

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 284

BY SENATORS BLAIR AND MARONEY

[Introduced February 14, 2017; Referred
to the Committee on Government Organization]

1 A BILL to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating
 2 to the issuance of registration plates by the Division of Motor Vehicles for governmental
 3 vehicles; clarifying vehicles which are entitled to special registration plates as a public
 4 transit authority or provider; requiring the Commissioner of the Division of Motor Vehicles
 5 to identify certain registrations and plates issued; and requiring the Commissioner of the
 6 Division of Motor Vehicles to report to the Governor and Joint Committee on Government
 7 Organization.

Be it enacted by the Legislature of West Virginia:

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

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

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

1 (a) Any motor vehicle designed to carry passengers, owned or leased by the State of West
 2 Virginia, or any of its departments, bureaus, commissions or institutions, except vehicles used by
 3 the Governor, Treasurer, three vehicles per elected office of the board of Public Works, vehicles
 4 operated by the State Police, not to exceed five vehicles operated by the Office of the Secretary
 5 of Military Affairs and Public Safety, not to exceed five vehicles operated by the Division of
 6 Homeland Security and Emergency Management, vehicles operated by natural resources police
 7 officers of the Division of Natural Resources, not to exceed ten vehicles operated by the arson
 8 investigators of the Office of State Fire Marshal, not to exceed two vehicles operated by the
 9 Division of Protective Services, not to exceed sixteen vehicles operated by inspectors of the Office
 10 of the Alcohol Beverage Control Commissioner, vehicles operated by the West Virginia Wing of
 11 the Civil Air Patrol and vehicles operated by probation officers employed under the Supreme Court

12 of Appeals may not be operated or driven by any person unless it has displayed and attached to
13 the front thereof, in the same manner as regular motor vehicle registration plates are attached, a
14 plate of the same size as the regular registration plate, with white lettering on a green background
15 bearing the words "West Virginia" in one line and the words "State Car" in another line and the
16 lettering for the words "State Car" shall be of sufficient size to be plainly readable from a distance
17 of one hundred feet during daylight.

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

21 (b) Registration plates issued to vehicles owned by counties shall be white on red with the
22 word "County" on top of the plate and the words "West Virginia" on the bottom.

23 (c) Registration plates issued to a city or municipality shall be white on blue with the word
24 "City" on top and the words "West Virginia" on the bottom.

25 (d) Registration plates issued to a city or municipality law-enforcement department shall
26 include blue lettering on a white background with the words "West Virginia" on top of the plate
27 and shall be further designed by the commissioner to include a law-enforcement shield together
28 with other insignia or lettering sufficient to identify the motor vehicle as a municipal law-
29 enforcement department motor vehicle. The colors may not be reversed and shall be of
30 reflectorized material. The registration plates issued to counties, municipalities and other
31 governmental agencies authorized to receive colored plates hereunder shall be affixed to both
32 the front and rear of the vehicles.

33 (e) (1) Registration plates issued to vehicles operated by county sheriffs shall be designed
34 by the commissioner in cooperation with the sheriffs' association with the word "Sheriff" on top of
35 the plate and the words "West Virginia" on the bottom. The plate shall contain a gold shield
36 representing the sheriff's star and a number assigned to that plate by the commissioner. Every
37 county sheriff shall provide the commissioner with a list of vehicles operated by the sheriff, unless

38 otherwise provided in this section, and a fee of \$10 for each vehicle submitted by July 1, 2002.

39 (2) Registration plates issued to vehicles operated by the West Virginia Wing of the Civil
40 Air Patrol shall be designed by the commissioner in cooperation with the Civil Air Patrol and
41 include the words "Civil Air Patrol" on the plate. The Civil Air Patrol shall provide the commissioner
42 with a list of vehicles operated by the Civil Air Patrol, unless otherwise provided in this section,
43 and a fee of \$10 for each new vehicle for which a Civil Air Patrol license plate is requested.

44 (f) The commissioner is authorized to designate the colors and design of any other
45 registration plates that are issued without charge to any other agency in accordance with the
46 motor vehicle laws.

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

50 (h) The commissioner is authorized to issue a maximum of five Class A license plates to
51 be used on vehicles assigned to the Division of Motor Vehicles investigators for commercial driver
52 examination fraud investigation and driver's license issuance fraud detection and fraud
53 prevention.

54 (i) The commissioner is authorized to issue an unlimited number of license plates per
55 applicant to authorized drug and violent crime task forces in the State of West Virginia when the
56 chairperson of the control group of a drug and violent crime task force signs a written affidavit
57 stating that the vehicle or vehicles for which the plates are being requested will be used only for
58 official undercover work conducted by a drug and violent crime task force.

59 (j) The commissioner is authorized to issue twenty Class A license plates to the Criminal
60 Investigation Division of the Department of Revenue for use by its investigators.

61 (k) The commissioner may issue a maximum of ten Class A license plates to the Division
62 of Natural Resources for use by natural resources police officers. The commissioner shall
63 designate the color and design of the registration plates to be displayed on the front and the rear

64 of all other state-owned vehicles owned by the Division of Natural Resources and operated by
65 natural resources police officers.

66 (l) The commissioner is authorized to issue an unlimited number of Class A license plates
67 to the Commission on Special Investigations for state-owned vehicles used for official undercover
68 work conducted by the Commission on Special Investigations.

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

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

75 (o) The commissioner is authorized to issue Class A registration plates for vehicles used
76 by the West Virginia Insurance Fraud Unit created by section eight, article forty-one, chapter thirty-
77 three of this code.

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

79 (q) The Commissioner of Motor Vehicles shall have a sufficient number of both front and
80 rear plates produced to attach to all state-owned cars. The numbered registration plates for the
81 vehicles shall start with the number five hundred and the commissioner shall issue consecutive
82 numbers for all state-owned cars.

83 (r) It is the duty of each office, department, bureau, commission or institution furnished
84 any vehicle to have plates as described herein affixed thereto prior to the operation of the vehicle
85 by any official or employee.

86 (s) The commissioner may issue special registration plates for motor vehicles titled in the
87 name of the Division of Public Transit or in the name of a public transit authority as defined in this
88 subsection and operated by a public transit authority. ~~or a public transit provider to transport~~
89 ~~persons in the public interest~~ For purposes of this subsection, "public transit authority" means an

90 urban mass transportation authority created pursuant to the provisions of article twenty-seven,
91 chapter eight of this code. ~~or a nonprofit entity exempt from federal and state income taxes under~~
92 ~~the Internal Revenue Code and whose purpose is to provide mass transportation to the public at~~
93 ~~large~~ The special registration plate shall be designed by the commissioner and shall display the
94 words "public transit" or words or letters of similar effect to indicate the public purpose of the use
95 of the vehicle. The special registration plate shall be issued without charge.

96 (t) Prior to December 31, 2017, the commissioner shall identify any and all registrations,
97 registration plates, and special registration plates issued pursuant to this section. On or before
98 December 31, 2017, the commissioner shall, in accordance with article nine of this chapter,
99 revoke the registration and plate issued to any vehicle pursuant to this section that does not
100 currently meet the qualifications of the section.

101 (u) On or before January 31, 2018, the commissioner shall submit to the Governor and
102 the Joint Committee on Government and Finance a report which includes a detailing of actions
103 taken pursuant to this subsection (t), identifies all registrations and plates issued pursuant to this
104 section, and identifies all registrations and plates revoked pursuant to subdivision (t).

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

NOTE: The purpose of this bill is to require an accounting of all registration plates issued to government entities, and to require the revocation of all registrations and plates issued erroneously.

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