

SB 523 S

FILED

2007 APR -4 PM 5:45

**WEST VIRGINIA LEGISLATURE**  
**SEVENTY-EIGHTH LEGISLATURE**  
**REGULAR SESSION, 2007**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

---

**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 523**

(SENATORS JENKINS AND MINARD, *original sponsors*)

---

[Passed March <sup>9</sup>~~10~~, 2007; in effect July 1, 2007.]

FILED

2007 APR -4 PM 5: 46

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 523**

(SENATORS JENKINS AND MINARD, *original sponsors*)

---

[Passed March 9, 2007; to take effect July 1, 2007.]

---

AN ACT to amend and reenact §17A-2-21 and §17A-2-23 of the Code of West Virginia, 1931, as amended; to amend and reenact §17A-3-3 and §17A-3-14 of said code; to amend and reenact §17A-4-10 of said code; to amend and reenact §17A-9-7 of said code; to amend and reenact §17A-10-8 of said code; to amend and reenact §17B-2-7c of said code; to amend and reenact §17C-5A-2a, §17C-5A-3 and §17C-5A-3a of said code; to amend and reenact §17E-1-23 of said code; and to amend and reenact §20-7-12 of said code, all

relating to the regulation and registration of motor vehicles by the Division of Motor Vehicles; consolidating and eliminating certain fees collected by the Division of Motor Vehicles; authorizing 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; and allowing vehicle owners to retain certain vehicles declared totaled; requiring the surrender of title and registration certificate; eliminating the special revenue account; increasing criminal penalties; and clarifying certain definitions.

*Be it enacted by the Legislature of West Virginia:*

That §17A-2-21 and §17A-2-23 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §17A-3-3 and §17A-3-14 of said code be amended and reenacted; that §17A-4-10 of said code be amended and reenacted; that §17A-9-7 of said code be amended and reenacted; that §17A-10-8 of said code be amended and reenacted; that §17B-2-7c of said code be amended and reenacted; that §17C-5A-2a, §17C-5A-3 and §17C-5A-3a of said code be amended and reenacted; that §17E-1-23 of said code be amended and reenacted; and that §20-7-12 of said code be amended and reenacted, all to read as follows:

**ARTICLE 2. DIVISION OF MOTOR VEHICLES.**

**§17A-2-21. Motor vehicle fees fund.**

1       Effective the first day of July, two thousand seven,  
2       there is hereby created a special revenue account within  
3       the State Treasury to be known as the Motor Vehicle  
4       Fees Fund which shall consist of moneys paid into the

5 account in accordance with other provisions of this code  
6 and any additional sums appropriated by the  
7 Legislature. All other taxes and fees imposed and  
8 collected under the provisions of this chapter shall be  
9 paid to the State Treasurer in the manner provided by  
10 law and credited to the State Road Fund.

**§17A-2-23. Worthless checks tendered for fees and taxes;  
penalty.**

1 If a check tendered to the Division of Motor Vehicles  
2 is returned to the division unpaid for any reason, there  
3 shall be a penalty of ten dollars to be paid to the  
4 division in addition to the amount due the division.  
5 This penalty applies to checks tendered for any fee or  
6 tax authorized to be collected by the division and is in  
7 addition to any other penalties imposed in this code:  
8 *Provided*, That in the event a specific penalty is set  
9 forth for the nonpayment or late payment of fees and  
10 taxes, the penalty set forth in this section applies only  
11 to the extent that the penalty exceeds any specific  
12 penalty for nonpayment or late payment.

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

**§17A-3-3. Application for registration; statement of insurance  
or other proof of security to accompany  
application; criminal penalties; fees; special  
revolving fund.**

1 Every owner of a vehicle subject to registration under  
2 this article shall make application to the division for the  
3 registration of the vehicle upon the appropriate form or  
4 forms furnished by the division and every application  
5 shall bear the signature of the owner or his or her

6 authorized agent, written with pen and ink, and the  
7 application shall contain:

8 (a) The name, bona fide residence and mailing address  
9 of the owner, the county in which he or she resides or  
10 business address of the owner if a firm, association or  
11 corporation.

12 (b) A description of the vehicle including, insofar as  
13 the data specified in this section may exist with respect  
14 to a given vehicle, the make, model, type of body, the  
15 manufacturer's serial or identification number or other  
16 number as determined by the commissioner.

17 (c) In the event a motor vehicle is designed,  
18 constructed, converted or rebuilt for the transportation  
19 of property, the application shall include a statement of  
20 its declared gross weight if the motor vehicle is to be  
21 used alone, or if the motor vehicle is to be used in  
22 combination with other vehicles, the application for  
23 registration of the motor vehicle shall include a  
24 statement of the combined declared gross weight of the  
25 motor vehicle and the vehicles to be drawn by the motor  
26 vehicle; declared gross weight being the weight declared  
27 by the owner to be the actual combined weight of the  
28 vehicle or combination of vehicles and load when  
29 carrying the maximum load which the owner intends to  
30 place on the vehicle; and the application for registration  
31 of each vehicle shall also include a statement of the  
32 distance between the first and last axles of that vehicle  
33 or combination of vehicles.

34 The declared gross weight stated in the application  
35 shall not exceed the permissible gross weight for the  
36 axle spacing listed in the application as determined by

37 the table of permissible gross weights contained in  
38 chapter seventeen-c of this code; and any vehicle  
39 registered for a declared gross weight as stated in the  
40 application is subject to the single-axle load limit set  
41 forth in said chapter.

42 (d) Each applicant shall state whether the vehicle is or  
43 is not to be used in the public transportation of  
44 passengers or property, or both, for compensation and  
45 if used for compensation, or to be used, the applicants  
46 shall certify that the vehicle is used for compensation  
47 and shall, as a condition precedent to the registration of  
48 the vehicle, obtain a certificate of convenience or permit  
49 from the Public Service Commission unless otherwise  
50 exempt from this requirement in accordance with  
51 chapter twenty-four-a of this code.

52 (e) A statement under penalty of false swearing that  
53 liability insurance is in effect and will continue to be in  
54 effect through the entire term of the vehicle registration  
55 period within limits which shall be no less than the  
56 requirement of section two, article four, chapter  
57 seventeen-d of this code, which shall contain the name  
58 of the applicant's insurer, the name of the agent or  
59 agency which issued the policy and the effective date of  
60 the policy and any other information required by the  
61 Commissioner of Motor Vehicles or that the applicant  
62 has qualified as a self-insurer meeting the requirements  
63 of section two, article six of said chapter and that as a  
64 self-insurer he or she has complied with the minimum  
65 security requirements as established in section two,  
66 article four of said chapter.

67 (1) *Intentional lapses of insurance coverage.* —

68 (A) In the case of a periodic use or seasonal vehicle, as  
69 defined in section three, article two-a, chapter  
70 seventeen-d of this code, the owner may provide, in lieu  
71 of other statements required by this section, a  
72 statement, under penalty of false swearing, that liability  
73 insurance is in effect during the portion of the year the  
74 vehicle is in actual use, within limits which shall be no  
75 less than the requirements of section two, article four,  
76 chapter seventeen-d of this code, and other information  
77 relating to the seasonal use on a form designed and  
78 provided by the division.

79 (B) Any registrant who prior to expiration of his or  
80 her vehicle registration drops or cancels insurance  
81 coverage for any reason other than periodic or seasonal  
82 use shall either surrender the registration plate or shall,  
83 by certified mail, notify the division of the cancellation.  
84 The notice shall contain a statement under penalty of  
85 false swearing that the vehicle will not be operated on  
86 the roads or highways of this state.

87 (C) The registration of any vehicle upon which  
88 insurance coverage has been dropped or canceled under  
89 subparagraph (B) of this paragraph shall be reinstated  
90 upon submission of current proof of insurance and  
91 payment of the duplicate plate fee prescribed by this  
92 chapter.

93 (2) *Verification process.* —

94 The division may select any certificate of insurance,  
95 owner's statement of insurance, motor vehicle  
96 registration or any other form or document for  
97 verification of insurance coverage with an insurance  
98 company.

99 (A) If the division verifies with an insurance company  
100 that a motor vehicle was operated in this state without  
101 the required security in effect based on information  
102 received on an accident report, citation, court report or  
103 any other evidence of motor vehicle operation, the  
104 division shall proceed against the owner and driver in  
105 accordance with section seven, article two-a, chapter  
106 seventeen-d of this code.

107 (B) If the division selects a motor vehicle registration  
108 for verification of insurance and determines that the  
109 owner of a registered motor vehicle did or does not have  
110 the required security in effect at the time of verification,  
111 the division shall proceed as follows:

112 (i) The division shall send a notice by certified mail to  
113 the registered owner's address and to any lienholder  
114 noted on the certificate of title, advising that unless the  
115 owner provides verifiable proof that the vehicle was  
116 insured on the date of verification or that the vehicle is  
117 or was not required to be registered, the owner's driver's  
118 license will be suspended for thirty days for a first  
119 offense and ninety days for a second or subsequent  
120 offense and the motor vehicle registration will be  
121 revoked until current verifiable proof of insurance is  
122 provided to the division: *Provided*, That the division  
123 shall suspend the driver's license of only one owner if a  
124 vehicle is registered in more than one name.

125 (ii) If, after the notice required in clause (i) of this  
126 subparagraph is given to the owner and the lienholder,  
127 the owner fails to provide proof of insurance, the  
128 driver's license suspension and motor vehicle  
129 registration revocation shall go into effect without  
130 further notice thirty days from the date of the notice.



131 (iii) The division shall reinstate the driver's license  
132 without regard to the suspension period in this  
133 paragraph and reinstate the motor vehicle registration  
134 upon submission of proof of current insurance coverage  
135 and payment of the reinstatement fees provided in  
136 section nine, article three, chapter seventeen-b of this  
137 code and section seven, article nine of this chapter.

138 (3) If any person making an application required  
139 under the provisions of this section, in the application  
140 knowingly provides false information, false proof of  
141 security or a false statement of insurance, or if any  
142 person, including an applicant's insurance agent,  
143 knowingly counsels, advises, aids or abets another in  
144 providing false information, false proof of security, or a  
145 false statement of insurance in the application he or she  
146 is guilty of a misdemeanor and, upon conviction thereof,  
147 shall be fined not more than five hundred dollars, or be  
148 imprisoned in jail for a period not to exceed fifteen  
149 days, or both fined and imprisoned and, in addition to  
150 the fine or imprisonment, shall have his or her driver's  
151 license suspended for a period of ninety days and  
152 vehicle registration revoked if applicable.

153 (f) Any further information as may reasonably be  
154 required by the division to enable it to determine  
155 whether the vehicle is lawfully entitled to registration.

156 (g) Each application for registration shall be  
157 accompanied by the fees provided in this article and an  
158 additional fee of fifty cents for each motor vehicle for  
159 which the applicant seeks registration.

160 (h) Revocation of a motor vehicle registration  
161 pursuant to this section shall not affect the perfection or

162 priority of a lien or security interest attaching to the  
163 motor vehicle that is noted on the certificate of title to  
164 the motor vehicle.

**§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  
2 to the owner one registration plate for a motorcycle,  
3 trailer, semitrailer or other motor vehicle.

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

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

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

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

20 (c) The division may not issue, permit to be issued or

21 distribute any special registration plates except as  
22 follows:

23 (1) The Governor shall be issued two registration  
24 plates, on one of which shall be imprinted the numeral  
25 one and on the other the word one.

26 (2) State officials and judges may be issued special  
27 registration plates as follows:

28 (A) Upon appropriate application, the division shall  
29 issue to the Secretary of State, State Superintendent of  
30 Schools, Auditor, Treasurer, Commissioner of  
31 Agriculture and the Attorney General, the members of  
32 both houses of the Legislature, including the elected  
33 officials of both houses of the Legislature, the justices of  
34 the Supreme Court of Appeals of West Virginia, the  
35 representatives and senators of the state in the Congress  
36 of the United States, the judges of the West Virginia  
37 Circuit Courts, active and retired on senior status, the  
38 judges of the United States district courts for the State  
39 of West Virginia and the judges of the United States  
40 Court of Appeals for the fourth circuit, if any of the  
41 judges are residents of West Virginia, a special  
42 registration plate for a Class A motor vehicle and a  
43 special registration plate for a Class G motorcycle  
44 owned by the official or his or her spouse: *Provided,*  
45 That the division may issue a Class A special  
46 registration plate for each vehicle titled to the official  
47 and a Class G special registration plate for each  
48 motorcycle titled to the official.

49 (B) Each plate issued pursuant to this subdivision  
50 shall bear any combination of letters and numbers not  
51 to exceed an amount determined by the commissioner

52 and a designation of the office. Each plate shall  
53 supersede the regular numbered plate assigned to the  
54 official or his or her spouse during the official's term of  
55 office and while the motor vehicle is owned by the  
56 official or his or her spouse.

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

61 (3) The division may issue members of the National  
62 Guard forces special registration plates as follows:

63 (A) Upon receipt of an application on a form  
64 prescribed by the division and receipt of written  
65 evidence from the chief executive officer of the Army  
66 National Guard or Air National Guard, as appropriate,  
67 or the commanding officer of any United States Armed  
68 Forces reserve unit that the applicant is a member  
69 thereof, the division shall issue to any member of the  
70 National Guard of this state or a member of any reserve  
71 unit of the United States Armed Forces a special  
72 registration plate designed by the commissioner for any  
73 number of Class A motor vehicles owned by the  
74 member. Upon presentation of written evidence of  
75 retirement status, retired members of this state's Army  
76 or Air National Guard, or retired members of any  
77 reserve unit of the United States Armed Forces, are  
78 eligible to purchase the special registration plate issued  
79 pursuant to this subdivision.

