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.]
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.

(a) Notwithstanding any of the other provisions of this article, a nonprofit corporation engaged in research and development using motor vehicles pursuant to article twelve, chapter eighteen-b of this code and affiliated with institutions of higher education may operate or move a vehicle, either owned or in the possession of the nonprofit corporation upon the highways of this state for purposes of transporting or testing that vehicle without first registering or titling the vehicle and displaying, in a manner prescribed by the commissioner, a special plate issued to the nonprofit corporation as provided in this section.

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

(c) The commissioner, upon approving an application, may issue without charge to the applicant, a certificate containing the nonprofit corporation’s name and address and its general distinguishing number. The commissioner may also issue without charge, a special plate or plates, as determined by the commissioner as necessary, that must be displayed on the vehicle. Each plate shall also contain a number or symbol distinguishing it from other plates bearing the same general distinguishing number.

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

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

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

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

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

Clerk of the Senate

Clerk of the House of Delegates

Aging President of the Senate

Speaker of the House of Delegates

The within ........................................ this the .................................. Day of ........................................................., 2011.

Governor