

SB 536

FILED

2008 MAR 27 AM 11:04

WEST VIRGINIA LEGISLATURE
SEVENTY-EIGHTH LEGISLATURE
REGULAR SESSION, 2008

COMMITTEE SUBSTITUTE

FOR

ENROLLED

Senate Bill No. 536

(SENATOR KESSLER, *original sponsor*)

[Passed March 8, 2008; in effect ninety days from passage.]

FILED

2008 MAR 27 AM 11: 04

OFFICE OF THE
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 536

(SENATOR KESSLER, *original sponsor*)

[Passed March 8, 2008; in effect ninety days from passage.]

AN ACT to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to exempting vehicles operated by probation officers under the Supreme Court of Appeals from registration requirements for state cars.

Be it enacted by the Legislature of West Virginia:

That §17A-3-23 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

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

1 (a) Any motor vehicle designed to carry passengers,
2 owned or leased by the State of West Virginia, or any of
3 its departments, bureaus, commissions or institutions,
4 except vehicles used by the Governor, Treasurer, three
5 vehicles per elected office of the board of Public Works,
6 vehicles operated by the State Police, not to exceed five
7 vehicles operated by the office of the Secretary of
8 Military Affairs and Public Safety, not to exceed five
9 vehicles operated by the Division of Homeland Security
10 and Emergency Management, vehicles operated by
11 conservation officers of the Division of Natural
12 Resources, not to exceed ten vehicles operated by the
13 arson investigators of the office of State Fire Marshal,
14 not to exceed two vehicles operated by the Division of
15 Protective Services, not to exceed sixteen vehicles
16 operated by inspectors of the office of the Alcohol
17 Beverage Control Commissioner and vehicles operated
18 by probation officers employed under the Supreme
19 Court of Appeals may not be operated or driven by any
20 person unless it has displayed and attached to the front
21 thereof, in the same manner as regular motor vehicle
22 registration plates are attached, a plate of the same size
23 as the regular registration plate, with white lettering on
24 a green background bearing the words "West Virginia"
25 in one line and the words "State Car" in another line
26 and the lettering for the words "State Car" shall be of
27 sufficient size to be plainly readable from a distance of
28 one hundred feet during daylight.

29 The vehicle shall also have attached to the rear a plate
30 bearing a number and any other words and figures as
31 the Commissioner of Motor Vehicles shall prescribe.
32 The rear plate shall also be green with the number in
33 white.

34 (b) On registration plates issued to vehicles owned by
35 counties, the color shall be white on red with the word
36 "County" on top of the plate and the words "West
37 Virginia" on the bottom. On any registration plates
38 issued to a city or municipality, the color shall be white
39 on blue with the word "City" on top and the words
40 "West Virginia" on the bottom: *Provided*, That after the
41 thirty-first day of December, two thousand six,
42 registration plates issued to a city or municipality law-
43 enforcement department shall include blue lettering on
44 a white background with the word "West Virginia" on
45 top of the plate and shall be further designed by the
46 commissioner to include a law-enforcement shield
47 together with other insignia or lettering sufficient to
48 identify the motor vehicle as a municipal law-
49 enforcement department motor vehicle. The colors may
50 not be reversed and shall be of reflectorized material.
51 The registration plates issued to counties,
52 municipalities and other governmental agencies
53 authorized to receive colored plates hereunder shall be
54 affixed to both the front and rear of the vehicles. Every
55 municipality shall provide the commissioner with a list
56 of law-enforcement vehicles operated by the law-
57 enforcement department of the municipality, unless
58 otherwise provided in this section, and a fee of ten
59 dollars for each vehicle submitted by the first day of
60 July, two thousand six.

61 (c) Registration plates issued to vehicles operated by

62 county sheriffs shall be designed by the commissioner
63 in cooperation with the sheriffs' association with the
64 word "Sheriff" on top of the plate and the words "West
65 Virginia" on the bottom. The plate shall contain a gold
66 shield representing the sheriff's star and a number
67 assigned to that plate by the commissioner. Every
68 county sheriff shall provide the commissioner with a
69 list of vehicles operated by the sheriff, unless otherwise
70 provided in this section, and a fee of ten dollars for each
71 vehicle submitted by the first day of July, two thousand
72 two.

