WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2007

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 523

(Senators Jenkins and Minard, original sponsors)

[Passed March 16, 2007; in 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.


1 Effective the first day of July, two thousand seven, there is hereby created a special revenue account within the State Treasury to be known as the Motor Vehicle Fees Fund which shall consist of moneys paid into the
account in accordance with other provisions of this code
and any additional sums appropriated by the
Legislature. All other taxes and fees imposed and
collected under the provisions of this chapter shall be
paid to the State Treasurer in the manner provided by
law and credited to the State Road Fund.

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

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

Every owner of a vehicle subject to registration under
this article shall make application to the division for the
registration of the vehicle upon the appropriate form or
forms furnished by the division and every application
shall bear the signature of the owner or his or her
authorized agent, written with pen and ink, and the application shall contain:

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

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

(c) In the event a motor vehicle is designed, constructed, converted or rebuilt for the transportation of property, the application shall include a statement of its declared gross weight if the motor vehicle is to be used alone, or if the motor vehicle is to be used in combination with other vehicles, the application for registration of the motor vehicle shall include a statement of the combined declared gross weight of the motor vehicle and the vehicles to be drawn by the motor vehicle; declared gross weight being the weight declared by the owner to be the actual combined weight of the vehicle or combination of vehicles and load when carrying the maximum load which the owner intends to place on the vehicle; and the application for registration of each vehicle shall also include a statement of the distance between the first and last axles of that vehicle or combination of vehicles.

The declared gross weight stated in the application shall not exceed the permissible gross weight for the axle spacing listed in the application as determined by
the table of permissible gross weights contained in chapter seventeen-c of this code; and any vehicle registered for a declared gross weight as stated in the application is subject to the single-axle load limit set forth in said chapter.

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

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

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

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

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

(2) Verification process. —

The division may select any certificate of insurance, owner's statement of insurance, motor vehicle registration or any other form or document for verification of insurance coverage with an insurance company.
(A) If the division verifies with an insurance company that a motor vehicle was operated in this state without the required security in effect based on information received on an accident report, citation, court report or any other evidence of motor vehicle operation, the division shall proceed against the owner and driver in accordance with section seven, article two-a, chapter seventeen-d of this code.

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

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

(ii) If, after the notice required in clause (i) of this subparagraph is given to the owner and the lienholder, the owner fails to provide proof of insurance, the driver's license suspension and motor vehicle registration revocation shall go into effect without further notice thirty days from the date of the notice.
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(iii) The division shall reinstate the driver's license without regard to the suspension period in this paragraph and reinstate the motor vehicle registration upon submission of proof of current insurance coverage and payment of the reinstatement fees provided in section nine, article three, chapter seventeen-b of this code and section seven, article nine of this chapter.

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

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

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

(h) Revocation of a motor vehicle registration pursuant to this section shall not affect the perfection or
priority of a lien or security interest attaching to the motor vehicle that is noted on the certificate of title to 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.

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

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

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

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

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

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

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

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

(A) Upon appropriate application, the division shall issue to the Secretary of State, State Superintendent of Schools, Auditor, Treasurer, Commissioner of Agriculture and the Attorney General, the members of both houses of the Legislature, including the elected officials of both houses of the Legislature, the justices of the Supreme Court of Appeals of West Virginia, the representatives and senators of the state in the Congress of the United States, the judges of the West Virginia Circuit Courts, active and retired on senior status, the judges of the United States district courts for the State of West Virginia and the judges of the United States Court of Appeals for the fourth circuit, if any of the judges are residents of West Virginia, a special registration plate for a Class A motor vehicle and a special registration plate for a Class G motorcycle owned by the official or his or her spouse: Provided, That the division may issue a Class A special registration plate for each vehicle titled to the official and a Class G special registration plate for each motorcycle titled to the official.

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

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

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

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

(B) The division shall charge an initial application fee
of ten dollars for each special registration plate issued
pursuant to this subdivision, which is in addition to all
other fees required by this chapter. Except as otherwise provided herein, effective the first day of July, two thousand seven, all fees currently held in the special revolving fund used in the administration of this section and all fees collected by the division shall be deposited in the State Road Fund.

