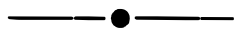


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# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000

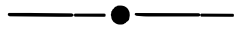


# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 4309**

(By Mr. Speaker, Mr. Kiss, and Delegate Trump)  
[By Request of the Executive]



Passed March 11, 2000

In Effect Ninety Days from Passage

# ENROLLED

COMMITTEE SUBSTITUTE

FOR

## H. B. 4309

(BY MR. SPEAKER, MR. KISS AND DELEGATE TRUMP)  
[BY REQUEST OF THE EXECUTIVE]

[Passed March 11, 2000; 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; to amend and reenact section three-a, article ten of said chapter; and to amend and reenact section six, article thirteen, chapter seventeen-c, all relating to motor vehicle and motorcycle registration by authorizing specialized motor vehicle registration plates for classic motor vehicles and motorcycles and by authorizing specialized motorcycle registration plates for United States armed forces veterans and by authorizing special license plates depicting racing themes and by authorizing special license plates for military medal winners and by authorizing special license plates displaying a species of wildlife native to West Virginia and by authorizing specialized motorcycle registration plates and removable windshield placards for the mobility impaired.

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

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION,  
REGISTRATION, CERTIFICATE OF TITLE, AND  
ANTITHEFT 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; registra-  
tion fees; special application fees; exemptions;  
commissioner to promulgate forms; suspension  
and nonrenewal.**

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

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

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

11 (2) Every registration plate and the required letters and  
12 numerals on the plate shall be of sufficient size to be plainly  
13 readable from a distance of one hundred feet during daylight:

14 *Provided*, That the requirements of this subdivision shall not  
15 apply to the year number for which the plate is issued or the  
16 date of expiration.

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

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

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

24 (2) State officials and judges may be issued special registra-  
25 tion plates as follows:

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

42 (B) Each plate issued pursuant to this subdivision shall bear  
43 any combination of letters and numbers not to exceed an  
44 amount determined by the commissioner and a designation of

45 the office. Each plate shall supersede the regular numbered  
46 plate assigned to the official or his or her spouse during the  
47 official's term of office and while the motor vehicle is owned  
48 by the official or his or her spouse.

49 (C) The division shall charge an annual fee of fifteen  
50 dollars for every registration plate issued pursuant to this  
51 subdivision, which is in addition to all other fees required by  
52 this chapter.

53 (3) The division may issue members of the national guard  
54 forces special registration plates as follows:

55 (A) Upon receipt of an application on a form prescribed by  
56 the division and receipt of written evidence from the chief  
57 executive officer of the army national guard or air national  
58 guard, as appropriate, or the commanding officer of any United  
59 States armed forces reserve unit that the applicant is a member  
60 thereof, the division shall issue to any member of the national  
61 guard of this state or a member of any reserve unit of the United  
62 States armed forces a special registration plate designed by the  
63 commissioner for any number of Class A motor vehicles owned  
64 by the member. Upon presentation of written evidence of  
65 retirement status, retired members of this state's army or air  
66 national guard, or retired members of any reserve unit of the  
67 United States armed forces, are eligible to purchase the special  
68 registration plate issued pursuant to this subdivision.

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

75 (C) A surviving spouse may continue to use his or her  
76 deceased spouse's national guard forces license plate until the

77 surviving spouse dies, remarries or does not renew the license  
78 plate.

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

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

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

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

99 (5) The division may issue honorably discharged veterans  
100 special registration plates as follows:

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

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

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

120 (6) The division may issue disabled veterans special  
121 registration plates as follows:

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

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

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

138 (7) The division may issue recipients of the distinguished  
139 purple heart medal special registration plates as follows:

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

149 (B) Registration plates issued pursuant to this subdivision  
150 are exempt from all registration fees otherwise required by the  
151 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 the  
154 surviving spouse dies, remarries or does not renew the license  
155 plate.

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

162 (8) The division may issue survivors of the attack on Pearl  
163 Harbor 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 services  
166 that participated in and survived the attack on Pearl Harbor on  
167 the seventh day of December, one thousand nine hundred forty-  
168 one, the division shall issue a special registration plate for a



169 vehicle titled in the name of the qualified applicant. The  
170 registration plate shall be designed by the commissioner of  
171 motor vehicles.

