

HB 2598

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997



ENROLLED

HOUSE BILL No. 2598

(By Delegate Mr. Speaker, Mr. Kiss, and Ashley
[By Request of the Executive])



Passed April 12, 1997

In Effect Ninety Days From Passage

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COMMITTEE SUBSTITUTE

FOR

H. B. 2598

(BY MR. SPEAKER, MR. KISS, AND DELEGATE ASHLEY)
[BY REQUEST OF THE EXECUTIVE]

[Passed April 12, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact section fourteen, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the issuance of specialized registration plates to members of certain military organizations and members of the silver haired legislature; and requiring the issuance of specialized registration plates displaying a species of nongame wildlife native to West Virginia; design of insignia; application for plates; requirements for issuance; fees for issuance; and disposition of fees; proposal of legislative rules.

Be it enacted by the Legislature of West Virginia:

That section fourteen, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

§17A-3-14. Registration plates generally; description of plates; issuance of special numbers and plates; registration fees; special application

fees; exemptions; commissioner to promulgate forms; suspension and nonrenewal.

1 (a) The division upon registering a vehicle shall issue
2 to the owner one registration plate for a motorcycle,
3 trailer, semitrailer or other motor vehicle.

4 (b) Registration plates issued by the division shall
5 meet the following requirements:

6 (1) Every registration plate shall be of reflectorized
7 material and have displayed upon it the registration
8 number assigned to the vehicle for which it is issued; the
9 name of this state, which may be abbreviated; and the year
10 number for which it is issued or the date of expiration of
11 the plate.

12 (2) Every registration plate and the required letters
13 and numerals on the plate shall be of sufficient size to be
14 plainly readable from a distance of one hundred feet
15 during daylight: *Provided*, That the requirements of this
16 subdivision shall not apply to the year number for which
17 the plate is issued or the date of expiration.

18 (3) Registration numbering for registration plates shall
19 begin with number two.

20 (c) The division may not issue, permit to be issued or
21 distribute any special registration plates except as follows:

22 (1) The governor shall be issued two registration
23 plates, on one of which shall be imprinted the numeral one
24 and on the other the word one.

25 (2) State officials and judges may be issued special
26 registration plates as follows:

27 (A) Upon appropriate application, there shall be issued
28 to the secretary of state, state superintendent of schools,
29 auditor, treasurer, commissioner of agriculture and the
30 attorney general, the members of both houses of the
31 Legislature, including the elected officials thereof, the
32 justices of the supreme court of appeals of West Virginia,
33 the representatives and senators of the state in the
34 Congress of the United States, the judges of the United
35 States district courts for the state of West Virginia and the

36 judges of the United States court of appeals for the fourth
37 circuit, if any of the judges are residents of West Virginia,
38 a special registration plate for a Class A motor vehicle
39 owned by the official or his or her spouse: *Provided*, That
40 the division may not issue more than two plates for each
41 official.

42 (B) Each plate issued pursuant to this subdivision shall
43 bear any combination of letters and numbers not to
44 exceed an amount determined by the commissioner and a
45 designation of the office. Each plate shall supersede the
46 regular numbered plate assigned to the official or his or
47 her spouse during the official's term of office and while
48 the motor vehicle is owned by the official or his or her
49 spouse.

50 (C) An annual fee of fifteen dollars shall be charged
51 for every registration plate issued pursuant to this
52 subdivision, which is in addition to all other fees required
53 by this chapter.

54 (3) Members of the national guard forces may be
55 issued special registration plates as follows:

56 (A) Upon receipt of an application on a form
57 prescribed by the division and receipt of written evidence
58 from the chief executive officer of the army national
59 guard or air national guard, as appropriate, or the
60 commanding officer of any United States armed forces
61 reserve unit that the applicant is a member thereof, the
62 division shall issue to any member of the national guard
63 of this state or a member of any reserve unit of the United
64 States armed forces a special registration plate designed by
65 the commissioner for any number of Class A motor
66 vehicles owned by the member.

67 (B) An initial application fee of ten dollars shall be
68 charged for each special registration plate issued pursuant
69 to this subdivision, which is in addition to all other fees
70 required by this chapter. All initial application fees
71 collected by the division shall be deposited into a special
72 revolving fund to be used in the administration of this
73 section.

