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WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



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COMMITTEE SUBSTITUTE
FOR

House Bill No. 2511

(By Delegates Stalnaker, Beane, Warner, Fragale, Cann, Azinger and Iaquina)



Passed March 7, 2003

In Effect Ninety Days from Passage

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OFFICE OF THE
SECRETARY

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FOR

H. B. 2511

(BY DELEGATES STALNAKER, BEANE, WARNER,
FRAGALE, CANN, AZINGER AND IAQUINTA)

[Passed March 7, 2003; 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, all relating to original and renewal of registration plates; authorizing the issuance of special motor vehicle license plates for members of the Nemesis Shrine, volunteers and employees of the American Red Cross, individuals who have received the Combat Infantry Badge or Combat Medic Badge, members of the Knights of Columbus, former members of the Legislature, democratic state or county executive committee members, female veterans, West Liberty State College, Harley Owners, and Knights of Columbus; prescribing fees; providing that special registration plates may only be issued to those nonprofit charitable and educational organizations authorized by prior law; prohibiting the commissioner of motor vehicles from approving or authorizing additional

nonprofit charitable and educational organizations to design or market special registration plates; eliminating the requirement that a certified firefighter produce annual evidence of certification; requiring the West Virginia university fire service extension to notify the division of motor vehicles when a firefighter loses his or her certification; making technical corrections; removing the restriction on the number of plates a volunteer firefighter may obtain and increasing the cost of those plates; prohibiting the division of motor vehicles from beginning the design or production of any license plate based on membership or affiliation with a private organization until a minimum number of persons have applied and paid for the plate; procedure where minimum number not met by private organization; and providing that the division of protective services may have up to two class a license plates.

Be it enacted by the Legislature of West Virginia:

That sections 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, all to read as follows:

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-14. Registration plates generally; description of plates; issuance of special numbers and plates; registration fees; special application fees; exemptions; commissioner to 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 West Virginia circuit courts, active and
34 retired on senior status, the judges of the United States district
35 courts for the state of West Virginia and the judges of the
36 United States court of appeals for the fourth circuit, if any of

37 the judges are residents of West Virginia, a special registration
38 plate for a Class A motor vehicle and a special registration plate
39 for a Class G motorcycle owned by the official or his or her
40 spouse: *Provided*, that the division may issue a Class A special
41 registration plate for each vehicle titled to the official and a
42 Class G special registration plate for each motorcycle titled to
43 the official.

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

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

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

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

69 United States armed forces, are eligible to purchase the special
70 registration plate issued pursuant to this subdivision.

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

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

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

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

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

97 (C) An annual fee of fifteen dollars shall be charged for
98 each special registration plate issued pursuant to this subdivi-

99 sion, which is in addition to all other fees required by this
100 chapter.

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

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

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

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

122 (6) The division may issue disabled veterans special
123 registration plates as follows:

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

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

134 (C) A qualified disabled veteran may obtain a second
135 disabled veteran license plate as described in this section for
136 use on a passenger vehicle titled in the name of the qualified
137 applicant. The division shall charge a one-time fee of ten
138 dollars to be deposited into a special revolving fund to be used
139 in the administration of this section, in addition to all other fees
140 required by this chapter, for the second plate.

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

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

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

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

159 (D) A recipient of the purple heart medal may obtain a
160 second purple heart medal license plate as described in this

161 section for use on a passenger vehicle titled in the name of the
162 qualified applicant. The division shall charge a one-time fee of
163 ten dollars to be deposited into a special revolving fund to be
164 used in the administration of this section, in addition to all other
165 fees required by this chapter, for the second plate.

166 (8) The division may issue survivors of the attack on Pearl
167 Harbor special registration plates as follows:

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

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

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

183 (D) A survivor of the attack on Pearl Harbor may obtain a
184 second survivors of the attack on Pearl Harbor license plate as
185 described in this section for use on a passenger vehicle titled in
186 the name of the qualified applicant. The division shall charge a
187 one-time fee of ten dollars to be deposited into a special
188 revolving fund to be used in the administration of this section,
189 in addition to all other fees required by this chapter, for the
190 second plate.