172 (B) Registration plates issued pursuant to this subdivision  
173 are exempt from the payment of all registration fees otherwise  
174 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 does  
178 not renew the license plate.

179 (D) A survivor of the attack on Pearl Harbor may obtain a  
180 second survivors of the attack on Pearl Harbor license plate as  
181 described in this section for use on a passenger vehicle titled in  
182 the name of the qualified applicant. The division shall charge an  
183 annual fee of fifteen dollars, in addition to all other fees  
184 required by this chapter, for the second plate.

185 (9) The division may issue special registration plates to  
186 nonprofit charitable and educational organizations as follows:

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

197 (B) The commissioner shall propose rules for legislative  
198 approval in accordance with the provisions of article three,  
199 chapter twenty-nine-a of this code regarding the procedures for

200 and approval of special registration plates issued pursuant to  
201 this subdivision.

202 (C) The commissioner shall set an appropriate fee to defray  
203 the administrative costs associated with designing and manufac-  
204 turing special registration plates for a nonprofit charitable or  
205 educational organization. The nonprofit charitable or educa-  
206 tional organization shall collect this fee and forward it to the  
207 division for deposit in a special revolving fund to pay the  
208 administrative costs. The nonprofit charitable or educational  
209 organization may also collect a fee for marketing the special  
210 registration plates.

211 (10) The division may issue specified emergency or  
212 volunteer registration plates as follows:

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

227 (B) Each application submitted pursuant to this subdivision  
228 shall be accompanied by an affidavit signed by the fire chief or  
229 department head of the applicant stating that the applicant is  
230 justified in having a registration with the requested insignia;  
231 proof of compliance with all laws of this state regarding

232 registration and licensure of motor vehicles; and payment of all  
233 required fees.

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

243 (11) The division may issue special scenic registration  
244 plates as follows:

245 (A) Upon appropriate application, the commissioner shall  
246 issue a special registration plate displaying a scenic design of  
247 West Virginia which displays the words "Wild Wonderful" as  
248 a slogan.

249 (B) The division shall charge a special one-time initial  
250 application fee of ten dollars in addition to all other fees  
251 required by this chapter. All initial application fees collected by  
252 the division shall be deposited into a special revolving fund to  
253 be used in the administration of this chapter.

254 (12) The division may issue honorably discharged marine  
255 corps league members special registration plates as follows:

256 (A) Upon appropriate application, the division shall issue  
257 to any honorably discharged marine corps league member a  
258 special registration plate for any number of vehicles titled in the  
259 name of the qualified applicant with an insignia designed by the  
260 commissioner of the division of motor vehicles.

261 (B) The division may charge a special one-time initial  
262 application fee of ten dollars in addition to all other fees

263 required by this chapter. This special fee is to compensate the  
264 division of motor vehicles for additional costs and services  
265 required in the issuing of the special registration and shall be  
266 collected by the division and deposited in a special revolving  
267 fund to be used for the administration of this section: *Provided,*  
268 That nothing in this section may be construed to exempt any  
269 veteran from any other provision of this chapter.

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

274 (13) The division may issue military organization registra-  
275 tion plates as follows:

276 (A) The division may issue a special registration plate for  
277 the members of any military organization chartered by the  
278 United States Congress upon receipt of a guarantee from  
279 organization of a minimum of one hundred applicants. The  
280 insignia on the plate shall be designed by the commissioner.

281 (B) Upon appropriate application, the division may issue  
282 members of the chartered organization in good standing, as  
283 determined by the governing body of the chartered organiza-  
284 tion, a special registration plate for any number of vehicles  
285 titled in the name of the qualified applicant.

286 (C) The division shall charge a special one-time initial  
287 application fee of ten dollars for each special license plate in  
288 addition to all other fees required by this chapter. All initial  
289 application fees collected by the division shall be deposited into  
290 a special revolving fund to be used in the administration of this  
291 chapter: *Provided,* That nothing in this section may be con-  
292 strued to exempt any veteran from any other provision of this  
293 chapter.

294 (D) A surviving spouse may continue to use his or her  
295 deceased spouse's military organization registration plate until  
296 the surviving spouse dies, remarries or does not renew the  
297 special military organization registration plate.

