

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Originating

Senate Bill 1082

By Senator Azinger

[Originating in the Committee on Banking and

Insurance; reported February 25, 2026]

1 A BILL to amend and reenact §5-16-12 and §5-16-12a of the Code of West Virginia, 1931, as
2 amended; to amend said code by adding thereto three new sections, designated §5-16-
3 12c, §5-16-12d, and §5-16-33; and to amend and reenact §17A-3-23 of said code, relating
4 to the authority of the West Virginia Public Employees Insurance Agency to investigate and
5 prosecute fraudulent acts; specifying violations, civil remedies, penalties, and enforcement
6 methods; authorizing administrative, civil, and criminal proceedings and penalties;
7 authorizing suspension of payments; providing statute of limitations for civil actions;
8 allowing for treble damages; setting forth fees relative to service and witnesses;
9 authorizing establishment of special investigations unit; setting forth investigative
10 procedures; specifying authority of Director of Public Employees Insurance Agency;
11 providing authority to issue subpoenas and request search warrants; authorizing
12 prosecution by Attorney General and related attorneys; setting forth requirements
13 concerning document retention and production; limiting access to confidential data or
14 systems and providing for confidentiality; providing venue; and authorizing issuance of
15 regular license plates for vehicles used by investigators of the Public Employees Insurance
16 Agency.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;
BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 16. WEST VIRGINIA PUBLIC EMPLOYEES INSURANCE ACT

**§5-16-12. ~~Misrepresentation by employer, employee or provider; penalty~~ Violations; civil
remedies; penalties; statute of limitations.**

1 (a) It shall be a violation of this article for any person to:

2 (1) Knowingly secure or attempt to secure benefits payable under this article to which they
3 are not entitled;

4 (2) Knowingly secure or attempt to secure greater benefits than those to which the person
5 is entitled;

6 (3) ~~Willfully~~ Knowingly misrepresent the presence or extent of benefits to which the person
7 is entitled under a collateral insurance source; or

8 (4) ~~Willfully~~ Knowingly misrepresent any material fact relating to any other information
9 requested by the director.

10 ~~(5) Willfully overcharge for services provided; or~~

11 ~~(6) Willfully misrepresent a diagnosis or nature of the service provided.~~

12 ~~Any person who has violated any of the foregoing provisions shall be civilly liable for the~~
13 ~~amount of benefits, overpayment or other sums improperly received in addition to any other relief~~
14 ~~available in a court of competent jurisdiction.~~

15 (b) It shall be a violation of this article for:

16 (1) Any person to attempt to make, or cause to be made, a claim for benefits, payments, or
17 allowances under any Public Employees Insurance Agency plan, when the person knows, or
18 reasonably should have known, such claim to be false, fictitious, or fraudulent; or

19 (2) Any provider to knowingly fail to maintain such records as are necessary to disclose
20 fully the nature of a good or service for which a claim was submitted or benefit, payment, or
21 allowance was received, or such records as are necessary to disclose fully all income and
22 expenditures upon which a rate of payment was based, for a period of at least five years following
23 the date on which payment was received.

24 (c) Any person who has violated subsection (a) or (b) of this section shall be civilly liable to
25 the Public Employees Insurance Agency in an amount equal to three times the amount of such
26 benefits, payments, or allowances to which the person is not entitled, and shall be liable for the

27 payment of reasonable attorney fees and all other fees and costs of litigation in addition to any
28 other relief available in a court of competent jurisdiction.

29 (d) As an alternative to filing a civil action pursuant to subsection (c) of this section, the
30 Public Employees Insurance Agency may elect to pursue an administrative action. If, after notice
31 and initiation of an administrative proceeding, it is determined the person has violated the article,
32 the person is shall be liable for any overpayment received. The director shall withhold and set off
33 any payment of any benefits or other payment due to that person until any overpayment is
34 recovered.