191 (9) The division may issue special registration plates to
192 nonprofit charitable and educational organizations authorized
193 under prior enactment of this subdivision as follows:

194 (A) Approved nonprofit charitable and educational organi-
195 zations previously authorized under the prior enactment of this
196 subdivision may accept and collect applications for special
197 registration plates from owners of Class A motor vehicles
198 together with a special annual fee of fifteen dollars, which is in
199 addition to all other fees required by this chapter. The applica-
200 tions and fees shall be submitted to the division of motor
201 vehicles with the request that the division issue a registration
202 plate bearing a combination of letters or numbers with the
203 organizations' logo or emblem, with the maximum number of
204 letters or numbers to be determined by the commissioner.

205 (B) The commissioner shall propose rules for legislative
206 approval in accordance with the provisions of article three,
207 chapter twenty-nine-a of this code regarding the procedures for
208 and approval of special registration plates issued pursuant to
209 this subdivision.

210 (C) The commissioner shall set an appropriate fee to defray
211 the administrative costs associated with designing and manufac-
212 turing special registration plates for a nonprofit charitable or
213 educational organization. The nonprofit charitable or educa-
214 tional organization shall collect this fee and forward it to the
215 division for deposit in a special revolving fund to pay the
216 administrative costs. The nonprofit charitable or educational
217 organization may also collect a fee for marketing the special
218 registration plates.

219 (D) The commissioner may not approve or authorize any
220 additional nonprofit charitable and educational organizations to
221 design or market special registration plates.

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

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

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

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

253 (11) The division may issue specified certified firefighter
254 registration plates as follows:

255 (A) Any owner of a motor vehicle who is a resident of the
256 state of West Virginia and who is a certified firefighter may
257 apply for a special license plate which bears the insignia of the
258 profession, for any number of Class A vehicles titled in the
259 name of the qualified applicant. Any insignia shall be designed
260 by the commissioner. License plates issued pursuant to this
261 subdivision shall bear the requested insignia pursuant to the
262 provisions of this article. Upon presentation of written evidence
263 of certification as a certified firefighter, certified firefighters are
264 eligible to purchase the special registration plate, issued
265 pursuant to this subdivision.

266 (B) Each year an application submitted pursuant to this
267 subdivision shall be accompanied by an affidavit stating that the
268 applicant is justified in having a registration with the requested
269 insignia; proof of compliance with all laws of this state regard-
270 ing registration and licensure of motor vehicles; and payment
271 of all required fees. The firefighter certification department,
272 section or division of the West Virginia university fire service
273 extension shall notify the commissioner in writing immediately
274 when a firefighter loses his or her certification. If a firefighter
275 loses his or her certification, the commissioner may not issue
276 him or her a license plate under this subsection.

277 (C) Each year an application submitted pursuant to this
278 subdivision shall be accompanied by payment of a special
279 initial application fee of ten dollars, which is in addition to any
280 other registration or license fee required by this chapter. All
281 special fees shall be collected by the division and deposited into
282 a special revolving fund to be used for the purpose of compen-
283 sating the division of motor vehicles for additional costs and
284 services required in the issuing of the special registration and
285 for the administration of this section.

286 (12) The division may issue special scenic registration
287 plates as follows:

288 (A) Upon appropriate application, the commissioner shall
289 issue a special registration plate displaying a scenic design of
290 West Virginia which displays the words "Wild Wonderful" as
291 a slogan.

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

297 (13) The division may issue honorably discharged marine
298 corps league members special registration plates as follows:

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

304 (B) The division may charge a special one-time initial
305 application fee of ten dollars in addition to all other fees
306 required by this chapter. This special fee is to compensate the
307 division of motor vehicles for additional costs and services
308 required in the issuing of the special registration and shall be
309 collected by the division and deposited in a special revolving
310 fund to be used for the administration of this section: *Provided*,
311 that nothing in this section may be construed to exempt any
312 veteran from any other provision of this chapter.

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

317 (14) The division may issue military organization registra-
318 tion plates as follows:

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

324 (B) Upon appropriate application, the division may issue
325 members of the chartered organization in good standing, as
326 determined by the governing body of the chartered organiza-
327 tion, a special registration plate for any number of vehicles
328 titled in the name of the qualified applicant.

329 (C) The division shall charge a special one-time initial
330 application fee of ten dollars for each special license plate in
331 addition to all other fees required by this chapter. All initial
332 application fees collected by the division shall be deposited into
333 a special revolving fund to be used in the administration of this
334 chapter: *Provided*, that nothing in this section may be construed
335 to exempt any veteran from any other provision of this chapter.

