

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 205

BY SENATOR CLEMENTS

[Passed March 08, 2023; in effect 90 days from passage (June 6, 2023)]

FILED

2023 MAR 23 P 3: 34

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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1 AN ACT to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and
2 to amend said code by adding thereto nine new sections, designated as §17A-3-14a,
3 §17A-3-14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g, §17A-3-
4 14h, and §17A-3-14i, all relating to registration plates; authorizing special registration
5 plates; establishing fees; authorizing the suspension of registration of any owner who
6 displays a damaged or illegible plate or otherwise fails to comply with legal requirements;
7 voiding license plates issued or renewed and paid for by worthless check; authorizing
8 Division of Motor Vehicles to accept or authorize electronic signatures; authorizing waiver
9 of certain costs and fees related to special registration plates by concurrent resolution of
10 the Legislature; and authorizing rulemaking by the Division of Motor Vehicles.

Be it enacted by the Legislature of West Virginia:

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

**§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. suspension of
registration; electronic signatures.**

1 (a) The division, upon registering a vehicle, shall issue to the owner one registration plate
2 with a registration number consisting of a combination of letters, numerals, symbols, or characters
3 in a configuration determined by the commissioner.

4 (b) Registration plates shall meet the following requirements:

5 (1) Plates must incorporate reflectorized material.

6 (2) Registration numbers shall be plainly readable from 100 feet during daylight.

7 (3) The commissioner may assign any additional feature to facilitate reciprocal
8 agreements, facilitate interstate travel, promote highway safety, or promote the efficient operation
9 of the division.

10 (c) The commissioner may suspend the registration of any owner who displays a damaged
11 or illegible plate or otherwise fails to comply with the requirements of §17A-3-19 of this code.

12 (d) Any license plate issued or renewed pursuant to this chapter which is paid for by a
13 check that is returned for nonsufficient funds is void without further notice to the applicant. The
14 applicant may not reinstate the registration until the returned check is paid by the applicant in
15 cash, money order, or certified check and all applicable fees assessed as a result thereof have
16 been paid.

17 (e) In furtherance of the Uniform Electronic Transactions Act, §39A-1-1 *et seq.* of this
18 code, the division may accept or authorize an electronic signature in any instance the law required
19 to be enforced by the commissioner requires a signature or a pen and ink signature.

§17A-3-14a. Special registration plates for government officials.

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

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

4 (1) Upon appropriate application, the division shall issue to the Secretary of State, State
5 Superintendent of Schools, Auditor, Treasurer, Commissioner of Agriculture, Attorney General,
6 members of both houses of the Legislature, including elected active and former officials of both
7 houses of the Legislature, active or retired or former justices of the Supreme Court of Appeals of
8 West Virginia, judges of the Intermediate Court of Appeals, representatives and senators of the
9 state in the Congress of the United States, active or retired on senior status judges of the West
10 Virginia circuit courts, the judges of the United States district courts for the State of West Virginia,
11 and judges of the United States Court of Appeals for the fourth circuit, if any of the judges are

12 residents of West Virginia, a special registration plate for any vehicle owned by the official or his
13 or her spouse.

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

19 (3) The division shall charge an annual fee of \$15 for every registration plate issued
20 pursuant to this subsection, which is in addition to all other fees required by this chapter.

21 (4) The division shall charge a special initial application fee of \$10 for every application
22 received by a former or retired government official authorized to receive a plate in this section,
23 which is in addition to all other fees required by this chapter.

§17A-3-14b. Special registration plates for military personnel.

1 (a) The division may continue to issue special plates for any plate class authorized by
2 enactments of §17A-3-14 of this code prior to the year 2023 for active, retired, or honorably
3 discharged military personnel, or the next of kin of a member of any branch of the armed services
4 of the United States killed in combat. The division shall charge an initial application fee of \$10 for
5 each special registration plate issued pursuant to this section, which is in addition to all other fees
6 required by this chapter. A surviving spouse may continue to use his or her deceased spouse's
7 military license plate until the surviving spouse dies, remarries, or does not renew the license
8 plate.

9 (b) The applicant shall present documentation as determined by the commissioner as
10 evidence of qualification for any plate authorized in this section.

11 (c) The division may issue a special registration plate pursuant to this section to any
12 number of vehicles titled in the name of the applicant.

13 (d) If a new special plate as authorized in this section recognizes members of a military
14 organization chartered by the United States Congress, the division may produce such plate upon
15 receipt of a guarantee from the organization of a minimum of 100 applicants.

§17A-3-14c. Specially arranged registration plates.

