

FILED

2011 APR -4 PM 2:46

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

SB 263

**WEST VIRGINIA LEGISLATURE**  
**EIGHTIETH LEGISLATURE**  
**REGULAR SESSION, 2011**



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 263**

(SENATORS BEACH AND KLEMPA, ORIGINAL SPONSORS)

[PASSED MARCH 18, 2011; IN EFFECT NINETY DAYS FROM PASSAGE.]

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FOR

# Senate Bill No. 263

(SENATORS BEACH AND KLEMPA, *original sponsors*)

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[Passed March 18, 2011; in effect ninety days from passage.]

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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; nonprofit corporations issued a special plate are not required to comply with the bond or dealer recovery fund otherwise required for that vehicle; 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 symbol  
29 distinguishing it from other plates bearing the same general  
30 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.

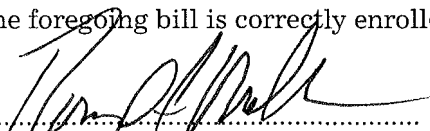
36 (e) This section does not apply to the use of any other  
37 vehicles owned, leased or operated by the nonprofit corpora-  
38 tion.

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.

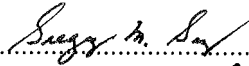
  
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Chairman Senate Committee

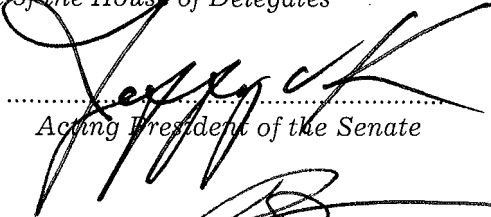
  
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Chairman House Committee

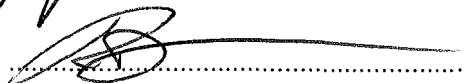
Originated in the Senate.

In effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates


  
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Acting President of the Senate

  
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Speaker of the House of Delegates

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OFFICE OF THE  
SECRETARY OF STATE

The within is approved this the 4<sup>th</sup>  
Day of April, 2011.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 28 2011

Time 3.33 pm