298 (14) The division may issue special nongame wildlife  
299 registration plates and special wildlife registration plates as  
300 follows:

301 (A) Upon appropriate application, the division shall issue  
302 a special registration plate displaying a species of West Virginia  
303 wildlife which shall display a species of wildlife native to West  
304 Virginia as prescribed and designated by the commissioner and  
305 the director of the division of natural resources.

306 (B) The division shall charge an annual fee of fifteen  
307 dollars for each special nongame wildlife registration plate in  
308 addition to all other fees required by this chapter. All annual  
309 fees collected for nongame wildlife registration plates shall be  
310 deposited in a special revenue account designated the nongame  
311 wildlife fund and credited to the division of natural resources.

312 (C) The division shall charge a special one-time initial  
313 application fee of ten dollars in addition to all other fees  
314 required by this chapter. All initial application fees collected by  
315 the division shall be deposited in a special revolving fund to be  
316 used in the administration of this chapter.

317 (15) The division may issue members of the silver haired  
318 legislature special registration plates as follows:

319 (A) Upon appropriate application, the division shall issue  
320 to any person who is a duly qualified member of the silver  
321 haired legislature a specialized registration plate which bears  
322 recognition of the applicant as a member of the silver haired  
323 legislature.

324 (B) A qualified member of the silver haired legislature may  
325 obtain one registration plate described in this subdivision for  
326 use on a passenger vehicle titled in the name of the qualified  
327 applicant. The division shall charge an annual fee of fifteen  
328 dollars, in addition to all other fees required by this chapter, for  
329 the plate. All annual fees collected by the division shall be  
330 deposited in a special revolving fund to be used in the adminis-  
331 tration of this chapter.

332 (16) Upon appropriate application, the commissioner shall  
333 issue to a classic motor vehicle or classic motorcycle as defined  
334 in section three-a, article ten of this chapter, a special registra-  
335 tion plate designed by the commissioner. An annual fee of  
336 fifteen dollars, in addition to all other fees required by this  
337 chapter, shall be charged for each classic registration plate.

338 (17) Honorably discharged veterans may be issued special  
339 registration plates for motorcycles subject to Class G registra-  
340 tion as follows:

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

347 (B) A special initial application fee of ten dollars shall be  
348 charged in addition to all other fees required by law. This  
349 special fee is to compensate the division of motor vehicles for  
350 additional costs and services required in the issuing of the  
351 special registration and shall be collected by the division and  
352 deposited in a special revolving fund to be used for the adminis-  
353 tration of this section: *Provided*, That nothing in this section  
354 may be construed to exempt any veteran from any other  
355 provision of this chapter.

356 (C) A surviving spouse may continue to use his or her  
357 deceased spouse's honorably discharged veterans license plate  
358 until the surviving spouse dies, remarries or does not renew the  
359 license plate.

360 (18) Racing theme special registration plates:

361 (A) The division may issue a series of special registration  
362 plates displaying national association for stock car auto racing  
363 themes;

364 (B) An annual fee of twenty-five dollars shall be charged  
365 for each special racing theme registration plate in addition to all  
366 other fees required by this chapter. All annual fees collected for  
367 each special racing theme registration plate shall be deposited  
368 into a special revolving fund to be used in the administration of  
369 this chapter;

370 (C) A special application fee of ten dollars shall be charged  
371 at the time of initial application as well as upon application for  
372 any duplicate or replacement registration plate, in addition to all  
373 other fees required by this chapter. All application fees shall be  
374 deposited into a special revolving fund to be used in the  
375 administration of this chapter.

376 (19) The division may issue recipients of the navy cross,  
377 distinguished service cross, distinguished flying cross, air force  
378 cross or silver star special registration plates as follows:

379 (A) Upon appropriate application, the division shall issue  
380 to any recipient of the navy cross, distinguished service cross,  
381 distinguished flying cross, air force cross or silver star  
382 registration plate for a vehicle titled in the name of the qualified  
383 applicant bearing letters or numbers. A separate registration  
384 plate shall be designed by the commissioner of motor vehicles  
385 for each award that denotes that those individuals who are  
386 granted this special registration plate are recipients of the navy

387 cross, distinguished service cross, distinguished flying cross, air  
388 force cross or silver star, as applicable.

