

1
2
3
4
5
6
7
8
9

H. B. 4286

(By Delegates Staggers, L. Phillips)

[By Request of the Division of Motor Vehicles]

[Introduced January 25, 2012; referred to the
Committee on Roads and Transportation then Finance.]

**FISCAL
NOTE**

10 A BILL to amend and reenact §17A-3-23 of the Code of West Virginia,
11 1931, as amended, relating to registration plates to state,
12 county, municipal and other governmental vehicles;
13 authorizing the Commissioner of the Division of Motor Vehicles
14 to issue no more than five Class A registration plates to the
15 division for vehicles to be used by investigators for
16 commercial driver examination fraud investigation and driver's
17 license issuance fraud detection and fraud prevention;
18 authorizing the commissioner to issue Class A registration
19 plates to Medicaid Fraud Control Unit and the West Virginia
20 Insurance Fraud Unit; deleting an outdated requirement; and
21 providing penalties.

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

23 That §17A-3-23 of the Code of West Virginia, 1931, as amended,

1 be amended and reenacted to read as follows:

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

4 **§17A-3-23. Registration plates to state, county, municipal and**
5 **other governmental vehicles; use for undercover**
6 **activities.**

7 (a) Any motor vehicle designed to carry passengers, owned or
8 leased by the State of West Virginia, or any of its departments,
9 bureaus, commissions or institutions, except vehicles used by the
10 Governor, Treasurer, three vehicles per elected office of the board
11 of Public Works, vehicles operated by the State Police, not to
12 exceed five vehicles operated by the office of the Secretary of
13 Military Affairs and Public Safety, not to exceed five vehicles
14 operated by the Division of Homeland Security and Emergency
15 Management, vehicles operated by natural resources police officers
16 of the Division of Natural Resources, not to exceed ten vehicles
17 operated by the arson investigators of the office of State Fire
18 Marshal, not to exceed two vehicles operated by the Division of
19 Protective Services, not to exceed sixteen vehicles operated by
20 inspectors of the office of the Alcohol Beverage Control
21 Commissioner and vehicles operated by probation officers employed
22 under the Supreme Court of Appeals may not be operated or driven by

1 any person unless it has displayed and attached to the front
2 thereof, in the same manner as regular motor vehicle registration
3 plates are attached, a plate of the same size as the regular
4 registration plate, with white lettering on a green background
5 bearing the words "West Virginia" in one line and the words "State
6 Car" in another line and the lettering for the words "State Car"
7 shall be of sufficient size to be plainly readable from a distance
8 of one hundred feet during daylight.

9 The vehicle shall also have attached to the rear a plate
10 bearing a number and any other words and figures as the
11 Commissioner of Motor Vehicles shall prescribe. The rear plate
12 shall also be green with the number in white.

13 (b) ~~On registration~~ Registration plates issued to vehicles
14 owned by counties, the color shall be white on red with the word
15 "County" on top of the plate and the words "West Virginia" on the
16 bottom.

17 (c) ~~On any registration~~ Registration plates issued to a city
18 or municipality, the color shall be white on blue with the word
19 "City" on top and the words "West Virginia" on the bottom.

20 (d) ~~Provided, That after December 31, 2006, registration~~
21 Registration plates issued to a city or municipality law-
22 enforcement department shall include blue lettering on a white
23 background with the word "West Virginia" on top of the plate and

1 shall be further designed by the commissioner to include a law-
2 enforcement shield together with other insignia or lettering
3 sufficient to identify the motor vehicle as a municipal law-
4 enforcement department motor vehicle. The colors may not be
5 reversed and shall be of reflectorized material. The registration
6 plates issued to counties, municipalities and other governmental
7 agencies authorized to receive colored plates hereunder shall be
8 affixed to both the front and rear of the vehicles. ~~Every~~
9 ~~municipality shall provide the commissioner with a list of law-~~
10 ~~enforcement vehicles operated by the law enforcement department of~~
11 ~~the municipality, unless otherwise provided in this section, and a~~
12 ~~fee of \$10 for each vehicle submitted by July 1, 2006.~~