35 ~~(c) In addition to any civil liability for a violation pursuant to subsection (a) of this section,~~
36 ~~any person who knowingly secures or attempts to secure benefits payable under this article, or~~
37 ~~knowingly attempts to secure greater benefits than those to which the person is entitled, by willfully~~
38 ~~misrepresenting or aiding in the misrepresentation of any material fact relating to employment,~~
39 ~~diagnosis or services rendered is guilty of a felony, and upon conviction thereof, shall be fined not~~
40 ~~more than \$1,000, imprisoned for not less than one nor more than five years, or both. Errors in~~
41 ~~coding for billing purposes shall not be considered a violation of this subsection absent other~~
42 ~~evidence of willful wrongdoing.~~

43 ~~(d) Any person who violates any provision of this article which results in a loss to, or~~
44 ~~overpayment from, the plan, or to the State of West Virginia of less than \$1,000, and for which no~~
45 ~~other penalty is specifically provided, is guilty of a misdemeanor and, upon conviction thereof, is~~
46 ~~subject to a fine of not less than \$100 but not more than \$500, or imprisonment for a period of not~~
47 ~~less than twenty-four hours but not more than fifteen days, or both. Any person who violates any~~
48 ~~provision of this article which results in a loss to, or overpayment from, the plan or the State of~~
49 ~~West Virginia of \$1,000 or more, and for which no other penalty is specifically provided, is guilty of~~
50 ~~a felony and, upon conviction thereof, is subject to a fine of not less than \$1,000 but not more than~~
51 ~~\$5,000, or imprisonment for a period of not less than one nor more than five years, or both.~~

52 (e) No criminal action or indictment need be brought against any person as a condition for
53 establishing civil liability hereunder.

54 (f) A civil action under this section may be prosecuted and maintained on behalf of the
55 Public Employees Insurance Agency by the Attorney General, the Attorney General's assistants,
56 or by any attorney in contract with or employed with the Office of the Attorney General to provide
57 such representation.

58 (g) Any civil action brought under this section shall be brought within five years from the
59 time the false, fraudulent, or fictitious claim was made. Claims shall be judged based on the rules
60 of the Public Employees Insurance Agency plans in existence at the time of the claim submission.

§5-16-12a. Inspections; violations and penalties Investigations; procedure.

1 ~~(a) Employers and employees participating in any of the Public Employees Insurance~~
2 ~~Agency plans shall provide, to the director, upon request, all documentation reasonably required~~
3 ~~for the director to discharge the responsibilities under this article. This documentation includes, but~~
4 ~~is not limited to, employment or eligibility records sufficient to verify actual full-time employment~~
5 ~~and eligibility of employees who participate in the Public Employees Insurance Agency plans.~~

6 ~~(b) Upon a determination of the director or his or her designated representative that there is~~
7 ~~probable cause to believe that fraud, abuse or other illegal activities involving transactions with the~~
8 ~~agency has occurred, the director or his or her designated representative is authorized to refer the~~
9 ~~alleged violations to the Insurance Commissioner for investigation and, if appropriate,~~
10 ~~prosecution, pursuant to article forty-one, chapter thirty-three of this code. For purposes of this~~
11 ~~section, "transactions with the agency" includes, but is not limited to, application by any insured or~~
12 ~~dependent, any employer or any type of health care provider for payment to be made to that~~
13 ~~person or any third party by the agency.~~

14 ~~(c) The Public Employees Insurance Agency is authorized through administrative~~
15 ~~proceeding to recover any benefits or claims paid to or for any employee, or their dependents, who~~
16 ~~obtained or received benefits through fraud. The Public Employees Insurance Agency is also~~

17 ~~authorized through administrative proceeding to recover any funds due from an employer that~~
18 ~~knowingly allowed or provided benefits or claims to be fraudulently paid to an employee or~~
19 ~~dependents.~~

20 ~~(d) For the purpose of any investigation or proceeding under this article, the director or any~~
21 ~~officer designated by him or her may administer oaths and affirmations, issue administrative~~
22 ~~subpoenas, take evidence, and require the production of any books, papers, correspondences,~~
23 ~~memoranda, agreements or other documents or records which may be relevant or material to the~~
24 ~~inquiry.~~

25 ~~(1) Administrative subpoenas shall be served by personal service by a person over the age~~
26 ~~of eighteen, or by registered or certified mail addressed to the entity or person to be served at his~~
27 ~~or her residence, principal office or place of business. Proof of service, when necessary, shall be~~
28 ~~made by a return completed by the person making service, or in the case of registered or certified~~
29 ~~mail, such return shall be accompanied by the post office receipt of delivery of the subpoena. A~~
30 ~~party requesting the administrative subpoena is responsible for service and payment of any fees~~
31 ~~for service. Any person who serves the administrative subpoena pursuant to this section is entitled~~
32 ~~to the same fee as sheriffs who serve witness subpoenas for the circuit courts of this state.~~