80 (B) The division shall charge an initial application fee  
81 of ten dollars for each special registration plate issued  
82 pursuant to this subdivision, which is in addition to all

83 other fees required by this chapter. Except as otherwise  
84 provided herein, effective the first day of July, two  
85 thousand seven, all fees currently held in the special  
86 revolving fund used in the administration of this section  
87 and all fees collected by the division shall be deposited  
88 in the State Road Fund.

89 (C) A surviving spouse may continue to use his or her  
90 deceased spouse's National Guard forces license plate  
91 until the surviving spouse dies, remarries or does not  
92 renew the license plate.

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

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

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

111 (C) An annual fee of fifteen dollars shall be charged  
112 for each special registration plate issued pursuant to

113 this subdivision, which is in addition to all other fees  
114 required by this chapter.

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

117 (A) Upon appropriate application, the division shall  
118 issue to any honorably discharged veteran of any  
119 branch of the armed services of the United States a  
120 special registration plate for any number of vehicles  
121 titled in the name of the qualified applicant with an  
122 insignia designed by the Commissioner of the Division  
123 of Motor Vehicles.

124 (B) The division shall charge a special initial  
125 application fee of ten dollars in addition to all other fees  
126 required by law. This special fee is to compensate the  
127 Division of Motor Vehicles for additional costs and  
128 services required in the issuing of the special  
129 registration. All fees collected by the division shall be  
130 deposited in the State Road Fund: *Provided*, That  
131 nothing in this section may be construed to exempt any  
132 veteran from any other provision of this chapter.

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

137 (6) The division may issue disabled veterans special  
138 registration plates as follows:

139 (A) Upon appropriate application, the division shall  
140 issue to any disabled veteran who is exempt from the  
141 payment of registration fees under the provisions of this

142 chapter a registration plate for a vehicle titled in the  
143 name of the qualified applicant which bears the letters  
144 "DV" in red and also the regular identification  
145 numerals in red.

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

150 (C) A qualified disabled veteran may obtain a second  
151 disabled veterans license plate as described in this  
152 section for use on a passenger vehicle titled in the name  
153 of the qualified applicant. The division shall charge a  
154 one-time fee of ten dollars to be deposited into the State  
155 Road Fund, in addition to all other fees required by this  
156 chapter, for the second plate.

157 (7) The division may issue recipients of the  
158 distinguished Purple Heart medal special registration  
159 plates as follows:

160 (A) Upon appropriate application, there shall be  
161 issued to any armed service person holding the  
162 distinguished Purple Heart medal for persons wounded  
163 in combat a registration plate for a vehicle titled in the  
164 name of the qualified applicant bearing letters or  
165 numbers. The registration plate shall be designed by  
166 the Commissioner of Motor Vehicles and shall denote  
167 that those individuals who are granted this special  
168 registration plate are recipients of the Purple Heart. All  
169 letterings shall be in purple where practical.

170 (B) Registration plates issued pursuant to this  
171 subdivision are exempt from all registration fees

172 otherwise required by the provisions of this chapter.

173 (C) A surviving spouse may continue to use his or her  
174 deceased spouse's Purple Heart medal license plate until  
175 the surviving spouse dies, remarries or does not renew  
176 the license plate.

177 (D) A recipient of the Purple Heart medal may obtain  
178 a second Purple Heart medal license plate as described  
179 in this section for use on a passenger vehicle titled in the  
180 name of the qualified applicant. The division shall  
181 charge a one-time fee of ten dollars to be deposited into  
182 the State Road Fund, in addition to all other fees  
183 required by this chapter, for the second plate.

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

186 (A) Upon appropriate application, the owner of a  
187 motor vehicle who was enlisted in any branch of the  
188 armed services that participated in and survived the  
189 attack on Pearl Harbor on the seventh day of December,  
190 one thousand nine hundred forty-one, the division shall  
191 issue a special registration plate for a vehicle titled in  
192 the name of the qualified applicant. The registration  
193 plate shall be designed by the Commissioner of Motor  
194 Vehicles.

195 (B) Registration plates issued pursuant to this  
196 subdivision are exempt from the payment of all  
197 registration fees otherwise required by the provisions of  
198 this chapter.

199 (C) A surviving spouse may continue to use his or her  
200 deceased spouse's survivors of the attack on Pearl



201 Harbor license plate until the surviving spouse dies,  
202 remarries or does not renew the license plate.

203 (D) A survivor of the attack on Pearl Harbor may  
204 obtain a second survivors of the attack on Pearl Harbor  
205 license plate as described in this section for use on a  
206 passenger vehicle titled in the name of the qualified  
207 applicant. The division shall charge a one-time fee of  
208 ten dollars to be deposited into the State Road Fund, in  
209 addition to all other fees required by this chapter, for  
210 the second plate.

211 (9) The division may issue special registration plates  
212 to nonprofit charitable and educational organizations  
213 authorized under prior enactment of this subdivision as  
214 follows:

215 (A) Approved nonprofit charitable and educational  
216 organizations previously authorized under the prior  
217 enactment of this subdivision may accept and collect  
218 applications for special registration plates from owners  
219 of Class A motor vehicles together with a special annual  
220 fee of fifteen dollars, which is in addition to all other  
221 fees required by this chapter. The applications and fees  
222 shall be submitted to the Division of Motor Vehicles  
223 with the request that the division issue a registration  
224 plate bearing a combination of letters or numbers with  
225 the organizations' logo or emblem, with the maximum  
226 number of letters or numbers to be determined by the  
227 commissioner.

228 (B) The commissioner shall propose rules for  
229 legislative approval in accordance with the provisions  
230 of article three, chapter twenty-nine-a of this code  
231 regarding the procedures for and approval of special

232 registration plates issued pursuant to this subdivision.

233 (C) The commissioner shall set an appropriate fee to  
234 defray the administrative costs associated with  
235 designing and manufacturing special registration plates  
236 for a nonprofit charitable or educational organization.  
237 The nonprofit charitable or educational organization  
238 shall collect this fee and forward it to the division for  
239 deposit in the State Road Fund. The nonprofit  
240 charitable or educational organization may also collect  
241 a fee for marketing the special registration plates.

242 (D) The commissioner may not approve or authorize  
243 any additional nonprofit charitable and educational  
244 organizations to design or market special registration  
245 plates.

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

248 (A) Any owner of a motor vehicle who is a resident of  
249 the state of West Virginia and who is a certified  
250 paramedic or emergency medical technician, a member  
251 of a paid fire department, a member of the state Fire  
252 Commission, the State Fire Marshal, the State Fire  
253 Marshal's assistants, the State Fire Administrator and  
254 voluntary rescue squad members may apply for a  
255 special license plate for any number of Class A vehicles  
256 titled in the name of the qualified applicant which bears  
257 the insignia of the profession, group or commission.  
258 Any insignia shall be designed by the commissioner.  
259 License plates issued pursuant to this subdivision shall  
260 bear the requested insignia in addition to the  
261 registration number issued to the applicant pursuant to  
262 the provisions of this article.

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

271 (C) Each application submitted pursuant to this  
272 subdivision shall be accompanied by payment of a  
273 special initial application fee of ten dollars, which is in  
274 addition to any other registration or license fee required  
275 by this chapter. All special fees shall be collected by the  
276 division and deposited into the State Road Fund.

277 (11) The division may issue specified certified  
278 firefighter registration plates as follows:

279 (A) Any owner of a motor vehicle who is a resident of  
280 the state of West Virginia and who is a certified  
281 firefighter may apply for a special license plate which  
282 bears the insignia of the profession, for any number of  
283 Class A vehicles titled in the name of the qualified  
284 applicant. Any insignia shall be designed by the  
285 commissioner. License plates issued pursuant to this  
286 subdivision shall bear the requested insignia pursuant  
287 to the provisions of this article. Upon presentation of  
288 written evidence of certification as a certified  
289 firefighter, certified firefighters are eligible to purchase  
290 the special registration plate issued pursuant to this  
291 subdivision.

292 (B) Each application submitted pursuant to this  
293 subdivision shall be accompanied by an affidavit stating

294 that the applicant is justified in having a registration  
295 with the requested insignia; proof of compliance with  
296 all laws of this state regarding registration and  
297 licensure of motor vehicles; and payment of all required  
298 fees. The firefighter certification department, section or  
299 division of the West Virginia University fire service  
300 extension shall notify the commissioner in writing  
301 immediately when a firefighter loses his or her  
302 certification. If a firefighter loses his or her  
303 certification, the commissioner may not issue him or her  
304 a license plate under this subsection.

305 (C) Each application submitted pursuant to this  
306 subdivision shall be accompanied by payment of a  
307 special initial application fee of ten dollars, which is in  
308 addition to any other registration or license fee required  
309 by this chapter. All special fees shall be collected by the  
310 division and deposited into the State Road Fund.

311 (12) The division may issue special scenic registration  
312 plates as follows:

313 (A) Upon appropriate application, the commissioner  
314 shall issue a special registration plate displaying a  
315 scenic design of West Virginia which displays the words  
316 "Wild Wonderful" as a slogan.

317 (B) The division shall charge a special one-time initial  
318 application fee of ten dollars in addition to all other fees  
319 required by this chapter. All initial application fees  
320 collected by the division shall be deposited into the  
321 State Road Fund.

322 (13) The division may issue honorably discharged  
323 Marine Corps league members special registration

324 plates as follows:

325 (A) Upon appropriate application, the division shall  
326 issue to any honorably discharged Marine Corps league  
327 member a special registration plate for any number of  
328 vehicles titled in the name of the qualified applicant  
329 with an insignia designed by the Commissioner of the  
330 Division of Motor Vehicles.

331 (B) The division may charge a special one-time initial  
332 application fee of ten dollars in addition to all other fees  
333 required by this chapter. This special fee is to  
334 compensate the Division of Motor Vehicles for  
335 additional costs and services required in the issuing of  
336 the special registration and shall be collected by the  
337 division and deposited in the State Road Fund:  
338 *Provided*, That nothing in this section may be construed  
339 to exempt any veteran from any other provision of this  
340 chapter.

341 (C) A surviving spouse may continue to use his or her  
342 deceased spouse's honorably discharged Marine Corps  
343 league license plate until the surviving spouse dies,  
344 remarries or does not renew the license plate.

345 (14) The division may issue military organization  
346 registration plates as follows:

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

353 (B) Upon appropriate application, the division may  
354 issue members of the chartered organization in good  
355 standing, as determined by the governing body of the  
356 chartered organization, a special registration plate for  
357 any number of vehicles titled in the name of the  
358 qualified applicant.

359 (C) The division shall charge a special one-time initial  
360 application fee of ten dollars for each special license  
361 plate in addition to all other fees required by this  
362 chapter. All initial application fees collected by the  
363 division shall be deposited into the State Road Fund:  
364 *Provided*, That nothing in this section may be construed  
365 to exempt any veteran from any other provision of this  
366 chapter.

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

372 (15) The division may issue special nongame wildlife  
373 registration plates and special wildlife registration  
374 plates as follows:

375 (A) Upon appropriate application, the division shall  
376 issue a special registration plate displaying a species of  
377 West Virginia wildlife which shall display a species of  
378 wildlife native to West Virginia as prescribed and  
379 designated by the commissioner and the Director of the  
380 Division of Natural Resources.

381 (B) The division shall charge an annual fee of fifteen  
382 dollars for each special nongame wildlife registration

383 plate and each special wildlife registration plate in  
384 addition to all other fees required by this chapter. All  
385 annual fees collected for nongame wildlife registration  
386 plates and wildlife registration plates shall be deposited  
387 in a special revenue account designated the nongame  
388 wildlife fund and credited to the Division of Natural  
389 Resources.

390 (C) The division shall charge a special one-time initial  
391 application fee of ten dollars in addition to all other fees  
392 required by this chapter. All initial application fees  
393 collected by the division shall be deposited in the State  
394 Road Fund.

395 (16) The division may issue members of the Silver  
396 Haired Legislature special registration plates as follows:

397 (A) Upon appropriate application, the division shall  
398 issue to any person who is a duly qualified member of  
399 the Silver Haired Legislature a specialized registration  
400 plate which bears recognition of the applicant as a  
401 member of the Silver Haired Legislature.


402 (B) A qualified member of the Silver Haired  
403 Legislature may obtain one registration plate described  
404 in this subdivision for use on a passenger vehicle titled  
405 in the name of the qualified applicant. The division  
406 shall charge an annual fee of fifteen dollars, in addition  
407 to all other fees required by this chapter, for the plate.  
408 All annual fees collected by the division shall be  
409 deposited in the State Road Fund.

410 (17) Upon appropriate application, the commissioner  
411 shall issue to a classic motor vehicle or classic  
412 motorcycle as defined in section three-a, article ten of

413 this chapter, a special registration plate designed by the  
414 commissioner. An annual fee of fifteen dollars, in  
415 addition to all other fees required by this chapter, shall  
416 be charged for each classic registration plate.

417 (18) Honorably discharged veterans may be issued  
418 special registration plates for motorcycles subject to  
419 Class G registration as follows:

420 (A) Upon appropriate application, there shall be  
421 issued to any honorably discharged veteran of any  
422 branch of the armed services of the United States a  
423 special registration plate for any number of motorcycles  
424 subject to Class G registration titled in the name of the  
425 qualified applicant with an insignia designed by the  
426 Commissioner of the Division of Motor Vehicles.

