

56 366

RECEIVED

99 MAR 15 PM 4: 25

OFFICE OF THE CLERK
OF THE SENATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



ENROLLED

SENATE BILL NO. 366

(By Senators TOUMLIN, MR. PRESIDENT, AND
SPROUSE, BY REQUEST OF THE EXECUTIVE)



PASSED FEBRUARY 23, 1999
In Effect from Passage

RECEIVED

99 MAR 16 PM 4:25

OFFICE OF THE CLERK
SENATE

ENROLLED

Senate Bill No. 366

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND SPROUSE,
BY REQUEST OF THE EXECUTIVE)

[Passed February 23, 1999; in effect 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 special registration plates; prohibiting the commissioner of motor vehicles from approving or authorizing any new special registration plates for nonprofit, charitable and educational organizations; and authorizing nonprofit, charitable and educational organizations which were previously approved for a special registration plate to continue to market plates to their members and the general public.

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 year
10 number for which it is issued or the date of expiration of
11 the plate.

12 (2) Every registration plate and the required letters and
13 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 may not issue, permit to be issued or
21 distribute any special registration plates except as follows:

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

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

27 (A) Upon appropriate application, there shall be issued
28 to the secretary of state, state superintendent of schools,
29 auditor, treasurer, commissioner of agriculture and the
30 attorney general, the members of both houses of the
31 Legislature, including the elected officials thereof, the
32 justices of the supreme court of appeals of West Virginia,

33 the representatives and senators of the state in the Con-
34 gress of the United States, the judges of the United States
35 district courts for the state of West Virginia and the judges
36 of the United States court of appeals for the fourth circuit,
37 if any of the judges are residents of West Virginia, a
38 special registration plate for a Class A motor vehicle
39 owned by the official or his or her spouse: *Provided*, That
40 the division may not issue more than two plates for each
41 official.

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

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

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

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

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

71 revolving fund to be used in the administration of this
72 section.

73 (C) A surviving spouse may continue to use his or her
74 deceased spouse's national guard forces license plate until
75 the surviving spouse dies, remarries or does not renew the
76 license plate.

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

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

87 (B) The commissioner shall propose rules for legislative
88 approval in accordance with the provisions of chapter
89 twenty-nine-a of this code regarding the orderly distribu-
90 tion of the plates: *Provided*, That for purposes of this
91 subdivision, the registration plates requested and issued
92 shall include all plates bearing the numbers two through
93 two thousand.

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

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

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

106 (B) A special initial application fee of ten dollars shall be
107 charged in addition to all other fees required by law. This

108 special fee is to compensate the division of motor vehicles
109 for additional costs and services required in the issuing of
110 the special registration and shall be collected by the
111 division and deposited in a special revolving fund to be
112 used for the administration of this section: *Provided*, That
113 nothing in this section may be construed to exempt any
114 veteran from any other provision of this chapter.

115 (C) A surviving spouse may continue to use his or her
116 deceased spouse's honorably discharged veterans license
117 plate until the surviving spouse dies, remarries or does not
118 renew the license plate.

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

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

127 (B) A surviving spouse may continue to use his or her
128 deceased spouse's disabled veterans license plate until the
129 surviving spouse dies, remarries or does not renew the
130 license plate.

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

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

139 (A) Upon appropriate application, there shall be issued
140 to any armed service person holding the distinguished
141 purple heart medal for persons wounded in combat a
142 registration plate for a vehicle titled in the name of the
143 qualified applicant bearing letters or numbers. The
144 registration plate shall be designed by the commissioner of
145 motor vehicles and shall denote that those individuals who

146 are granted this special registration plate are recipients of
147 the purple heart. All letterings shall be in purple where
148 practical.

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

152 (C) A surviving spouse may continue to use his or her
153 deceased spouse's purple heart medal license plate until
154 the surviving spouse dies, remarries or does not renew the
155 license plate.