1 Specially arranged registration plates for plate classes and special registration plate types
2 authorized by the commissioner may be issued as follows:

3 (1) Upon appropriate application, any owner of a motor vehicle subject to registration, may
4 request that the division issue a registration plate bearing specially arranged letters or numbers
5 with the maximum number of letters or numbers to be determined by the commissioner. The
6 division shall attempt to comply with the request wherever possible.

7 (2) The commissioner shall propose rules for legislative approval in accordance with the
8 provisions of §29A-3-1 *et seq.* of this code regarding the orderly distribution of the plates:
9 *Provided,* That for purposes of this subsection, the registration plates requested and issued shall
10 include all plates bearing the numbers two through 2,000.

11 (3) An annual fee of \$15 shall be charged for each special registration plate issued
12 pursuant to this section, which is in addition to all other fees required by this chapter.

§17A-3-14d. Special honorary military plates.

1 (a) The division may issue special plates to disabled veterans, recipients of the
2 distinguished Purple Heart medal, recipients of the Congressional Medal of Honor, recipients of
3 the Distinguished Service Cross, Navy Cross, and Air Force Cross, or veteran survivors of the
4 attack on Pearl Harbor on December 7, 1941. Registration plates issued pursuant to this section
5 are exempt from all registration fees otherwise required by the provisions of this chapter. A
6 surviving spouse may continue to use the license plate of his or her deceased spouse that was
7 issued pursuant to this section until the surviving spouse dies, remarries, or does not renew the
8 license plate.

9 (b) A qualified applicant may obtain a second license plate as described in this section for
10 use on a passenger vehicle titled in the name of the applicant. The division shall charge for the
11 second plate a one-time fee of \$10, to be deposited into the State Road Fund, which is in addition
12 to all other fees required by this chapter.

13 (c) The applicant shall present satisfactory proof as determined by the commissioner as
14 evidence of qualification for any plate authorized in this section.

15 (d) An applicant qualified to receive a special plate under subsection (a) of this section, or
16 qualified to receive a registration fee exemption under §17A-10-8(6) of this code as a former
17 prisoner of war, may choose to transfer the registration fee exemptions to a special registration
18 plate for military personnel for which the applicant also qualifies under §17A-3-14b of this code
19 instead of receiving the honorary military plate pursuant to this section.

§17A-3-14e. Special registration plates for organizations.

1 (a) The division may continue to issue all special registration plates to organizations issued
2 under a prior enactment of §17A-3-14 of this code.

3 (b) An organization requesting the creation and issuance of a special registration plate
4 shall make application with the division. The application shall include sufficient information, as
5 determined by the commissioner, to determine whether the special registration plate requested,
6 and the organization making the application, meet all the requirements set forth in this section
7 and legislative rule. The application shall include a proposed design, including lettering, logo,
8 image, or message to be placed on the registration plate. The commissioner shall notify the
9 organization of the commissioner's approval or disapproval of the application.

10 (c) (1) The commissioner may not begin the design or production of any license plates
11 authorized and approved pursuant to this section until the organization which applied for the
12 special registration plate has collected and submitted collectively to the division applications
13 completed by at least 100 persons and collectively deposited with the division all fees necessary

14 to cover the first year's basic registration, one-time design and manufacturing costs, and the first
15 year additional annual fee for all of the submitted applications.

16 (2) By concurrent resolution of the Legislature, the requirement to collectively deposited
17 with the division all fees necessary to cover the first year's basic registration, one-time design,
18 and manufacturing costs may be waived for any organization.

19 (d) If the organization fails to submit the required number of applications and fees within
20 six months of the effective date of the approval of the application for the plate by the
21 commissioner, the plate may not be produced until a new application is submitted and is approved
22 by the commissioner: *Provided*, That an organization that is unsuccessful in obtaining the
23 minimum number of applications may not make a new application for a special plate until at least
24 two years have passed since the approval of the previous application of the organization.

25 (e) The division shall charge a special initial application fee of \$25 for each special license
26 plate in addition to all other fees required by this chapter. This special fee shall be collected by
27 the division and deposited in the State Road Fund.

28 (f) The division shall charge an annual fee of \$15 for each special registration plate in
29 addition to all other fees required by this chapter.

30 (g) Upon appropriate application, the division may issue a special registration plate
31 designed by the commissioner in consultation with the organization for any number of vehicles
32 titled in the name of a qualified registration plate applicant. Persons desiring the special
33 registration plate shall offer sufficient proof of membership in the organization unless the
34 organization has identified in the application that the special registration plate is desired to be
35 made available for general issuance.