427 (B) A special initial application fee of ten dollars shall  
428 be charged in addition to all other fees required by law.  
429 This special fee is to ~~shall~~ be collected by the division   
430 and deposited in the State Road Fund: *Provided*, That  
431 nothing in this section may be construed to exempt any  
432 veteran from any other provision of this chapter.

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

437 (19) Racing theme special registration plates:

438 (A) The division may issue a series of special  
439 registration plates displaying national association for  
440 stock car auto racing themes.



441 (B) An annual fee of twenty-five dollars shall be  
442 charged for each special racing theme registration plate  
443 in addition to all other fees required by this chapter.  
444 All annual fees collected for each special racing theme  
445 registration plate shall be deposited into the State Road  
446 Fund.

447 (C) A special application fee of ten dollars shall be  
448 charged at the time of initial application as well as upon  
449 application for any duplicate or replacement  
450 registration plate, in addition to all other fees required  
451 by this chapter. All application fees shall be deposited  
452 into the State Road Fund.

453 (20) The division may issue recipients of the Navy  
454 Cross, Distinguished Service Cross, Distinguished  
455 Flying Cross, Air Force Cross, Bronze Star, Silver Star  
456 or Air Medal special registration plates as follows:

457 (A) Upon appropriate application, the division shall  
458 issue to any recipient of the Navy Cross, Distinguished  
459 Service Cross, Distinguished Flying Cross, Air Force  
460 Cross, Silver Star, Bronze Star or Air Medal, a  
461 registration plate for any number of vehicles titled in  
462 the name of the qualified applicant bearing letters or  
463 numbers. A separate registration plate shall be  
464 designed by the Commissioner of Motor Vehicles for  
465 each award that denotes that those individuals who are  
466 granted this special registration plate are recipients of  
467 the Navy Cross, Distinguished Service Cross,  
468 Distinguished Flying Cross, Air Force Cross, Silver Star  
469 or Bronze Star, as applicable.

470 (B) The division shall charge a special initial  
471 application fee of ten dollars in addition to all other fees

472 required by law. This special fee shall be collected by  
473 the division and deposited in the State Road Fund:  
474 *Provided*, That nothing in this section exempts the  
475 applicant for a special registration plate under this  
476 subdivision from any other provision of this chapter.

477 (C) A surviving spouse may continue to use his or her  
478 deceased spouse's Navy Cross, Distinguished Service  
479 Cross, Distinguished Flying Cross, Air Force Cross,  
480 Silver Star, Bronze Star or Air Medal special  
481 registration plate until the surviving spouse dies,  
482 remarries or does not renew the special registration  
483 plate.

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

486 (A) Upon appropriate application, the division shall  
487 issue to any honorably discharged veteran of any  
488 branch of the armed services of the United States with  
489 verifiable service during World War II, the Korean War,  
490 the Vietnam War, the Persian Gulf War or the War  
491 against Terrorism a special registration plate for any  
492 number of vehicles titled in the name of the qualified  
493 applicant with an insignia designed by the  
494 commissioner denoting service in the applicable  
495 conflict.

496 (B) The division shall charge a special one-time initial  
497 application fee of ten dollars in addition to all other fees  
498 required by law. This special fee shall be collected by  
499 the division and deposited in the State Road Fund:  
500 *Provided*, That nothing contained in this section may be  
501 construed to exempt any veteran from any other  
502 provision of this chapter.

503 (C) A surviving spouse may continue to use his or her  
504 deceased spouse's honorably discharged veterans  
505 registration plate until the surviving spouse dies,  
506 remarries or does not renew the special registration  
507 plate.

508 (22) The division may issue special volunteer  
509 firefighter registration plates as follows:

510 (A) Any owner of a motor vehicle who is a resident of  
511 West Virginia and who is a volunteer firefighter may  
512 apply for a special license plate for any Class A vehicle  
513 titled in the name of the qualified applicant which bears  
514 the insignia of the profession in white letters on a red  
515 background. The insignia shall be designed by the  
516 commissioner and shall contain a fireman's helmet  
517 insignia on the left side of the license plate.

518 (B) Each application submitted pursuant to this  
519 subdivision shall be accompanied by an affidavit signed  
520 by the applicant's fire chief, stating that the applicant  
521 is a volunteer firefighter and justified in having a  
522 registration plate with the requested insignia. The  
523 applicant must comply with all other laws of this state  
524 regarding registration and licensure of motor vehicles  
525 and must pay all required fees.

526 (C) Each application submitted pursuant to this  
527 subdivision shall be accompanied by payment of a  
528 special one-time initial application fee of ten dollars,  
529 which is in addition to any other registration or license  
530 fee required by this chapter. All application fees shall  
531 be deposited into the State Road Fund.

532 (23) The division may issue special registration plates

533 which reflect patriotic themes, including the display of  
534 any United States symbol, icon, phrase or expression  
535 which evokes patriotic pride or recognition.

536 (A) Upon appropriate application, the division shall  
537 issue to an applicant a registration plate of the  
538 applicant's choice, displaying a patriotic theme as  
539 provided in this subdivision, for a vehicle titled in the  
540 name of the applicant. A series of registration plates  
541 displaying patriotic themes shall be designed by the  
542 Commissioner of Motor Vehicles for distribution to  
543 applicants.

544 (B) The division shall charge a special one-time initial  
545 application fee of ten dollars in addition to all other fees  
546 required by law. This special fee shall be collected by  
547 the division and deposited in the State Road Fund.

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

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

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

556 (C) A special application fee of ten dollars shall be  
557 charged at the time of initial application as well as upon  
558 application for any duplicate or replacement  
559 registration plate, in addition to all other fees required  
560 by this chapter. All application fees shall be deposited  
561 into the State Road Fund.

562 (25) The division may issue a special registration plate  
563 celebrating the centennial of the 4-H youth  
564 development movement and honoring the Future  
565 Farmers of America organization as follows:

566 (A) Upon appropriate application, the division may  
567 issue a special registration plate depicting the symbol of  
568 the 4-H organization which represents the head, heart,  
569 hands and health as well as the symbol of the Future  
570 Farmers of America organization which represents a  
571 cross section of an ear of corn for any number of  
572 vehicles titled in the name of the qualified applicant.

573 (B) The division shall charge a special initial  
574 application fee of ten dollars in addition to all other fees  
575 required by law. This special fee shall be collected by  
576 the division and deposited in the State Road Fund.

577 (C) The division shall charge an annual fee of fifteen  
578 dollars for each special 4-H Future Farmers of America  
579 registration plate in addition to all other fees required  
580 by this chapter.

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

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

589 (B) The division shall charge a special initial  
590 application fee of ten dollars in addition to all other fees

591 required by law. This special fee shall be collected by  
592 the division and deposited in the State Road Fund.

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

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

598 (A) Upon appropriate application, the division may  
599 issue a special registration plate designed by the  
600 commissioner for any number of vehicles titled in the  
601 name of the qualified applicant. Persons desiring the  
602 special registration plate shall offer sufficient proof of  
603 membership in Nemesis Shrine.

604 (B) The division shall charge a special initial  
605 application fee of ten dollars in addition to all other fees  
606 required by law. This special fee shall be collected by  
607 the division and deposited in the State Road Fund.

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

611 (D) Notwithstanding the provisions of subsection (d)  
612 of this section, the time period for the Nemesis Shrine to  
613 comply with the minimum one hundred prepaid  
614 applications is hereby extended to the fifteenth day of  
615 January, two thousand five.

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

619 (A) Upon appropriate application, the division shall  
620 issue to any person who is a duly qualified volunteer or  
621 employee of the American Red Cross a specialized  
622 registration plate which bears recognition of the  
623 applicant as a volunteer or employee of the American  
624 Red Cross for any number of vehicles titled in the name  
625 of the qualified applicant.

626 (B) The division shall charge a special initial  
627 application fee of ten dollars in addition to all other fees  
628 required by law. This special fee shall be collected by  
629 the division and deposited in the State Road Fund.

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

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

636 (A) Upon appropriate application, the division shall  
637 issue a special registration plate designed by the  
638 commissioner for any number of vehicles titled in the  
639 name of the qualified applicant. Persons desiring the  
640 special registration plates shall offer sufficient proof that  
641 they have received either the Combat Infantry Badge or  
642 the Combat Medic Badge.

643 (B) The division shall charge a special initial  
644 application fee of ten dollars in addition to all other fees  
645 required by law. This special fee shall be collected by  
646 the division and deposited in the State Road Fund.

647 (30) The division may issue special registration plates

648 to members of the Knights of Columbus as follows:

649 (A) Upon appropriate application, the division shall  
650 issue a special registration plate designed by the  
651 commissioner for any number of vehicles titled in the  
652 name of the qualified applicant. Persons desiring the  
653 special registration plate shall offer sufficient proof of  
654 membership in the Knights of Columbus.

655 (B) The division shall charge a special initial  
656 application fee of ten dollars in addition to all other fees  
657 required by law. This special fee shall be collected by  
658 the division and deposited in the State Road Fund.

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

662 (D) Notwithstanding the provisions of subsection (d)  
663 of this section, the time period for the Knights of  
664 Columbus to comply with the minimum one hundred  
665 prepaid applications is hereby extended to the fifteenth  
666 day of January, two thousand seven.

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

669 (A) Upon appropriate application, the division shall  
670 issue a special registration plate designed by the  
671 commissioner for any number of vehicles titled in the  
672 name of the qualified applicant. Persons desiring the  
673 special registration plate shall offer sufficient proof of  
674 former service as an elected or appointed member of the  
675 West Virginia House of Delegates or the West Virginia  
676 Senate.



677 (B) The division shall charge a special initial  
678 application fee of ten dollars in addition to all other fees  
679 required by law. This special fee shall be collected by  
680 the division and deposited in the State Road Fund. The  
681 design of the plate shall indicate total years of service in  
682 the Legislature.

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

686 (32) Democratic state or county executive committee  
687 member special registration plates:

688 (A) The division shall design and issue special  
689 registration plates for use by democratic state or county  
690 executive committee members. The design of the plates  
691 shall include an insignia of a donkey and shall  
692 differentiate by wording on the plate between state and  
693 county executive committee members.

694 (B) An annual fee of twenty-five dollars shall be  
695 charged for each democratic state or county executive  
696 committee member registration plate in addition to all  
697 other fees required by this chapter. All annual fees  
698 collected for each special plate issued under this  
699 subdivision shall be deposited into the State Road Fund.

700 (C) A special application fee of ten dollars shall be  
701 charged at the time of initial application as well as upon  
702 application for any duplicate or replacement  
703 registration plate, in addition to all other fees required  
704 by this chapter. All application fees shall be deposited  
705 into the State Road Fund.

706 (D) The division shall not begin production of a plate  
707 authorized under the provisions of this subdivision until  
708 the division receives at least one hundred completed  
709 applications from the state or county executive  
710 committee members, including all fees required  
711 pursuant to this subdivision.

712 (E) Notwithstanding the provisions of subsection (d)  
713 of this section, the time period for the democratic  
714 executive committee to comply with the minimum one  
715 hundred prepaid applications is hereby extended to the  
716 fifteenth day of January, two thousand five.

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

719 (A) Upon appropriate application, there shall be  
720 issued to any female honorably discharged veteran, of  
721 any branch of the armed services of the United States,  
722 a special registration plate for any number of vehicles  
723 titled in the name of the qualified applicant with an  
724 insignia designed by the Commissioner of the Division  
725 of Motor Vehicles to designate the recipient as a woman  
726 veteran.

727 (B) A special initial application fee of ten dollars shall  
728 be charged in addition to all other fees required by law.  
729 This special fee shall be collected by the division and  
730 deposited in the State Road Fund: *Provided*, That  
731 nothing in this section may be construed to exempt any  
732 veteran from any other provision of this chapter.

733 (C) A surviving spouse may continue to use his  
734 deceased spouse's honorably discharged veterans license  
735 plate until the surviving spouse dies, remarries or does

736 not renew the license plate.

737 (34) The division may issue special registration plates  
738 bearing the logo, symbol, insignia, letters or words  
739 demonstrating association with West Liberty State  
740 College to any resident owner of a motor vehicle.  
741 Resident owners may apply for the special license plate  
742 for any number of Class A vehicles titled in the name of  
743 the applicant. The special registration plates shall be  
744 designed by the commissioner. Each application  
745 submitted pursuant to this subdivision shall be  
746 accompanied by payment of a special initial application  
747 fee of fifteen dollars, which is in addition to any other  
748 registration or license fee required by this chapter. The  
749 division shall charge an annual fee of fifteen dollars for  
750 each special educator registration plate in addition to  
751 all other fees required by this chapter. All special fees  
752 shall be collected by the division and deposited into the  
753 State Road Fund.

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

756 (A) Upon appropriate application, the division may  
757 issue a special registration plate designed by the  
758 commissioner for any number of vehicles titled in the  
759 name of the qualified applicant. Persons desiring the  
760 special registration plate shall offer sufficient proof of  
761 membership in the Harley Owners Group.

762 (B) The division shall charge a special initial  
763 application fee of ten dollars in addition to all other fees  
764 required by law. This special fee shall be collected by  
765 the division and deposited in the State Road Fund.

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

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

772 (A) Upon appropriate application, there shall be  
773 issued to any person who has retired after service in any  
774 branch of the armed services of the United States, a  
775 special registration plate for any number of vehicles  
776 titled in the name of the qualified applicant with an  
777 insignia designed by the Commissioner of the Division  
778 of Motor Vehicles to designate the recipient as retired  
779 from the armed services of the United States.

