

# WEST VIRGINIA LEGISLATURE

## 2022 REGULAR SESSION

### Introduced

## House Bill 4563

FISCAL  
NOTE

BY DELEGATES ELLINGTON, HOWELL, HAMRICK, STATLER,  
HOUSEHOLDER, SMITH, GEARHEART, TONEY, ROHRBACH,  
STEELE, AND FOSTER

[Introduced February 07, 2022; Referred to the  
Committee on Technology and Infrastructure then  
Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §17A-6-10e, relating to providing a special motor vehicle registration plate for  
3 certain motor vehicles operated by an auto mechanic for purposes of repairing, servicing,  
4 testing, or diagnosing malfunctions of a motor vehicle.

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

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

**§17A-6-10e. Special plates for auto mechanics; fees.**

1 (a) Notwithstanding any of the other provisions of this article, an auto mechanic may  
2 operate or move a vehicle upon the highways and streets of this state solely for the purposes of  
3 diagnosing mechanical or functional problems of a vehicle or the testing of a vehicle being  
4 repaired or serviced that is in the possession or bailment of the mechanic or his or her employer  
5 for repairs or diagnosis of a malfunction, conducted in the ordinary course of the business of the  
6 auto mechanic, without first registering the vehicle if it is not registered, or if the vehicle does not  
7 have a valid registration plate physically displayed or available for display, upon the condition that  
8 the vehicle have displayed thereon, in a manner prescribed by the commissioner, a special motor  
9 vehicle registration plate or plates issued to the auto mechanic as provided in this section.

10 (b) An auto mechanic may make application to the commissioner upon a form prescribed  
11 by the commissioner for a certificate containing a general distinguishing number and for a special  
12 plate or plates. The applicant shall submit proof of its status as a bona fide auto mechanic  
13 requiring special plates authorized by this section, and any other necessary information as  
14 determined and required by the commissioner. The commissioner shall determine that the  
15 applicant is a bona fide person or business eligible to receive a special plate or plates under the  
16 provisions of this section and does, as a regular incident to, or in the regular course of its business  
17 perform repairs, services, tests or diagnoses malfunctions of motor vehicles, and has need to

18 operate motor vehicles upon the highways and streets of this state in the performance of such  
19 activities.

20 (c) The commissioner, upon approving an application, shall issue to the applicant a  
21 certificate containing the applicant's name and address and the general distinguishing number  
22 assigned to the applicant. The commissioner shall also issue a special plate, or special plates, as  
23 applied for, which shall have displayed thereon the general distinguishing number assigned to the  
24 applicant. Each plate shall also contain a number or symbol identifying the same from every other  
25 plate or plates bearing the same general distinguishing number.

26 (d) The annual fee for a license certificate for a qualified auto mechanic and one special  
27 plate is \$100. Additional special plates, not to exceed four, shall be available upon appropriate  
28 application to the commissioner at a fee of \$25 each.

29 (e) Every auto mechanic shall keep a written record of the vehicle upon which such special  
30 plates are used, the time during which each is used upon a particular vehicle, which record shall  
31 be open to inspection by any police officer or employee of the department.

32 (f) The provisions of this section shall not apply to any work, company or service vehicles  
33 of the certificate holder.

34 (g) The mechanic must furnish a certificate of insurance to the commissioner showing  
35 coverage as required in §17D-1-1 et seq. of this code on vehicles displaying the special plates  
36 while being operated.

37 (h) For purposes of this section, "auto mechanic" or "mechanic" means a person, including  
38 an individual or an entity that is registered to do business in this state that performs repairs,  
39 services, diagnoses malfunctions of, or performs mechanical services to motor vehicles.

NOTE: The purpose of this bill is to provide a special registration plate for certain motor vehicles operated by an auto mechanic for purposes of repairing, servicing, testing, or diagnosing malfunctions of the motor vehicle.

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