36 (h) The commissioner may discontinue the issuance or renewal of the registration of any
37 special plate issued pursuant to this section if:

38 (1) The number of valid registrations for the specialty plate falls below 100 plates for at
39 least 12 consecutive months; or

40 (2) The organization no longer exists or no longer meets the requirements of this section.

41 (i) If a new design is requested after issuance of a special registration plate, the
42 organization shall pay the costs of design and any unused material from the previous design. In
43 addition, the division shall charge a special initial application fee of \$25 for each newly designed
44 special license plate in addition to all other fees required by this chapter.

§17A-3-14f. Special 10-year registration plates.

1 (a) The division may issue special 10-year registration plates as follows for any registration
2 plate exempted from registration fees pursuant to any provision of this code or any restricted use
3 antique motor vehicle license plate authorized by §17A-10-3a of this code: *Provided*, That the
4 provisions of this subsection do not apply to any person who has had a special registration
5 suspended for failure to maintain motor vehicle liability insurance as required by §17D-2A-3 of
6 this code or failure to pay personal property taxes as required by §17A-3-3a of this code.

7 (b) An initial nonrefundable fee shall be charged for each special registration plate issued
8 pursuant to this section, which is the total amount of fees required by §17A-3-3, §17A-10-3a, or
9 §17A-10-15 of this code for the period requested.

§17A-3-14g. Special registration plates for first responders.

1 (a) The division may issue special emergency or volunteer registration plates as follows:

2 (1) Any owner of a motor vehicle who is a resident of the State of West Virginia and who
3 is a certified paramedic or emergency medical technician, member of a paid fire department,
4 member of the State Fire Commission, the State Fire Marshal, State Fire Marshal assistant, State
5 Fire Administrator, or voluntary rescue squad member may apply for a special license plate for
6 any number of Class A vehicles titled in the name of the qualified applicant which bears the
7 insignia of the profession, group, or commission. Any insignia shall be designed by the
8 commissioner. License plates issued pursuant to this subsection shall bear the requested insignia
9 in addition to the registration number issued to the applicant pursuant to the provisions of this
10 article.

11 (2) Each application submitted pursuant to this subsection shall be accompanied by an
12 affidavit signed by the fire chief or department head of the applicant stating that the applicant is
13 justified in having a registration with the requested insignia, proof of compliance with all laws of
14 this state regarding registration and licensure of motor vehicles, and payment of all required fees.

15 (3) Each application submitted pursuant to this subsection shall be accompanied by
16 payment of a special initial application fee of \$10, which is in addition to all other fees required by
17 this chapter. All special fees shall be collected by the division and deposited into the State Road
18 Fund.

19 (b) The division may issue special certified firefighter registration plates as follows:

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

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

34 (3) Each application submitted pursuant to this subsection shall be accompanied by
35 payment of a special initial application fee of \$10, which is in addition to all other fees required by

36 this chapter. All special fees shall be collected by the division and deposited into the State Road
37 Fund.

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

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

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

49 (3) Each application submitted pursuant to this subsection shall be accompanied by
50 payment of a special one-time initial application fee of \$10, which is in addition to all other fees
51 required by this chapter. All application fees shall be deposited into the State Road Fund.

52 (d) The division may issue special registration plates to applicants supporting law-
53 enforcement officers, to retired members of the West Virginia State Police, and to survivors of
54 wounds received in the line of duty as a member with a West Virginia law-enforcement agency
55 as follows:

56 (1) Upon appropriate application, the division shall issue a special registration plate
57 designed by the commissioner which recognizes, supports, and honors the men and women of
58 law-enforcement and includes the words Back the Blue. Upon appropriate application, the division
59 shall issue to any member of a municipal police department, sheriff's department, the State Police,
60 or the law-enforcement division of the Division of Natural Resources who has been wounded in
61 the line of duty and awarded a Purple Heart in recognition thereof by the West Virginia Chiefs of

62 Police Association, the West Virginia Sheriffs' Association, the West Virginia Troopers
63 Association, or the Division of Natural Resources a special registration plate for one vehicle titled
64 in the name of the qualified applicant with an insignia appropriately designed by the
65 commissioner.

66 (2) For special registration plates supporting law-enforcement officers, the division shall
67 charge a special initial application fee of \$10 in addition to all other fees required by this chapter.
68 This special fee shall be collected by the division and deposited in the State Road Fund. An
69 annual fee of \$15 shall be charged for each plate supporting law-enforcement officers in addition
70 to all other fees required by this chapter.

