

FILED

2011 MAR 17 PM 4:16

WEST VIRGINIA LEGISLATURE

SECRETARY OF STATE

EIGHTIETH LEGISLATURE

REGULAR SESSION, 2011



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 263

(SENATORS BEACH AND KLEMPA, ORIGINAL SPONSORS)

[PASSED MARCH 9, 2011; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB 263 (veto)

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FOR

Senate Bill No. 263

(SENATORS BEACH AND KLEMPA, *original sponsors*)

[Passed March 9, 2011; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-6-10d, relating to special plates for the testing of vehicles operated by non-profit corporations engaged in research and development of motor vehicles, special fuels or equipment for motor vehicles; requiring written records be kept; prohibiting bonding; requiring vehicles to be insured; and exempting the vehicles from safety inspections, but requiring the vehicles to be safe.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §17A-6-10d, to read as follows:

ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS; SPECIAL PLATES; TEMPORARY PLATES OR MARKERS.

§17A-6-10d. Special plates for nonprofit corporations engaged in research and development.

1 (a) Notwithstanding any of the other provisions of this
2 article, a nonprofit corporation engaged in research and
3 development using motor vehicles pursuant to article twelve,
4 chapter eighteen-b of this code and affiliated with institu-
5 tions of higher education may operate or move a vehicle,
6 either owned or in the possession of the nonprofit corpora-
7 tion upon the highways of this state for purposes of trans-
8 porting or testing that vehicle without first registering or
9 titling the vehicle and displaying, in a manner prescribed by
10 the commissioner, a special plate issued to the nonprofit
11 corporation as provided in this section.

12 (b) Any nonprofit corporation as prescribed in subsection
13 (a) of this section may make application to the commissioner
14 upon a form prescribed by him or her for a certificate
15 containing a general distinguishing number and for a special
16 plate or plates. The applicant shall verify that it is a Section
17 501(c)(3) of the Internal Revenue Code of 1986, as amended,
18 nonprofit corporation and submit sufficient information, as
19 may be required by the commissioner, that it is engaged in
20 research and development of vehicles, special fuels or
21 equipment for motor vehicles.

22 (c) The commissioner, upon approving an application, may
23 issue without charge to the applicant, a certificate contain-
24 ing the nonprofit corporation's name and address and its
25 general distinguishing number. The commissioner may also
26 issue without charge, a special plate or plates, as determined
27 by the commissioner as necessary, that must be displayed on
28 the vehicle. Each plate shall also contain a number or
29 symbol distinguishing it from other plates bearing the same
30 general distinguishing number.

31 (d) The nonprofit corporation that is issued a special plate
32 pursuant to this section must keep written records as
33 required by the commissioner concerning the operation of
34 the vehicle. The records shall be open to inspection by any
35 law-enforcement officer or division employee.

36 (e) This section does not apply to the use of any other
37 vehicles owned, leased or operated by the nonprofit corpora-
38 tion.

39 (f) A nonprofit corporation that has been issued a special
40 plate is not required to comply with the bond or dealer
41 recovery fund otherwise required under this article for that
42 vehicle.

43 (g) A nonprofit corporation that has been issued a special
44 plate shall furnish information, satisfactory to the commis-
45 sioner, that the vehicle is covered by an appropriate insur-
46 ance policy or proof of financial responsibility in amounts
47 not less than the requirements of section two, article four,
48 chapter seventeen-d of this code.

49 (h) Vehicles operated by a nonprofit corporation pursuant
50 to this section are exempt from the annual motor vehicle
51 inspection and the displaying of the certificate of inspection
52 otherwise required by article sixteen, chapter seventeen-c of
53 this code. However, a vehicle that has been issued a special
54 plate pursuant to this section must be safe and may not, in
55 any manner, endanger the driver, other vehicle occupants,
56 other motorists, pedestrians or the general public.

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

Paul F. Mula
.....
Chairman Senate Committee

Michael J. Hou
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Daniel E. Holmes
.....
Clerk of the Senate

Gregory A. Seal
.....
Clerk of the House of Delegates

Jeffrey K
.....
Acting President of the Senate

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

The within *is disapproved* this the *17th*
Day of *March*, 2011.

Earl Ray Sumbler
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 16 2011

Time *A. K. S. R.*