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

340 (15) The division may issue special nongame wildlife
341 registration plates and special wildlife registration plates as
342 follows:

343 (A) Upon appropriate application, the division shall issue
344 a special registration plate displaying a species of West Virginia
345 wildlife which shall display a species of wildlife native to West
346 Virginia as prescribed and designated by the commissioner and
347 the director of the division of natural resources.

348 (B) The division shall charge an annual fee of fifteen
349 dollars for each special nongame wildlife registration plate and
350 each special wildlife registration plate in addition to all other
351 fees required by this chapter. All annual fees collected for
352 nongame wildlife registration plates and wildlife registration
353 plates shall be deposited in a special revenue account desig-
354 nated the nongame wildlife fund and credited to the division of
355 natural resources.

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

361 (16) The division may issue members of the silver haired
362 legislature special registration plates as follows:

363 (A) Upon appropriate application, the division shall issue
364 to any person who is a duly qualified member of the silver
365 haired legislature a specialized registration plate which bears
366 recognition of the applicant as a member of the silver haired
367 legislature.

368 (B) A qualified member of the silver haired legislature may
369 obtain one registration plate described in this subdivision for
370 use on a passenger vehicle titled in the name of the qualified
371 applicant. The division shall charge an annual fee of fifteen
372 dollars, in addition to all other fees required by this chapter, for
373 the plate. All annual fees collected by the division shall be
374 deposited in a special revolving fund to be used in the adminis-
375 tration of this chapter.

376 (17) Upon appropriate application, the commissioner shall
377 issue to a classic motor vehicle or classic motorcycle as defined
378 in section three-a, article ten of this chapter, a special registra-
379 tion plate designed by the commissioner. An annual fee of

380 fifteen dollars, in addition to all other fees required by this
381 chapter, shall be charged for each classic registration plate.

382 (18) Honorably discharged veterans may be issued special
383 registration plates for motorcycles subject to Class G registra-
384 tion as follows:

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

391 (B) A special initial application fee of ten dollars shall be
392 charged in addition to all other fees required by law. This
393 special fee is to compensate the division of motor vehicles for
394 additional costs and services required in the issuing of the
395 special registration and shall be collected by the division and
396 deposited in a special revolving fund to be used for the adminis-
397 tration of this section: *Provided*, that nothing in this section
398 may be construed to exempt any veteran from any other
399 provision of this chapter.

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

404 (19) Racing theme special registration plates:

405 (A) The division may issue a series of special registration
406 plates displaying national association for stock car auto racing
407 themes.

408 (B) An annual fee of twenty-five dollars shall be charged
409 for each special racing theme registration plate in addition to all

410 other fees required by this chapter. All annual fees collected for
411 each special racing theme registration plate shall be deposited
412 into a special revolving fund to be used in the administration of
413 this chapter.

414 (C) A special application fee of ten dollars shall be charged
415 at the time of initial application as well as upon application for
416 any duplicate or replacement registration plate, in addition to all
417 other fees required by this chapter. All application fees shall be
418 deposited into a special revolving fund to be used in the
419 administration of this chapter.

420 (20) The division may issue recipients of the navy cross,
421 distinguished service cross, distinguished flying cross, air force
422 cross, bronze star or silver star special registration plates as
423 follows:

424 (A) Upon appropriate application, the division shall issue
425 to any recipient of the navy cross, distinguished service cross,
426 distinguished flying cross, air force cross, silver star or bronze
427 star, a registration plate for any number of vehicles titled in the
428 name of the qualified applicant bearing letters or numbers. A
429 separate registration plate shall be designed by the commis-
430 sioner of motor vehicles for each award that denotes that those
431 individuals who are granted this special registration plate are
432 recipients of the navy cross, distinguished service cross,
433 distinguished flying cross, air force cross, silver star or bronze
434 star, as applicable.

435 (B) The division shall charge a special initial application
436 fee of ten dollars in addition to all other fees required by law.
437 This special fee is to compensate the division of motor vehicles
438 for additional costs and services required in the issuing of the
439 special registration and shall be collected by the division and
440 deposited in a special revolving fund to be used for the adminis-
441 tration of this section: *Provided*, that nothing in this section

442 exempts the applicant for a special registration plate under this
443 subdivision from any other provision of this chapter.

444 (C) A surviving spouse may continue to use his or her
445 deceased spouse's navy cross, distinguished service cross,
446 distinguished flying cross, air force cross, silver star or bronze
447 star special registration plate until the surviving spouse dies,
448 remarries or does not renew the special registration plate.