780 (B) A special initial application fee of ten dollars shall  
781 be charged in addition to all other fees required by law.  
782 This special fee shall be collected by the division and  
783 deposited in the State Road Fund: *Provided*, That  
784 nothing in this section may be construed to exempt any  
785 registrants from any other provision of this chapter.

786 (C) A surviving spouse may continue to use his or her  
787 deceased spouse's retired military license plate until the  
788 surviving spouse dies, remarries or does not renew the  
789 license plate.

790 (37) The division may issue special registration plates  
791 bearing the logo, symbol, insignia, letters or words  
792 demonstrating association with or support for Fairmont  
793 State College as follows:

794 (A) Upon appropriate application, the division may

795 issue a special registration plate designed by the  
796 commissioner for any number of vehicles titled in the  
797 name of the qualified applicant.

798 (B) The division shall charge a special initial  
799 application fee of ten dollars in addition to all other fees  
800 required by law. This special fee shall be collected by  
801 the division and deposited in the State Road Fund.

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

805 (38) The division may issue special registration plates  
806 honoring the farmers of West Virginia as follows:

807 (A) Any owner of a motor vehicle who is a resident of  
808 West Virginia may apply for a special license plate  
809 depicting a farming scene or other apt reference to  
810 farming, whether in pictures or words, at the discretion  
811 of the commissioner.

812 (B) The division shall charge a special initial  
813 application fee of ten dollars. This special fee shall be  
814 collected by the division and deposited in the State  
815 Road Fund.

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

819 (39) The division shall issue special registration plates  
820 promoting education as follows:

821 (A) Upon appropriate application, the division shall

822 issue a special registration plate displaying a children's  
823 education-related theme as prescribed and designated  
824 by the commissioner and the State Superintendent of  
825 Schools.

826 (B) The division shall charge a special initial  
827 application fee of ten dollars in addition to all other fees  
828 required by law. This special fee shall be collected by  
829 the division and deposited in the State Road Fund.

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

833 (40) The division may issue members of the 82nd  
834 Airborne Division Association special registration  
835 plates as follows:

836 (A) The division may issue a special registration plate  
837 for members of the 82nd Airborne Division Association  
838 upon receipt of a guarantee from the organization of a  
839 minimum of one hundred applicants. The insignia on  
840 the plate shall be designed by the commissioner.

841 (B) Upon appropriate application, the division may  
842 issue members of the 82nd Airborne Division  
843 Association in good standing, as determined by the  
844 governing body of the organization, a special  
845 registration plate for any number of vehicles titled in  
846 the name of the qualified applicant.

847 (C) The division shall charge a special one-time initial  
848 application fee of ten dollars for each special license  
849 plate in addition to all other fees required by this  
850 chapter. All initial application fees collected by the

851 division shall be deposited into the State Road Fund:  
852 *Provided*, That nothing in this section may be construed  
853 to exempt the applicant from any other provision of this  
854 chapter.

855 (D) A surviving spouse may continue to use his or her  
856 deceased spouse's special 82nd Airborne Division  
857 Association registration plate until the surviving spouse  
858 dies, remarries or does not renew the special  
859 registration plate.

860 (41) The division may issue special registration plates  
861 to survivors of wounds received in the line of duty as a  
862 member with a West Virginia law-enforcement agency.

863 (A) Upon appropriate application, the division shall  
864 issue to any member of a municipal police department,  
865 sheriff's department, the State Police or the law-  
866 enforcement division of the Division of Natural  
867 Resources who has been wounded in the line of duty  
868 and awarded a purple heart in recognition thereof by  
869 the West Virginia Chiefs of Police Association, the West  
870 Virginia Sheriffs' Association, the West Virginia  
871 Troopers Association or the Division of Natural  
872 Resources a special registration plate for one vehicle  
873 titled in the name of the qualified applicant with an  
874 insignia appropriately designed by the commissioner.

875 (B) Registration plates issued pursuant to this  
876 subdivision are exempt from the registration fees  
877 otherwise required by the provisions of this chapter.

878 (C) A surviving spouse may continue to use his or her  
879 deceased spouse's special registration plate until the  
880 surviving spouse dies, remarries or does not renew the

881 plate.

882 (D) Survivors of wounds received in the line of duty as  
883 a member with a West Virginia law-enforcement agency  
884 may obtain a license plate as described in this section  
885 for use on a passenger vehicle titled in the name of the  
886 qualified applicant. The division shall charge a one-  
887 time fee of ten dollars to be deposited into the State  
888 Road Fund, in addition to all other fees required by this  
889 chapter, for the second plate.

890 (42) The division may issue a special registration plate  
891 for persons who are Native Americans and residents of  
892 this state.

893 (A) Upon appropriate application, the division shall  
894 issue to an applicant who is a Native American resident  
895 of West Virginia a registration plate for a vehicle titled  
896 in the name of the applicant with an insignia designed  
897 by the Commissioner of the Division of Motor Vehicles  
898 to designate the recipient as a Native American.

899 (B) The division shall charge a special one-time initial  
900 application fee of ten dollars in addition to all other fees  
901 required by law. This special fee shall be collected by  
902 the division and deposited in the State Road Fund.

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

906 (43) The division may issue special registration plates  
907 commemorating the centennial anniversary of the  
908 creation of Davis and Elkins College as follows:



909 (A) Upon appropriate application, the division may  
910 issue a special registration plate designed by the  
911 commissioner to commemorate the centennial  
912 anniversary of Davis and Elkins College for any number  
913 of vehicles titled in the name of the applicant.

914 (B) The division shall charge a special initial  
915 application fee of ten dollars. This special fee shall be  
916 collected by the division and deposited in the State  
917 Road Fund.

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

921 (44) The division may issue special registration plates  
922 recognizing and honoring breast cancer survivors.

923 (A) Upon appropriate application, the division may  
924 issue a special registration plate designed by the  
925 commissioner to recognize and honor breast cancer  
926 survivors, such plate to incorporate somewhere in the  
927 design the "pink ribbon emblem", for any number of  
928 vehicles titled in the name of the applicant.

929 (B) The division shall charge a special initial  
930 application fee of ten dollars. This special fee shall be  
931 deposited in the State Road Fund.

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

935 (45) The division may issue special registration plates  
936 to members of the Knights of Pythias or Pythian Sisters

937 as follows:

938 (A) Upon appropriate application, the division may  
939 issue a special registration plate designed by the  
940 commissioner for any number of vehicles titled in the  
941 name of the qualified applicant. Persons desiring the  
942 special registration plate shall offer sufficient proof of  
943 membership in the Knights of Pythias or Pythian  
944 Sisters.

945 (B) The division shall charge a special initial  
946 application fee of ten dollars in addition to all other fees  
947 required by law. This special fee shall be collected by  
948 the division and deposited in the State Road Fund.

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

952 (46) The commissioner may issue special registration  
953 plates for whitewater rafting enthusiasts as follows:

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

958 (B) The division shall charge a special initial  
959 application fee of ten dollars in addition to all other fees  
960 required by law. This special fee shall be collected by  
961 the division and deposited in the State Road Fund.

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

965 (47) The division may issue special registration plates  
966 to members of Lions International as follows:

967 (A) Upon appropriate application, the division may  
968 issue a special registration plate designed by the  
969 commissioner in consultation with Lions International  
970 for any number of vehicles titled in the name of the  
971 qualified applicant. Persons desiring the special  
972 registration plate shall offer sufficient proof of  
973 membership in Lions International.

974 (B) The division shall charge a special initial  
975 application fee of ten dollars in addition to all other fees  
976 required by law. This special fee shall be collected by  
977 the division and deposited in the State Road Fund.

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

981 (48) The division may issue special registration plates  
982 supporting organ donation as follows:

983 (A) Upon appropriate application, the division may  
984 issue a special registration plate designed by the  
985 commissioner which recognizes, supports and honors  
986 organ and tissue donors and includes the words  
987 "Donate Life".

988 (B) The division shall charge a special initial  
989 application fee of ten dollars in addition to all other fees  
990 required by law. This special fee shall be collected by  
991 the division and deposited in the State Road Fund.

992 (C) An annual fee of fifteen dollars shall be charged

993 for each plate in addition to all other fees required by  
994 this chapter.

995 (49) The division may issue special registration plates  
996 to members of the West Virginia Bar Association as  
997 follows:

998 (A) Upon appropriate application, the division may  
999 issue a special registration plate designed by the  
1000 commissioner in consultation with the West Virginia  
1001 Bar Association for any number of vehicles titled in the  
1002 name of the qualified applicant. Persons desiring the  
1003 special registration plate shall offer sufficient proof of  
1004 membership in the West Virginia Bar Association.

1005 (B) The division shall charge a special initial  
1006 application fee of ten dollars in addition to all other fees  
1007 required by law. This special fee shall be collected by  
1008 the division and deposited in the State Road Fund.

1009 (C) An annual fee of fifteen dollars shall be charged  
1010 for each plate in addition to all other fees required by  
1011 this chapter.

1012 (50) The division may issue special registration plates  
1013 bearing an appropriate logo, symbol or insignia  
1014 combined with the words "SHARE THE ROAD"  
1015 designed to promote bicycling in the state as follows:

1016 (A) Upon appropriate application, the division may  
1017 issue a special registration plate designed by the  
1018 commissioner for any number of vehicles titled in the  
1019 name of the applicant.

1020 (B) The division shall charge a special initial

1021 application fee of ten dollars in addition to all other fees  
1022 required by law. This special fee shall be collected by  
1023 the division and deposited in the State Road Fund.

1024 (C) An annual fee of fifteen dollars shall be charged  
1025 for each plate in addition to all other fees required by  
1026 this chapter.

1027 (51) The division may issue special registration plates  
1028 honoring coal miners as follows:

1029 (A) Upon appropriate application, the division shall  
1030 issue a special registration plate depicting and  
1031 displaying coal miners in mining activities as prescribed  
1032 and designated by the commissioner and the board of  
1033 the National Coal Heritage Area Authority.

1034 (B) The division shall charge a special initial  
1035 application fee of ten dollars in addition to all other  
1036 fees required by law. This special fee shall be collected  
1037 by the division and deposited in the State Road Fund.

1038 (C) An annual fee of fifteen dollars shall be charged  
1039 for each plate in addition to all other fees required by  
1040 this chapter.

1041 (52) The division may issue special registration plates  
1042 to present and former Boy Scouts as follows:

1043 (A) Upon appropriate application, the division may  
1044 issue a special registration plate designed by the  
1045 Commissioner for any number of vehicles titled in the  
1046 name of the qualified applicant. Persons desiring the  
1047 special registration plate shall offer sufficient proof of  
1048 present or past membership in the Boy Scouts as either

1049 a member or a leader.

1050 (B) The division shall charge a special initial  
1051 application fee of ten dollars in addition to all other  
1052 fees required by law. This special fee shall be collected  
1053 by the division and deposited in the State Road Fund.

1054 (C) An annual fee of fifteen dollars shall be charged  
1055 for each plate in addition to all other fees required by  
1056 this chapter.

1057 (53) The division may issue special registration plates  
1058 to present and former Boy Scouts who have achieved  
1059 Eagle Scout status as follows:

1060 (A) Upon appropriate application, the division may  
1061 issue a special registration plate designed by the  
1062 Commissioner for any number of vehicles titled in the  
1063 name of the qualified applicant. Persons desiring the  
1064 special registration plate shall offer sufficient proof of  
1065 achievement of Eagle Scout status.

1066 (B) The division shall charge a special initial  
1067 application fee of ten dollars in addition to all other  
1068 fees required by law. This special fee shall be  
1069 deposited in the State Road Fund.

1070 (C) An annual fee of fifteen dollars shall be charged  
1071 for each plate in addition to all other fees required by  
1072 this chapter.

1073 (54) The division may issue special registration plates  
1074 recognizing and memorializing victims of domestic  
1075 violence.

1076 (A) Upon appropriate application, the division may  
1077 issue a special registration plate designed by the  
1078 commissioner to recognize and memorialize victims of  
1079 domestic violence, such plate to incorporate  
1080 somewhere in the design the "purple ribbon emblem",  
1081 for any number of vehicles titled in the name of the  
1082 applicant.

1083 (B) The division shall charge a special initial  
1084 application fee of ten dollars. This special fee shall be  
1085 deposited in the State Road Fund.

1086 (C) An annual fee of fifteen dollars shall be charged  
1087 for each plate in addition to all other fees required by  
1088 this chapter.

1089 (55) The division may issue special registration plates  
1090 bearing the logo, symbol, insignia, letters or words  
1091 demonstrating association with or support for the  
1092 University of Charleston as follows:

1093 (A) Upon appropriate application, the division may  
1094 issue a special registration plate designed by the  
1095 commissioner for any number of vehicles titled in the  
1096 name of the qualified applicant.

1097 (B) The division shall charge a special initial  
1098 application fee of ten dollars in addition to all other  
1099 fees required by law. This special fee shall be collected  
1100 by the division and deposited in the State Road Fund.

1101 (C) An annual fee of fifteen dollars shall be charged  
1102 for each plate in addition to all other fees required by  
1103 this chapter.

1104 (56) The division may issue special registration plates  
1105 to members of the Sons of the American Revolution as  
1106 follows:

1107 (A) Upon appropriate application, the division may  
1108 issue a special registration plate designed by the  
1109 commissioner in consultation with the Sons of the  
1110 American Revolution for any number of vehicles titled  
1111 in the name of the qualified applicant. Persons  
1112 desiring the special registration plate shall offer  
1113 sufficient proof of membership in the Sons of the  
1114 American Revolution.