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

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

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

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

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

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

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

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

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

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

(A) Upon appropriate application, the division shall
issue to any disabled veteran who is exempt from the
payment of registration fees under the provisions of this
chapter a registration plate for a vehicle titled in the name of the qualified applicant which bears the letters “DV” in red and also the regular identification numerals in red.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Any owner of a motor vehicle who is a resident of the state of West Virginia and who is a certified paramedic or emergency medical technician, a member of a paid fire department, a member of the state Fire Commission, the State Fire Marshal, the State Fire Marshal's assistants, the State Fire Administrator and voluntary rescue squad members may apply for a special license plate for any number of Class A vehicles titled in the name of the qualified applicant which bears the insignia of the profession, group or commission. Any insignia shall be designed by the commissioner. License plates issued pursuant to this subdivision shall bear the requested insignia in addition to the registration number issued to the applicant pursuant to the provisions of this article.
(B) Each application submitted pursuant to this subdivision shall be accompanied by an affidavit signed by the fire chief or department head of the applicant stating that the applicant is justified in having a registration with the requested insignia; proof of compliance with all laws of this state regarding registration and licensure of motor vehicles; and payment of all required fees.

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

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

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

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

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

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

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

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

(13) The division may issue honorably discharged
Marine Corps league members special registration
plates as follows:

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

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

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

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

(A) The division may issue a special registration plate for the members of any military organization chartered by the United States Congress upon receipt of a guarantee from the organization of a minimum of one hundred applicants. The insignia on the plate shall be designed by the commissioner.
(B) Upon appropriate application, the division may issue members of the chartered organization in good standing, as determined by the governing body of the chartered organization, a special registration plate for any number of vehicles titled in the name of the qualified applicant.

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

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

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

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

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

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

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

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

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

(17) Upon appropriate application, the commissioner
shall issue to a classic motor vehicle or classic
motorcycle as defined in section three-a, article ten of
this chapter, a special registration plate designed by the commissioner. An annual fee of fifteen dollars, in addition to all other fees required by this chapter, shall be charged for each classic registration plate.

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

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

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

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

(19) Racing theme special registration plates:

(A) The division may issue a series of special registration plates displaying national association for stock car auto racing themes.
(B) An annual fee of twenty-five dollars shall be charged for each special racing theme registration plate in addition to all other fees required by this chapter. All annual fees collected for each special racing theme registration plate shall be deposited into the State Road Fund.

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

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

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

(B) The division shall charge a special initial application fee of ten dollars in addition to all other fees
required by law. This special fee shall be collected by
the division and deposited in the State Road Fund:
*Provided,* That nothing in this section exempts the
applicant for a special registration plate under this
subdivision from any other provision of this chapter.

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

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

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

(B) The division shall charge a special one-time initial
application fee of ten dollars in addition to all other fees
required by law. This special fee shall be collected by
the division and deposited in the State Road Fund:
*Provided,* That nothing contained in this section may be
construed to exempt any veteran from any other
provision of this chapter.
(C) A surviving spouse may continue to use his or her deceased spouse's honorably discharged veterans registration plate until the surviving spouse dies, remarries or does not renew the special registration plate.

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

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

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

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

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

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

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

(24) Special license plates bearing the American flag and the logo “9/11/01”.

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

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

(C) A special application fee of ten dollars shall be charged at the time of initial application as well as upon application for any duplicate or replacement registration plate, in addition to all other fees required by this chapter. All application fees shall be deposited into the State Road Fund.
The division may issue a special registration plate celebrating the centennial of the 4-H youth development movement and honoring the Future Farmers of America organization as follows:

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

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

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

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

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

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

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

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

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

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

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

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

(28) The division may issue volunteers and employees
of the American Red Cross special registration plates as
follows:
A Upon appropriate application, the division shall issue to any person who is a duly qualified volunteer or employee of the American Red Cross a specialized registration plate which bears recognition of the applicant as a volunteer or employee of the American Red Cross for any number of vehicles titled in the name of the qualified applicant.