449 (21) The division may issue honorably discharged veterans
450 special registration plates as follows:

451 (A) Upon appropriate application, the division shall issue
452 to any honorably discharged veteran of any branch of the armed
453 services of the United States with verifiable service during
454 World War II, the Korean War, the Vietnam War, the Persian
455 Gulf War or the War against Terrorism, a special registration
456 plate for any number of vehicles titled in the name of the
457 qualified applicant with an insignia designed by the commis-
458 sioner denoting service in the applicable conflict.

459 (B) The division shall charge a special one-time initial
460 application fee of ten dollars in addition to all other fees
461 required by law. This special fee is to compensate the division
462 of motor vehicles for additional costs and services required in
463 the issuing of the special registration and shall be collected by
464 the division and deposited in a special revolving fund to be used
465 for the administration of this section: *Provided*, that nothing
466 contained in this section may be construed to exempt any
467 veteran from any other provision of this chapter.

468 (C) A surviving spouse may continue to use his or her
469 deceased spouse's honorably discharged veterans registration
470 plate until the surviving spouse dies, remarries or does not
471 renew the special registration plate.

472 (22) The division may issue special volunteer firefighter
473 registration plates as follows:

474 (A) Any owner of a motor vehicle who is a resident of West
475 Virginia and who is a volunteer firefighter may apply for a
476 special license plate for any Class A vehicle titled in the name
477 of the qualified applicant which bears the insignia of the
478 profession in white letters on a red background. The insignia
479 shall be designed by the commissioner and shall contain a
480 fireman's helmet insignia on the left side of the license plate.

481 (B) Each application submitted pursuant to this subdivision
482 shall be accompanied by an affidavit signed by the applicant's
483 fire chief, stating that the applicant is a volunteer firefighter and
484 justified in having a registration plate with the requested
485 insignia. The applicant must comply with all other laws of this
486 state regarding registration and licensure of motor vehicles and
487 must pay all required fees.

488 (C) Each application submitted pursuant to this subdivision
489 shall be accompanied by payment of a special one-time initial
490 application fee of ten dollars, which is in addition to any other
491 registration or license fee required by this chapter. All applica-
492 tion fees shall be deposited into a special revolving fund to be
493 used in the administration of this chapter.

494 (23) The division may issue special registration plates
495 which reflect patriotic themes, including the display of any
496 United States symbol, icon, phrase or expression, which evokes
497 patriotic pride or recognition.

498 (A) Upon appropriate application, the division shall issue
499 to an applicant a registration plate of the applicant's choice,
500 displaying a patriotic theme as provided in this subdivision, for
501 a vehicle titled in the name of the applicant. A series of
502 registration plates displaying patriotic themes shall be designed

503 by the commissioner of motor vehicles for distribution to
504 applicants.

505 (B) The division shall charge a special one-time initial
506 application fee of ten dollars in addition to all other fees
507 required by law. This special fee is to compensate the division
508 of motor vehicles for additional costs and services required in
509 the issuing of the special registration and shall be collected by
510 the division and deposited in a special revolving fund to be used
511 for the administration of this section.

512 (24) Special license plates bearing the American flag and
513 the logo "9/11/01".

514 (A) Upon appropriate application, the division shall issue
515 special registration plates which shall display the American flag
516 and the logo "9/11/01".

517 (B) An annual fee of fifteen dollars shall be charged for
518 each plate in addition to all other fees required by this chapter.

519 (C) A special application fee of ten dollars shall be charged
520 at the time of initial application as well as upon application for
521 any duplicate or replacement registration plate, in addition to all
522 other fees required by this chapter. All application fees shall be
523 deposited into a special revolving fund to be used in the
524 administration of this chapter.

525 (25) The division may issue a special registration plate
526 celebrating the centennial of the 4-H youth development
527 movement and honoring the future farmers of America organi-
528 zation as follows:

529 (A) Upon appropriate application, the division may issue a
530 special registration plate depicting the symbol of the 4-H
531 organization which represents the head, heart, hands and health
532 as well as the symbol of the future farmers of America organi-

533 zation which represents a cross section of an ear of corn for any
534 number of vehicles titled in the name of the qualified applicant.

