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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993

— ● —

ENROLLED

Com. Sub for
HOUSE BILL No. 2120

(By Delegates *Warner, Michael, Johnson,*
Owington, Honours, D. Miller and Beane)

— ● —

Passed April 10, 1993

In Effect Ninety Day from Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2120

(By DELEGATES WARNER, MICHAEL, JOHNSON, OVERINGTON,
HOUVOURAS, D. MILLER AND BEANE)

[Passed April 10, 1993; in effect ninety days from passage.]

AN ACT to amend and reenact section two-a, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section fourteen, article three, chapter seven-teen-a of said code; and to amend and reenact section fourteen, article ten of said chapter, all relating to compensation and allowances for certain appointive state officers; appointment, qualifications, powers and salaries of such officers; increasing the salary for the administrator of the division of motor vehicles; special registration plates and fees; requirements for design of license plates; permitting special plates for certain individuals, officials and judges, national guardsmen, various classes of veterans, nonprofit charitable or educational organizations and emergency personnel; vanity plates; special ten-year registration for exempted persons and antique automobiles; plates for amateur radio station operators; and fees and rules to be promulgated by the commissioner.

Be it enacted by the Legislature of West Virginia:

That section two-a, article seven, chapter six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section fourteen,

article three, chapter seventeen-a of said code be amended and reenacted; and that section fourteen, article ten of said chapter be amended and reenacted, all to read as follows:

**CHAPTER 6. GENERAL PROVISIONS
RESPECTING OFFICERS.**

ARTICLE 7. COMPENSATION AND ALLOWANCES.

**§6-7-2a. Terms of certain appointive state officers;
appointment; qualifications; powers and
salaries of such officers.**

1 (a) Notwithstanding any other provision of this code
2 to the contrary, each of the following appointive state
3 officers named in this subsection shall be appointed by
4 the governor, by and with the advice and consent of the
5 Senate. Each of the appointive state officers shall serve
6 at the will and pleasure of the governor for the term for
7 which the governor was elected and until the respective
8 state officers' successors have been appointed and
9 qualified. Each of the appointive state officers shall
10 hereafter be subject to the existing qualifications for
11 holding each respective office and each shall have and
12 is hereby granted all of the powers and authority and
13 shall perform all of the functions and services heretofore
14 vested in and performed by virtue of existing law
15 respecting each office.

16 Beginning on the first day of January, one thousand
17 nine hundred ninety, the annual salary of each named
18 appointive state officer shall be as follows:

19 Administrator, division of highways, sixty thousand
20 dollars; administrator, division of health, fifty-seven
21 thousand two hundred dollars; administrator, division of
22 human services, forty-seven thousand eight hundred
23 dollars; administrator, state tax division, forty-nine
24 thousand nine hundred dollars; administrator, division
25 of energy, sixty-five thousand dollars; administrator,
26 division of finance and administration, forty-seven
27 thousand eight hundred dollars; administrator, division
28 of corrections, forty-five thousand dollars; administra-
29 tor, division of community and industrial development,
30 sixty-three thousand six hundred dollars; administrator,

31 division of workers' compensation, forty-five thousand
32 dollars; administrator, division of commerce, sixty-two
33 thousand five hundred dollars; administrator, division of
34 natural resources, forty-seven thousand eight hundred
35 dollars; administrator, division of public safety, forty-
36 four thousand six hundred dollars; administrator,
37 lottery division, sixty thousand dollars; director, public
38 employees insurance agency, fifty-five thousand dollars;
39 administrator, division of employment security, forty-
40 five thousand dollars; administrator, division of bank-
41 ing, thirty-eight thousand three hundred dollars;
42 administrator, division of insurance, thirty-six thousand
43 seven hundred dollars; administrator, division of culture
44 and history, thirty-eight thousand three hundred
45 dollars; chairman, public service commission, fifty
46 thousand dollars; members, public service commission,
47 forty-six thousand two hundred dollars; administrator,
48 alcohol beverage control commission, thirty-eight
49 thousand three hundred dollars; administrator, division
50 of motor vehicles, fifty-five thousand dollars; director,
51 division of personnel, thirty-eight thousand three
52 hundred dollars; adjutant general, thirty-five thousand
53 seven hundred dollars; chairman, health care cost
54 review authority, forty thousand dollars; members,
55 health care cost review authority, thirty-six thousand
56 five hundred dollars; director, human rights commis-
57 sion, forty thousand dollars; administrator, division of
58 labor, thirty-five thousand seven hundred dollars;
59 administrator, division of veterans affairs, thirty-two
60 thousand dollars; administrator, division of emergency
61 services, thirty-two thousand dollars; administrator,
62 nonintoxicating beer commission, thirty-two thousand
63 dollars; members, board of probation and parole,
64 twenty-eight thousand three hundred dollars; members,
65 employment security review board, seventeen thousand
66 dollars; members, workers' compensation appeal board,
67 seventeen thousand eight hundred dollars.

