

**H. B. 2327**

(By Delegate Miley)

[Introduced January 12, 2011; referred to the  
Committee on Roads and Transportation then the  
Judiciary.]

A BILL to amend and reenact §17A-3-23 of the Code of West Virginia,  
1931, as amended, relating to authorizing the Commissioner of  
the Division of Motor Vehicles to issue a limited number of  
Class A licenses to county prosecutors for vehicles to be used  
by investigators in the county prosecutor's offices for  
undercover purposes.

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

That §17A-3-23 of the Code of West Virginia, 1931, as amended,  
be amended and reenacted to read as follows:

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

**§17A-3-23. Registration plates to state, county, municipal and  
other governmental vehicles; use for undercover  
activities.**

(a) Any motor vehicle designed to carry passengers, owned or

1 leased by the State of West Virginia, or any of its departments,  
2 bureaus, commissions or institutions, except vehicles used by the  
3 Governor, Treasurer, three vehicles per elected office of the Board  
4 of Public Works, vehicles operated by the State Police, not to  
5 exceed five vehicles operated by the Office of the Secretary of  
6 Military Affairs and Public Safety, not to exceed five vehicles  
7 operated by the Division of Homeland Security and Emergency  
8 Management, vehicles operated by conservation officers of the  
9 Division of Natural Resources, not to exceed ten vehicles operated  
10 by the arson investigators of the Office of State Fire Marshal, not  
11 to exceed two vehicles operated by the Division of Protective  
12 Services, not to exceed sixteen vehicles operated by inspectors of  
13 the Office of the Alcohol Beverage Control Commissioner and vehicles  
14 operated by probation officers employed under the Supreme Court of  
15 Appeals may not be operated or driven by any person unless it has  
16 displayed and attached to the front thereof, in the same manner as  
17 regular motor vehicle registration plates are attached, a plate of  
18 the same size as the regular registration plate, with white  
19 lettering on a green background bearing the words "West Virginia"  
20 in one line and the words "State Car" in another line and the  
21 lettering for the words "State Car" shall be of sufficient size to  
22 be plainly readable from a distance of one hundred feet during  
23 daylight.

24 The vehicle shall also have attached to the rear a plate

1 bearing a number and any other words and figures as the Commissioner  
2 of Motor Vehicles shall prescribe. The rear plate shall also be  
3 green with the number in white.

4 (b) On registration plates issued to vehicles owned by  
5 counties, the color shall be white on red with the word "County" on  
6 top of the plate and the words "West Virginia" on the bottom. On  
7 any registration plates issued to a city or municipality, the color  
8 shall be white on blue with the word "City" on top and the words  
9 "West Virginia" on the bottom. ~~Provided, That after the thirty-~~  
10 ~~first day of December, two thousand six~~ Registration plates issued  
11 to a city or municipality law-enforcement department shall include  
12 blue lettering on a white background with the word "West Virginia"  
13 on top of the plate and shall be further designed by the  
14 commissioner to include a law-enforcement shield together with other  
15 insignia or lettering sufficient to identify the motor vehicle as  
16 a municipal law-enforcement department motor vehicle. The colors  
17 may not be reversed and shall be of reflectorized material. The  
18 registration plates issued to counties, municipalities and other  
19 governmental agencies authorized to receive colored plates hereunder  
20 shall be affixed to both the front and rear of the vehicles. Every  
21 municipality shall provide the commissioner with a list of law-  
22 enforcement vehicles operated by the law-enforcement department of  
23 the municipality, unless otherwise provided in this section. ~~and~~  
24 ~~a fee of ten dollars for each vehicle submitted by the first day of~~

1 ~~July, two thousand six~~

2 (c) Registration plates issued to vehicles operated by county  
3 sheriffs shall be designed by the commissioner in cooperation with  
4 the sheriffs' association with the word "Sheriff" on top of the  
5 plate and the words "West Virginia" on the bottom. The plate shall  
6 contain a gold shield representing the sheriff's star and a number  
7 assigned to that plate by the commissioner. Every county sheriff  
8 shall provide the commissioner with a list of vehicles operated by  
9 the sheriff, unless otherwise provided in this section. ~~and a fee~~  
10 ~~of ten dollars for each vehicle submitted by the first day of July,~~  
11 ~~two thousand two~~

12 (d) The commissioner is authorized to designate the colors and  
13 design of any other registration plates that are issued without  
14 charge to any other agency in accordance with the motor vehicle  
15 laws.