1115 (B) The division shall charge a special initial  
1116 application fee of ten dollars in addition to all other  
1117 fees required by law. This special fee shall be collected  
1118 by the division and deposited in the State Road Fund.

1119 (C) An annual fee of fifteen dollars shall be charged  
1120 for each plate in addition to all other fees required by  
1121 this chapter.

1122 (57) The commissioner may issue special registration  
1123 plates for horse enthusiasts as follows:

1124 (A) Upon appropriate application, the division may  
1125 issue a special registration plate designed by the  
1126 commissioner for any number of vehicles titled in the  
1127 name of the qualified applicant.

1128 (B) The division shall charge a special initial  
1129 application fee of ten dollars in addition to all other  
1130 fees required by law. This special fee shall be collected  
1131 by the division and deposited in the State Road Fund.



1132 (C) The division shall charge an annual fee of fifteen  
1133 dollars for each special registration plate in addition to  
1134 all other fees required by this chapter.

1135 (58) The commissioner may issue special registration  
1136 plates to the next of kin of a member of any branch of  
1137 the armed services of the United States killed in  
1138 combat as follows:

1139 (A) Upon appropriate application, the division shall  
1140 issue a special registration plate for any number of  
1141 vehicles titled in the name of a qualified applicant  
1142 depicting the Gold Star awarded by the United States  
1143 Department of Defense as prescribed and designated  
1144 by the commissioner.

1145 (B) The next of kin shall provide sufficient proof of  
1146 receiving a Gold Star lapel button from the United  
1147 States Department of Defense in accordance with  
1148 Public Law 534, 89th Congress, and criteria  
1149 established by the United States Department of  
1150 Defense, including criteria to determine next of kin.

1151 (C) The division shall charge a special initial  
1152 application fee of ten dollars in addition to all other  
1153 fees required by law. This special fee shall be collected  
1154 by the division and deposited in the State Road Fund.

1155 (D) The provisions of subsection (d) of this section are  
1156 not applicable for the issuance of the special license  
1157 plates designated by this subdivision.

1158 (59) The commissioner may issue special registration  
1159 plates for retired or former Justices of the Supreme  
1160 Court of Appeals of West Virginia as follows:

1161 (A) Upon appropriate application, the division may  
1162 issue a special registration plate designed by the  
1163 commissioner for any number of vehicles titled in the  
1164 name of the qualified applicant.

1165 (B) The division shall charge a special initial  
1166 application fee of ten dollars in addition to all other  
1167 fees required by law. This special fee shall be collected  
1168 by the division and deposited in the State Road Fund.

1169 (C) The division shall charge an annual fee of fifteen  
1170 dollars for each special registration plate in addition to  
1171 all other fees required by this chapter.

1172 (D) The provisions of subsection (d) of this section are  
1173 not applicable for the issuance of the special license  
1174 plates designated by this subdivision.

1175 (d) The minimum number of applications required  
1176 prior to design and production of a special license plate  
1177 shall be as follows:

1178 (1) The commissioner may not begin the design or  
1179 production of any license plates for which eligibility is  
1180 based on membership or affiliation with a particular  
1181 private organization until at least one hundred persons  
1182 complete an application and deposit with the  
1183 organization a check to cover the first year's basic  
1184 registration, one-time design and manufacturing costs  
1185 and to cover the first year additional annual fee. If the  
1186 organization fails to submit the required number of  
1187 applications with attached checks within six months of  
1188 the effective date of the authorizing legislation, the  
1189 plate will not be produced and will require legislative  
1190 reauthorization: *Provided*, That an organization or

1191 group that is unsuccessful in obtaining the minimum  
1192 number of applications may not request  
1193 reconsideration of a special plate until at least two  
1194 years have passed since the effective date of the  
1195 original authorization.

1196 (2) The commissioner may not begin the design or  
1197 production of any license plates authorized by this  
1198 section for which membership or affiliation with a  
1199 particular organization is not required until at least  
1200 two hundred fifty registrants complete an application  
1201 and deposit a fee with the division to cover the first  
1202 year's basic registration fee, one-time design and  
1203 manufacturing fee and additional annual fee if  
1204 applicable. If the commissioner fails to receive the  
1205 required number of applications within six months of  
1206 the effective date of the authorizing legislation, the  
1207 plate will not be produced and will require legislative  
1208 reauthorization: *Provided*, That if the minimum  
1209 number of applications is not satisfied within the six  
1210 months of the effective date of the authorizing  
1211 legislation, a person may not request reconsideration of  
1212 a special plate until at least two years have passed  
1213 since the effective date of the original authorization.

1214 (e)(1) Nothing in this section requires a charge for a  
1215 free prisoner of war license plate or a free recipient of  
1216 the Congressional Medal of Honor license plate for a  
1217 vehicle titled in the name of the qualified applicant as  
1218 authorized by other provisions of this code.

1219 (2) A surviving spouse may continue to use his or her  
1220 deceased spouse's prisoner of war license plate or  
1221 Congressional Medal of Honor license plate until the  
1222 surviving spouse dies, remarries or does not renew the  
1223 license plate.

1224 (3) Qualified former prisoners of war and recipients  
1225 of the Congressional Medal of Honor may obtain a  
1226 second special registration plate for use on a passenger  
1227 vehicle titled in the name of the qualified applicant.  
1228 The division shall charge a one-time fee of ten dollars  
1229 to be deposited into the State Road Fund, in addition  
1230 to all other fees required by this chapter, for the second  
1231 special plate.

1232 (f) The division may issue special ten-year  
1233 registration plates as follows:

1234 (1) The commissioner may issue or renew for a period  
1235 of no more than ten years any registration plate  
1236 exempted from registration fees pursuant to any  
1237 provision of this code or any restricted use antique  
1238 motor vehicle license plate authorized by section  
1239 three-a, article ten of this chapter: *Provided*, That the  
1240 provisions of this subsection do not apply to any  
1241 person who has had a special registration suspended  
1242 for failure to maintain motor vehicle liability insurance  
1243 as required by section three, article two-a, chapter  
1244 seventeen-d of this code or failure to pay personal  
1245 property taxes as required by section three-a of this  
1246 article.

1247 (2) An initial nonrefundable fee shall be charged for  
1248 each special registration plate issued pursuant to this  
1249 subsection, which is the total amount of fees required  
1250 by section fifteen, article ten of this chapter, section  
1251 three, article three of this chapter or section three-a,  
1252 article ten of this chapter for the period requested.

1253 (g) The provisions of this section may not be  
1254 construed to exempt any registrant from maintaining  
1255 motor vehicle liability insurance as required by section

1256 three, article two-a, chapter seventeen-d of this code or  
1257 from paying personal property taxes on any motor  
1258 vehicle as required by section three-a of this article.

1259 (h) The commissioner may, in his or her discretion,  
1260 issue a registration plate of reflectorized material  
1261 suitable for permanent use on motor vehicles, trailers  
1262 and semitrailers, together with appropriate devices to  
1263 be attached to the registration to indicate the year for  
1264 which the vehicles have been properly registered or the  
1265 date of expiration of the registration. The design and  
1266 expiration of the plates shall be determined by the  
1267 commissioner. The commissioner shall, whenever  
1268 possible and cost-effective, implement the latest  
1269 technology in the design, production and issuance of  
1270 registration plates, indices of registration renewal and  
1271 vehicle ownership documents, including, but not  
1272 limited to, offering internet renewal of vehicle  
1273 registration and the use of bar codes for instant  
1274 identification of vehicles by scanning equipment to  
1275 promote the efficient and effective coordination and  
1276 communication of data for improving highway safety,  
1277 aiding law enforcement and enhancing revenue  
1278 collection.

1279 (i) Any license plate issued or renewed pursuant to  
1280 this chapter which is paid for by a check that is  
1281 returned for nonsufficient funds is void without  
1282 further notice to the applicant. The applicant may not  
1283 reinstate the registration until the returned check is  
1284 paid by the applicant in cash, money order or certified  
1285 check and all applicable fees assessed as a result  
1286 thereof have been paid.

**ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.**

**§17A-4-10. Salvage certificates for certain wrecked or damaged vehicles; fee; penalty.**

1 (a) In the event a motor vehicle is determined to be a  
2 total loss or otherwise designated as "totaled" by any  
3 insurance company or insurer, and upon payment of a  
4 total loss claim to any insured or claimant owner for  
5 the purchase of the vehicle, the insurance company or  
6 the insurer, as a condition of the payment, shall require  
7 the owner to surrender the certificate of title: *Provided*,  
8 That an insured or claimant owner may choose to  
9 retain physical possession and ownership of a total loss  
10 vehicle. If the vehicle owner chooses to retain the  
11 vehicle and the vehicle has not been determined to be  
12 a cosmetic total loss in accordance with subsection (d)  
13 of this section, the insurance company or insurer shall  
14 also require the owner to surrender the vehicle  
15 registration certificate. The term "total loss" means a  
16 motor vehicle which has sustained damages equivalent  
17 to seventy-five percent or more of the market value as  
18 determined by a nationally accepted used car value  
19 guide or meets the definition of a flood-damaged  
20 vehicle as defined in this section.

21 (b) The insurance company or insurer shall, prior to  
22 the payment of the total loss claim, determine if the  
23 vehicle is repairable, cosmetically damaged or  
24 nonrepairable. Within ten days of payment of the total  
25 loss claim, the insurance company or insurer shall  
26 surrender the certificate of title, a copy of the claim  
27 settlement, a completed application on a form  
28 prescribed by the commissioner and the registration  
29 certificate if the owner has chosen to keep the vehicle  
30 to the Division of Motor Vehicles.

31 (c) If the insurance company or insurer determines

32 that the vehicle is repairable, the division shall issue a  
33 "salvage certificate", on a form prescribed by the  
34 commissioner, in the name of the insurance company  
35 or the insurer or the vehicle owner if the owner has  
36 chosen to retain the vehicle. The certificate shall  
37 contain on the reverse thereof spaces for one successive  
38 assignment before a new certificate at an additional fee  
39 is required. Upon the sale of the vehicle, the  
40 insurance company or insurer or the vehicle owner if  
41 the owner has chosen to retain the vehicle shall  
42 complete the assignment of ownership on the salvage  
43 certificate and deliver it to the purchaser. The vehicle  
44 shall not be titled or registered for operation on the  
45 streets or highways of this state unless there is  
46 compliance with subsection (g) of this section. The  
47 division shall charge a fee of fifteen dollars for each  
48 salvage title issued.

49 (d) If the insurance company or insurer determines  
50 the damage to a totaled vehicle is exclusively cosmetic  
51 and no repair is necessary in order to legally and safely  
52 operate the motor vehicle on the roads and highways of  
53 this state, the insurance company or insurer shall, upon  
54 payment of the claim, submit the certificate of title to  
55 the division. Neither the insurance company nor the  
56 division may require the vehicle owner to surrender the  
57 registration certificate in the event of a cosmetic total  
58 loss settlement.

59 (1) The division shall, without further inspection,  
60 issue a title branded "cosmetic total loss" to the  
61 insured or claimant owner if the insured or claimant  
62 owner wishes to retain possession of the vehicle, in lieu  
63 of a "salvage certificate". The division shall charge a  
64 fee of five dollars for each "cosmetic total loss" title  
65 issued. The terms "cosmetically damaged" and  
66 "cosmetic total loss" do not include any vehicle which

67 has been damaged by flood or fire. The designation  
68 "cosmetic total loss" on a title may not be removed.

69 (2) If the insured or claimant owner elects not to take  
70 possession of the vehicle and the insurance company or  
71 insurer retains possession, the division shall issue a  
72 cosmetic total loss salvage certificate to the insurance  
73 company or insurer. The division shall charge a fee of  
74 fifteen dollars for each cosmetic total loss salvage  
75 certificate issued. The division shall, upon surrender  
76 of the cosmetic total loss salvage certificate issued  
77 under the provisions of this paragraph and payment of  
78 the five percent privilege tax on the fair market value  
79 of the vehicle as determined by the commissioner, issue  
80 a title branded "cosmetic total loss" without further  
81 inspection.

82 (e) If the insurance company or insurer determines  
83 that the damage to a totaled vehicle renders it  
84 nonrepairable, incapable of safe operation for use on  
85 roads and highways and which has no resale value  
86 except as a source of parts or scrap, the insurance  
87 company or vehicle owner shall, in the manner  
88 prescribed by the commissioner, request that the  
89 division issue a nonrepairable motor vehicle certificate  
90 in lieu of a salvage certificate. The division shall issue  
91 a nonrepairable motor vehicle certificate without  
92 charge.

93 (f) Any owner who scraps, compresses, dismantles or  
94 destroys a vehicle for which a certificate of title,  
95 nonrepairable motor vehicle certificate or salvage  
96 certificate has been issued shall, within twenty days,  
97 surrender the certificate of title, nonrepairable motor  
98 vehicle certificate or salvage certificate to the division  
99 for cancellation. Any person who purchases or  
100 acquires a vehicle as salvage or scrap, to be



101 dismantled, compressed or destroyed, shall within  
102 twenty days surrender the certificate to the division.

