge for a free prisoner of war license plate or a free
282 recipient of the congressional medal of honor license
283 plate for a vehicle titled in the name of the qualified
284 applicant as authorized by other provisions of this code:

285 *Provided*, That the registration plates are not transfer-
286 able to any person, and the registration plates terminate
287 upon the death of the registered owner of the special
288 registration plate. Qualified former prisoners of war and
289 recipients of the congressional medal of honor may
290 obtain a second special registration plate for use on a
291 passenger vehicle titled in the name of the qualified
292 applicant. An annual fee of fifteen dollars, in addition to
293 all other fees required by this chapter, shall be charged
294 for the second special plate.

295 (t) Special ten-year registration plates may be issued as
296 follows:

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

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

315 (3) Special registration plates issued pursuant to this
316 subsection are not transferable to any other person. Any
317 special registration issued under this subsection termi-
318 nates upon the death of the registered owner of the
319 special registration plate.

320 (g) The provisions of this section shall not be construed
321 to exempt any registrant from maintaining motor vehicle

322 liability insurance as required by section three, article
323 two-a, chapter seventeen-d of this code or from paying
324 personal property taxes on any motor vehicle as required
325 by section three-a of this article.

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

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

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

Ray Johnson
.....
Chairman Senate Committee

Ernest C Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Karen R. White
.....
Clerk of the Senate

Donald J. Kepp
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Bill Clavin
.....
Speaker House of Delegates

The within *is approved* this the *23rd*
day of *March* 1995.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/22/95

Time 4:46 pm