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

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

The division shall issue special registration plates to individuals who have received either the Combat Infantry Badge or the Combat Medic Badge as follows:

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

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

The division may issue special registration plates
to members of the Knights of Columbus as follows:

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

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

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

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

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

(A) Upon appropriate application, the division shall issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of former service as an elected or appointed member of the West Virginia House of Delegates or the West Virginia Senate.
(B) The division shall charge a special initial application fee of ten dollars in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund. The design of the plate shall indicate total years of service in the Legislature.

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

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

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

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

(C) A special application fee of ten dollars shall be charged at the time of initial application as well as upon application for any duplicate or replacement registration plate, in addition to all other fees required by this chapter. All application fees shall be deposited into the State Road Fund.
(D) The division shall not begin production of a plate authorized under the provisions of this subdivision until the division receives at least one hundred completed applications from the state or county executive committee members, including all fees required pursuant to this subdivision.

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

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

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

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

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

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

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

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

(B) The division shall charge a special initial application fee of ten dollars in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.
(C) An annual fee of fifteen dollars shall be charged for each plate in addition to all other fees required by this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Upon appropriate application, the division shall
issue a special registration plate displaying a children's education-related theme as prescribed and designated by the commissioner and the State Superintendent of Schools.

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

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

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

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

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

(C) The division shall charge a special one-time initial application fee of ten dollars for each special license plate in addition to all other fees required by this chapter. All initial application fees collected by the
division shall be deposited into the State Road Fund:

Provided, That nothing in this section may be construed to exempt the applicant from any other provision of this chapter.

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

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

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

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

(C) A surviving spouse may continue to use his or her deceased spouse's special registration plate until the surviving spouse dies, remarries or does not renew the
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(D) Survivors of wounds received in the line of duty as a member with a West Virginia law-enforcement agency may obtain a license plate as described in this section for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of ten dollars to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second plate.

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

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

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

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

(43) The division may issue special registration plates commemorating the centennial anniversary of the creation of Davis and Elkins College as follows:
(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner to commemorate the centennial anniversary of Davis and Elkins College for any number of vehicles titled in the name of the applicant.

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

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

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

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

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

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

(45) The division may issue special registration plates to members of the Knights of Pythias or Pythian Sisters
as follows:

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

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

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

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

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

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

(C) The division shall charge an annual fee of fifteen dollars for each special registration plate in addition to all other fees required by this chapter.
(47) The division may issue special registration plates to members of Lions International as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Upon appropriate application, the division may issue a special registration plate designed by the Commissioner for any number of vehicles titled in the name of the qualified applicant. Persons desiring the special registration plate shall offer sufficient proof of present or past membership in the Boy Scouts as either
(B) The division shall charge a special initial application fee of ten dollars in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.

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

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

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

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

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

(54) The division may issue special registration plates recognizing and memorializing victims of domestic violence.
(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner to recognize and memorialize victims of domestic violence, such plate to incorporate somewhere in the design the "purple ribbon emblem", for any number of vehicles titled in the name of the applicant.

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

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

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

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

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

(C) An annual fee of fifteen dollars shall be charged for each plate in addition to all other fees required by this chapter.
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1104 (56) The division may issue special registration plates to members of the Sons of the American Revolution as follows:

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

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

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

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

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

1128 (B) The division shall charge a special initial application fee of ten dollars in addition to all other fees required by law. This special fee shall be collected by the division and deposited in the State Road Fund.
(C) The division shall charge an annual fee of fifteen dollars for each special registration plate in addition to all other fees required by this chapter.

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

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

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

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

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

(59) The commissioner may issue special registration plates for retired or former Justices of the Supreme Court of Appeals of West Virginia as follows:
(A) Upon appropriate application, the division may issue a special registration plate designed by the commissioner for any number of vehicles titled in the name of the qualified applicant.

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

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

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

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

(1) The commissioner may not begin the design or production of any license plates for which eligibility is based on membership or affiliation with a particular private organization until at least one hundred persons complete an application and deposit with the organization a check to cover the first year's basic registration, one-time design and manufacturing costs and to cover the first year additional annual fee. If the organization fails to submit the required number of applications with attached checks within six months of the effective date of the authorizing legislation, the plate will not be produced and will require legislative reauthorization: Provided, That an organization or
group that is unsuccessful in obtaining the minimum number of applications may not request reconsideration of a special plate until at least two years have passed since the effective date of the original authorization.