16 (e) Upon application, the commissioner is authorized to issue  
17 a maximum of five Class A license plates per applicant to be used  
18 by county sheriffs and municipalities on law-enforcement vehicles  
19 while engaged in undercover investigations.

20 (f) Upon application, the commissioner is authorized to issue  
21 a maximum of two Class A license plates to a county prosecutor, to  
22 be used on vehicles assigned to investigators within the prosecuting  
23 attorney's office while engaged in undercover operations.

24 ~~(f)~~ (g) The commissioner is authorized to issue an unlimited

1 number of license plates per applicant to authorized drug and  
2 violent crime task forces in the State of West Virginia when the  
3 chairperson of the control group of a drug and violent crime task  
4 force signs a written affidavit stating that the vehicle or vehicles  
5 for which the plates are being requested will be used only for  
6 official undercover work conducted by a drug and violent crime task  
7 force.

8       ~~(g)~~ (h) The commissioner is authorized to issue twenty Class  
9 A license plates to the Criminal Investigation Division of the  
10 Department of Revenue for use by its investigators.

11       ~~(h)~~ (i) The commissioner may issue a maximum of ten Class A  
12 license plates to the Division of Natural Resources for use by  
13 conservation officers. The commissioner shall designate the color  
14 and design of the registration plates to be displayed on the front  
15 and the rear of all other state-owned vehicles owned by the Division  
16 of Natural Resources and operated by conservation officers.

17       ~~(i)~~ (j) The commissioner is authorized to issue an unlimited  
18 number of Class A license plates to the Commission on Special  
19 Investigations for state-owned vehicles used for official undercover  
20 work conducted by the Commission on Special Investigations. The  
21 commissioner is authorized to issue a maximum of two Class A plates  
22 to the Division of Protective Services for state-owned vehicles used  
23 by the Division of Protective Services in fulfilling its mission.

24       ~~(j)~~ (k) No other registration plate may be issued for, or

1 attached to, any state-owned vehicle.

2 ~~(k)~~ (l) The Commissioner of Motor Vehicles shall have a  
3 sufficient number of both front and rear plates produced to attach  
4 to all state-owned cars. The numbered registration plates for the  
5 vehicles shall start with the number "five hundred" and the  
6 commissioner shall issue consecutive numbers for all state-owned  
7 cars.

8 ~~(i)~~ (m) It is the duty of each office, department, bureau,  
9 commission or institution furnished any vehicle to have plates as  
10 described herein affixed thereto prior to the operation of the  
11 vehicle by any official or employee.

12 ~~(m)~~ (n) The commissioner may issue special registration plates  
13 for motor vehicles titled in the name of the Division of Public  
14 Transit or in the name of a public transit authority as defined in  
15 this subsection and operated by a public transit authority or a  
16 public transit provider to transport persons in the public interest.  
17 For purposes of this subsection, "public transit authority" means  
18 an urban mass transportation authority created pursuant to the  
19 provisions of article twenty-seven, chapter eight of this code or  
20 a nonprofit entity exempt from federal and state income taxes under  
21 the Internal Revenue Code and whose purpose is to provide mass  
22 transportation to the public at large. The special registration  
23 plate shall be designed by the commissioner and shall display the  
24 words "public transit" or words or letters of similar effect to

1 indicate the public purpose of the use of the vehicle. The special  
2 registration plate shall be issued without charge.

3 ~~(n)~~ (o) Any person who violates the provisions of this section  
4 is guilty of a misdemeanor and, upon conviction thereof, shall be  
5 fined not less than \$50 nor more than \$100. Magistrates have  
6 concurrent jurisdiction with circuit courts for the enforcement of  
7 this section.

NOTE: The purpose of this bill is to authorize the Commissioner of the Division of Motor Vehicles to issue a limited number of license plates to county prosecutors for use on vehicles used by investigators to conduct undercover operations.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.