535 (B) The division shall charge a special initial application
536 fee of ten dollars in addition to all other fees required by law.
537 This special fee is to compensate the division of motor vehicles
538 for additional costs and services required in the issuing of the
539 special registration and shall be collected by the division and
540 deposited in a special revolving fund to be used for the adminis-
541 tration of this section.

542 (C) The division shall charge an annual fee of fifteen
543 dollars for each special 4-H future farmers of America registra-
544 tion plate in addition to all other fees required by this chapter.

545 (26) The division may issue special registration plates to
546 educators in the state's elementary and secondary schools and
547 in the state's institutions of higher education as follows:

548 (A) Upon appropriate application, the division may issue a
549 special registration plate designed by the commissioner for any
550 number of vehicles titled in the name of the qualified applicant.

551 (B) The division shall charge a special initial application
552 fee of ten dollars in addition to all other fees required by law.
553 This special fee is to compensate the division of motor vehicles
554 for additional costs and services required in the issuing of the
555 special registration and shall be collected by the division and
556 deposited in a special revolving fund to be used for the adminis-
557 tration of this section.

558 (C) The division shall charge an annual fee of fifteen
559 dollars for each special educator registration plate in addition
560 to all other fees required by this chapter.

561 (27) The division may issue special registration plates to
562 members of the Nemesis Shrine as follows:

563 (A) Upon appropriate application, the division may issue a
564 special registration plate designed by the commissioner for any
565 number of vehicles titled in the name of the qualified applicant.
566 Persons desiring the special registration plate shall offer
567 sufficient proof of membership in Nemesis Shrine.

568 (B) The division shall charge a special initial application
569 fee of ten dollars in addition to all other fees required by law.
570 This special fee is to compensate the division of motor vehicles
571 for additional costs and services required in the issuing of the
572 special registration and shall be collected by the division and
573 deposited in a special revolving fund to be used for the adminis-
574 tration of this section.

575 (C) An annual fee of fifteen dollars shall be charged for
576 each plate in addition to all other fees required by this chapter.

577 (28) The division may issue volunteers and employees of
578 the American Red Cross special registration plates as follows:

579 (A) Upon appropriate application, the division shall issue
580 to any person who is a duly qualified volunteer or employee of
581 the American Red Cross a specialized registration plate which
582 bears recognition of the applicant as a volunteer or employee of
583 the American Red Cross for any number of vehicles titled in the
584 name of the qualified applicant.

585 (B) The division shall charge a special initial application
586 fee of ten dollars in addition to all other fees required by law.
587 This special fee is to compensate the division of motor vehicles
588 for additional costs and services required in the issuing of the
589 special registration and shall be collected by the division and
590 deposited in a special revolving fund to be used for the adminis-
591 tration of this section.

592 (C) An annual fee of fifteen dollars shall be charged for
593 each plate in addition to all other fees required by this chapter.

594 (29) The division shall issue special registration plates to
595 individuals who have received either the Combat Infantry
596 Badge or the Combat Medic Badge as follows:

597 (A) Upon appropriate application, the division shall issue
598 a special registration plate designed by the commissioner for
599 any number of vehicles titled in the name of the qualified
600 applicant. Persons desiring the special registration plate shall
601 offer sufficient proof that they have received either the Combat
602 Infantry Badge or the Combat Medic Badge.

603 (B) The division shall charge a special initial application
604 fee of ten dollars in addition to all other fees required by law.
605 This special fee is to compensate the division of motor vehicles
606 for additional costs and services required in the issuing of the
607 special registration and shall be collected by the division and
608 deposited in a special revolving fund to be used for the adminis-
609 tration of this section.

610 (30) The division may issue special registration plates to
611 members of the Knights of Columbus as follows:

612 (A) Upon appropriate application, the division shall issue
613 a special registration plate designed by the commissioner for
614 any number of vehicles titled in the name of the qualified
615 applicant. Persons desiring the special registration plate shall
616 offer sufficient proof of membership in the Knights of Colum-
617 bus.

618 (B) The division shall charge a special initial application
619 fee of ten dollars in addition to all other fees required by law.
620 This special fee is to compensate the division of motor vehicles
621 for additional costs and services required in the issuing of the
622 special registration and shall be collected by the division and
623 deposited in a special revolving fund to be used for the adminis-
624 tration of this section.

625 (C) An annual fee of fifteen dollars shall be charged for
626 each plate in addition to all other fees required by this chapter.