103 (g) If the motor vehicle is a "reconstructed vehicle" as  
104 defined in this section or section one, article one of this  
105 chapter, it may not be titled or registered for operation  
106 until it has been inspected by an official state  
107 inspection station and by the Division of Motor  
108 Vehicles. Following an approved inspection, an  
109 application for a new certificate of title may be  
110 submitted to the division; however, the applicant shall  
111 be required to retain all receipts for component parts,  
112 equipment and materials used in the reconstruction.  
113 The salvage certificate shall also be surrendered to the  
114 division before a certificate of title may be issued with  
115 the appropriate brand.

116 (h) The owner or title holder of any motor vehicle  
117 titled in this state which has previously been branded  
118 in this state or another state as "salvage",  
119 "reconstructed", "cosmetic total loss", "cosmetic total  
120 loss salvage", "flood" or "fire" or an equivalent term  
121 under another state's laws shall, upon becoming aware  
122 of the brand, apply for and receive a title from the  
123 Division of Motor Vehicles on which the brand  
124 "reconstructed", "salvage", "cosmetic total loss",  
125 "cosmetic total loss salvage", "flood" or "fire" is  
126 shown. The division shall charge a fee of five dollars  
127 for each title so issued.

128 (i) If application is made for title to a motor vehicle,  
129 the title to which has previously been branded  
130 "reconstructed", "salvage", "cosmetic total loss",  
131 "cosmetic total loss salvage", "flood" or "fire" by the  
132 Division of Motor Vehicles under this section and said  
133 application is accompanied by a title from another  
134 state which does not carry the brand, the division shall,

135 before issuing the title, affix the brand  
136 "reconstructed", "cosmetic total loss", "cosmetic total  
137 loss salvage", "flood" or "fire" to the title. The  
138 privilege tax paid on a motor vehicle titled as  
139 "reconstructed", "cosmetic total loss", "flood" or  
140 "fire" under the provisions of this section shall be  
141 based on fifty percent of the fair market value of the  
142 vehicle as determined by a nationally accepted used  
143 car value guide to be used by the commissioner.

144 (j) The division shall charge a fee of fifteen dollars for  
145 the issuance of each salvage certificate or cosmetic  
146 total loss salvage certificate but shall not require the  
147 payment of the five percent privilege tax. However,  
148 upon application for a certificate of title for a  
149 reconstructed, cosmetic total loss, flood or fire  
150 damaged vehicle, the division shall collect the five  
151 percent privilege tax on the fair market value of the  
152 vehicle as determined by the commissioner unless the  
153 applicant is otherwise exempt from the payment of  
154 such privilege tax. A wrecker/dismantler/rebuilder  
155 licensed by the division is exempt from the payment of  
156 the five percent privilege tax upon titling a  
157 reconstructed vehicle. The division shall collect a fee  
158 of thirty-five dollars per vehicle for inspections of  
159 reconstructed vehicles. These fees shall be deposited in  
160 a special fund created in the State Treasurer's office  
161 and may be expended by the division to carry out the  
162 provisions of this article: *Provided*, That on and after  
163 the first day of July, two thousand seven, any balance  
164 in the special fund and all fees collected pursuant to  
165 this section shall be deposited in the State Road Fund.  
166 Licensed wreckers/dismantlers/rebuilders may charge  
167 a fee not to exceed twenty-five dollars for all vehicles  
168 owned by private rebuilders which are inspected at the  
169 place of business of a wrecker/dismantler/rebuilder.

170 (k) As used in this section:

171 (1) "Reconstructed vehicle" means the vehicle was  
172 totaled under the provisions of this section or by the  
173 provisions of another state or jurisdiction and has been  
174 rebuilt in accordance with the provisions of this  
175 section or in accordance with the provisions of another  
176 state or jurisdiction or meets the provisions of  
177 subsection (m), section one, article one of this chapter.

178 (2) "Flood-damaged vehicle" means that the vehicle  
179 was submerged in water to the extent that water  
180 entered the passenger or trunk compartment.

181 (l) Every vehicle owner shall comply with the  
182 branding requirements for a totaled vehicle whether or  
183 not the owner receives an insurance claim settlement  
184 for a totaled vehicle.

185 (m) A certificate of title issued by the division for a  
186 reconstructed vehicle shall contain markings in bold  
187 print on the face of the title that it is for a  
188 reconstructed, flood- or fire-damaged vehicle.

189 (n) Any person who knowingly provides false or  
190 fraudulent information to the division that is required  
191 by this section in an application for a title, a cosmetic  
192 total loss title, a reconstructed vehicle title or a salvage  
193 certificate or who knowingly fails to disclose to the  
194 division information required by this section to be  
195 included in the application or who otherwise violates  
196 the provisions of this section shall be guilty of a  
197 misdemeanor and, upon conviction thereof, shall for  
198 each incident be fined not less than one thousand  
199 dollars nor more than two thousand five hundred  
200 dollars, or imprisoned in jail for not more than one  
201 year, or both fined and imprisoned.

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

**§17A-9-7. Surrender of evidence 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  
2 certificate of title, a registration card, registration  
3 plate or plates, a temporary registration plate or  
4 marker, the right to issue temporary registration plates  
5 or markers, any nonresident or other permit or any  
6 license certificate or dealer special plates issued under  
7 the provisions of article six of this chapter is canceled,  
8 suspended or revoked as authorized in this chapter, the  
9 owner, holder or other person in possession of the  
10 evidences of the registration, title, permit or license or  
11 any special dealer plates shall, except as otherwise  
12 provided in article six of this chapter, immediately  
13 return the evidences of the registration, title, permit or  
14 license that was canceled, suspended or revoked,  
15 together with any dealer special plates relating to any  
16 license certificate, or any dealer special plate or plates  
17 if only the dealer special plate is suspended, to the  
18 division: *Provided*, That the owner or holder shall,  
19 before reinstatement, pay a fee of ten dollars in  
20 addition to all other fees, which shall be collected by  
21 the division and credited to a special revolving fund in  
22 the State Treasury to be appropriated to the division  
23 for use in enforcement of the provisions of this code:  
24 *Provided, however*, That on and after the first day of  
25 July, two thousand seven, any balance in the special  
26 revolving fund and all fees collected pursuant to this  
27 section shall be deposited in the Motor Vehicle Fees  
28 Fund created in section twenty-one, article two of this  
29 chapter.

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

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

58 (d) For each registration, certificate of title,  
59 registration card, registration plate or plates,  
60 temporary registration plate or marker, permit, license  
61 certificate or dealer special plate, which the owner,  
62 holder or other person in possession of the registration,  
63 title, permit or license or any special dealer plates shall  
64 have willfully failed or refused, as provided in this

65 section, to return to the division within ten days from  
66 the time that the cancellation, suspension or revocation  
67 becomes effective, and which has been certified to the  
68 Superintendent of the State Police as specified in this  
69 section, the owner or holder shall, before the  
70 registration, title, permit or license or any special  
71 dealer plates may be reinstated, if reinstatement is  
72 permitted, in addition to all other fees and charges, pay  
73 a fee of fifteen dollars, which shall be collected by the  
74 Division of Motor Vehicles, paid into the State  
75 Treasury and credited to the General Fund to be  
76 appropriated to the State Police for application in the  
77 enforcement of the road laws.

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

81 (e) When any motor vehicle registration is suspended  
82 for failure to maintain motor vehicle liability insurance  
83 the reinstatement fee is one hundred dollars, and if the  
84 vehicle owner fails to surrender the vehicle registration  
85 and the orders go to the State Police, an additional fee  
86 of fifty dollars shall be required before the motor  
87 vehicle registration may be reinstated. A total of one  
88 hundred fifty dollars may be collected on each  
89 reinstatement of any motor vehicle registration  
90 canceled, suspended or revoked for failure to maintain  
91 motor vehicle liability insurance.

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

**§17A-10-8. Vehicles exempt from payment of registration fees.**

1 The following specified vehicles shall be exempt from  
2 the payment of any registration fees:

3 (1) Any vehicle owned or operated by the United  
4 States government, the State of West Virginia or any of  
5 their political subdivisions. The proper representative  
6 of the United States government, the State of West  
7 Virginia or any of their political subdivisions shall  
8 make an application for registration for the vehicle and  
9 the registration plate or plates issued for the vehicle  
10 shall be displayed as provided in this chapter;

11 (2) Any fire vehicle owned or operated by a volunteer  
12 fire department organized for the protection of  
13 community property;

14 (3) Any ambulance or any other emergency rescue  
15 vehicle owned or operated by a nonprofit, charitable  
16 organization and used exclusively for charitable  
17 purposes;

18 (4) Any vehicle owned by a disabled veteran as  
19 defined by the provisions of Public Law 663 of the 79th  
20 Congress of the United States, or Public Law 187 of the  
21 82nd Congress of the United States, or Public Law 77  
22 of the 90th Congress of the United States; except for  
23 vehicles used for hire which are owned by disabled  
24 veterans;

25 (5) Not more than one vehicle owned by a veteran  
26 with a hundred percent total and permanent service-  
27 connected disability as certified by the director of the  
28 Department of Veterans' Affairs of West Virginia and  
29 not used for commercial purposes;

30 (6) Not more than one Class A or Class G vehicle, as  
31 defined in section one of this article, owned by a  
32 former prisoner of war and not used for commercial  
33 purposes. For purposes of this subdivision, the term  
34 "prisoner of war" means any member of the armed

35 forces of the United States, including the United States  
36 coast guard and national guard, who was held by any  
37 hostile force with which the United States was actually  
38 engaged in armed conflict during any period of the  
39 incarceration; or any person, military or civilian,  
40 assigned to duty on the U. S. S. Pueblo who was  
41 captured by the military forces of North Korea on the  
42 twenty-third day of January, one thousand nine  
43 hundred sixty-eight, and thereafter held prisoner;  
44 except any person who, at any time, voluntarily,  
45 knowingly and without duress, gave aid to or  
46 collaborated with or in any manner served any such  
47 hostile force;

48 (7) Not more than one Class A or Class G vehicle, as  
49 defined in section one of this article, owned by a  
50 recipient of the congressional medal of honor and not  
51 used for commercial purposes; and

52 (8) Vehicles registered in the name of community  
53 action agencies and used exclusively for a Head Start  
54 program.

**ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.**

**§17B-2-7c. Motorcycle license examination fund.**

1 On and after the first day of July, two thousand  
2 seven, any unexpended balance remaining in the  
3 Motorcycle License Examination Fund heretofore  
4 created shall be transferred to the Motor Vehicle Fees  
5 Fund created under the provisions of section twenty-  
6 one, article two, chapter seventeen-a of this code. The  
7 fund shall include all moneys received from fees  
8 collected for motorcycle instruction permits under this  
9 article and any other moneys specifically allocated to  
10 the fund.



11           If any person willfully fails or refuses to return  
12 to the division the evidences of the registration, title,  
13 permit or license that have been canceled, suspended  
14 or revoked, or any dealer special plates, when  
15 obligated so to do as provided in this section, the  
16 commissioner shall immediately notify the  
17 Superintendent of the State Police who shall, as soon  
18 as possible, secure possession of the evidence of  
19 registration, title, permit or license or any special  
20 dealer plates and return it to the division. The  
21 Superintendent of the State Police shall make a report  
22 in writing to the commissioner, within two weeks after  
23 being notified by the commissioner, as to the result of  
24 his or her efforts to secure the possession and return of  
25 the evidences of registration, title, permit or license, or  
26 any dealer special plates.

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

47 A total of twenty-five dollars may be collected on  
48 each reinstatement for each vehicle to which any  
49 cancellation, suspension or revocation relates:  
50 *Provided*, That when any motor vehicle registration is  
51 suspended for failure to maintain motor vehicle  
52 liability insurance the reinstatement fee is one hundred  
53 dollars and if the vehicle owner fails to surrender the  
54 vehicle registration and the orders go to the State  
55 Police, an additional fee of fifty dollars shall be  
56 required before the motor vehicle registration may be  
57 reinstated. A total of one hundred fifty dollars may be  
58 collected on each reinstatement of any motor vehicle  
59 registration canceled, suspended or revoked for failure  
60 to maintain motor vehicle liability insurance.

**ARTICLE 5A. ADMINISTRATIVE PROCEDURES FOR SUSPENSION  
AND REVOCATION OF LICENSES FOR DRIVING  
UNDER THE INFLUENCE OF ALCOHOL,  
CONTROLLED SUBSTANCES OR DRUGS.**

**§17C-5A-2a. Assessment of costs; special account created.**

1 The Division of Motor Vehicles is hereby authorized  
2 and required to assess witness costs at the same rate as  
3 witness fees in circuit court and a docket fee of ten  
4 dollars for each hearing request against any person  
5 filing a request for a hearing under section two of this  
6 article who fails to appear, fails to have said order  
7 rescinded or fails to have said order modified to a  
8 lesser period of revocation.

9 All fees and costs collected hereunder shall be paid  
10 into a special revenue account in the State Treasury:  
11 *Provided*, That on and after the first day of July, two  
12 thousand seven, any unexpended balance remaining in  
13 the special revolving fund shall be transferred to the  
14 Motor Vehicle Fees Fund created under the provisions  
15 of section twenty-one, article two, chapter seventeen-a

16 of this code and all further fees and costs collected  
17 shall be deposited in that fund. A portion of the funds  
18 in the Motor Vehicle Fees Fund may be used to pay or  
19 reimburse the various law-enforcement agencies at the  
20 same rate as witnesses in circuit court for the travel  
21 and appearance of its officers before the commissioner  
22 or authorized deputy or agent pursuant to a hearing  
23 request under the provisions of this article. The  
24 department shall authorize payment to the law-  
25 enforcement agencies from said account as the fees for  
26 a particular hearing request are received from the  
27 person against whom the costs were assessed. The  
28 department shall authorize transfer to an appropriate  
29 agency account from the Motor Vehicle Fees Fund to  
30 pay costs of registered and certified mailings and other  
31 expenses associated with the conduct of hearings under  
32 this article as the docket fee for a particular hearing  
33 request is received from the person against whom the  
34 costs were assessed.