389 (B) The division shall charge a special initial application  
390 fee of ten dollars in addition to all other fees required by law.  
391 This special fee is to compensate the division of motor vehicles  
392 for additional costs and services required in the issuing of the  
393 special registration and shall be collected by the division and  
394 deposited in a special revolving fund to be used for the adminis-  
395 tration of this section: *Provided*, That nothing in this section  
396 exempts the applicant for a special registration plate under this  
397 subdivision from any other provision of this chapter.

398 (C) A surviving spouse may continue to use his or her  
399 deceased spouse's navy cross, distinguished service cross,  
400 distinguished flying cross, air force cross or silver star special  
401 registration plate until the surviving spouse dies, remarries or  
402 does not renew the special registration plate.

403 (D) A recipient of a navy cross, distinguished flying cross,  
404 distinguished service cross, air force cross or silver star may  
405 obtain a second navy cross, distinguished service cross, air  
406 force cross or silver star license plate as described in this  
407 subdivision for use on a passenger vehicle titled in the name of  
408 the qualified applicant. The division shall charge an annual fee  
409 of fifteen dollars, in addition to all other fees required by this  
410 chapter, for the second plate.

411 (d) The commissioner shall propose rules for legislative  
412 approval in accordance with the provisions of article three,  
413 chapter twenty-nine-a of this code regarding the proper forms  
414 to be used in making application for the special license plates  
415 authorized by this section.

416 (e)(1) Nothing in this section may be construed to require  
417 a charge for a free prisoner of war license plate or a free  
418 recipient of the congressional medal of honor license plate for



419 a vehicle titled in the name of the qualified applicant as  
420 authorized by other provisions of this code.

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

425 (3) Qualified former prisoners of war and recipients of the  
426 congressional medal of honor may obtain a second special  
427 registration plate for use on a passenger vehicle titled in the  
428 name of the qualified applicant. The division shall charge an  
429 annual fee of fifteen dollars, in addition to all other fees  
430 required by this chapter, for the second special plate.

431 (f) The division may issue special ten-year registration  
432 plates may be issued as follows:

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

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

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

456 (h) The commissioner may, in his or her discretion, issue a  
457 registration plate of reflectorized material suitable for perma-  
458 nent use on motor vehicles, trailers and semitrailers, together  
459 with appropriate devices to be attached to the registration to  
460 indicate the year for which the vehicles have been properly  
461 registered or the date of expiration of the registration. The  
462 design and expiration of the plates shall be determined by the  
463 commissioner.

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

**ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.**

**§17A-10-3a. Special registration of antique motor vehicles and  
motorcycles; definition, registration and use of  
classic motor vehicles and classic motorcycles.**

1 (a) The annual registration fee for any antique motor  
2 vehicle or motorcycle as defined in this section is two dollars.  
3 “Antique motor vehicle” means any motor vehicle which is  
4 more than twenty-five years old and is owned solely as a  
5 collector’s item. “Antique motorcycle” means any motorcycle  
6 which is more than twenty-five years old and is owned solely  
7 as a collector’s item.

8       “Classic motor vehicle” means a motor vehicle which is  
9 more than twenty-five years old and is registered pursuant to  
10 section three of this article and is used for general transporta-  
11 tion. “Classic motorcycle” means a motorcycle which is more  
12 than twenty-five years old and is registered pursuant to section  
13 three of this article and is used for general transportation.

14       (b) Except as otherwise provided in this section, antique  
15 motor vehicles or motorcycles may not be used for general  
16 transportation but may only be used for:

17       (1) Participation in club activities, exhibits, tours, parades  
18 and similar events;

19       (2) The purpose of testing their operation, obtaining repairs  
20 or maintenance and transportation to and from events as  
21 described in subdivision (1); and

22       (3) Recreational purposes on Saturdays, Sundays and  
23 holidays: *Provided*, That a classic motor vehicle or a classic  
24 motorcycle as defined in this section may be registered under  
25 the applicable class at the applicable registration fee set forth in  
26 section three of this article and may be used for general  
27 transportation.