68 Prior to the first day of January, one thousand nine
69 hundred ninety, each of the officers named in subsection
70 (a) of this section shall continue to receive the annual
71 salaries they were receiving as of the last day of March,
72 one thousand nine hundred eighty-nine.

73 (b) Notwithstanding any other provisions of this code
74 to the contrary, each of the state officers named in this
75 subsection shall continue to be appointed in the manner
76 prescribed in this code, and shall be paid an annual
77 salary as follows, except that any increase in salary over
78 and above the salary being received by any of the
79 following state officers as of the last day of March, one
80 thousand nine hundred eighty-nine, shall not become
81 effective until the first day of January, one thousand
82 nine hundred ninety:

83 Chancellor, board of regents, seventy thousand
84 dollars; state superintendent of schools, seventy thou-
85 sand dollars; administrator, division of risk and insu-
86 rance management, forty-two thousand dollars; director,
87 division of rehabilitation services, fifty-five thousand
88 dollars; executive director, educational broadcasting
89 authority, forty-seven thousand five hundred dollars;
90 secretary, library commission, forty-seven thousand five
91 hundred dollars; director, geologic and economic survey,
92 forty-seven thousand five hundred dollars; executive
93 director, water development authority, fifty-four thou-
94 sand two hundred dollars; executive secretary, teacher's
95 retirement system, forty-seven thousand two hundred
96 dollars; executive secretary, public employees retire-
97 ment system, forty thousand one hundred dollars;
98 director, air pollution control commission, forty-four
99 thousand eight hundred dollars; executive director,
100 public legal services council, forty seven thousand five
101 hundred dollars; director, commission on aging, forty
102 thousand dollars; commissioner, oil and gas conservation
103 commission, forty thousand dollars; director, farm
104 management commission, thirty-two thousand five
105 hundred dollars; state fire administrator, twenty-five
106 thousand two hundred dollars; executive secretary,
107 municipal bond commission, thirty thousand two
108 hundred dollars; director, railroad maintenance author-
109 ity, thirty-two thousand five hundred dollars; executive
110 secretary, women's commission, thirty thousand one
111 hundred dollars; executive director, regional jail
112 authority, forty-two thousand six hundred dollars;
113 director, hospital finance authority, twenty-five thou-
114 sand eight hundred dollars.

115 (c) No increase in the salary of any appointive state
116 officer pursuant to this section shall be paid until and
117 unless the appointive state officer shall have first filed
118 with the state auditor and the legislative auditor a
119 sworn statement, on a form to be prescribed by the
120 attorney general, certifying that the spending unit is in
121 compliance with any general law providing for a salary
122 increase for his or her employees. The attorney general
123 shall prepare and distribute the form to the affected
124 spending units: *Provided*, That no decrease in salary
125 shall be effective for any current appointive state officer
126 appointed prior to the first day of January, one thousand
127 nine hundred eighty-nine: *Provided, however*, That
128 decreases shall take effect at such time as any appointive
129 office is vacated.

CHAPTER 17A.
MOTOR VEHICLE ADMINISTRATION,
REGISTRATION, CERTIFICATE OF TITLE,
AND ANTI-THEFT PROVISIONS.

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;
9 the name of this state, which may be abbreviated; and
10 the year number for which it is issued or the date of
11 expiration of the plate.

12 (2) Every registration plate and the required letters
13 and numerals on the plate shall be of sufficient size to

14 be 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
19 shall begin with number two.

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

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

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

28 (A) Upon appropriate application, there shall be
29 issued to the secretary of state, state superintendent of
30 free schools, auditor, treasurer, commissioner of agricul-
31 ture, and the attorney general, the members of both
32 houses of the Legislature, including the elected officials
33 thereof, the justices of the supreme court of appeals of
34 West Virginia, the representatives and senators of the
35 state in the Congress of the United States, the judges
36 of the United States district courts for the state of West
37 Virginia and the judges of the United States court of
38 appeals for the fourth circuit, if any of the judges are
39 residents of West Virginia, a special registration plate
40 for a Class A motor vehicle owned by the official or his
41 or her spouse: *Provided*, That the division shall not issue
42 more than two plates for each official.

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

51 (C) An annual fee of fifteen dollars shall be charged
52 for every registration plate issued pursuant to this

53 subdivision, which is in addition to all other fees
54 required by this chapter.

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

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

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

75 (4) Specially arranged registration plates may be
76 issued as follows:

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

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

92 thousand.