627 (31) The division may issue special registration plates to
628 former members of the Legislature as follows:

629 (A) Upon appropriate application, the division shall issue
630 a special registration plate designed by the commissioner for
631 any number of vehicles titled in the name of the qualified
632 applicant. Persons desiring the special registration plate shall
633 offer sufficient proof of former service as an elected or ap-
634 pointed member of the West Virginia House of Delegates or the
635 West Virginia Senate.

636 (B) The division shall charge a special initial application
637 fee of ten dollars in addition to all other fees required by law.
638 This special fee is to compensate the division of motor vehicles
639 for additional costs and services required in the issuing of the
640 special registration and shall be collected by the division and
641 deposited in a special revolving fund to be used for the adminis-
642 tration of this section. The design of the plate shall indicate
643 total years of service in the Legislature.

644 (C) An annual fee of fifteen dollars shall be charged for
645 each plate in addition to all other fees required by this chapter.

646 (32) Democratic state or county executive committee
647 member special registration plates:

648 (A) The division shall design and issue special registration
649 plates for use by democratic state or county executive commit-
650 tee members. The design of the plates shall include an insignia
651 of a donkey and shall differentiate by wording on the plate
652 between state and county executive committee members.

653 (B) An annual fee of twenty-five dollars shall be charged
654 for each democratic state or county executive committee

655 member registration plate in addition to all other fees required
656 by this chapter. All annual fees collected for each special plate
657 issued under this subdivision shall be deposited into a special
658 revolving fund to be used in the administration of this chapter.

659 (C) A special application fee of ten dollars shall be charged
660 at the time of initial application as well as upon application for
661 any duplicate or replacement registration plate, in addition to all
662 other fees required by this chapter. All application fees shall be
663 deposited into a special revolving fund to be used in the
664 administration of this chapter.

665 (D) The division shall not begin production of a plate
666 authorized under the provisions of this subdivision until the
667 division receives at least one hundred completed applications
668 from the state or county executive committee members,
669 including all fees required pursuant to this subdivision.

670 (33) The division may issue honorably discharged female
671 veterans special registration plates as follows:

672 (A) Upon appropriate application, there shall be issued to
673 any female honorably discharged veteran, of any branch of the
674 armed services of the United States, a special registration plate
675 for any number of vehicles titled in the name of the qualified
676 applicant with an insignia designed by the commissioner of the
677 division of motor vehicles to designate the recipient as a woman
678 veteran.

679 (B) A special initial application fee of ten dollars shall be
680 charged in addition to all other fees required by law. This
681 special fee is to compensate the division of motor vehicles for
682 additional costs and services required in the issuing of the
683 special registration and shall be collected by the division and
684 deposited in a special revolving fund to be used for the adminis-
685 tration of this section: *Provided*, that nothing in this section

686 may be construed to exempt any veteran from any other
687 provision of this chapter.

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

692 (34) The division may issue special registration plates
693 bearing the logo, symbol, insignia, letters or words demonstrat-
694 ing association with West Liberty State College to any resident
695 owner of a motor vehicle. Resident owners may apply for the
696 special license plate for any number of Class A vehicles titled
697 in the name of the applicant. The special registration plates
698 shall be designed by the commissioner. Each application
699 submitted pursuant to this subdivision shall be accompanied by
700 payment of a special initial application fee of fifteen dollars,
701 which is in addition to any other registration or license fee
702 required by this chapter. The division shall charge an annual fee
703 of fifteen dollars for each special educator registration plate in
704 addition to all other fees required by this chapter. All special
705 fees shall be collected by the division and deposited into a
706 special revolving fund to be used for the purpose of compensat-
707 ing the division of motor vehicles for additional costs and
708 services required in the issuing of the special registration and
709 for the administration of this section.

710 (35) The division may issue special registration plates to
711 members of the Harley Owners Group as follows:

712 (A) Upon appropriate application, the division may issue a
713 special registration plate designed by the commissioner for any
714 number of vehicles titled in the name of the qualified applicant.
715 Persons desiring the special registration plate shall offer
716 sufficient proof of membership in the Harley Owners Group.

717 (B) The division shall charge a special initial application
718 fee of ten dollars in addition to all other fees required by law.
719 This special fee is to compensate the division of motor vehicles
720 for additional costs and services required in the issuing of the
721 special registration and shall be collected by the division and
722 deposited in a special revolving fund to be used for the adminis-
723 tration of this section.

724 (C) An annual fee of fifteen dollars shall be charged for
725 each plate in addition to all other fees required by this chapter.

