

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 263**

4 (By Senators Beach and Klempa)

5 _____
6 [Originating in the Committee on Transportation and
7 Infrastructure;
8 reported January 31, 2011.]
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11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new section, designated §17A-6-10d, relating
13 to special plates for the testing of vehicles operated by
14 nonprofit corporations engaged in research and development of
15 motor vehicles, special fuels or equipment for motor vehicles;
16 requiring written records be kept; prohibiting bonding;
17 requiring vehicles to be insured; and exempting the vehicles
18 from safety inspections, but requiring the vehicles to be
19 safe.

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

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

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

1 **§17A-6-10d. Special plates for nonprofit corporations engaged in**
2 **research and development.**

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

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

22 (c) The commissioner, upon approving an application, may issue
23 without charge to the applicant, a certificate containing the
24 nonprofit corporation's name and address and its general
25 distinguishing number. The commissioner may also issue without
26 charge, a special plate or plates, as determined by the

1 commissioner as necessary, that must be displayed on the vehicle.

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

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

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

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

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

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

1 the general public.

(NOTE: The purpose of this bill is to allow nonprofit research corporations affiliated with an institution of higher education with programs in the research and development of vehicles, special fuels or equipment for motor vehicles to operate vehicles that have been issued special plates on the roads. The bill requires written records to be kept. The bill provides that bonding is not required. The bill also requires the vehicles to be insured. The bill exempts the vehicles from safety inspections, but requires the vehicles to be safe.

§17A-6-10d is new; therefore, strike-throughs and underscoring have been omitted.)