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

97 (5) Honorably discharged veterans may be issued
98 special registration plates as follows:

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

106 (B) A special initial application fee of ten dollars shall
107 be charged in addition to all other fees required by law.
108 This special fee is to compensate the division of motor
109 vehicles for additional costs and services required in the
110 issuing of the special registration and shall be collected
111 by the division and deposited in a special revolving fund
112 to be used for the administration of this section:
113 *Provided*, That nothing in this section shall be construed
114 to exempt any veteran from any other provision of this
115 chapter.

116 (C) Special registration plates issued pursuant to this
117 subdivision are not transferable to any other person.
118 Any special registration issued under this subdivision
119 terminates upon the death of the registered owner of the
120 special registration plate.

121 (6) Disabled veterans may be issued special registra-
122 tion plates as follows:

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

130 (B) Special registration plates issued pursuant to this
131 subdivision are not transferrable to any other person.
132 Any special registration issued under this subdivision
133 terminates upon the death of the registered owner of the
134 special registration plate.

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

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

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

150 (C) Special registration plates issued pursuant to this
151 subdivision are not transferable to any other person.
152 Any special registration issued under this subdivision
153 terminates upon the death of the registered owner of the
154 special registration plate.

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

157 (A) Upon appropriate application, the owner of a
158 motor vehicle who was enlisted in any branch of the
159 armed services that participated in and survived the
160 attack on Pearl Harbor on the seventh day of December,
161 one thousand nine hundred forty-one, shall be issued a
162 special registration plate for a vehicle titled in the name
163 of the qualified applicant. The registration plate shall
164 be designed by the commissioner of motor vehicles.

165 (B) Registration plates issued pursuant to this
166 subdivision are exempt from the payment of all regis-
167 tration fees otherwise required by the provisions of this
168 chapter.

169 (C) Special registration plates issued pursuant to this
170 subdivision are not transferable to any other person.
171 Any special registration issued under this subdivision
172 terminates upon the death of the registered owner of the
173 special registration plate.

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

176 (A) Nonprofit charitable and educational organiza-
177 tions may design a logo or emblem for inclusion on a
178 special registration plate and submit the logo or emblem
179 to the commissioner for approval and authorization.
180 Upon the approval and authorization, the nonprofit
181 charitable and educational organizations may market
182 the special registration plate to organization members
183 and the general public.

184 (B) Approved nonprofit charitable and educational
185 organizations may accept and collect applications for
186 special registration plates from owners of Class A motor
187 vehicles together with a special annual fee of fifteen
188 dollars, which is in addition to all other fees required
189 by this chapter. The applications and fees shall be
190 submitted to the division of motor vehicles with the
191 request that the division issue a registration plate
192 bearing a combination of letters or numbers with the
193 organizations' logo or emblem, with the maximum
194 number of letters or numbers to be determined by the
195 commissioner.

196 (C) The commissioner shall promulgate rules in
197 accordance with the provisions of chapter twenty-nine-
198 a of this code regarding the procedures for and approval
199 of special registration plates issued pursuant to this
200 subdivision.

201 (D) The commissioner shall set an appropriate fee to
202 defray the administrative costs associated with design-
203 ing and manufacturing special registration plates for a
204 nonprofit charitable or educational organization. The
205 nonprofit charitable or educational organization shall
206 collect this fee and forward it to the division for deposit
207 in a special revolving fund to pay the administrative
208 costs. The nonprofit charitable or educational organiza-

209 tion may also collect a fee for marketing the special
210 registration plates.

211 (10) Specified emergency or volunteer registration
212 plates may be issued as follows:

213 (A) Any owner of a motor vehicle who is a resident
214 of the state of West Virginia, and who is a certified
215 paramedic or emergency medical technician, a member
216 of a volunteer fire company or a paid fire department,
217 a member of the state fire commission, the state fire
218 marshal, the state fire marshal's assistants, the state fire
219 administrator and voluntary rescue squad members
220 may apply for a special license plate for any number of
221 Class A vehicles titled in the name of the qualified
222 applicant which bears the insignia of the profession,
223 group or commission. Any insignia shall be designed by
224 the commissioner. License plates issued pursuant to this
225 subdivision shall bear the requested insignia in addition
226 to the registration number issued to the applicant
227 pursuant to the provisions of this article.

228 (B) Each application submitted pursuant to this
229 subdivision shall be accompanied by an affidavit signed
230 by the fire chief or department head of the applicant,
231 stating that the applicant is justified in having a
232 registration with the requested insignia; proof of
233 compliance with all laws of this state regarding
234 registration and licensure of motor vehicles; and
235 payment of all required fees.

236 (C) Each application submitted pursuant to this
237 subdivision shall be accompanied by payment of a
238 special initial application fee of ten dollars, which is in
239 addition to any other registration or license fee required
240 by this chapter. All special fees shall be collected by the
241 division and deposited into a special revolving fund to
242 be used for the purpose of compensating the division of
243 motor vehicles for additional costs and services required
244 in the issuing of such special registration and for the
245 administration of this section.