74 (C) A surviving spouse may continue to use his or her
75 deceased spouse's national guard forces license plate until
76 the surviving spouse dies, remarries or does not renew the
77 license plate.

78 (4) Specially arranged registration plates may be
79 issued as follows:

80 (A) Upon appropriate application, any owner of a
81 motor vehicle subject to Class A registration, or a
82 motorcycle subject to Class G registration, as defined by
83 this article, may request that the division issue a
84 registration plate bearing specially arranged letters or
85 numbers with the maximum number of letters or numbers
86 to be determined by the commissioner. The division shall
87 attempt to comply with the request wherever possible.

88 (B) The commissioner shall propose rules for
89 legislative approval in accordance with the provisions of
90 chapter twenty-nine-a of this code regarding the orderly
91 distribution of the plates: *Provided*, That for purposes of
92 this subdivision, the registration plates requested and
93 issued shall include all plates bearing the numbers two
94 through two thousand.

95 (C) An annual fee of fifteen dollars shall be charged
96 for each special registration plate issued pursuant to this
97 subdivision, which is in addition to all other fees required
98 by this chapter.

99 (5) Honorably discharged veterans may be issued
100 special registration plates as follows:

101 (A) Upon appropriate application, there shall be issued
102 to any honorably discharged veteran, of any branch of the
103 armed services of the United States, a special registration
104 plate for any number of vehicles titled in the name of the
105 qualified applicant with an insignia designed by the
106 commissioner of the division of motor vehicles.

107 (B) A special initial application fee of ten dollars shall
108 be charged in addition to all other fees required by law.
109 This special fee is to compensate the division of motor
110 vehicles for additional costs and services required in the
111 issuing of the special registration and shall be collected by

112 the division and deposited in a special revolving fund to
113 be used for the administration of this section: *Provided,*
114 That nothing in this section may be construed to exempt
115 any veteran from any other provision of this chapter.

116 (C) A surviving spouse may continue to use his or her
117 deceased spouse's honorably discharged veterans license
118 plate until the surviving spouse dies, remarries or does not
119 renew the license plate.

120 (6) Disabled veterans may be issued special
121 registration plates as follows:

122 (A) Upon appropriate application, there shall be issued
123 to any disabled veteran, who is exempt from the payment
124 of registration fees under the provisions of this chapter, a
125 registration plate for a vehicle titled in the name of the
126 qualified applicant which bears the letters "DV" in red
127 and also the regular identification numerals in red.

128 (B) A surviving spouse may continue to use his or her
129 deceased spouse's disabled veterans license plate until the
130 surviving spouse dies, remarries or does not renew the
131 license plate.

132 (C) A qualified disabled veteran may obtain a second
133 disabled veteran license plate as described in this section
134 for use on a passenger vehicle titled in the name of the
135 qualified applicant. An annual fee of fifteen dollars, in
136 addition to all other fees required by this chapter, shall be
137 charged for the second plate.

138 (7) Recipients of the distinguished purple heart medal
139 may be issued special registration plates as follows:

140 (A) Upon appropriate application, there shall be issued
141 to any armed service person holding the distinguished
142 purple heart medal for persons wounded in combat a
143 registration plate for a vehicle titled in the name of the
144 qualified applicant bearing letters or numbers. The
145 registration plate shall be designed by the commissioner
146 of motor vehicles and shall denote that those individuals
147 who are granted this special registration plate are

149 recipients of the purple heart. All letterings shall be in
150 purple where practical.

151 (B) Registration plates issued pursuant to this
152 subdivision are exempt from all registration fees otherwise
153 required by the provisions of this chapter.

154 (C) A surviving spouse may continue to use his or her
155 deceased spouse's purple heart medal license plate until
156 the surviving spouse dies, remarries or does not renew the
157 license plate.

158 (D) A recipient of the purple heart medal may obtain
159 a second purple heart medal license plate as described in
160 this section for use on a passenger vehicle titled in the
161 name of the qualified applicant. An annual fee of fifteen
162 dollars, in addition to all other fees required by this
163 chapter, shall be charged for the second plate.