13 ~~(c)~~ (e) Registration plates issued to vehicles operated by
14 county sheriffs shall be designed by the commissioner in
15 cooperation with the sheriffs' association with the word "Sheriff"
16 on top of the plate and the words "West Virginia" on the bottom.
17 The plate shall contain a gold shield representing the sheriff's
18 star and a number assigned to that plate by the commissioner.
19 Every county sheriff shall provide the commissioner with a list of
20 vehicles operated by the sheriff, unless otherwise provided in this
21 section, and a fee of \$10 for each vehicle submitted by July 1,
22 2002.

23 ~~(d)~~ (f) The commissioner is authorized to designate the colors

1 and design of any other registration plates that are issued without
2 charge to any other agency in accordance with the motor vehicle
3 laws.

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

8 (h) The commissioner is authorized to issue a maximum of five
9 Class A license plates to be used on vehicles assigned to the
10 Division of Motor Vehicle investigators for commercial driver
11 examination fraud investigation and driver's license issuance fraud
12 detection and fraud prevention.

13 ~~(f)~~ (I) The commissioner is authorized to issue an unlimited
14 number of license plates per applicant to authorized drug and
15 violent crime task forces in the State of West Virginia when the
16 chairperson of the control group of a drug and violent crime task
17 force signs a written affidavit stating that the vehicle or
18 vehicles for which the plates are being requested will be used only
19 for official undercover work conducted by a drug and violent crime
20 task force.

21 ~~(g)~~ (j) The commissioner is authorized to issue twenty Class
22 A license plates to the Criminal Investigation Division of the
23 Department of Revenue for use by its investigators.

1 ~~(h)~~ (k) The commissioner may issue a maximum of ten Class A
2 license plates to the Division of Natural Resources for use by
3 natural resources police officers. The commissioner shall
4 designate the color and design of the registration plates to be
5 displayed on the front and the rear of all other state-owned
6 vehicles owned by the Division of Natural Resources and operated by
7 natural resources police officers.

8 ~~(I)~~ (l) The commissioner is authorized to issue an unlimited
9 number of Class A license plates to the Commission on Special
10 Investigations for state-owned vehicles used for official
11 undercover work conducted by the Commission on Special
12 Investigations.

13 (m) The commissioner is authorized to issue a maximum of two
14 Class A plates to the Division of Protective Services for state-
15 owned vehicles used by the Division of Protective Services in
16 fulfilling its mission.

17 (n) The commissioner is authorized to issue Class A
18 registration plates for vehicles used by the Medicaid Fraud Control
19 Unit created by section seven, article seven, chapter nine of this
20 code.

21 (o) The commissioner is authorized to issue Class A
22 registration plates for vehicles used by the West Virginia
23 Insurance Fraud Unit created by section eight, article forty-one,

1 chapter thirty-three of this code.

2 ~~(j)~~ (p) No other registration plate may be issued for, or
3 attached to, any state-owned vehicle.

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

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

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

1 to provide mass transportation to the public at large. The special
2 registration plate shall be designed by the commissioner and shall
3 display the words "public transit" or words or letters of similar
4 effect to indicate the public purpose of the use of the vehicle.
5 The special registration plate shall be issued without charge.

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

NOTE: The purpose of this bill is to authorize the Commissioner of the Division of Motor Vehicles to issue no more than five Class A registration plates to the division for vehicles to be used by investigators for commercial driver examination fraud investigation and driver's license issuance fraud detection and fraud prevention. The bill authorizes the commissioner to issue Class A registration plates to Medicaid Fraud Control Unit and the West Virginia Insurance Fraud Unit. The bill deletes the outdated requirement that municipalities provide the commissioner with lists of vehicles used by their law-enforcement departments. The bill also provides for penalties.

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