246 (d) The commissioner shall promulgate rules in
247 accordance with the provisions of chapter twenty-nine-
248 a of this code regarding the proper forms to be used in

249 making application for the special license plates
250 authorized by this section.

251 (e) Nothing in this section shall be construed to
252 require a charge for a free prisoner of war license plate
253 or a free recipient of the congressional medal of honor
254 license plate for a vehicle titled in the name of the
255 qualified applicant as authorized by other provisions of
256 this code: *Provided*, That the registration plates are not
257 transferrable to any person, and the registration plates
258 terminate upon the death of the registered owner of the
259 special registration plate.

260 (f) Special ten-year registration plates may be issued
261 as follows:

262 (1) The commissioner may issue or renew for a period
263 of no more than ten years any registration plate
264 exempted from registration fees pursuant to any
265 provision of this code or any restricted use antique
266 motor vehicle license plate authorized by section three-
267 a, article ten of this chapter: *Provided*, That the
268 provisions of this subsection shall not apply to any
269 person who has had a special registration suspended for
270 failure to maintain motor vehicle liability insurance as
271 required by section three, article two-a, chapter
272 seventeen-d of this code or failure to pay personal
273 property taxes as required by section three-a of this
274 article.

275 (2) An initial non-refundable fee shall be charged for
276 each special registration plate issued pursuant to this
277 subsection, which is the total amount of fees required
278 by section fifteen, article ten of this chapter, section
279 three, article three of this chapter, or section three-a,
280 article ten of this chapter for the period requested.

281 (3) Special registration plates issued pursuant to this
282 subsection are not transferable to any other person. Any
283 special registration issued under this subsection termi-
284 nates upon the death of the registered owner of the
285 special registration plate.

286 (g) The provisions of this section shall not be construed
287 to exempt any registrant from maintaining motor

288 vehicle liability insurance as required by section three,
289 article two-a, chapter seventeen-d of this code or from
290 paying personal property taxes on any motor vehicle as
291 required by section three-a of this article.

292 (h) The commissioner may, in his or her discretion,
293 issue a registration plate of reflectorized material
294 suitable for permanent use on motor vehicles, trailers
295 and semitrailers, together with appropriate devices to
296 be attached thereto to indicate the year for which the
297 vehicles have been properly registered or the date of
298 expiration of the registration. The design and expiration
299 of the plates shall be determined by the commissioner.

300 (i) Any license plate issued or renewed pursuant to
301 this chapter, which is paid for by a check that is
302 returned for non-sufficient funds, shall be void without
303 further notice to the applicant. The applicant may not
304 reinstate the registration until the returned check is
305 paid by the applicant in cash, money order or certified
306 check and all applicable fees assessed as a result thereof
307 have been paid.

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

§17A-10-14. Registration plate for amateur radio station operators; fees; rules and forms.

1 (a) Any owner of a motor vehicle who is a resident of
2 the state of West Virginia, and who holds an unrevoked
3 and unexpired official amateur radio station license
4 and/or amateur class operators' license issued by the
5 federal communications commission, may apply for a
6 special registration plate for a Class A motor vehicle
7 which, in lieu of the registration numbers required by
8 this article, shall be inscribed with the official amateur
9 radio call letters of the applicant as assigned by the
10 federal communications commission.

11 (b) Each application shall be accompanied by proof of
12 ownership of the amateur radio station license; proof of
13 compliance with the motor vehicle laws of the state
14 relative to registration and licensing of motor vehicles;
15 payment of the registration, license and other fees
16 required by law; and payment of a special initial

17 application fee in the amount of ten dollars, which is in
18 addition to all other fees required by law. This special
19 fee shall be collected by the division and deposited into
20 a special revolving fund to be used for the purpose of
21 compensating the division of motor vehicles for addi-
22 tional costs and services required in the issuing of the
23 licenses.

24 (c) The commissioner shall promulgate rules in
25 accordance with the provisions of chapter twenty-nine-
26 a of this code regarding proper forms to be used in
27 making application for the special license plates
28 authorized by this section.

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

[Handwritten Signature]
.....
Chairman Senate Committee

Ernest C Moore
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage

Russell Adams
.....
Clerk of the Senate

Donald L. Hopp
.....
Clerk of the House of Delegates

Walter S. Rucker
.....
President of the Senate

Paul Robeson
.....
Speaker of the House of Delegates

The within *is* approved this the *12th*
day of *May*, 1993.

Walter Taylor
.....
Governor

PRESENTED TO THE

GVERNOR

Date 4/30/43

Time 3:25 pm