726 (36) The division may issue special registration plates for
727 persons retired from any branch of the armed services of the
728 United States as follows:

729 (A) Upon appropriate application, there shall be issued to
730 any person who has retired after service in any branch of the
731 armed services of the United States, a special registration plate
732 for any number of vehicles titled in the name of the qualified
733 applicant with an insignia designed by the commissioner of the
734 division of motor vehicles to designate the recipient as retired
735 from the armed services of the United States.

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

745 (C) A surviving spouse may continue to use his or her
746 deceased spouses retired military license plate until the surviv-
747 ing dies, remarries or does not renew the license plate.

748 (d) The commissioner shall propose rules for legislative
749 approval in accordance with the provisions of article three,
750 chapter twenty-nine-a of this code regarding the proper forms
751 to be used in making application for the special license plates
752 authorized by this section. The commissioner may not begin the
753 design or production of any license plates for which eligibility
754 is based on membership or affiliation with a particular private
755 organization until at least one hundred persons complete an
756 application and deposit a check to cover the first year's basic
757 registration, one time design and manufacturing costs and to
758 cover the first year additional annual fee. If the organization
759 fails to submit the required number of applications with
760 attached checks within six months of the effective date of the
761 authorizing legislation, the plate will not be produced and will
762 require legislative reauthorization: *Provided*, That the six
763 month requirement in this subsection does not apply to subdivi-
764 sions (1) through (26) inclusive, subsection (c) of this section.

765 (e)(1) Nothing in this section requires a charge for a free
766 prisoner of war license plate or a free recipient of the Congres-
767 sional Medal of Honor license plate for a vehicle titled in the
768 name of the qualified applicant as authorized by other provi-
769 sions of this code.

770 (2) A surviving spouse may continue to use his or her
771 deceased spouse's prisoner of war or Congressional Medal of
772 Honor license plate until the surviving spouse dies, remarries or
773 does not renew the license plate.

774 (3) Qualified former prisoners of war and recipients of the
775 Congressional Medal of Honor may obtain a second special
776 registration plate for use on a passenger vehicle titled in the
777 name of the qualified applicant. The division shall charge a
778 one-time fee of ten dollars to be deposited into a special
779 revolving fund to be used in the administration of this chapter,

780 in addition to all other fees required by this chapter, for the
781 second special plate.

782 (f) The division may issue special ten-year registration
783 plates as follows:

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

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

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

807 (h) The commissioner may, in his or her discretion, issue a
808 registration plate of reflectorized material suitable for perma-
809 nent use on motor vehicles, trailers and semitrailers, together
810 with appropriate devices to be attached to the registration to
811 indicate the year for which the vehicles have been properly

812 registered or the date of expiration of the registration. The
813 design and expiration of the plates shall be determined by the
814 commissioner.

815 (i) Any license plate issued or renewed pursuant to this
816 chapter, which is paid for by a check that is returned for
817 nonsufficient funds, is void without further notice to the
818 applicant. The applicant may not reinstate the registration until
819 the returned check is paid by the applicant in cash, money order
820 or certified check and all applicable fees assessed as a result
821 thereof have been paid.

**§17A-3-23. Registration plates to state, county, municipal and
other governmental vehicles; use for undercover
activities.**

1 (a) Any motor vehicle designed to carry passengers, owned
2 or leased by the state of West Virginia, or any of its depart-
3 ments, bureaus, commissions or institutions, except vehicles
4 used by the governor, treasurer, three vehicles per elected office
5 of the board of public works, vehicles operated by the state
6 police, vehicles operated by conservation officers of the
7 division of natural resources, not to exceed ten vehicles
8 operated by the arson investigators of the office of state fire
9 marshal, not to exceed two vehicles operated by the division of
10 protective services and not to exceed sixteen vehicles operated
11 by inspectors of the office of the alcohol beverage control
12 commissioner, may not be operated or driven by any person
13 unless it has displayed and attached to the front thereof, in the
14 same manner as regular motor vehicle registration plates are
15 attached, a plate of the same size as the regular registration
16 plate, with white lettering on a green background bearing the
17 words "West Virginia" in one line and the words "State Car" in
18 another line and the lettering for the words "State Car" shall be
19 of sufficient size to be plainly readable from a distance of one
20 hundred feet during daylight.

