

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 263**

5 (SENATORS BEACH AND KLEMPA, *original sponsors*)

6 _____
7 [Passed March 18, 2011; in effect ninety days from passage.]
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9

10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §17A-6-10d, relating
12 to special plates for the testing of vehicles operated by
13 nonprofit corporations engaged in research and development of
14 motor vehicles, special fuels or equipment for motor vehicles;
15 requiring written records be kept; nonprofit corporations
16 issued a special plate are not required to comply with the
17 bond or dealer recovery fund otherwise required for that
18 vehicle; requiring vehicles to be insured; and exempting the
19 vehicles from safety inspections, but requiring the vehicles
20 to be safe.

21 *Be it enacted by the Legislature of West Virginia:*

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

25 **ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS;**

1 **SPECIAL PLATES; TEMPORARY PLATES OR MARKERS.**

2 **§17A-6-10d. Special plates for nonprofit corporations engaged in**
3 **research and development.**

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

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

23 (c) The commissioner, upon approving an application, may issue
24 without charge to the applicant, a certificate containing the
25 nonprofit corporation's name and address and its general

1 distinguishing number. The commissioner may also issue without
2 charge, a special plate or plates, as determined by the
3 commissioner as necessary, that must be displayed on the vehicle.

4 Each plate shall also contain a number or symbol distinguishing it
5 from other plates bearing the same general distinguishing number.

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

11 (e) This section does not apply to the use of any other
12 vehicles owned, leased or operated by the nonprofit corporation.

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

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

22 (h) Vehicles operated by a nonprofit corporation pursuant to
23 this section are exempt from the annual motor vehicle inspection
24 and the displaying of the certificate of inspection otherwise
25 required by article sixteen, chapter seventeen-c of this code.
26 However, a vehicle that has been issued a special plate pursuant to

1 this section must be safe and may not, in any manner, endanger the
2 driver, other vehicle occupants, other motorists, pedestrians or
3 the general public.