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

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

(2) A surviving spouse may continue to use his or her deceased spouse's prisoner of war license plate or Congressional Medal of Honor license plate until the surviving spouse dies, remarries or does not renew the license plate.
(3) Qualified former prisoners of war and recipients of the Congressional Medal of Honor may obtain a second special registration plate for use on a passenger vehicle titled in the name of the qualified applicant. The division shall charge a one-time fee of ten dollars to be deposited into the State Road Fund, in addition to all other fees required by this chapter, for the second special plate.

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

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

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

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

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

(i) Any license plate issued or renewed pursuant to
this chapter which is paid for by a check that is
returned for nonsufficient funds is void without
further notice to the applicant. The applicant may not
reinstate the registration until the returned check is
paid by the applicant in cash, money order or certified
check and all applicable fees assessed as a result
thereof have been paid.
ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.

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

(a) In the event a motor vehicle is determined to be a total loss or otherwise designated as "toted" by any insurance company or insurer, and upon payment of a total loss claim to any insured or claimant owner for the purchase of the vehicle, the insurance company or the insurer, as a condition of the payment, shall require the owner to surrender the certificate of title: Provided, That an insured or claimant owner may choose to retain physical possession and ownership of a total loss vehicle. If the vehicle owner chooses to retain the vehicle and the vehicle has not been determined to be a cosmetic total loss in accordance with subsection (d) of this section, the insurance company or insurer shall also require the owner to surrender the vehicle registration certificate. The term "total loss" means a motor vehicle which has sustained damages equivalent to seventy-five percent or more of the market value as determined by a nationally accepted used car value guide or meets the definition of a flood-damaged vehicle as defined in this section.

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

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

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

(1) The division shall, without further inspection,
issue a title branded "cosmetic total loss" to the
insured or claimant owner if the insured or claimant
owner wishes to retain possession of the vehicle, in lieu
of a "salvage certificate". The division shall charge a
fee of five dollars for each "cosmetic total loss" title
issued. The terms "cosmetically damaged" and
"cosmetic total loss" do not include any vehicle which
has been damaged by flood or fire. The designation
"cosmetic total loss" on a title may not be removed.

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

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

(f) Any owner who scraps, compresses, dismantles or
destroys a vehicle for which a certificate of title,
nonrepairable motor vehicle certificate or salvage
certificate has been issued shall, within twenty days,
surrender the certificate of title, nonrepairable motor
vehicle certificate or salvage certificate to the division
for cancellation. Any person who purchases or
acquires a vehicle as salvage or scrap, to be
dismantled, compressed or destroyed, shall within twenty days surrender the certificate to the division.

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

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

(i) If application is made for title to a motor vehicle, the title to which has previously been branded "reconstructed", "salvage", "cosmetic total loss", "cosmetic total loss salvage", "flood" or "fire" by the Division of Motor Vehicles under this section and said application is accompanied by a title from another state which does not carry the brand, the division shall,
before issuing the title, affix the brand "reconstructed", "cosmetic total loss", "cosmetic total loss salvage", "flood" or "fire" to the title. The privilege tax paid on a motor vehicle titled as "reconstructed", "cosmetic total loss", "flood" or "fire" under the provisions of this section shall be based on fifty percent of the fair market value of the vehicle as determined by a nationally accepted used car value guide to be used by the commissioner. 