164 (8) Survivors of the attack on Pearl Harbor may be
165 issued special registration plates as follows:

166 (A) Upon appropriate application, the owner of a
167 motor vehicle who was enlisted in any branch of the
168 armed services that participated in and survived the attack
169 on Pearl Harbor on the seventh day of December, one
170 thousand nine hundred forty-one, shall be issued a special
171 registration plate for a vehicle titled in the name of the
172 qualified applicant. The registration plate shall be
173 designed by the commissioner of motor vehicles.

174 (B) Registration plates issued pursuant to this
175 subdivision are exempt from the payment of all
176 registration fees otherwise required by the provisions of
177 this chapter.

178 (C) A surviving spouse may continue to use his or her
179 deceased spouse's survivors of the attack on Pearl Harbor
180 license plate until the surviving spouse dies, remarries or
181 does not renew the license plate.

182 (D) A survivor of the attack on Pearl Harbor may
183 obtain a second survivors of the attack on Pearl Harbor
184 license plate as described in this section for use on a
185 passenger vehicle titled in the name of the qualified

186 applicant. An annual fee of fifteen dollars, in addition to
187 all other fees required by this chapter, shall be charged for
188 the second plate.

189 (9) Nonprofit charitable and educational organizations
190 may be issued special registration plates as follows:

191 (A) Nonprofit charitable and educational organ-
192 izations may design a logo or emblem for inclusion on a
193 special registration plate and submit the logo or emblem
194 to the commissioner for approval and authorization.
195 Upon the approval and authorization, the nonprofit
196 charitable and educational organizations may market the
197 special registration plate to organization members and the
198 general public.

199 (B) Approved nonprofit charitable and educational
200 organizations may accept and collect applications for
201 special registration plates from owners of Class A motor
202 vehicles together with a special annual fee of fifteen
203 dollars, which is in addition to all other fees required by
204 this chapter. The applications and fees shall be submitted
205 to the division of motor vehicles with the request that the
206 division issue a registration plate bearing a combination of
207 letters or numbers with the organizations' logo or
208 emblem, with the maximum number of letters or numbers
209 to be determined by the commissioner.

210 (C) The commissioner shall propose rules for
211 legislative approval in accordance with the provisions of
212 chapter twenty-nine-a of this code regarding the
213 procedures for and approval of special registration plates
214 issued pursuant to this subdivision.

215 (D) The commissioner shall set an appropriate fee to
216 defray the administrative costs associated with designing
217 and manufacturing special registration plates for a
218 nonprofit charitable or educational organization. The
219 nonprofit charitable or educational organization shall
220 collect this fee and forward it to the division for deposit in
221 a special revolving fund to pay the administrative costs.
222 The nonprofit charitable or educational organization may
223 also collect a fee for marketing the special registration
224 plates.

225 (10) Specified emergency or volunteer registration
226 plates may be issued as follows:

227 (A) Any owner of a motor vehicle who is a resident of
228 the state of West Virginia and who is a certified paramedic
229 or emergency medical technician, a member of a
230 volunteer fire company or a paid fire department, a
231 member of the state fire commission, the state fire marshal,
232 the state fire marshal's assistants, the state fire
233 administrator and voluntary rescue squad members may
234 apply for a special license plate for any number of Class A
235 vehicles titled in the name of the qualified applicant which
236 bears the insignia of the profession, group or commission.
237 Any insignia shall be designed by the commissioner.
238 License plates issued pursuant to this subdivision shall
239 bear the requested insignia in addition to the registration
240 number issued to the applicant pursuant to the provisions
241 of this article.

242 (B) Each application submitted pursuant to this
243 subdivision shall be accompanied by an affidavit signed
244 by the fire chief or department head of the applicant
245 stating that the applicant is justified in having a
246 registration with the requested insignia; proof of
247 compliance with all laws of this state regarding registration
248 and licensure of motor vehicles; and payment of all
249 required fees.

250 (C) Each application submitted pursuant to this
251 subdivision shall be accompanied by payment of a special
252 initial application fee of ten dollars, which is in addition to
253 any other registration or license fee required by this
254 chapter. All special fees shall be collected by the division
255 and deposited into a special revolving fund to be used for
256 the purpose of compensating the division of motor
257 vehicles for additional costs and services required in the
258 issuing of the special registration and for the
259 administration of this section.