33 ~~(2) Fees for the attendance and travel of witnesses subpoenaed shall be the same as for~~
34 ~~witnesses before the circuit courts of this state. All such fees related to any administrative~~
35 ~~subpoena issued at the request of a party to an administrative proceeding shall be paid by the~~
36 ~~requesting party. All requests by parties for administrative subpoenas shall be in writing and shall~~
37 ~~contain a statement acknowledging that the requesting party agrees to pay such fees.~~

38 ~~(3) In case of disobedience or neglect of any administrative subpoena served, or the~~
39 ~~refusal of any witness to testify to any matter for which he or she may be lawfully interrogated, or to~~
40 ~~produce documents subpoenaed, the circuit court of the county in which the hearing is being held,~~
41 ~~or the judge thereof in vacation, upon application by the director, may compel obedience by~~
42 ~~attachment proceedings for contempt as in the case of disobedience of the requirements of a~~

43 ~~subpoena or subpoena duces tecum issued from such circuit court or a refusal to testify therein.~~

44 ~~Witnesses at such hearings shall testify under oath or affirmation.~~

45 ~~(e) Only authorized employees or agents shall have access to confidential data or systems~~
46 ~~and applications containing confidential data within the Public Employees Insurance Agency.~~

47 (a) The director may establish a special investigations unit of the Public Employees
48 Insurance Agency to investigate potential violations of this article, including but not limited to false,
49 fraudulent, or fictitious claims made against the plan or plans established by the Public Employees
50 Insurance Agency Finance Board. If the director believes the agency's interests would be best
51 served by outsourcing some or all of the special investigations unit's functions to a qualified private
52 sector firm with sufficient expertise and staffing to perform those functions effectively and
53 efficiently, the director has the discretion and authority to do so.

54 (b) When the agency has credible information that indicates a person has engaged in an
55 act or activity that is subject to prosecution under this article, the agency may make an
56 investigation to determine if the act has been committed and, to the extent necessary for such
57 purpose, the director, or an agent or employee of the agency designated by the director, may
58 administer oaths or affirmations and issue subpoenas for witnesses and documents relevant to the
59 investigation, including information concerning the existence, description, nature, custody,
60 condition, and location of any book, record, documents, or other tangible thing and the identity and
61 location of persons having knowledge of relevant facts or any matter reasonably calculated to lead
62 to the discovery of admissible evidence.

63 (c) Upon a determination of the director or his or her designated representative that there is
64 probable cause to believe that a person has engaged in an act or activity that is subject to
65 prosecution under this article, either before, during, or after an investigation pursuant to this
66 section, the director, or an agent or employee of the agency designated by the director, may
67 request search warrants and may present and swear or affirm criminal complaints. However, any
68 search warrant, arrest warrant, or summons issued by a court of competent jurisdiction based

69 upon such requests or presentations must be executed or served by an officer authorized by law to
70 do so who is not employed or retained by the agency.

71 (d) Upon a determination of the director or his or her designated representative that there is
72 probable cause to believe that a person has engaged in an act or activity which is subject to
73 prosecution under this article, either before, during, or after an investigation pursuant to this
74 section, the agency is authorized to refer the alleged violations to the appropriate licensing board
75 or boards under chapter 31 of this code, state certification boards, the same or similar boards of
76 any other state, and any appropriate law enforcement agency.

77 (e) Upon a determination of the director or his or her designated representative that there is
78 a credible allegation of fraud sufficient to believe that a person has engaged in an act or activity
79 that may be subject to prosecution under this article, either before, during, or after an investigation
80 pursuant to this section, the agency is authorized to suspend payments to any provider and
81 authorized to exclude the provider from the networks until such time as the investigation and any
82 associated enforcement proceedings are completed.

83 (f) Employers and employees participating in any of the Public Employees Insurance
84 Agency plans shall provide to the director, upon request, all documentation reasonably required
85 for the director to discharge his or her responsibilities under this article. This documentation
86 includes, but is not limited to, employment or eligibility records sufficient to verify actual full-time
87 employment and eligibility of persons who participate in the Public Employees Insurance Agency
88 plans.

89 (g) Providers that render services or furnish items to persons who are insured by any
90 Public Employees Insurance Agency plan, and providers that bill any agency plan for such
91 services or items, shall provide to the director, upon request, all documentation reasonably
92 required for the director to discharge his or her responsibilities under this article. This
93 documentation includes, but is not limited to, medical records, contracts, invoices, employee
94 timesheets, employee personnel files, and claims utilization review information.