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

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

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

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

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

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

(a) Whenever the registration of a vehicle, a certificate of title, a registration card, registration plate or plates, a temporary registration plate or marker, the right to issue temporary registration plates or markers, any nonresident or other permit or any license certificate or dealer special plates issued under the provisions of article six of this chapter is canceled, suspended or revoked as authorized in this chapter, the owner, holder or other person in possession of the evidences of the registration, title, permit or license or any special dealer plates shall, except as otherwise provided in article six of this chapter, immediately return the evidences of the registration, title, permit or license that was canceled, suspended or revoked, together with any dealer special plates relating to any license certificate, or any dealer special plate or plates if only the dealer special plate is suspended, to the division: Provided, That the owner or holder shall, before reinstatement, pay a fee of ten dollars in addition to all other fees, which shall be collected by the division and credited to a special revolving fund in the State Treasury to be appropriated to the division for use in enforcement of the provisions of this code: Provided, however, That on and after the first day of July, two thousand seven, any balance in the special revolving fund and all fees collected pursuant to this section shall be deposited in the Motor Vehicle Fees Fund created in section twenty-one, article two of this chapter.
(b) If any person willfully fails or refuses to return to the division the evidences of the registration, title, permit or license that have been canceled, suspended or revoked, or any dealer special plates, when obligated so to do as provided in this section, the commissioner shall immediately notify the Superintendent of the State Police who shall, as soon as possible, secure possession of the evidence of registration, title, permit or license or any special dealer plates and return it to the division. The Superintendent of the State Police shall make a report in writing to the commissioner, within two weeks after being notified by the commissioner, as to the result of his or her efforts to secure the possession and return of the evidences of registration, title, permit or license, or any dealer special plates.

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

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

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

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

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

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

The following specified vehicles shall be exempt from
the payment of any registration fees:
(1) Any vehicle owned or operated by the United States government, the State of West Virginia or any of their political subdivisions. The proper representative of the United States government, the State of West Virginia or any of their political subdivisions shall make an application for registration for the vehicle and the registration plate or plates issued for the vehicle shall be displayed as provided in this chapter;

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

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

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

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

(6) Not more than one Class A or Class G vehicle, as defined in section one of this article, owned by a former prisoner of war and not used for commercial purposes. For purposes of this subdivision, the term "prisoner of war" means any member of the armed
forces of the United States, including the United States coast guard and national guard, who was held by any hostile force with which the United States was actually engaged in armed conflict during any period of the incarceration; or any person, military or civilian, assigned to duty on the U. S. S. Pueblo who was captured by the military forces of North Korea on the twenty-third day of January, one thousand nine hundred sixty-eight, and thereafter held prisoner; except any person who, at any time, voluntarily, knowingly and without duress, gave aid to or collaborated with or in any manner served any such hostile force;

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

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

ARTICLE 2. ISSUANCE OF LICENSE, EXPIRATION AND RENEWAL.

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

On and after the first day of July, two thousand seven, any unexpended balance remaining in the Motorcycle License Examination Fund heretofore created shall be transferred to the Motor Vehicle Fees Fund created under the provisions of section twenty-one, article two, chapter seventeen-a of this code. The fund shall include all moneys received from fees collected for motorcycle instruction permits under this article and any other moneys specifically allocated to the fund.
If any person willfully fails or refuses to return to the division the evidences of the registration, title, permit or license that have been canceled, suspended or revoked, or any dealer special plates, when obligated so to do as provided in this section, the commissioner shall immediately notify the Superintendent of the State Police who shall, as soon as possible, secure possession of the evidence of registration, title, permit or license or any special dealer plates and return it to the division. The Superintendent of the State Police shall make a report in writing to the commissioner, within two weeks after being notified by the commissioner, as to the result of his or her efforts to secure the possession and return of the evidences of registration, title, permit or license, or any dealer special plates.

For each registration, certificate of title, registration card, registration plate or plates, temporary registration plate or marker, permit, license certificate or dealer special plate, which the owner, holder or other person in possession of the registration, title, permit or license or any special dealer plates shall have willfully failed or refused, as provided in this section, to return to the division within ten days from the time that the cancellation, suspension or revocation becomes effective, and which has been certified to the Superintendent of the State Police as specified in this section, the owner or holder shall, before the registration, title, permit or license or any special dealer plates may be reinstated, if reinstatement is permitted, in addition to all other fees and charges, pay a fee of fifteen dollars, which shall be collected by the Division of Motor Vehicles, paid into the State Treasury and credited to the General Fund to be appropriated to the State Police for application in the enforcement of the road laws.
A total of twenty-five dollars may be collected on each reinstatement for each vehicle to which any cancellation, suspension or revocation relates: Provided, That when any motor vehicle registration is suspended for failure to maintain motor vehicle liability insurance the reinstatement fee is one hundred dollars and if the vehicle owner fails to surrender the vehicle registration and the orders go to the State Police, an additional fee of fifty dollars shall be required before the motor vehicle registration may be reinstated. A total of one hundred fifty dollars may be collected on each reinstatement of any motor vehicle registration canceled, suspended or revoked for failure to maintain motor vehicle liability insurance.