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

25 (b) On registration plates issued to vehicles owned by
26 counties, the color shall be white on red with the word
27 "County" on top of the plate and the words "West Virginia" on
28 the bottom. On any registration plates issued to a city or
29 municipality, the color shall be white on blue with the word
30 "City" on top and the words "West Virginia" on the bottom.
31 The colors may not be reversed and shall be of reflectorized
32 material. The registration plates issued to counties, municipali-
33 ties and other governmental agencies authorized to receive
34 colored plates hereunder shall be affixed to both the front and
35 rear of the vehicles.

36 (c) Registration plates issued to vehicles operated by county
37 sheriffs shall be designed by the commissioner in cooperation
38 with the sheriffs' association with the word "Sheriff" on top of
39 the plate and the words "West Virginia" on the bottom. The
40 plate shall contain a gold shield representing the sheriff's star
41 and a number assigned to that plate by the commissioner. Every
42 county sheriff shall provide the commissioner with a list of
43 vehicles operated by the sheriff, unless otherwise provided in
44 this section, and a fee of ten dollars for each vehicle submitted
45 by the first day of July, two thousand two.

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

50 (e) Upon application, the commissioner is authorized to
51 issue a maximum of five Class A license plates per applicant to
52 be used by county sheriffs and municipalities on

53 law-enforcement vehicles while engaged in undercover
54 investigations.

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

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

66 (h) The commissioner may issue a maximum of ten Class
67 A license plates to the division of natural resources for use by
68 conservation officers. The commissioner shall designate the
69 color and design of the registration plates to be displayed on the
70 front and the rear of all other state-owned vehicles owned by
71 the division of natural resources and operated by conservation
72 officers.

73 (i) The commissioner is authorized to issue an unlimited
74 number of Class A license plates to the commission on special
75 investigations for state-owned vehicles used for official
76 undercover work conducted by the commission on special
77 investigations. The commissioner is authorized to issue a
78 maximum of two Class A plates to the division of protective
79 services for state owned vehicles used by the division of
80 protective services in fulfilling its mission.

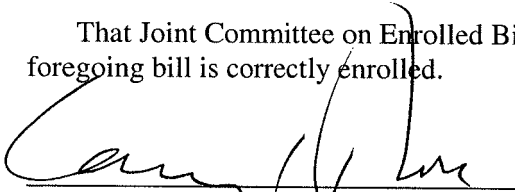
81 (j) No other registration plate may be issued for, or attached
82 to, any state-owned vehicle.

83 (k) The commissioner of motor vehicles shall have a
84 sufficient number of both front and rear plates produced to
85 attach to all state-owned cars. The numbered registration plates
86 for the vehicles shall start with the number "five hundred" and
87 the commissioner shall issue consecutive numbers for all
88 state-owned cars.

89 (l) It is the duty of each office, department, bureau, com-
90 mission or institution furnished any vehicle to have plates as
91 described herein affixed thereto prior to the operation of the
92 vehicle by any official or employee.

93 (m) Any person who violates the provisions of this section
94 is guilty of a misdemeanor and, upon conviction thereof, shall
95 be fined not less than fifty dollars nor more than one hundred
96 dollars. Magistrates shall have concurrent jurisdiction with
97 circuit and criminal courts for the enforcement of this section.

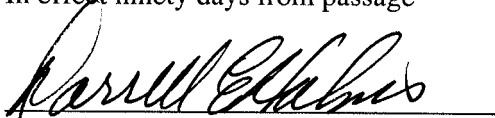
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

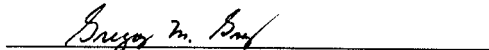

Chairman Senate Committee

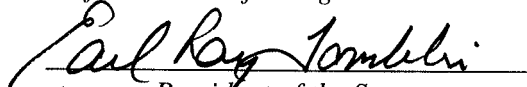

Chairman House Committee

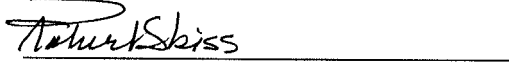
Originating in the House.

In effect ninety days from passage

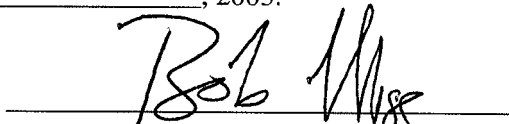

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 2nd
day of April, 2003.


Governor

PRESENTED TO THE
GOVERNOR

Date 3/25/03

Time 9:55 AM