28       (c) A West Virginia motor vehicle or motorcycle displaying  
29 license plates of the same year of issue as the model year of the  
30 antique motor vehicle or motorcycle, as authorized in this  
31 section, may be used for general transportation purposes if the  
32 following conditions are met:

33       (1) The license plate’s physical condition has been in-  
34 spected and approved by the division of motor vehicles;

35       (2) The license plate is registered to the specific motor  
36 vehicle or motorcycle by the division of motor vehicles;

37 (3) The owner of the motor vehicle or motorcycle annually  
38 registers the motor vehicle or motorcycle and pays an annual  
39 registration fee for the motor vehicle or motorcycle equal to  
40 that charged to obtain regular state license plates;

41 (4) The motor vehicle or motorcycle passes an annual  
42 safety inspection; and

43 (5) The motor vehicle or motorcycle displays a sticker  
44 attached to the license plate, issued by the division, indicating  
45 that the motor vehicle or motorcycle may be used for general  
46 transportation.

47 (d) If more than one request is made for license plates  
48 having the same number, the division shall accept only the first  
49 application.

50 (e) The commissioner may promulgate rules in accordance  
51 with the provisions of chapter twenty-nine-a of this code as may  
52 be necessary or convenient for the carrying out of the provi-  
53 sions of this section.

## CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

### ARTICLE 13. STOPPING, STANDING AND PARKING.

#### **§17C-13-6. Stopping, standing or parking privileges for persons with a mobility impairment; definitions; quali- fication; special registration plates and remov- able windshield placards; expiration; applica- tion; violation; penalties.**

1 (a) Any owner of a Class A or Class G motor vehicle  
2 subject to registration under the provisions of article three,  
3 chapter seventeen-a of this code, who is:

4 (1) A person with a mobility impairment;

5 (2) A relative of a person with a mobility impairment;

6 (3) A person who regularly resides with a person with a  
7 mobility impairment; or

8 (4) A person who regularly transports a person who has a  
9 mobility impairment, may submit an application for a special  
10 registration plate or a removable windshield placard.

11 (b) Any person with a mobility impairment, any relative of  
12 a person with a mobility impairment, any person who regularly  
13 resides with a person with a mobility impairment or any person  
14 who regularly transports a person who has a mobility impair-  
15 ment may submit an application for a special registration plate  
16 or a removable windshield placard or both for a Class A or a  
17 Class G vehicle by submitting to the commissioner:

18 (1) An application on a form prescribed and furnished by  
19 the commissioner, specifying whether the applicant desires a  
20 special registration plate, a removable windshield placard, or  
21 both; and

22 (2) A certificate issued by a licensed physician stating that  
23 the applicant or the applicant's relative is a person with a  
24 mobility impairment, or that the person regularly residing with  
25 the applicant or regularly transported by the applicant is a  
26 person with a mobility impairment, as defined in this section,  
27 and furthermore, the physician shall specify whether the  
28 disability is temporary (not to exceed six months) or permanent  
29 (one to five years or more in expected duration).

30 Upon receipt of the completed application, the physician's  
31 certificate and the regular registration fee for the applicant's  
32 vehicle class, if the commissioner finds that the applicant  
33 qualifies for the special registration plate or a removable  
34 windshield placard as provided in this section, he or she shall  
35 issue to the applicant a special registration plate (upon remit-

36 tance of the regular registration fee), or a removable windshield  
37 placard (red for temporary and blue for permanent), or both.  
38 Upon request, the commissioner shall also issue to any other-  
39 wise qualified applicant one additional placard having the same  
40 expiration date as the applicant's original placard. The placard  
41 shall be displayed by hanging it from the interior rearview  
42 mirror of the motor vehicle so that it is conspicuously visible  
43 from outside the vehicle when parked in a designated handi-  
44 capped parking space. The placard may be removed from the  
45 rearview mirror whenever the vehicle is being operated to  
46 ensure clear vision and safe driving. Only in the event that there  
47 is no suitable rearview mirror in the vehicle may the placard be  
48 displayed on the dashboard of the vehicle.