73 (d) The commissioner is authorized to designate the
74 colors and design of any other registration plates that
75 are issued without charge to any other agency in
76 accordance with the motor vehicle laws.

77 (e) Upon application, the commissioner is authorized
78 to issue a maximum of five Class A license plates per
79 applicant to be used by county sheriffs and
80 municipalities on law-enforcement vehicles while
81 engaged in undercover investigations.

82 (f) The commissioner is authorized to issue an
83 unlimited number of license plates per applicant to
84 authorized drug and violent crime task forces in the
85 State of West Virginia when the chairperson of the
86 control group of a drug and violent crime task force
87 signs a written affidavit stating that the vehicle or
88 vehicles for which the plates are being requested will be
89 used only for official undercover work conducted by a
90 drug and violent crime task force.

91 (g) The commissioner is authorized to issue twenty
92 Class A license plates to the Criminal Investigation

93 Division of the Department of Revenue for use by its
94 investigators.

95 (h) The commissioner may issue a maximum of ten
96 Class A license plates to the Division of Natural
97 Resources for use by conservation officers. The
98 commissioner shall designate the color and design of
99 the registration plates to be displayed on the front and
100 the rear of all other state-owned vehicles owned by the
101 Division of Natural Resources and operated by
102 conservation officers.

103 (i) The commissioner is authorized to issue an
104 unlimited number of Class A license plates to the
105 Commission on Special Investigations for state-owned
106 vehicles used for official undercover work conducted by
107 the Commission on Special Investigations. The
108 commissioner is authorized to issue a maximum of two
109 Class A plates to the Division of Protective Services for
110 state-owned vehicles used by the Division of Protective
111 Services in fulfilling its mission.

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

114 (k) The Commissioner of Motor Vehicles shall have a
115 sufficient number of both front and rear plates
116 produced to attach to all state-owned cars. The
117 numbered registration plates for the vehicles shall start
118 with the number "five hundred" and the commissioner
119 shall issue consecutive numbers for all state-owned
120 cars.

121 (l) It is the duty of each office, department, bureau,
122 commission or institution furnished any vehicle to have

123 plates as described herein affixed thereto prior to the
124 operation of the vehicle by any official or employee.

125 (m) The commissioner may issue special registration
126 plates for motor vehicles titled in the name of the
127 Division of Public Transit or in the name of a public
128 transit authority as defined in this subsection and
129 operated by a public transit authority or a public
130 transit provider to transport persons in the public
131 interest. For purposes of this subsection, "public
132 transit authority" means an urban mass transportation
133 authority created pursuant to the provisions of article
134 twenty-seven, chapter eight of this code or a nonprofit
135 entity exempt from federal and state income taxes
136 under the Internal Revenue Code and whose purpose is
137 to provide mass transportation to the public at large.
138 The special registration plate shall be designed by the
139 commissioner and shall display the words "public
140 transit" or words or letters of similar effect to indicate
141 the public purpose of the use of the vehicle. The special
142 registration plate shall be issued without charge.

143 (n) Any person who violates the provisions of this
144 section is guilty of a misdemeanor and, upon conviction
145 thereof, shall be fined not less than fifty dollars nor
146 more than one hundred dollars. Magistrates have
147 concurrent jurisdiction with circuit courts for the
148 enforcement of this section.

7 [Enr. Com. Sub. for S. B. No. 536

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

Chandy White
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Darrell Holmes
.....
Clerk of the Senate

Gregg W. Smith
.....
Clerk of the House of Delegates

Carl Roy Tomblin
.....
President of the Senate

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

The within *is appended* this
the *21st* Day of *May*, 2008.

[Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 18 2008

Time 3:10 pm