260 (11) Special scenic registration plates:

261 (A) Upon appropriate application, the commissioner
262 shall issue a special registration plate displaying a scenic
263 design of West Virginia no later than the first day of

264 January, one thousand nine hundred ninety-six. This
265 special plate shall display the words "Wild Wonderful" as
266 a slogan.

267 (B) A special one-time initial application fee of ten
268 dollars shall be charged in addition to all other fees
269 required by this chapter. All initial application fees
270 collected by the division shall be deposited into a special
271 revolving fund to be used in the administration of this
272 chapter.

273 (12) Honorably discharged marine corps league
274 members may be issued special registration plates as
275 follows:

276 (A) Upon appropriate application, there shall be issued
277 to any honorably discharged marine corps league
278 member, a special registration plate for any number of
279 vehicles titled in the name of the qualified applicant with
280 an insignia designed by the commissioner of the division
281 of motor vehicles.

282 (B) A special one-time initial application fee of ten
283 dollars shall be charged in addition to all other fees
284 required by this chapter. This special fee is to compensate
285 the division of motor vehicles for additional costs and
286 services required in the issuing of the special registration
287 and shall be collected by the division and deposited in a
288 special revolving fund to be used for the administration of
289 this section: *Provided*, That nothing in this section may
290 be construed to exempt any veteran from any other
291 provision of this chapter.

292 (C) A surviving spouse may continue to use his or her
293 deceased spouse's honorably discharged marine corps
294 league license plate until the surviving spouse dies,
295 remarries or does not renew the license plate.

296 (13) Military organization registration plates:

297 (A) The division may issue a special registration plate
298 for the members of any military organization chartered by
299 the United States Congress upon receipt of a guarantee
300 from such organization of a minimum of one hundred

300 applicants. The insignia on the plate shall be designed by
301 the commissioner.

302 (B) Upon appropriate application, members of the
303 chartered organization in good standing, as determined by
304 the governing body of the chartered organization, may be
305 issued a special registration plate for any number of
306 vehicles titled in the name of the qualified applicant.

307 (C) A special one-time initial application fee of ten
308 dollars shall be charged for each special licence plate in
309 addition to all other fees required by this chapter. All
310 initial application fees collected by the division shall be
311 deposited into a special revolving fund to be used in the
312 administration of this chapter: *Provided*, That nothing in
313 this section may be construed to exempt any veteran from
314 any other provision of this chapter.

315 (D) A surviving spouse may continue to use his or her
316 deceased spouse's military organization registration plate
317 until the surviving spouse dies, remarries or does not
318 renew the special military organization registration plate.

319 (14) Special nongame wildlife registration plates:

320 (A) Upon appropriate application, the division shall
321 issue a special registration plate displaying a species of
322 West Virginia nongame wildlife no later than the first day
323 of January, one thousand nine hundred ninety-eight. This
324 special plate shall display a species of nongame wildlife
325 native to West Virginia as prescribed and designated by
326 the commissioner and the director of the division of
327 natural resources.

328 (B) An annual fee of fifteen dollars shall be charged
329 for each special nongame wildlife registration plate in
330 addition to all other fees required by this chapter. All
331 annual fees collected for nongame wildlife registration
332 plates shall be deposited in a special revenue account
333 designated the nongame wildlife fund and credited to the
334 division of natural resources.

335 (C) A special one-time initial application fee of ten
336 dollars shall be charged in addition to all other fees
337 required by this chapter. All initial application fees

339 collected by the division shall be deposited in a special
340 revolving fund to be used in the administration of this
341 chapter.

342 (15) Members of the silver haired legislature may be
343 issued special registration plates as follows:

344 (A) Upon appropriate application, there shall be issued
345 to any person who is a duly qualified member of the silver
346 haired legislature a specialized registration plate which
347 bears recognition of the applicant as a member of the
348 silver haired legislature.

349 (B) A qualified member of the silver haired legislature
350 may obtain one registration plate described in this
351 subdivision for use on a passenger vehicle titled in the
352 name of the qualified applicant. An annual fee of fifteen
353 dollars, in addition to all other fees required by this
354 chapter, shall be charged for the plate. All annual fees
355 collected by the division shall be deposited in a special
356 revolving fund to be used in the administration of this
357 chapter.