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.

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

All fees and costs collected hereunder shall be paid into a special revenue account in the State Treasury: Provided, That on and after the first day of July, two thousand seven, any unexpended balance remaining in the special revolving fund shall be transferred to the Motor Vehicle Fees Fund created under the provisions of section twenty-one, article two, chapter seventeen-a...
of this code and all further fees and costs collected shall be deposited in that fund. A portion of the funds in the Motor Vehicle Fees Fund may be used to pay or reimburse the various law-enforcement agencies at the same rate as witnesses in circuit court for the travel and appearance of its officers before the commissioner or authorized deputy or agent pursuant to a hearing request under the provisions of this article. The department shall authorize payment to the law-enforcement agencies from said account as the fees for a particular hearing request are received from the person against whom the costs were assessed. The department shall authorize transfer to an appropriate agency account from the Motor Vehicle Fees Fund to pay costs of registered and certified mailings and other expenses associated with the conduct of hearings under this article as the docket fee for a particular hearing request is received from the person against whom the costs were assessed.

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

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

(a) The Division of Motor Vehicles, in cooperation with the Department of Health and Human Resources, Division of Alcoholism and Drug Abuse, shall propose a legislative rule or rules for promulgation in accordance with the provisions of chapter twenty-nine-a of this code establishing a comprehensive safety and treatment program for persons whose licenses have been revoked under the provisions of this article, or section seven, article five of this chapter, or subsection (6), section five, article
three, chapter seventeen-b of this code and shall likewise establish the minimum qualifications for mental health facilities or other public agencies or private entities conducting the safety and treatment program: Provided, That the commissioner may establish standards whereby the division will accept or approve participation by violators in another treatment program which provides the same or substantially similar benefits as the safety and treatment program established pursuant to this section. The program shall include, but not be limited to, treatment of alcoholism, alcohol and drug abuse, psychological counseling, educational courses on the dangers of alcohol and drugs as they relate to driving, defensive driving or other safety driving instruction and other programs designed to properly educate, train and rehabilitate the offender.

(b) (1) The Division of Motor Vehicles, in cooperation with the Department of Health and Human Resources, Division of Alcoholism and Drug Abuse, shall provide for the preparation of an educational and treatment program for each person whose license has been revoked under the provisions of this article or section seven, article five of this chapter, or subsection (6), section five, article three, chapter seventeen-b of this code, which shall contain the following: (A) A listing and evaluation of the offender's prior traffic record; (B) characteristics and history of alcohol or drug use, if any; (C) his or her amenability to rehabilitation through the alcohol safety program; and (D) a recommendation as to treatment or rehabilitation, and the terms and conditions of the treatment or rehabilitation. The program shall be prepared by persons knowledgeable in the diagnosis of alcohol or drug abuse and treatment. The cost of the program shall be paid out of fees established by the
Commissioner of Motor Vehicles in cooperation with
the Department of Health and Human Resources,
Division of Alcohol and Drug Abuse. The program
provider shall collect the established fee from each
participant upon enrollment. The program provider
shall also at the time of enrollment remit to the
commissioner a portion of the collected fee established
by the commissioner in cooperation with the
Department of Health and Human Resources, which
shall be deposited into an account designated the
Driver's Rehabilitation Fund: Provided, That on and
after the first day of July, two thousand seven, any
unexpended balance remaining in the driver's
rehabilitation fund shall be transferred to the Motor
Vehicle Fees Fund created under the provisions of
section twenty-one, article two, chapter seventeen-a of
this code and all further fees collected shall be
deposited in that fund.

