

SB 398

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED

Senate Bill No. 398

(BY SENATOR KESSLER)

[Passed March 5, 2007; in effect ninety days from passage.]

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AN ACT to amend and reenact §17A-3-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-9-5 and §17A-9-7 of said code, all relating to the authority of the Division of Motor Vehicles to refuse to register and to suspend or revoke motor vehicle registrations of motor carriers whose authority to operate in interstate commerce has been denied or suspended by the federal Motor Carrier Safety Administration.

Be it enacted by the Legislature of West Virginia:

That §17A-3-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §17A-9-5 and

§17A-9-7 of said code be amended and reenacted, all to read as follows:

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

§17A-3-7. Grounds for refusing registration or certificate of title.

1 The division shall refuse registration or issuance of a
2 certificate of title or any transfer of registration upon
3 any of the following grounds:

4 (1) That the application contains any false or
5 fraudulent statement or that the applicant has failed to
6 furnish required information or reasonable additional
7 information requested by the division or that the
8 applicant is not entitled to the issuance of a certificate
9 of title or registration of the vehicle under this chapter;

10 (2) That the applicant fails to present a statement of
11 insurance or proof of other security as required
12 pursuant to the provisions of section three of this
13 article;

14 (3) That the vehicle is mechanically unfit or unsafe to
15 be operated or moved upon the highways;

16 (4) That the division has reasonable grounds to believe
17 that the vehicle is a stolen or embezzled vehicle or that
18 the granting of registration or the issuance of certificate
19 of title would constitute a fraud against the rightful
20 owner or other person having a valid lien upon such
21 vehicle;

22 (5) That the registration of the vehicle stands

23 suspended or revoked for any reason as provided in the
24 motor vehicle laws of this state;

25 (6) That the required fee has not been paid; or

26 (7) That the vehicle is operated by a commercial motor
27 carrier who has failed to provide a federal motor carrier
28 identification number (USDOT number) or whose
29 authority to operate in interstate commerce has been
30 denied or suspended by the federal Motor Carrier Safety
31 Administration.

**ARTICLE 9. OFFENSES AGAINST REGISTRATION LAWS AND
SUSPENSION OR REVOCATION OF REGISTRATION.**

**§17A-9-5. Authority of division to suspend or revoke
registration, certificate, etc.**

1 The division is hereby authorized to suspend or revoke
2 the registration of a vehicle or a certificate of title,
3 registration card or registration plate or any
4 nonresident or other permit in any of the following
5 events:

6 (1) When the division is satisfied that such registration
7 or that such certificate, card, plate or permit was
8 fraudulently or erroneously issued;

9 (2) When the division determines that a registered
10 vehicle is mechanically unfit or unsafe to be operated or
11 moved upon the highways;

12 (3) When a registered vehicle has been dismantled or
13 wrecked;

14 (4) When a registration card, registration plate or

15 permit is knowingly displayed upon a vehicle other than
16 the one for which issued;

17 (5) When the division determines that the owner has
18 committed any offense under this article involving the
19 registration or the certificate, card, plate or permit to be
20 suspended or revoked;

21 (6) When the vehicle is operated by a commercial
22 motor carrier whose authority to operate in interstate
23 commerce has been denied or suspended by the federal
24 Motor Carrier Safety Administration; or

25 (7) When the division is so authorized under any other
26 provision of law.

**§17A-9-7. Surrender of evidences of registration, etc., upon
cancellation, suspension or revocation; willful
failure or refusal to surrender; fee for
reinstatement.**

1 (a) Whenever the registration of a vehicle, a certificate
2 of title, a registration card, registration plate or plates,
3 a temporary registration plate or marker, the right to
4 issue temporary registration plates or markers, any
5 nonresident or other permit or any license certificate or
6 dealer special plates issued under the provisions of
7 article six of this chapter is canceled, suspended or
8 revoked as authorized in this chapter, the owner, holder
9 or other person in possession of the evidences of the
10 registration, title, permit or license or any special dealer
11 plates shall, except as otherwise provided in article six
12 of this chapter, immediately return the evidences of the
13 registration, title, permit or license that was canceled,
14 suspended or revoked, together with any dealer special

15 plates relating to any license certificate, or any dealer
16 special plate or plates if only the dealer special plate is
17 suspended, to the division: *Provided*, That the owner or
18 holder shall, before reinstatement, pay a fee of ten
19 dollars in addition to all other fees, which shall be
20 collected by the division and credited to a special
21 revolving fund in the State Treasury to be appropriated
22 to the division for use in enforcement of the provisions
23 of this code.

24 (b) If any person willfully fails or refuses to return to
25 the division the evidences of the registration, title,
26 permit or license that have been canceled, suspended or
27 revoked, or any dealer special plates, when obligated so
28 to do as provided in this section, the commissioner shall
29 immediately notify the Superintendent of the State
30 Police who shall, as soon as possible, secure possession
31 of the evidence of registration, title, permit or license or
32 any special dealer plates and return it to the division.
33 The Superintendent of the State Police shall make a
34 report in writing to the commissioner, within two weeks
35 after being notified by the commissioner, as to the result
36 of his or her efforts to secure the possession and return
37 of the evidences of registration, title, permit or license,
38 or any dealer special plates.

39 (c) If any commercial motor carrier willfully fails or
40 refuses to return to the division the evidences of the
41 registration that have been suspended or revoked as
42 provided in this section, the commissioner shall
43 immediately notify the Public Service Commission
44 which shall, as soon as possible, secure possession of the
45 evidence of registration and return it to the division.
46 The Public Service Commission shall make a report in
47 writing to the commissioner, within two weeks after

48 being notified by the commissioner, as to the result of
49 its efforts to secure the possession and return of the
50 evidences of registration.

51 (d) For each registration, certificate of title,
52 registration card, registration plate or plates, temporary
53 registration plate or marker, permit, license certificate
54 or dealer special plate, which the owner, holder or other
55 person in possession of the registration, title, permit or
56 license or any special dealer plates shall have willfully
57 failed or refused, as provided in this section, to return to
58 the division within ten days from the time that the
59 cancellation, suspension or revocation becomes
60 effective, and which has been certified to the
61 Superintendent of the State Police as specified in this
62 section, the owner or holder shall, before the
63 registration, title, permit or license or any special dealer
64 plates may be reinstated, if reinstatement is permitted,
65 in addition to all other fees and charges, pay a fee of
66 fifteen dollars, which shall be collected by the Division
67 of Motor Vehicles, paid into the State Treasury and
68 credited to the General Fund to be appropriated to the
69 State Police for application in the enforcement of the
70 road laws.

71 A total of twenty-five dollars may be collected on each
72 reinstatement for each vehicle to which any
73 cancellation, suspension or revocation relates.

74 (e) When any motor vehicle registration is suspended
75 for failure to maintain motor vehicle liability insurance
76 the reinstatement fee is one hundred dollars, and if the
77 vehicle owner fails to surrender the vehicle registration
78 and the orders go to the State Police, an additional fee
79 of fifty dollars shall be required before the motor

80 vehicle registration may be reinstated. A total of one
81 hundred fifty dollars may be collected on each
82 reinstatement of any motor vehicle registration
83 canceled, suspended or revoked for failure to maintain
84 motor vehicle liability insurance.

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

Al White
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

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

[Signature]
.....
Speaker House of Delegates

The within *is approved* this
the *27th* Day of *March*, 2007.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 20 2007

Time 3:30 pm