49 (c) As used in this section, the following terms have the  
50 meanings ascribed to them in this subsection:

51 (1) A person with a "mobility impairment" means a person  
52 who, as determined by a licensed physician:

53 (A) Cannot walk two hundred feet without stopping to rest;

54 (B) Cannot walk without the use of or assistance from a  
55 brace, cane, crutch, prosthetic device, wheelchair, other  
56 assistive device or another person;

57 (C) Is restricted by lung disease to such an extent that the  
58 person's force (respiratory) expiratory volume for one second,  
59 when measured by spirometry, is less than one liter or the  
60 arterial oxygen tension is less than sixty mm/hg on room air at  
61 rest;

62 (D) Uses portable oxygen;

63 (E) Has a cardiac condition to such an extent that the  
64 person's functional limitations are classified in severity as Class

65 III or Class IV according to standards established by the  
66 American heart association; or

67 (F) Is severely limited in his or her ability to walk because  
68 of an arthritic, neurological, orthopedic or other physical  
69 condition;

70 (2) "Special registration plate" means a registration plate  
71 that displays the international symbol of access in a color that  
72 contrasts with the background, in letters and numbers the same  
73 size as those on the plate, and which may be used in lieu of a  
74 regular registration plate;

75 (3) "Removable windshield placard" (permanent or  
76 temporary) means a two-sided, hanger style placard measuring  
77 three inches by nine and one-half inches, with all of the  
78 following on each side:

79 (A) The international symbol of access, measuring at least  
80 three inches in height, centered on the placard, in white on a  
81 blue background for permanent designations and in white on a  
82 red background for temporary designations;

83 (B) An identification number measuring one inch in height;

84 (C) An expiration date in numbers measuring one inch in  
85 height; and

86 (D) The seal or other identifying symbol of the issuing  
87 authority;

88 (4) "Regular registration fee" means the standard registra-  
89 tion fee for a vehicle of the same class as the applicant's;

90 (5) "Public entity" means state or local government or any  
91 department, agency, special purpose district or other instrumen-  
92 tality of a state or local government;

93 (6) "Public facility" means all or any part of any buildings,  
94 structures, sites, complexes, roads, parking lots or other real or  
95 personal property, including the site where the facility is  
96 located;

97 (7) "Place(s) of public accommodation" means a facility or  
98 facilities operated by a private entity whose operations affect  
99 commerce and fall within at least one of the following catego-  
100 ries:

101 (A) Inns, hotels, motels and other places of lodging;

102 (B) Restaurants, bars or other establishments serving food  
103 or drink;

104 (C) Motion picture houses, theaters, concert halls, stadiums  
105 or other places of exhibition or entertainment;

106 (D) Auditoriums, convention centers, lecture halls or other  
107 places of public gatherings;

108 (E) Bakeries, grocery stores, clothing stores, hardware  
109 stores, shopping centers or other sales or rental establishments;

110 (F) Laundromats, dry cleaners, banks, barber and beauty  
111 shops, travel agencies, shoe repair shops, funeral parlors, gas or  
112 service stations, offices of accountants and attorneys, pharma-  
113 cies, insurance offices, offices of professional health care  
114 providers, hospitals or other service establishments;

115 (G) Terminals, depots or other stations used for public  
116 transportation;

117 (H) Museums, libraries, galleries or other places of public  
118 display or collection;

119 (I) Parks, zoos, amusement parks or other places of  
120 recreation;



121 (J) Public or private nursery, elementary, secondary,  
122 undergraduate or post-graduate schools or other places of  
123 learning and day care centers, senior citizen centers, homeless  
124 shelters, food banks, adoption agencies or other social services  
125 establishments; and

126 (K) Gymnasiums, health spas, bowling alleys, golf courses  
127 or other places of exercise or recreation;

128 (8) "Commercial facility" means a facility whose opera-  
129 tions affect commerce and which are intended for nonresiden-  
130 tial use by a private entity.

131 Any person who falsely or fraudulently obtains or seeks to  
132 obtain the special plate or the removable windshield placard  
133 provided for in this section, and any person who falsely certifies  
134 that a person is mobility impaired in order that an applicant may  
135 be issued the special registration plate or windshield placard  
136 hereunder, is guilty of a misdemeanor and, upon conviction  
137 thereof, in addition to any other penalty he or she may other-  
138 wise incur, shall be fined one hundred dollars.