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

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

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

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

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

(c) (1) The Division of Motor Vehicles, in cooperation with the Department of Health and Human Resources, Division of Alcoholism and Drug Abuse, shall provide for the preparation of an educational program for each person whose license has been suspended for sixty days
pursuant to the provisions of subsection (l), section two, article five-a of this chapter. The educational program shall consist of not less than twelve nor more than eighteen hours of actual classroom time.

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

(d) A required component of the rehabilitation program provided for in subsection (b) of this section and the education program provided for in subsection (c) of this section shall be participation by the violator with a victim impact panel program providing a forum for victims of alcohol- and drug-related offenses and offenders to share first-hand experiences on the impact of alcohol- and drug-related offenses in their lives. The commissioner shall propose legislative rules for promulgation in accordance with the provisions of chapter twenty-nine-a of this code to implement victim impact panels where appropriate numbers of victims are available and willing to participate and shall establish guidelines for other innovative programs which may be substituted where such victims are not available so as to assist persons whose licenses have been suspended or revoked for alcohol- and drug-related offenses to gain a full understanding of the severity of their offenses in terms of the impact of such offenses on victims and offenders. The legislative rules proposed for promulgation by the commissioner shall
require, at a minimum, discussion and consideration of the following:

(A) Economic losses suffered by victims or offenders;

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

(C) Psychological injuries suffered by victims or offenders;

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

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

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

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

(a) The Division of Motor Vehicles shall control and regulate a Motor Vehicle Alcohol Test and Lock Program for persons whose licenses have been revoked pursuant to this article or the provisions of article five of this chapter or have been convicted under section two, article five of this chapter. The program shall include the establishment of a users fee for persons participating in the program which shall be paid in advance and deposited into the Driver's Rehabilitation Fund: Provided, That on and after the first day of July,
two thousand seven, any unexpended balance remaining in the Driver's Rehabilitation Fund shall be transferred to the Motor Vehicle Fees Fund created under the provisions of section twenty-one, article two, chapter seventeen-a of this code and all further fees collected shall be deposited in that fund. Except where specified otherwise, the use of the term "program" in this section refers to the Motor Vehicle Alcohol Test and Lock Program. The Commissioner of the Division of Motor Vehicles shall propose legislative rules for promulgation in accordance with the provisions of chapter twenty-nine-a of this code for the purpose of implementing the provisions of this section. The rules shall also prescribe those requirements which, in addition to the requirements specified by this section for eligibility to participate in the program, the commissioner determines must be met to obtain the commissioner's approval to operate a motor vehicle equipped with a motor vehicle alcohol test and lock system. For purposes of this section, a "motor vehicle alcohol test and lock system" means a mechanical or computerized system which, in the opinion of the commissioner, prevents the operation of a motor vehicle when, through the system's assessment of the blood alcohol content of the person operating or attempting to operate the vehicle, the person is determined to be under the influence of alcohol.

(b)(1) Any person whose license is revoked for the first time pursuant to this article or the provisions of article five of this chapter is eligible to participate in the program when the person's minimum revocation period as specified by subsection (c) of this section has expired and the person is enrolled in or has successfully completed the safety and treatment program or presents proof to the commissioner within sixty days of receiving approval to participate by the
commissioner that he or she is enrolled in a safety and
treatment program.

(2) Any person whose license has been suspended
pursuant to the provisions of subsection (1), section two
of this article for driving a motor vehicle while under
the age of twenty-one years with an alcohol
concentration in his or her blood of two hundredths of
one percent or more, by weight, but less than eight
hundredths of one percent, by weight, is eligible to
participate in the program after thirty days have
elapsed from the date of the initial suspension, during
which time the suspension was actually in effect:
Provided, That in the case of a person under the age of
eighteen, the person is eligible to participate in the
program after thirty days have elapsed from the date of
the initial suspension, during which time the
suspension was actually in effect or after the person's
eighteenth birthday, whichever is later. Before the
commissioner approves a person to operate a motor
vehicle equipped with a motor vehicle alcohol test and
lock system, the person must agree to comply with the
following conditions:

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

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

(3) Notwithstanding the provisions of this section to
the contrary, no person eligible to participate in the program under this subsection may operate a motor vehicle unless approved to do so by the commissioner.