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

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

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

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

175 (C) A surviving spouse may continue to use his or her
176 deceased spouse's survivors of the attack on Pearl Harbor
177 license plate until the surviving spouse dies, remarries or
178 does not renew the license plate.

179 (D) A survivor of the attack on Pearl Harbor may obtain
180 a second survivors of the attack on Pearl Harbor license
181 plate as described in this section for use on a passenger
182 vehicle titled in the name of the qualified applicant. An

183 annual fee of fifteen dollars, in addition to all other fees
184 required by this chapter, shall be charged for the second
185 plate.

186 (9) Nonprofit charitable and educational organizations
187 previously authorized may be issued special registration
188 plates as follows:

189 (A) Nonprofit charitable and educational organizations
190 authorized under the program established under the prior
191 enactment of this subdivision may continue to market the
192 special registration plate previously approved to organiza-
193 tion members and the general public. However, after the
194 effective date of the reenactment of this section, the
195 commissioner shall not approve or authorize any addi-
196 tional nonprofit charitable and educational organizations
197 to design or market registration license plates.

198 (B) Approved nonprofit charitable and educational
199 organizations authorized under the prior enactment of this
200 subdivision may accept and collect applications for special
201 registration plates from owners of Class A motor vehicles
202 together with a special annual fee of fifteen dollars, which
203 is in addition to all other fees required by this chapter.
204 The applications and fees shall be submitted to the divi-
205 sion of motor vehicles with the request that the division
206 issue a registration plate bearing a combination of letters
207 or numbers with the organizations' logo or emblem, with
208 the maximum number of letters or numbers to be deter-
209 mined by the commissioner.

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

215 (D) The commissioner shall set an appropriate fee to
216 defray the administrative costs associated with designing
217 and manufacturing special registration plates for a
218 nonprofit charitable or educational organization. The
219 nonprofit charitable or educational organization shall
220 collect this fee and forward it to the division for deposit in
221 a special revolving fund to pay the administrative costs.

222 The nonprofit charitable or educational organization may
223 also collect a fee for marketing the special registration
224 plates.

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

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

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

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

259 (11) Special scenic registration plates:

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

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

272 (12) Honorably discharged marine corps league members
273 may be issued special registration plates as follows:

274 (A) Upon appropriate application, there shall be issued
275 to any honorably discharged marine corps league member
276 a special registration plate for any number of vehicles
277 titled in the name of the qualified applicant with an
278 insignia designed by the commissioner of the division of
279 motor vehicles.

280 (B) A special one-time initial application fee of ten
281 dollars shall be charged in addition to all other fees
282 required by this chapter. This special fee is to compensate
283 the division of motor vehicles for additional costs and
284 services required in the issuing of the special registration
285 and shall be collected by the division and deposited in a
286 special revolving fund to be used for the administration of
287 this section: *Provided*, That nothing in this section may be
288 construed to exempt any veteran from any other provision
289 of this chapter.

290 (C) A surviving spouse may continue to use his or her
291 deceased spouse's honorably discharged marine corps
292 league license plate until the surviving spouse dies,
293 remarries or does not renew the license plate.

294 (13) Military organization registration plates:

295 (A) The division may issue a special registration plate for
296 the members of any military organization chartered by the
297 United States Congress upon receipt of a guarantee from

298 such organization of a minimum of one hundred appli-
299 cants. The insignia on the plate shall be designed by the
300 commissioner.

301 (B) Upon appropriate application, members of the
302 chartered organization in good standing, as determined by
303 the governing body of the chartered organization, may be
304 issued a special registration plate for any number of
305 vehicles titled in the name of the qualified applicant.

306 (C) A special one-time initial application fee of ten
307 dollars shall be charged for each special license plate in
308 addition to all other fees required by this chapter. All
309 initial application fees collected by the division shall be
310 deposited into a special revolving fund to be used in the
311 administration of this chapter: *Provided*, That nothing in
312 this section may be construed to exempt any veteran from
313 any other provision of this chapter.