139 (d) The commissioner shall set the expiration date for  
140 special registration plates and permanent removable windshield  
141 placards on the last day of a given month and year, to be valid  
142 for a minimum of one year but not more than five years, after  
143 which time a new application must be submitted to the commis-  
144 sioner. After the commissioner receives the new application,  
145 signed by a certified physician, the commissioner shall issue: (i)  
146 A new special registration plate or new permanent removable  
147 windshield placard; or (ii) official labels imprinted with the new  
148 expiration date and designed so as to be placed over the old  
149 dates on the original registration plate or windshield placard.

150 (e) The commissioner shall set the expiration date of  
151 temporary removable windshield placards to be valid for a  
152 period of approximately six months after the application was  
153 received and approved by the commissioner.

154 (f) The commissioner shall issue to each applicant who is  
155 granted a special registration plate or windshield placard an  
156 identification card bearing the applicant's name, assigned  
157 identification number and expiration date. The applicant must  
158 thereafter carry this identification card on his or her person  
159 whenever parking in a handicapped parking space.

160 (g) A handicapped parking space should comply with the  
161 provisions of the Americans with Disabilities Act Guidelines,  
162 contained in 28 C.F.R. 36, Appendix A, Section 4.6. In particu-  
163 lar, the parking space should be a minimum of eight feet wide  
164 with an adjacent access aisle for vans having side mounted  
165 handicap lifts. Access aisles should be marked using diagonal  
166 stripes or other appropriate markings denoting that the space is  
167 a no-parking zone. Lines or markings on the pavement or curbs  
168 for parking spaces and access aisles may be in any color,  
169 although blue is the generally accepted color for handicapped  
170 parking.

171 (h) A vehicle from any other state, United States territory  
172 or foreign country displaying an officially issued special  
173 registration plate, placard or decal bearing the international  
174 symbol of access, shall be recognized and accepted as meeting  
175 the requirements of this section, regardless of where the plate,  
176 placard or decal is mounted or displayed on the vehicle.

177 (i) Free stopping, standing or parking places marked with  
178 the international symbol of access shall be designated in close  
179 proximity to all public entities, including state, county and  
180 municipal buildings and facilities, places of public accommoda-  
181 tion and commercial facilities. These parking places shall be  
182 reserved solely for persons with a mobility impairment during  
183 the hours that those buildings are open for business.

184 (j) Any person whose vehicle properly displays a valid,  
185 unexpired special registration plate or removable windshield

186 placard may park the vehicle for unlimited periods of time in  
187 parking zones unrestricted as to length of parking time permit-  
188 ted: *Provided*, That this privilege does not mean that the vehicle  
189 may park in any zone where stopping, standing or parking is  
190 prohibited or which creates parking zones for special types of  
191 vehicles or which prohibits parking during heavy traffic periods  
192 during specified rush hours or where parking would clearly  
193 present a traffic hazard. To the extent any provision of any  
194 ordinance of any political subdivision of this state is contrary to  
195 the provisions of this section, the provisions of this section take  
196 precedence and apply.

197       The privileges provided for in this subsection apply only  
198 during those times when the vehicle is being used for the  
199 transportation of a person with a mobility impairment. Any  
200 person who knowingly exercises, or attempts to exercise, these  
201 privileges at a time when the vehicle is not being used for the  
202 transportation of a person with a mobility impairment is guilty  
203 of a misdemeanor and, upon conviction thereof, in addition to  
204 any other penalty he or she may otherwise incur, shall be fined  
205 one hundred dollars.

206       (k) Any person whose vehicle does not display a valid,  
207 special registration plate or removable windshield placard may  
208 not stop, stand or park a motor vehicle in an area designated,  
209 zoned or marked for handicapped parking with signs or  
210 instructions displaying the international symbol of access,  
211 either by itself or with explanatory text. Such signs may be  
212 mounted on a post or a wall in front of the handicapped parking  
213 space and instructions may appear on the ground or pavement,  
214 but use of both methods is preferred. Handicapped parking  
215 spaces for vans having an eight-foot adjacent access aisle  
216 should be designated as "van accessible" but may be used by  
217 any vehicle displaying a valid special registration plate or  
218 removable windshield placard. These spaces are intended solely  
219 for persons with a mobility impairment, as defined in this

220 section: *Provided*, That any person in the act of transporting a  
221 person with a mobility impairment as defined in this section,  
222 may stop, stand or park a motor vehicle not displaying a special  
223 registration plate or removable windshield placard in the area  
224 designated for handicapped parking by the international symbol  
225 of access for the limited purposes of loading or unloading a  
226 passenger with a mobility impairment: *Provided, however*, That  
227 the vehicle shall be promptly moved after the completion of this  
228 limited purpose.