95 (h) If documents necessary to an investigation pursuant to this section shall appear to be
96 located outside the state, the director or his or her representative may obtain such documents by
97 requesting the same from any person or entity within the jurisdiction of the state having control
98 over the documents, or by serving such document request in accordance with the terms of Rule 4
99 of the West Virginia Rules of Civil Procedure upon any person or entity located outside of West
100 Virginia that is subject to the state's jurisdiction pursuant to §56-3-33 of this code and has control
101 over the documents.

102 (i) Upon failure of a person to comply with a subpoena or subpoena *duces tecum* or failure
103 of a person to give testimony without lawful excuse and upon reasonable notice to all persons
104 affected thereby, the director, or an agent or employee of the agency designated by the director,
105 may apply to the circuit court of the county in which compliance is sought for appropriate orders to
106 compel obedience with the provisions of this section.

107 (j) For the purpose of any administrative proceeding under this article, the director or an
108 agent or employee of the agency designated by the director may administer oaths and
109 affirmations, issue administrative subpoenas, take evidence, and require the production of any
110 books, papers, correspondences, memoranda, agreements, or other documents or records that
111 may be relevant or material to the administrative subpoena.

112 (1) Administrative subpoenas shall be served by personal service by a person over the age
113 of 18, or by registered or certified mail addressed to the entity or person to be served at his or her
114 residence, principal office or place of business. Proof of service, when necessary, shall be made
115 by a return completed by the person making service, or in the case of registered or certified mail,
116 such return shall be accompanied by the post office receipt of delivery of the subpoena. A party
117 requesting the administrative subpoena is responsible for service and payment of any fees for
118 service. Any person who serves the administrative subpoena pursuant to this section is entitled to
119 the same fee as sheriffs who serve witness subpoenas for the circuit courts of this state.

120 (2) Fees for the attendance and travel of witnesses subpoenaed shall be the same as for
121 witnesses before the circuit courts of this state. All such fees related to any administrative
122 subpoena issued at the request of a party to an administrative proceeding shall be paid by the
123 requesting party. All requests by parties for administrative subpoenas shall be in writing and shall
124 contain a statement acknowledging that the requesting party agrees to pay such fees. When the
125 subpoena is issued on behalf of the agency, fees and mileage need not be tendered.

126 (3) In case of disobedience or neglect of any administrative subpoena served for such
127 administrative proceeding, or the refusal of any witness to testify during such administrative
128 proceeding to any matter for which he or she may be lawfully interrogated, or to produce
129 documents subpoenaed, the circuit court of the county in which the hearing is being held, or the
130 judge thereof in vacation, upon application by the director, may compel obedience by attachment
131 proceedings for contempt as in the case of disobedience of the requirements of a subpoena or
132 subpoena duces tecum issued from such circuit court or a refusal to testify therein. Witnesses at
133 such hearings shall testify under oath or affirmation.

134 (k) Only authorized employees, policyholder members, or agents shall have access to
135 confidential data or systems and applications containing confidential data within the Public
136 Employees Insurance Agency.

137 (l) The agency, its agents, and its employees shall not make public the name or identity of a
138 person whose acts or conduct is investigated pursuant to this section or the facts disclosed in such
139 investigation except as the same may be used in any legal action or enforcement proceeding
140 brought pursuant to this article or any other provision of this code. All data, reports, policies,
141 procedures, or other documents related to agency investigations and administrative proceedings
142 are confidential and shall be exempt from public disclosure pursuant to the Freedom of Information
143 Act, §29B-1-1 et seq. of this code, unless made part of the public record by way of a civil or criminal
144 court proceeding.

§5-16-12c. Bribery; false claims; conspiracy; criminal penalties; failure to maintain records.

1 (a) A person may not solicit, offer, pay, or receive any unlawful remuneration, including any
2 kickback, rebate, or bribe, directly or indirectly, with the intent of causing an expenditure of moneys
3 from any Public Employees Insurance Agency plan that is not authorized by law.

4 (b) A person may not make or present or cause to be made or presented any claim to any
5 Public Employees Insurance Agency plan knowing the claim to be false, fraudulent, or fictitious.

6 (c) A person may not not enter into an agreement, combination, or conspiracy to obtain or
7 aid another to obtain the payment or allowance of a false, fraudulent, or fictitious claim under any
8 Public Employees Insurance Agency plan.

9 (d) Any person found to be in violation of subsection (a), (b), or (c) of this section is guilty of
10 a felony and, upon conviction, shall be imprisoned in a state correctional facility not less than one
11 nor more than 10 years or shall be fined not to exceed \$10,000, or both fined and imprisoned.