358 (d) The commissioner shall propose rules for
359 legislative approval in accordance with the provisions of
360 chapter twenty-nine-a of this code regarding the proper
361 forms to be used in making application for the special
362 license plates authorized by this section.

363 (e) (1) Nothing in this section may be construed to
364 require a charge for a free prisoner of war license plate or
365 a free recipient of the congressional medal of honor
366 license plate for a vehicle titled in the name of the
367 qualified applicant as authorized by other provisions of
368 this code.

369 (2) A surviving spouse may continue to use his or her
370 deceased spouse's prisoner of war or congressional medal
371 of honor license plate until the surviving spouse dies,
372 remarries or does not renew the license plate.

373 (3) Qualified former prisoners of war and recipients of
374 the congressional medal of honor may obtain a second
375 special registration plate for use on a passenger vehicle
376 titled in the name of the qualified applicant. An annual

377 fee of fifteen dollars, in addition to all other fees required
378 by this chapter, shall be charged for the second special
379 plate.

380 (f) Special ten-year registration plates may be issued
381 as follows:

382 (1) The commissioner may issue or renew for a period
383 of no more than ten years any registration plate exempted
384 from registration fees pursuant to any provision of this
385 code or any restricted use antique motor vehicle license
386 plate authorized by section three-a, article ten of this
387 chapter: *Provided*, That the provisions of this subsection
388 do not apply to any person who has had a special
389 registration suspended for failure to maintain motor
390 vehicle liability insurance as required by section three,
391 article two-a, chapter seventeen-d of this code or failure to
392 pay personal property taxes as required by section three-a
393 of this article.

394 (2) An initial nonrefundable fee shall be charged for
395 each special registration plate issued pursuant to this
396 subsection, which is the total amount of fees required by
397 section fifteen, article ten of this chapter, section three,
398 article three of this chapter or section three-a, article ten of
399 this chapter for the period requested.

400 (g) The provisions of this section may not be
401 construed to exempt any registrant from maintaining
402 motor vehicle liability insurance as required by section
403 three, article two-a, chapter seventeen-d of this code or
404 from paying personal property taxes on any motor vehicle
405 as required by section three-a of this article.

406 (h) The commissioner may, in his or her discretion,
407 issue a registration plate of reflectorized material suitable
408 for permanent use on motor vehicles, trailers and
409 semitrailers, together with appropriate devices to be
410 attached thereto to indicate the year for which the vehicles
411 have been properly registered or the date of expiration of
412 the registration. The design and expiration of the plates
413 shall be determined by the commissioner.

414 (i) Any license plate issued or renewed pursuant to this
415 chapter, which is paid for by a check that is returned for
416 nonsufficient funds, is void without further notice to the
417 applicant. The applicant may not reinstate the registration
418 until the returned check is paid by the applicant in cash,
419 money order or certified check and all applicable fees
420 assessed as a result thereof have been paid.

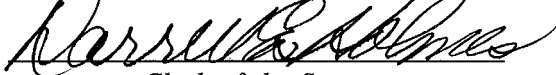
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

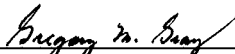

Chairman Senate Committee

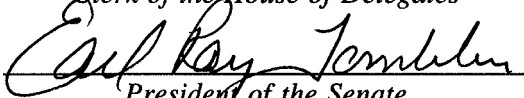

Chairman House Committee

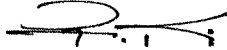
Originating in the House.

Takes effect ninety days from passage.


Clerk of the Senate

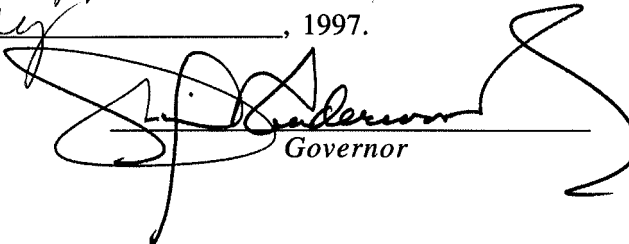

Clerk of the House of Delegates


President of the Senate



Speaker of the House of Delegates

The within is approved this the 18th
day of May, 1997.


Governor

PRESENTED TO THE

GOVERNOR

Date 4/25/97

Time 2:00 pm