

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 263**

5 (SENATORS BEACH AND KLEMPA, *original sponsors*)

6 _____
7 [Passed March 9, 2011; in effect ninety days from passage.]
8 _____

9
10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §17A-6-10d, relating
12 to special plates for the testing of vehicles operated by
13 nonprofit corporations engaged in research and development of
14 motor vehicles, special fuels or equipment for motor vehicles;
15 requiring written records be kept; prohibiting bonding;
16 requiring vehicles to be insured; and exempting the vehicles
17 from safety inspections, but requiring the vehicles to be
18 safe.

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

20 That the Code of West Virginia, 1931, as amended, be amended
21 by adding thereto a new section, designated §17A-6-10d, to read as
22 follows:

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

25 **§17A-6-10d. Special plates for nonprofit corporations engaged in**

research and development.

1
2 (a) Notwithstanding any of the other provisions of this
3 article, a nonprofit corporation engaged in research and
4 development using motor vehicles pursuant to article twelve,
5 chapter eighteen-b of this code and affiliated with institutions of
6 higher education may operate or move a vehicle, either owned or in
7 the possession of the nonprofit corporation upon the highways of
8 this state for purposes of transporting or testing that vehicle
9 without first registering or titling the vehicle and displaying, in
10 a manner prescribed by the commissioner, a special plate issued to
11 the nonprofit corporation as provided in this section.

12 (b) Any nonprofit corporation as prescribed in subsection (a)
13 of this section may make application to the commissioner upon a
14 form prescribed by him or her for a certificate containing a
15 general distinguishing number and for a special plate or plates.
16 The applicant shall verify that it is a Section 501(c)(3) of the
17 Internal Revenue Code of 1986, as amended, nonprofit corporation
18 and submit sufficient information, as may be required by the
19 commissioner, that it is engaged in research and development of
20 vehicles, special fuels or equipment for motor vehicles.

21 (c) The commissioner, upon approving an application, may issue
22 without charge to the applicant, a certificate containing the
23 nonprofit corporation's name and address and its general
24 distinguishing number. The commissioner may also issue without
25 charge, a special plate or plates, as determined by the
26 commissioner as necessary, that must be displayed on the vehicle.

1 Each plate shall also contain a number or symbol distinguishing it
2 from other plates bearing the same general distinguishing number.

3 (d) The nonprofit corporation that is issued a special plate
4 pursuant to this section must keep written records as required by
5 the commissioner concerning the operation of the vehicle. The
6 records shall be open to inspection by any law-enforcement officer
7 or division employee.

8 (e) This section does not apply to the use of any other
9 vehicles owned, leased or operated by the nonprofit corporation.

10 (f) A nonprofit corporation that has been issued a special
11 plate is not required to comply with the bond or dealer recovery
12 fund otherwise required under this article for that vehicle.

13 (g) A nonprofit corporation that has been issued a special
14 plate shall furnish information, satisfactory to the commissioner,
15 that the vehicle is covered by an appropriate insurance policy or
16 proof of financial responsibility in amounts not less than the
17 requirements of section two, article four, chapter seventeen-d of
18 this code.

19 (h) Vehicles operated by a nonprofit corporation pursuant to
20 this section are exempt from the annual motor vehicle inspection
21 and the displaying of the certificate of inspection otherwise
22 required by article sixteen, chapter seventeen-c of this code.
23 However, a vehicle that has been issued a special plate pursuant to
24 this section must be safe and may not, in any manner, endanger the
25 driver, other vehicle occupants, other motorists, pedestrians or
26 the general public.