12 (e) Any provider who, having submitted a claim for or received a benefit, payment, or
13 allowance under the Public Employees Insurance Agency plans, knowingly fails to maintain such
14 records as are necessary to disclose fully the nature of a good or service for which a claim was
15 submitted or benefit, payment, or allowance was received, or such records as are necessary to
16 disclose fully all income and expenditures upon which rate of payment were based, for a period of
17 at least five years following the date on which payment was received, shall be guilty of a
18 misdemeanor and, upon conviction, may be imprisoned in a state correctional facility not to
19 exceed one year or may be fined up to \$1,000, or both fined and imprisoned. Any person who
20 knowingly destroys such records within five years from the date the benefit, payment, or allowance
21 was received, shall be guilty of a felony, and may be imprisoned in a state correctional facility not
22 less than one nor more than 10 years or may be fined not to exceed \$10,000, or both fined and
23 imprisoned.

§5-16-12d. Venue for criminal offenses.

1 (a) In addition to other venues permitted by this code, a criminal prosecution under §5-16-
2 12c of this code may be commenced in the Circuit Court of Kanawha County or of any county in

3 which:

4 (1) The defendant is conducting business; or

5 (2) Any of the conduct constituting a violation of any provision of this article has occurred.

6 (b) Notwithstanding subsection (a) of this section, venue for a criminal prosecution under

7 §5-16-12c of this code against a beneficiary who is a West Virginia resident may be commenced

8 only in any county in which:

9 (1) The beneficiary resides; or

10 (2) Any of the conduct constituting a violation of any provision of this article has occurred.

§5-16-33. Remedies and penalties not exclusive.

1 The remedies and penalties available under this article to the Public Employees Insurance

2 Agency are in addition to those remedies and penalties provided elsewhere by law.

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,
CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

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

1 **§17A-3-23. Registration plates to state, county, municipal and other governmental vehicles;**
2 **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, not to exceed eight vehicles operated by investigators of the Office of the
4 Attorney General, three vehicles per elected office of the Board of Public Works not otherwise
5 specified, vehicles operated by the State Police, not to exceed five vehicles operated by the office
6 of the Secretary of Military Affairs and Public Safety, not to exceed five vehicles operated by the
7 Division of Homeland Security and Emergency Management, vehicles operated by natural
8 resources police officers of the Division of Natural Resources, not to exceed 10 vehicles operated

9 by the arson investigators of the Office of State Fire Marshal, not to exceed two vehicles operated
10 by the Division of Protective Services, not to exceed 16 vehicles operated by inspectors of the
11 Office of the Alcohol Beverage Control Commissioner, vehicles operated by the West Virginia
12 Wing of the Civil Air Patrol, and vehicles operated by probation officers employed under the
13 Supreme Court of Appeals may not be operated or driven by any person unless it has displayed
14 and attached to the front thereof, in the same manner as regular motor vehicle registration plates
15 are attached, a plate of the same size as the regular registration plate, with white lettering on a
16 green background bearing the words "West Virginia" in one line and the words "State Car" in
17 another line, and the lettering for the words "State Car" shall be of sufficient size to be plainly
18 readable from a distance of 100 feet during daylight: *Provided*, That beginning January 1, 2019,
19 state vehicle license plates shall be gold with blue lettering.

20 The vehicle shall also have attached to the rear a plate bearing a number and any other
21 words and figures as the Commissioner of Motor Vehicles shall prescribe. The rear plate shall also
22 be green with the number in white: *Provided*, That beginning January 1, 2019, state vehicle
23 license plates shall be gold with blue lettering.

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

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

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

34 authorized to receive colored plates hereunder shall be affixed to both the front and rear of the
35 vehicles.

36 (e) (1) Registration plates issued to vehicles operated by county sheriffs shall be designed
37 by the commissioner in cooperation with the sheriffs' association with the word "Sheriff" on top of
38 the plate and the words "West Virginia" on the bottom. The plate shall contain a gold shield
39 representing the sheriff's star and a number assigned to that plate by the commissioner. Every
40 county sheriff shall provide the commissioner with a list of vehicles operated by the sheriff, unless
41 otherwise provided in this section, and a fee of \$10 for each vehicle submitted by July 1, 2002.