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

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

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

(3) For a person whose license has been revoked for a first offense pursuant to the provisions of section one-a of this article for conviction of an offense defined in subsection (a), section two, article five of this chapter or pursuant to subsection (f), section two of this article, the minimum period of revocation before the person is eligible for participation in the test and lock program is twelve months and the minimum period for the use of the ignition interlock device is two
(4) For a person whose license has been revoked for a first offense pursuant to the provisions of section one-a of this article for conviction of an offense defined in subsection (b), section two, article five of this chapter or pursuant to subsection (g), section two of this article, the minimum period of revocation is six months and the minimum period for the use of the ignition interlock device is two years;

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

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

(d) Notwithstanding any provision of the code to the contrary, a person shall participate in the program if the person is convicted under section two, article five of this chapter or the person’s license is revoked under section two of this article or section seven, article five of this chapter and the person was previously either
convicted or license was revoked under any provision cited in this subsection within the past ten years. The minimum revocation period for a person required to participate in the program under this subsection is one year and the minimum period for the use of the ignition interlock device is two years, except that the minimum revocation period for a person required to participate because of a violation of subsection (l), section two of this article or subsection (h), section two, article five of this chapter is two months and the minimum period of participation is one year. The division will add one year to the minimum period for the use of the ignition interlock device for each additional previous conviction or revocation within the past ten years. Any person required to participate under this subsection must have an ignition interlock device installed on every vehicle he or she owns or operates.

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

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

(g) The commissioner may extend the minimum
period of revocation and the minimum period of participation in the program for a person who violates the terms and conditions of participation in the program as found in this section, or legislative rule, or any agreement or contract between the participant and the division or program service provider.

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

(i) In addition to any other penalty imposed by this code, any person who operates a motor vehicle not
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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
deposited in that fund.

(b) The fee for a commercial driver's license shall be established by the commissioner to cover all necessary costs for program administration. The fees for knowledge and road testing shall also be established by the commissioner to cover all program costs projected 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 upon public waters within the territorial limits of this state shall be numbered as provided in this section:

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

(1) Class A, motorboats less than sixteen feet in length, thirty dollars;
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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.
(b) In order to permit a motorboat sold to a purchaser by a dealer to be operated pending receipt of the certificate of number from the commissioner, the commissioner may deliver temporary certificates of number to in turn be issued to purchasers of motorboats to dealers, upon application by the dealer and payment of one dollar for each temporary certificate. Every person who is issued a temporary certificate by a dealer shall, under the provisions of subdivision (a) of this section, apply for a certificate of number no later than ten days from the date of issuance of the temporary certificate. A temporary certificate expires upon receipt of the certificate, upon rescission of the contract to purchase the motorboat in question or upon the expiration of forty days from the date of issuance, whichever occurs first. It is unlawful for any dealer to issue any temporary certificate knowingly containing any misstatement of fact or knowingly to insert any false information on the face of the temporary certificate. The commissioner may by rule prescribe additional requirements upon the dealers and purchasers that are consistent with the effective administration of this section.

(c) The owner of any motorboat already covered by a number in full force and effect which has been awarded to it pursuant to then operative federal law or a federally approved numbering system of another state shall record the number prior to operating the motorboat on the waters of this state in excess of the sixty-day reciprocity period provided for in section fourteen of this article. The recordation shall be in the manner and pursuant to procedure required for the award of a number under subdivision (a) of this section, except that the commissioner shall not issue an additional or substitute number.
(d) If the ownership of a motorboat changes, the new owner shall file a new application form with the required fee with the commissioner who shall award a new certificate of number in the same manner as provided for in an original award of number.

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

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

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

(h) Any holder of a certificate of number shall notify the commissioner within fifteen days if his or her address no longer conforms to the address appearing on the certificate and shall, as a part of the
notification, furnish the commissioner with his or her new address. The commissioner may provide by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

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

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

(k) No person may operate an unlicensed motorboat upon any waters of this state without first acquiring the certificate of number or license as required by law.
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 ........ approved .................. this
the ................ Day of ....................., 2007.

Governor