35 In the event judicial review results in said order  
36 being rescinded or modified to a lesser period of  
37 revocation the costs assessed shall be discharged.

**§17C-5A-3. Safety and treatment program; reissuance of  
license.**

1 (a) The Division of Motor Vehicles, in cooperation  
2 with the Department of Health and Human Resources,  
3 Division of Alcoholism and Drug Abuse, shall propose  
4 a legislative rule or rules for promulgation in  
5 accordance with the provisions of chapter  
6 twenty-nine-a of this code establishing a  
7 comprehensive safety and treatment program for  
8 persons whose licenses have been revoked under the  
9 provisions of this article, or section seven, article five  
10 of this chapter, or subsection (6), section five, article

11 three, chapter seventeen-b of this code and shall  
12 likewise establish the minimum qualifications for  
13 mental health facilities or other public agencies or  
14 private entities conducting the safety and treatment  
15 program: *Provided*, That the commissioner may  
16 establish standards whereby the division will accept or  
17 approve participation by violators in another  
18 treatment program which provides the same or  
19 substantially similar benefits as the safety and  
20 treatment program established pursuant to this  
21 section. The program shall include, but not be limited  
22 to, treatment of alcoholism, alcohol and drug abuse,  
23 psychological counseling, educational courses on the  
24 dangers of alcohol and drugs as they relate to driving,  
25 defensive driving or other safety driving instruction  
26 and other programs designed to properly educate, train  
27 and rehabilitate the offender.

28 (b) (1) The Division of Motor Vehicles, in cooperation  
29 with the Department of Health and Human Resources,  
30 Division of Alcoholism and Drug Abuse, shall provide  
31 for the preparation of an educational and treatment  
32 program for each person whose license has been  
33 revoked under the provisions of this article or section  
34 seven, article five of this chapter, or subsection (6),  
35 section five, article three, chapter seventeen-b of this  
36 code, which shall contain the following: (A) A listing  
37 and evaluation of the offender's prior traffic record; (B)  
38 characteristics and history of alcohol or drug use, if  
39 any; (C) his or her amenability to rehabilitation  
40 through the alcohol safety program; and (D) a  
41 recommendation as to treatment or rehabilitation, and  
42 the terms and conditions of the treatment or  
43 rehabilitation. The program shall be prepared by  
44 persons knowledgeable in the diagnosis of alcohol or  
45 drug abuse and treatment. The cost of the program  
46 shall be paid out of fees established by the

47 Commissioner of Motor Vehicles in cooperation with  
48 the Department of Health and Human Resources,  
49 Division of Alcohol and Drug Abuse. The program  
50 provider shall collect the established fee from each  
51 participant upon enrollment. The program provider  
52 shall also at the time of enrollment remit to the  
53 commissioner a portion of the collected fee established  
54 by the commissioner in cooperation with the  
55 Department of Health and Human Resources, which  
56 shall be deposited into an account designated the  
57 Driver's Rehabilitation Fund: *Provided*, That on and  
58 after the first day of July, two thousand seven, any  
59 unexpended balance remaining in the driver's  
60 rehabilitation fund shall be transferred to the Motor  
61 Vehicle Fees Fund created under the provisions of  
62 section twenty-one, article two, chapter seventeen-a of  
63 this code and all further fees collected shall be  
64 deposited in that fund.

65 (2) The commissioner, after giving due consideration  
66 to the program developed for the offender, shall  
67 prescribe the necessary terms and conditions for the  
68 reissuance of the license to operate a motor vehicle in  
69 this state revoked under this article, or section seven,  
70 article five of this chapter, or subsection (6), section  
71 five, article three, chapter seventeen-b of this code  
72 which shall include successful completion of the  
73 educational, treatment or rehabilitation program,  
74 subject to the following:

75 (A) When the period of revocation is six months, the  
76 license to operate a motor vehicle in this state shall not  
77 be reissued until: (i) At least ninety days have elapsed  
78 from the date of the initial revocation, during which  
79 time the revocation was actually in effect; (ii) the  
80 offender has successfully completed the program; (iii)  
81 all costs of the program and administration have been

82 paid; and (iv) all costs assessed as a result of a  
83 revocation hearing have been paid.

84 (B) When the period of revocation is for a period of  
85 years, the license to operate a motor vehicle in this  
86 state shall not be reissued until: (i) At least one half of  
87 such time period has elapsed from the date of the  
88 initial revocation, during which time the revocation  
89 was actually in effect; (ii) the offender has successfully  
90 completed the program; (iii) all costs of the program  
91 and administration have been paid; and (iv) all costs  
92 assessed as a result of a revocation hearing have been  
93 paid.

94 (C) When the period of revocation is for life, the  
95 license to operate a motor vehicle in this state shall not  
96 be reissued until: (i) At least ten years have elapsed  
97 from the date of the initial revocation, during which  
98 time the revocation was actually in effect; (ii) the  
99 offender has successfully completed the program; (iii)  
100 all costs of the program and administration have been  
101 paid; and (iv) all costs assessed as a result of a  
102 revocation hearing have been paid.

103 (D) Notwithstanding any provision of this code or  
104 any rule, any mental health facilities or other public  
105 agencies or private entities conducting the safety and  
106 treatment program when certifying that a person has  
107 successfully completed a safety and treatment program  
108 shall only have to certify that such person has  
109 successfully completed the program.

110 (c) (1) The Division of Motor Vehicles, in cooperation  
111 with the Department of Health and Human Resources,  
112 Division of Alcoholism and Drug Abuse, shall provide  
113 for the preparation of an educational program for each  
114 person whose license has been suspended for sixty days

115 pursuant to the provisions of subsection (1), section  
116 two, article five-a of this chapter. The educational  
117 program shall consist of not less than twelve nor more  
118 than eighteen hours of actual classroom time.

119 (2) When a sixty-day period of suspension has been  
120 ordered, the license to operate a motor vehicle shall not  
121 be reinstated until: (A) At least sixty days have elapsed  
122 from the date of the initial suspension, during which  
123 time the suspension was actually in effect; (B) the  
124 offender has successfully completed the educational  
125 program; (C) all costs of the program and  
126 administration have been paid; and (D) all costs  
127 assessed as a result of a suspension hearing have been  
128 paid.

129 (d) A required component of the rehabilitation  
130 program provided for in subsection (b) of this section  
131 and the education program provided for in subsection  
132 (c) of this section shall be participation by the violator  
133 with a victim impact panel program providing a forum  
134 for victims of alcohol- and drug-related offenses and  
135 offenders to share first-hand experiences on the impact  
136 of alcohol- and drug-related offenses in their lives.  
137 The commissioner shall propose legislative rules for  
138 promulgation in accordance with the provisions of  
139 chapter twenty-nine-a of this code to implement victim  
140 impact panels where appropriate numbers of victims  
141 are available and willing to participate and shall  
142 establish guidelines for other innovative programs  
143 which may be substituted where such victims are not  
144 available so as to assist persons whose licenses have  
145 been suspended or revoked for alcohol- and drug-  
146 related offenses to gain a full understanding of the  
147 severity of their offenses in terms of the impact of such  
148 offenses on victims and offenders. The legislative rules  
149 proposed for promulgation by the commissioner shall

150 require, at a minimum, discussion and consideration of  
151 the following:

152 (A) Economic losses suffered by victims or offenders;

153 (B) Death or physical injuries suffered by victims or  
154 offenders;

155 (C) Psychological injuries suffered by victims or  
156 offenders;

157 (D) Changes in the personal welfare or familial  
158 relationships of victims or offenders; and

159 (E) Other information relating to the impact of  
160 alcohol and drug related offenses upon victims or  
161 offenders.

162 Any rules promulgated pursuant to this subsection  
163 shall contain provisions which ensure that any  
164 meetings between victims and offenders shall be  
165 nonconfrontational and ensure the physical safety of  
166 the persons involved.

**§17C-5A-3a. Establishment of and participation in the Motor  
Vehicle Alcohol Test and Lock Program.**

1 (a) The Division of Motor Vehicles shall control and  
2 regulate a Motor Vehicle Alcohol Test and Lock  
3 Program for persons whose licenses have been revoked  
4 pursuant to this article or the provisions of article five  
5 of this chapter or have been convicted under section  
6 two, article five of this chapter. The program shall  
7 include the establishment of a users fee for persons  
8 participating in the program which shall be paid in  
9 advance and deposited into the Driver's Rehabilitation  
10 Fund: *Provided*, That on and after the first day of July,



11 two thousand seven, any unexpended balance  
12 remaining in the Driver's Rehabilitation Fund shall be  
13 transferred to the Motor Vehicle Fees Fund created  
14 under the provisions of section twenty-one, article two,  
15 chapter seventeen-a of this code and all further fees  
16 collected shall be deposited in that fund. Except where  
17 specified otherwise, the use of the term "program" in  
18 this section refers to the Motor Vehicle Alcohol Test  
19 and Lock Program. The Commissioner of the Division  
20 of Motor Vehicles shall propose legislative rules for  
21 promulgation in accordance with the provisions of  
22 chapter twenty-nine-a of this code for the purpose of  
23 implementing the provisions of this section. The rules  
24 shall also prescribe those requirements which, in  
25 addition to the requirements specified by this section  
26 for eligibility to participate in the program, the  
27 commissioner determines must be met to obtain the  
28 commissioner's approval to operate a motor vehicle  
29 equipped with a motor vehicle alcohol test and lock  
30 system. For purposes of this section, a "motor vehicle  
31 alcohol test and lock system" means a mechanical or  
32 computerized system which, in the opinion of the  
33 commissioner, prevents the operation of a motor  
34 vehicle when, through the system's assessment of the  
35 blood alcohol content of the person operating or  
36 attempting to operate the vehicle, the person is  
37 determined to be under the influence of alcohol.

38 (b)(1) Any person whose license is revoked for the  
39 first time pursuant to this article or the provisions of  
40 article five of this chapter is eligible to participate in  
41 the program when the person's minimum revocation  
42 period as specified by subsection (c) of this section has  
43 expired and the person is enrolled in or has  
44 successfully completed the safety and treatment  
45 program or presents proof to the commissioner within  
46 sixty days of receiving approval to participate by the

47 commissioner that he or she is enrolled in a safety and  
48 treatment program.

49 (2) Any person whose license has been suspended  
50 pursuant to the provisions of subsection (l), section two  
51 of this article for driving a motor vehicle while under  
52 the age of twenty-one years with an alcohol  
53 concentration in his or her blood of two hundredths of  
54 one percent or more, by weight, but less than eight  
55 hundredths of one percent, by weight, is eligible to  
56 participate in the program after thirty days have  
57 elapsed from the date of the initial suspension, during  
58 which time the suspension was actually in effect:  
59 *Provided*, That in the case of a person under the age of  
60 eighteen, the person is eligible to participate in the  
61 program after thirty days have elapsed from the date of  
62 the initial suspension, during which time the  
63 suspension was actually in effect or after the person's  
64 eighteenth birthday, whichever is later. Before the  
65 commissioner approves a person to operate a motor  
66 vehicle equipped with a motor vehicle alcohol test and  
67 lock system, the person must agree to comply with the  
68 following conditions:

69 (A) If not already enrolled, the person will enroll in  
70 and complete the educational program provided for in  
71 subsection (c), section three of this article at the  
72 earliest time that placement in the educational  
73 program is available, unless good cause is  
74 demonstrated to the commissioner as to why placement  
75 should be postponed;

76 (B) The person will pay all costs of the educational  
77 program, any administrative costs and all costs  
78 assessed for any suspension hearing.

79 (3) Notwithstanding the provisions of this section to

80 the contrary, no person eligible to participate in the  
81 program under this subsection may operate a motor  
82 vehicle unless approved to do so by the commissioner.