314 (D) A surviving spouse may continue to use his or her
315 deceased spouse's military organization registration plate
316 until the surviving spouse dies, remarries or does not
317 renew the special military organization registration plate.

318 (14) Special nongame wildlife registration plates:

319 (A) Upon appropriate application, the division shall
320 issue a special registration plate displaying a species of
321 West Virginia nongame wildlife no later than the first day
322 of January, one thousand nine hundred ninety-eight. This
323 special plate shall display a species of nongame wildlife
324 native to West Virginia as prescribed and designated by
325 the commissioner and the director of the division of
326 natural resources.

327 (B) An annual fee of fifteen dollars shall be charged for
328 each special nongame wildlife registration plate in addi-
329 tion to all other fees required by this chapter. All annual
330 fees collected for nongame wildlife registration plates
331 shall be deposited in a special revenue account designated
332 the nongame wildlife fund and credited to the division of
333 natural resources.

334 (C) A special one-time initial application fee of ten
335 dollars shall be charged in addition to all other fees

336 required by this chapter. All initial application fees
337 collected by the division shall be deposited in a special
338 revolving fund to be used in the administration of this
339 chapter.

340 (15) Members of the silver haired legislature may be
341 issued special registration plates as follows:

342 (A) Upon appropriate application, there shall be issued
343 to any person who is a duly qualified member of the silver
344 haired legislature a specialized registration plate which
345 bears recognition of the applicant as a member of the
346 silver haired legislature.

347 (B) A qualified member of the silver haired legislature
348 may obtain one registration plate described in this subdi-
349 vision for use on a passenger vehicle titled in the name of
350 the qualified applicant. An annual fee of fifteen dollars,
351 in addition to all other fees required by this chapter, shall
352 be charged for the plate. All annual fees collected by the
353 division shall be deposited in a special revolving fund to be
354 used in the administration of this chapter.

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

360 (e)(1) Nothing in this section may be construed to require
361 a charge for a free prisoner of war license plate or a free
362 recipient of the congressional medal of honor license plate
363 for a vehicle titled in the name of the qualified applicant
364 as authorized by other provisions of this code.

365 (2) A surviving spouse may continue to use his or her
366 deceased spouse's prisoner of war or congressional medal
367 of honor license plate until the surviving spouse dies,
368 remarries or does not renew the license plate.

369 (3) Qualified former prisoners of war and recipients of
370 the congressional medal of honor may obtain a second
371 special registration plate for use on a passenger vehicle
372 titled in the name of the qualified applicant. An annual
373 fee of fifteen dollars, in addition to all other fees required

374 by this chapter, shall be charged for the second special
375 plate.

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

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

390 (2) An initial nonrefundable fee shall be charged for each
391 special registration plate issued pursuant to this subsec-
392 tion, which is the total amount of fees required by section
393 fifteen, article ten of this chapter, section three, article
394 three of this chapter or section three-a, article ten of this
395 chapter for the period requested.

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

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

410 (i) Any license plate issued or renewed pursuant to this
411 chapter, which is paid for by a check that is returned for

412 nonsufficient funds, is void without further notice to the
413 applicant. The applicant may not reinstate the registra-
414 tion until the returned check is paid by the applicant in
415 cash, money order or certified check and all applicable
416 fees assessed as a result thereof have been paid.

[Faint handwritten signature]

[Faint handwritten signature]

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

Ray Schooner
.....
Chairman Senate Committee

Joe F. Smith
.....
Chairman House Committee

Originating in the Senate.

In effect from passage.

Samuel E. Jones
.....
Clerk of the Senate

Gregory W. King
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

John H. Harman
.....
Speaker House of Delegates

The within..... *of first* this the..... *24*
Day of..... *March*....., 1999

Ken DeLoe
.....
Governor

PRESENTED TO THE

GOVERNOR

Date. 3/2/99

Time 3:45 pm