WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2000

ENROLLED

House Bill No. 4806
(By Delegates Staton, Faircloth, Hunt, Wills, Linch, Hines and Mahan)

Passed March 11, 2000

In Effect Ninety Days from Passage
AN ACT to amend and reenact sections fourteen and twenty-three, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to registration plates generally; types of plates; issuance of special registration plates for certain state officials; class G motorcycle plates; limitations; issuance of license plates for use on state vehicles; and authorizing the commissioner of motor vehicles to issue an unlimited number of Class A license plates to the commission on special investigations for state-owned vehicles used for official undercover work.

Be it enacted by the Legislature of West Virginia:

That section fourteen and twenty-three, 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.

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

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

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

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

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

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

(1) The governor shall be issued two registration plates, on one of which shall be imprinted the numeral one and on the other the word one.
(2) State officials and judges may be issued special registration plates as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) Disabled veterans may be issued special registration plates as follows:
(A) Upon appropriate application, there shall be issued to any disabled veteran who is exempt from the payment of registration fees under the provisions of this chapter a registration plate for a vehicle titled in the name of the qualified applicant which bears the letters “DV” in red and also the regular identification numerals in red.

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

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

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

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

(B) Registration plates issued pursuant to this subdivision are exempt from all registration fees otherwise required by the provisions of this chapter.
A surviving spouse may continue to use his or her deceased spouse’s purple heart medal license plate until the surviving spouse dies, remarries or does not renew the license plate.

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

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

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

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

A surviving spouse may continue to use his or her deceased spouse’s survivors of the attack on Pearl Harbor license plate until the surviving spouse dies, remarries or does not renew the license plate.

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

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

(A) Nonprofit charitable and educational organizations authorized under the program established under the prior enactment of this subdivision may continue to market the special registration plate previously approved to organization members and the general public. However, after the effective date of the reenactment of this section, the commissioner shall not approve or authorize any additional nonprofit charitable and educational organizations to design or market registration license plates.

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

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

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

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

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

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

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

(11) Special scenic registration plates:

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

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

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

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

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

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

(13) Military organization registration plates:

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

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

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

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

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

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

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

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

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

(B) A qualified member of the silver haired legislature may obtain one registration plate described in this subdivision for use on a passenger vehicle titled in the name of the qualified applicant. An annual fee of fifteen dollars, in addition to all other fees required by this chapter, shall be charged for the plate. All annual fees collected by the division shall be depos-
ited in a special revolving fund to be used in the administration
of this chapter.

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

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

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

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

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

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

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

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

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

(i) Any license plate issued or renewed pursuant to this
chapter, which is paid for by a check that is returned for
nonsufficient funds, is void without further notice to the
applicant. The applicant may not reinstate the registration until
the returned check is paid by the applicant in cash, money order
or certified check and all applicable fees assessed as a result
thereof have been paid.
§17A-3-23. Registration plates to state, county, municipal and other governmental vehicles; use for undercover activities.

Any motor vehicle designed to carry passengers, owned or leased by the state of West Virginia, or any of its departments, bureaus, commissions or institutions, except vehicles used by the governor, treasurer, three plates per elected office of the board of public works, vehicles operated by the state police, vehicles operated by conservation officers of the division of natural resources, not to exceed ten vehicles operated by the arson investigators of the office of state fire marshal and not to exceed sixteen vehicles operated by inspectors of the office of the alcohol beverage control commissioner, may not be operated or driven by any person unless it has displayed and attached to the front thereof, in the same manner as regular motor vehicle registration plates are attached, a plate of the same size as the regular registration plate, with white lettering on a green background bearing the words “West Virginia” in one line and the words “State Car” in another line, and the lettering for the words “State Car” shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight.

The vehicle shall also have attached to the rear a plate bearing a number and any other words and figures as the commissioner of motor vehicles shall prescribe. The rear plate shall also be green with the number in white.

On registration plates issued to vehicles owned by counties, the color shall be white on red with the word “County” on top of the plate and the words “West Virginia” on the bottom. On any registration plates issued to a city or municipality, the color shall be white on blue with the word “City” on top, and the words “West Virginia” on the bottom. The colors may not be reversed and shall be of reflectorized material. The registration
plates issued to counties, municipalities and other governmental agencies authorized to receive colored plates hereunder shall be affixed to both the front and rear of the vehicles.

The commissioner is authorized to designate the colors and design of any other registration plates that are issued without charge to any other agency in accordance with the motor vehicle laws.

Upon application and payment of fees, the commissioner is authorized to issue a maximum of five Class A license plates per applicant to be used by county sheriffs and municipalities on law-enforcement vehicles while engaged in undercover investigations.

The commissioner is authorized to issue an unlimited number of license plates per applicant to authorized drug and violent crime task forces in the state of West Virginia when the chairperson of the control group of a drug and violent crime task force signs a written affidavit stating that the vehicle or vehicles for which the plates are being requested will be used only for official undercover work conducted by a drug and violent crime task force.

The commissioner is authorized to issue twenty Class A license plates to the criminal investigation division of the department of tax and revenue for use by its investigators.

The commissioner may issue a maximum of ten Class A license plates to the division of natural resources for use by conservation officers. The commissioner shall designate the color and design of the registration plates to be displayed on the front and the rear of all other state-owned vehicles owned by the division of natural resources and operated by conservation officers.
The commissioner is authorized to issue an unlimited number of Class A license plates to the commission on special investigations for state-owned vehicles used for official undercover work conducted by the commission on special investigations.

No other registration plate may be issued for, or attached to, any state-owned vehicle.

The commissioner of motor vehicles shall have a sufficient number of both front and rear plates produced to attach to all state-owned cars. The numbered registration plates for the vehicles shall start with the number “five hundred” and the commissioner shall issue consecutive numbers for all state-owned cars.

It is the duty of each office, department, bureau, commission or institution furnished any vehicle to have plates as described herein affixed thereto prior to the operation of the vehicle by any official or employee.

Any person who violates the provisions of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars nor more than one hundred dollars.

Magistrates shall have concurrent jurisdiction with circuit and criminal courts for the enforcement 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 2nd day of April, 2000.

Governor