83 (c) A person who participates in the program under  
84 subdivision (1), subsection (b) of this section is subject  
85 to a minimum revocation period and minimum period  
86 for the use of the ignition interlock device as follows:

87 (1) For a person whose license has been revoked for  
88 a first offense for six months pursuant to the  
89 provisions of section one-a of this article for conviction  
90 of an offense defined in subsection (d) or (f), section  
91 two, article five of this chapter or pursuant to  
92 subsection (i), section two of this article, the minimum  
93 period of revocation for participation in the test and  
94 lock program is thirty days and the minimum period  
95 for the use of the ignition interlock device is five  
96 months;

97 (2) For a person whose license has been revoked for  
98 a first offense pursuant to section seven, article five of  
99 this chapter, refusal to submit to a designated  
100 secondary chemical test, the minimum period of  
101 revocation for participation in the test and lock  
102 program is thirty days and the minimum period for the  
103 use of the ignition interlock device is nine months;

104 (3) For a person whose license has been revoked for  
105 a first offense pursuant to the provisions of section  
106 one-a of this article for conviction of an offense  
107 defined in subsection (a), section two, article five of  
108 this chapter or pursuant to subsection (f), section two  
109 of this article, the minimum period of revocation before  
110 the person is eligible for participation in the test and  
111 lock program is twelve months and the minimum  
112 period for the use of the ignition interlock device is two

113 years;

114 (4) For a person whose license has been revoked for  
115 a first offense pursuant to the provisions of section  
116 one-a of this article for conviction of an offense  
117 defined in subsection (b), section two, article five of  
118 this chapter or pursuant to subsection (g), section two  
119 of this article, the minimum period of revocation is six  
120 months and the minimum period for the use of the  
121 ignition interlock device is two years;

122 (5) For a person whose license has been revoked for  
123 a first offense pursuant to the provisions of section  
124 one-a of this article for conviction of an offense  
125 defined in subsection (c), section two, article five of  
126 this chapter or pursuant to subsection (h), section two  
127 of this article, the minimum period of revocation for  
128 participation in the program is two months and the  
129 minimum period for the use of the ignition interlock  
130 device is one year;

131 (6) For a person whose license has been revoked for  
132 a first offense pursuant to the provisions of section  
133 one-a of this article for conviction of an offense  
134 defined in subsection (i), section two, article five of this  
135 chapter or pursuant to subsection (m), section two of  
136 this article, the minimum period of revocation for  
137 participation in the program is two months and the  
138 minimum period for the use of the ignition interlock  
139 device is ten months;

140 (d) Notwithstanding any provision of the code to the  
141 contrary, a person shall participate in the program if  
142 the person is convicted under section two, article five  
143 of this chapter or the person's license is revoked under  
144 section two of this article or section seven, article five  
145 of this chapter and the person was previously either

146 convicted or license was revoked under any provision  
147 cited in this subsection within the past ten years. The  
148 minimum revocation period for a person required to  
149 participate in the program under this subsection is one  
150 year and the minimum period for the use of the  
151 ignition interlock device is two years, except that the  
152 minimum revocation period for a person required to  
153 participate because of a violation of subsection (l),  
154 section two of this article or subsection (h), section two,  
155 article five of this chapter is two months and the  
156 minimum period of participation is one year. The  
157 division will add one year to the minimum period for  
158 the use of the ignition interlock device for each  
159 additional previous conviction or revocation within the  
160 past ten years. Any person required to participate  
161 under this subsection must have an ignition interlock  
162 device installed on every vehicle he or she owns or  
163 operates.

164 (e) An applicant for the test and lock program may  
165 not have been convicted of any violation of section  
166 three, article four, chapter seventeen-b of this code for  
167 driving while the applicant's driver's license was  
168 suspended or revoked within the six-month period  
169 preceding the date of application for admission to the  
170 test and lock program; such is necessary for  
171 employment purposes.

172 (f) Upon permitting an eligible person to participate  
173 in the program, the commissioner shall issue to the  
174 person, and the person is required to exhibit on  
175 demand, a driver's license which shall reflect that the  
176 person is restricted to the operation of a motor vehicle  
177 which is equipped with an approved motor vehicle  
178 alcohol test and lock system.

179 (g) The commissioner may extend the minimum

180 period of revocation and the minimum period of  
181 participation in the program for a person who violates  
182 the terms and conditions of participation in the  
183 program as found in this section, or legislative rule, or  
184 any agreement or contract between the participant and  
185 the division or program service provider.

186 (h) A person whose license has been suspended  
187 pursuant to the provisions of subsection (l), section two  
188 of this article who has completed the educational  
189 program and who has not violated the terms required  
190 by the commissioner of the person's participation in  
191 the program is entitled to the reinstatement of his or  
192 her driver's license six months from the date the person  
193 is permitted to operate a motor vehicle by the  
194 commissioner. When a license has been reinstated  
195 pursuant to this subsection, the records ordering the  
196 suspension, records of any administrative hearing,  
197 records of any blood alcohol test results and all other  
198 records pertaining to the suspension shall be expunged  
199 by operation of law: *Provided*, That a person is entitled  
200 to expungement under the provisions of this subsection  
201 only once. The expungement shall be accomplished by  
202 physically marking the records to show that the  
203 records have been expunged and by securely sealing  
204 and filing the records. Expungement has the legal  
205 effect as if the suspension never occurred. The records  
206 may not be disclosed or made available for inspection  
207 and in response to a request for record information, the  
208 commissioner shall reply that no information is  
209 available. Information from the file may be used by  
210 the commissioner for research and statistical purposes  
211 so long as the use of the information does not divulge  
212 the identity of the person.

213 (i) In addition to any other penalty imposed by this  
214 code, any person who operates a motor vehicle not

215 equipped with an approved motor vehicle alcohol test  
216 and lock system during such person's participation in  
217 the motor vehicle alcohol test and lock program is  
218 guilty of a misdemeanor and, upon conviction thereof,  
219 shall be confined in the county or regional jail for a  
220 period not less than one month nor more than six  
221 months and fined not less than one hundred dollars nor  
222 more than five hundred dollars. Any person who  
223 attempts to bypass the alcohol test and lock system is  
224 guilty of a misdemeanor and, upon conviction thereof,  
225 shall be confined in the county or regional jail not  
226 more than six months and fined not less than one  
227 hundred dollars nor more than one thousand dollars:  
228 *Provided*, That notwithstanding any provision of this  
229 code to the contrary, a person enrolled and  
230 participating in the test and lock program may operate  
231 a motor vehicle solely at his or her job site, if such is a  
232 condition of his or her employment. For the purpose of  
233 this section, job site does not include any street or  
234 highway open to the use of the public for purposes of  
235 vehicular traffic.

**ARTICLE 1. COMMERCIAL DRIVER'S LICENSE.**

**§17E-1-23. Funding for the commercial driver's license fees.**

1 (a) Each application for a commercial driver's license  
2 shall be accompanied by the fees provided in this  
3 section and the fees shall be deposited in a special  
4 revolving fund for the operation by the division of its  
5 functions established by this chapter: *Provided*, That  
6 on and after the first day of July, two thousand seven,  
7 any unexpended balance remaining in the special  
8 revolving fund shall be transferred to the Motor  
9 Vehicle Fees Fund created under the provisions of  
10 section twenty-one, article two, chapter seventeen-a of  
11 this code and all further fees collected shall be

12 deposited in that fund.

13 (b) The fee for a commercial driver's license shall be  
14 established by the commissioner to cover all necessary  
15 costs for program administration. The fees for  
16 knowledge and road testing shall also be established by  
17 the commissioner to cover all program costs projected  
18 to be incurred by the division.

**ARTICLE 7. LAW ENFORCEMENT, MOTORBOATING, LITTER.**

**§20-7-12. Motorboat identification numbers required;  
application for numbers; fee; displaying;  
reciprocity; change of ownership; conformity  
with United States regulations; records;  
renewal of certificate; transfer of interest,  
abandonment, etc.; change of address;  
unauthorized numbers; information to be  
furnished assessors.**

1 Every motorboat, as defined in this section, operating  
2 upon public waters within the territorial limits of this  
3 state shall be numbered as provided in this section:

4 (a) The owner of each motorboat requiring  
5 numbering by this state shall file an application for a  
6 number with the commissioner on forms approved by  
7 the Division of Motor Vehicles. The application shall  
8 be signed by the owner of the motorboat and shall be  
9 accompanied by a fee of fifteen dollars for a three-year  
10 registration period if the motorboat is propelled by a  
11 motor of three or more horsepower: *Provided*, That  
12 beginning on the first day of April, two thousand, the  
13 fee for a three-year registration period is as follows:

14 (1) Class A, motorboats less than sixteen feet in  
15 length, thirty dollars;



16 (2) Class 1, motorboats sixteen feet or over and less  
17 than twenty-six feet in length, forty-five dollars;

18 (3) Class 2, motorboats twenty-six feet or over and  
19 less than forty feet in length, sixty dollars; and

20 (4) Class 3, forty feet in length or over, seventy-five  
21 dollars.

22 The fee may be prorated by the commissioner for  
23 periods of less than three years. There is no fee for  
24 motorboats propelled by motors of less than three  
25 horsepower. All fees, including those received under  
26 subdivision (b) of this section, shall be deposited in the  
27 State Treasury. On and after the first day of July, two  
28 thousand seven, all moneys deposited pursuant to this  
29 section and credited to the Division of Motor Vehicles  
30 and fifty percent of all fees collected thereafter shall be  
31 credited to the State Road Fund. The remaining fifty  
32 percent shall be credited to the Division of Natural  
33 Resources and shall be used and paid out upon order of  
34 the director solely for the enforcement and safety  
35 education of the state boating system. Upon receipt of  
36 the application in approved form, the commissioner  
37 shall enter the application upon the records of the  
38 division and issue to the applicant a number awarded  
39 to the motorboat and the name and address of the  
40 owner. The owner shall paint on or attach to each side  
41 of the bow of the motorboat the identification number  
42 in the manner prescribed by rules of the commissioner  
43 in order that it is clearly visible. The owner shall  
44 maintain the number in legible condition. The  
45 certificate of number shall be pocket size and shall be  
46 available at all times for inspection on the motorboat  
47 for which it is issued, whenever the motorboat is in  
48 operation.

49 (b) In order to permit a motorboat sold to a purchaser  
50 by a dealer to be operated pending receipt of the  
51 certificate of number from the commissioner, the  
52 commissioner may deliver temporary certificates of  
53 number to in turn be issued to purchasers of  
54 motorboats to dealers, upon application by the dealer  
55 and payment of one dollar for each temporary  
56 certificate. Every person who is issued a temporary  
57 certificate by a dealer shall, under the provisions of  
58 subdivision (a) of this section, apply for a certificate of  
59 number no later than ten days from the date of  
60 issuance of the temporary certificate. A temporary  
61 certificate expires upon receipt of the certificate, upon  
62 rescission of the contract to purchase the motorboat in  
63 question or upon the expiration of forty days from the  
64 date of issuance, whichever occurs first. It is unlawful  
65 for any dealer to issue any temporary certificate  
66 knowingly containing any misstatement of fact or  
67 knowingly to insert any false information on the face  
68 of the temporary certificate. The commissioner may by  
69 rule prescribe additional requirements upon the  
70 dealers and purchasers that are consistent with the  
71 effective administration of this section.

72 (c) The owner of any motorboat already covered by a  
73 number in full force and effect which has been  
74 awarded to it pursuant to then operative federal law or  
75 a federally approved numbering system of another  
76 state shall record the number prior to operating the  
77 motorboat on the waters of this state in excess of the  
78 sixty-day reciprocity period provided for in section  
79 fourteen of this article. The recordation shall be in the  
80 manner and pursuant to procedure required for the  
81 award of a number under subdivision (a) of this  
82 section, except that the commissioner shall not issue an  
83 additional or substitute number.

84 (d) If the ownership of a motorboat changes, the new  
85 owner shall file a new application form with the  
86 required fee with the commissioner who shall award a  
87 new certificate of number in the same manner as  
88 provided for in an original award of number.

89 (e) In the event that an agency of the United States  
90 government has in force an overall system of  
91 identification numbering for motorboats within the  
92 United States, the numbering system employed  
93 pursuant to this article by the Division of Motor  
94 Vehicles shall be in conformity with the federal system.

95 (f) The license is valid for a maximum period of three  
96 years. If at the expiration of that period ownership has  
97 remained unchanged, the commissioner shall, upon  
98 application and payment of the proper fee, grant the  
99 owner a renewal of the certificate of number for an  
100 additional three-year period.

101 (g) The owner shall furnish the commissioner notice  
102 of the transfer of all or any part of an interest, other  
103 than the creation of a security interest, in a motorboat  
104 numbered in this state pursuant to subdivisions (a) and  
105 (b) of this section or of the destruction or abandonment  
106 of the motorboat within fifteen days of the transfer of  
107 interest, destruction or abandonment. The transfer,  
108 destruction or abandonment shall terminate the  
109 certificate of number for the motorboat, except that in  
110 the case of a transfer of a part interest which does not  
111 affect the owner's right to operate the motorboat, the  
112 transfer shall not terminate the certificate of number.

113 (h) Any holder of a certificate of number shall notify  
114 the commissioner within fifteen days if his or her  
115 address no longer conforms to the address appearing  
116 on the certificate and shall, as a part of the

117 notification, furnish the commissioner with his or her  
118 new address. The commissioner may provide by rule  
119 for the surrender of the certificate bearing the former  
120 address and its replacement with a certificate bearing  
121 the new address or for the alteration of an outstanding  
122 certificate to show the new address of the holder.

123 (i) An owner shall not paint, attach or otherwise  
124 display a number other than the number awarded to a  
125 motorboat or granted reciprocity pursuant to this  
126 article on either side of the bow of the motorboat.

127 (j) The commissioner shall on or before the thirtieth  
128 day of August of each year, forward to the assessor of  
129 each county a list of the names and addresses of all  
130 persons, firms and corporations owning vessels and  
131 operating the vessels or other boats registered with the  
132 commissioner under the provisions of this article. In  
133 furnishing this information to each county assessor, the  
134 commissioner shall include information on the make  
135 and model of the vessels and other equipment required  
136 to be registered for use by the owner or operator of the  
137 boats under the provisions of this article: *Provided,*  
138 That the commissioner is not required to furnish the  
139 information to the assessor if the cost price of the  
140 vessel does not exceed five hundred dollars or the cost  
141 of the motor does not exceed two hundred fifty dollars.

142 (k) No person may operate an unlicensed motorboat  
143 upon any waters of this state without first acquiring  
144 the certificate of number or license as required by law.

Enr. Com. Sub. for S. B. No. 523] 84

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

  
.....  
Chairman Senate Committee


  
.....  
Chairman House Committee


Originated in the Senate.

In effect July 1, 2007.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within *is approved* ..... this  
the *4th* Day of *April* ....., 2007.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

APR 02 2007

Time 3:35 