71 (3) Registration plates issued pursuant to this subsection to survivors of wounds received
72 in the line of duty as a member with a West Virginia law-enforcement agency are exempt from
73 the registration fees otherwise required by the provisions of this chapter. A surviving spouse may
74 continue to use his or her deceased spouse's special registration plate until the surviving spouse
75 dies, remarries, or does not renew the plate. Survivors of wounds received in the line of duty as
76 a member with a West Virginia law-enforcement agency may obtain a license plate as described
77 in this subsection for use on a passenger vehicle titled in the name of the qualified applicant. The
78 division shall charge for the second plate a one-time fee of \$10, to be deposited into the State
79 Road Fund, which is in addition to all other fees required by this chapter.

80 (4) Upon appropriate application, the division may issue special registration plates
81 designed by the commissioner for any number of vehicles titled in the name of the qualified
82 applicant who offers sufficient proof of being a retired member of the West Virginia State Police.
83 The division shall charge a special initial application fee of \$10 in addition to all other fees required
84 by this chapter. This special fee shall be collected by the division and deposited in the State Road
85 Fund.

§17A-3-14h. Special themed registration plates.

1 (a) The division may issue new special themed registration plates at the discretion of the
2 commissioner and may continue to issue any special themed registration plate authorized under

3 a prior enactment of §17A-3-14 of this code. The commissioner may discontinue the issuance or
4 renewal of a special registration plate issued or authorized under this section at any time.

5 (b) Unless otherwise provided in this section, the division shall charge an initial application
6 fee of \$10 and an annual fee of \$15 for each special themed registration plate in addition to all
7 other fees required by this chapter.

8 (c) The division may not issue any special themed registration plate pursuant to subsection
9 (a) of this section until at least 100 persons complete an application and deposit with the division
10 a check to cover the first year's basic registration fee, initial application fee, and annual fee.

11 (d) The division may issue special nongame wildlife registration plates and special wildlife
12 registration plates as follows:

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

17 (2) All annual fees collected pursuant to this section for nongame wildlife registration
18 plates and wildlife registration plates shall be deposited in a special revenue account designated
19 the Nongame Wildlife Fund and credited to the Division of Natural Resources under authority
20 granted in Article VI, Section 56 of The Constitution of West Virginia.

21 (3) All initial application fees collected by the division for nongame wildlife registration
22 plates and wildlife registration plates shall be deposited in the State Road Fund.

23 (e) Racing theme special registration plates:

24 (1) The division may issue a series of special registration plates displaying National
25 Association for Stock Car Auto Racing themes.

26 (2) An annual fee of \$25 shall be charged for each special racing theme registration plate
27 in addition to all other fees required by this chapter. All annual fees collected for each special
28 racing theme registration plate shall be deposited into the State Road Fund.

29 (3) A special application fee of \$10 shall be charged at the time of initial application as
30 well as upon application for any duplicate or replacement registration plate in addition to all other
31 fees required by this chapter. All application fees shall be deposited into the State Road Fund.

§17A-3-14i. Manufacturing of certain special registration plates; rulemaking.

1 (a) For all registration plates authorized pursuant to the provisions of §17A-3-14a, §17A-
2 3-14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g, and §17A-3-14h, the
3 division is not required to keep a stockpile of such plates, but may create a process for the
4 issuance of such plates by special order.

5 (b) The division may propose rules for legislative approval in accordance with the
6 provisions of §29A-3-1 *et seq.* of this code to administer the issuance of all special registration
7 plates authorized in this article.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.


Clerk of the Senate

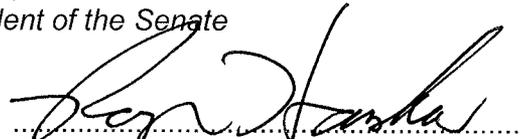

Clerk of the House of Delegates

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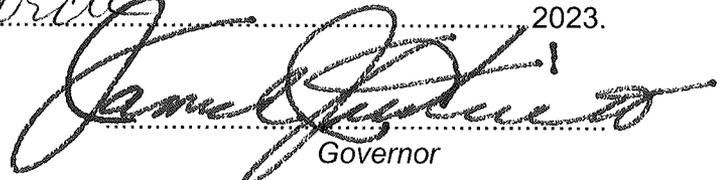
Originated in the Senate.

In effect 90 days from passage.


President of the Senate


Speaker of the House of Delegates

The within is approved this the 23rd
Day of March 2023.


Governor

PRESENTED TO THE GOVERNOR

MAR 10 2023

Time 2:00 pm