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

47 (f) The commissioner is authorized to designate the colors and design of any other
48 registration plates that are issued without charge to any other agency or nonstate government
49 entity entitled to registration plates at no charge in accordance with the motor vehicle
50 laws: *Provided*, That where the institutions of higher education opt to have their logo displayed on
51 the state license plate, such institution shall bear any additional costs of those added features:
52 *Provided, however*, That no public service districts or designated nongovernmental organizations
53 shall be issued a license plate designated for vehicles owned or leased by the State of West
54 Virginia, or any of its departments, bureaus, commissions, or institutions.

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

58 (h) The commissioner is authorized to issue a maximum of five Class A license plates to be
59 used on vehicles assigned to the Division of Motor Vehicles investigators for commercial driver

60 examination fraud investigation and driver's license issuance fraud detection and fraud
61 prevention.

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

67 (j) The commissioner is authorized to issue 20 Class A license plates to the Criminal
68 Investigation Division of the Department of Revenue for use by its investigators.

69 (k) The commissioner may issue a maximum of 10 Class A license plates to the Division of
70 Natural Resources for use by natural resources police officers. The commissioner shall designate
71 the color and design of the registration plates to be displayed on the front and the rear of all other
72 state-owned vehicles owned by the Division of Natural Resources and operated by natural
73 resources police officers.

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

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

80 (n) (1) The commissioner is authorized to issue Class A registration plates for vehicles
81 used by the Medicaid Fraud Control Unit created by §9-7-7 of this code.

82 (2) The commissioner is authorized to issue Class A registration plates for vehicles used
83 by investigators of the Public Employees Insurance Agency created by §5-16-3 of this code.

84 (o) The commissioner is authorized to issue Class A registration plates for vehicles used
85 by the West Virginia Insurance Fraud Unit created by §33-41-8 of this code.

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

87 (q) The Commissioner of Motor Vehicles shall have a sufficient number of both front and
88 rear plates produced to attach to all state-owned or leased vehicles.

89 (r) The commissioner shall, after consultation with the Fleet Management Division
90 established pursuant to §5A-12-1 *et seq.* of this code and the Enterprise Resource Planning Board
91 established pursuant to §12-6D-1 *et seq.* of this code, develop and adopt a standardized naming
92 convention for the title, registration, and licensing of state vehicles, pursuant to §17A-3-25 of this
93 code. The naming convention adopted shall be consistent with the naming convention adopted for
94 the centralized accounting system as maintained by the Enterprise Resource Planning Board for
95 the purpose of creating and maintaining an accurate and up to date inventory of the state vehicle
96 fleet.

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

100 (t) The commissioner may issue special registration plates for motor vehicles titled in the
101 name of the Division of Public Transit or in the name of a public transit authority as defined in this
102 subsection and operated by a public transit authority or a public transit provider to transport
103 persons in the public interest. For purposes of this subsection, "public transit authority" means an
104 urban mass transportation authority created pursuant to §8-27-1 *et seq.* of this code or a nonprofit
105 entity exempt from federal and state income taxes under the Internal Revenue Code and whose
106 purpose is to provide mass transportation to the public at large. The special registration plate shall
107 be designed by the commissioner and shall display the words "public transit" or words or letters of
108 similar effect to indicate the public purpose of the use of the vehicle. The special registration plate
109 shall be issued without charge.

110 (u) Each green registration plate with white letters affixed to a state vehicle, and each
111 corresponding title and registration certificate for all state vehicles, other than those vehicles with

112 Class A registration plates as provided in this section, terminates at midnight on December 31,
113 2018. Each spending unit assigned a state vehicle that is required to display a state vehicle license
114 plate and registration shall obtain a new title, new registration card, and new state vehicle license
115 plate prior to January 1, 2019: *Provided*, That no state vehicle license plate shall be issued unless
116 the spending unit has provided an affirmative statement that the vehicle is a state asset recorded
117 in the central accounting system as maintained by the Enterprise Resource Planning Board, and
118 the same has been verified by the commissioner, as required by §17A-3-25 of this code. When
119 new registrations are issued pursuant to this article and for subsequent, non-Class A registrations
120 of state owned or leased vehicles, the state vehicle registration plate and certificate shall be valid
121 for a period of not more than 24 months and shall be required to be renewed every two years.

122 (v) The commissioner is authorized to prepare and promulgate emergency rules, pursuant
123 to §29A-3-1 *et seq.* of this code in order to implement amendments to this section.

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

NOTE: The purpose of this bill is to expand the ability of the Public Employees Insurance Agency to investigate and prosecute fraud..

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