SEALED

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.]
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.


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

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

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

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

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

22 (5) That the registration of the vehicle stands
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

(7) That the vehicle is operated by a commercial motor 
carrier who has failed to provide a federal motor carrier 
identification number (USDOT number) or whose 
authority to operate in interstate commerce has been 
denied or suspended by the federal Motor Carrier Safety 
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 
the registration of a vehicle or a certificate of title, 
registration card or registration plate or any 
nonresident or other permit in any of the following 
events:

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

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

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

14 (4) When a registration card, registration plate or
permit is knowingly displayed upon a vehicle other than
the one for which issued;

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

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

(7) When the division is so authorized under any other
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.

(a) Whenever the registration of a vehicle, a certificate
of title, a registration card, registration plate or plates,
a temporary registration plate or marker, the right to
issue temporary registration plates or markers, any
nonresident or other permit or any license certificate or
dealer special plates issued under the provisions of
article six of this chapter is canceled, suspended or
revoked as authorized in this chapter, the owner, holder
or other person in possession of the evidences of the
registration, title, permit or license or any special dealer
plates shall, except as otherwise provided in article six
of this chapter, immediately return the evidences of the
registration, title, permit or license that was canceled,
suspended or revoked, together with any dealer special
plates relating to any license certificate, or any dealer
special plate or plates if only the dealer special plate is
suspended, to the division: Provided, That the owner or
holder shall, before reinstatement, pay a fee of ten
dollars in addition to all other fees, which shall be
collected by the division and credited to a special
revolving fund in the State Treasury to be appropriated
to the division for use in enforcement of the provisions
of this code.

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

(c) If any commercial motor carrier willfully fails or
refuses to return to the division the evidences of the
registration that have been suspended or revoked as
provided in this section, the commissioner shall
immediately notify the Public Service Commission
which shall, as soon as possible, secure possession of the
evidence of registration and return it to the division.
The Public Service Commission shall make a report in
writing to the commissioner, within two weeks after
being notified by the commissioner, as to the result of
its efforts to secure the possession and return of the
evidences of registration.

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

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

(e) When any motor vehicle registration is suspended
for failure to maintain motor vehicle liability insurance
the reinstatement fee is one hundred dollars, and if the
vehicle owner fails to surrender the vehicle registration
and the orders go to the State Police, an additional fee
of fifty dollars shall be required before the motor
vehicle registration may be reinstated. A total of one hundred fifty dollars may be collected on each reinstatement of any motor vehicle registration canceled, suspended or revoked for failure to maintain motor vehicle liability insurance.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]
Chairman Senate Committee
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signatures]
Clerk of the Senate
Clerk of the House of Delegates

[Signatures]
President of the Senate
Speaker House of Delegates

The within is approved this
the Day of , 2007.

[Signature]
Governor