229 Any person who violates the provisions of this subsection  
230 is guilty of a misdemeanor and, upon conviction thereof, shall  
231 be fined one hundred dollars.

232 (l) Signs erected in the future that designate areas as  
233 “handicapped parking” or that display the international symbol  
234 of access shall also include the words “\$100 fine”.

235 (m) No person may stop, stand or park a motor vehicle in  
236 an area designated or marked off as an access aisle adjacent to  
237 a van-accessible parking space or regular handicapped parking  
238 space. Any person, including a driver of a vehicle displaying a  
239 valid removable windshield placard or special registration plate,  
240 who violates the provisions of this subsection is guilty of a  
241 misdemeanor and, upon conviction thereof, shall be fined one  
242 hundred dollars.

243 (n) Parking enforcement personnel who otherwise enforce  
244 parking violations are hereby authorized to issue citations for  
245 violations of this section.

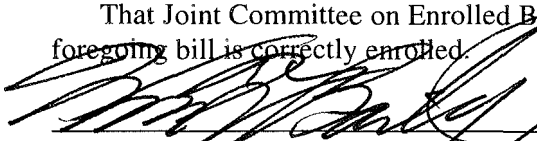
246 (o) Law-enforcement agencies may establish a program to  
247 utilize trained volunteers to collect information necessary to  
248 issue citations to persons who illegally park in designated  
249 handicapped parking spaces. Any law-enforcement agency  
250 choosing to establish a program shall provide for workers’  
251 compensation and liability coverage. The volunteers shall

252 photograph the illegally parked vehicle and complete a form, to  
253 be developed by supervising law-enforcement agencies, that  
254 includes the vehicle's license plate number, date, time and  
255 location of the illegally parked vehicle. The photographs must  
256 show the vehicle in the handicapped space and a readable view  
257 of the license plate. Within the discretion of the supervising  
258 law-enforcement agency, the volunteers may issue citations or  
259 the volunteers may submit the photographs of the illegally  
260 parked vehicle and the form to the supervising law-enforcement  
261 agency, who may issue a citation, which includes the photo-  
262 graphs and the form, to the owner of the illegally parked  
263 vehicle. Volunteers shall be trained on the requirements for  
264 citations for vehicles parked in marked, zoned or designated  
265 handicapped parking areas by the supervising law-enforcement  
266 agency.

267 (p) The commissioner shall establish a grace period for  
268 individuals who, on the effective date of the amendment adding  
269 this subsection, hold special registration plates or removable  
270 windshield placards bearing no expiration date to submit their  
271 applications for newly issued special registration plates and  
272 windshield placards, after which time any undated registration  
273 plate or windshield placard is invalid and subject to confisca-  
274 tion by any duly appointed law-enforcement officer.

275 (q) The commissioner shall adopt and promulgate rules in  
276 accordance with the provisions of article three, chapter twenty-  
277 nine-a of this code to effectuate the provisions of this section.

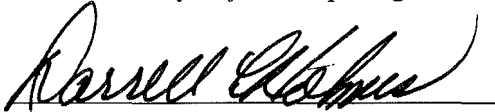
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

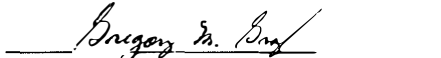
  
Chairman Senate Committee

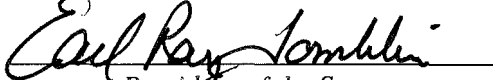
  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

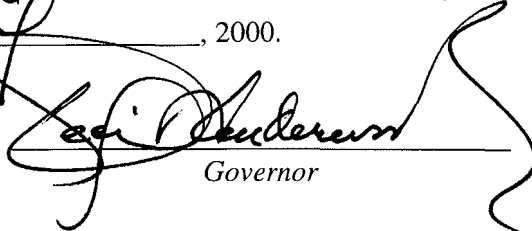
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within approved this the 4th  
day of April, 2000.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/31/00

Time 3:45 pm