

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 263

(By Senators Beach and Klempa)

[Originating in the Committee on Transportation
and Infrastructure; reported January 31, 2011.]

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

Be it enacted by the Legislature of West Virginia:

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

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

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

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

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

18 nonprofit corporation and submit sufficient information, as
19 may be required by the commissioner, that it is engaged in
20 research and development of vehicles, special fuels or
21 equipment for motor vehicles.

22 (c) The commissioner, upon approving an application,
23 may issue without charge to the applicant, a certificate
24 containing the nonprofit corporation's name and address and
25 its general distinguishing number. The commissioner may
26 also issue without charge, a special plate or plates, as
27 determined by the commissioner as necessary, that must be
28 displayed on the vehicle. Each plate shall also contain a
29 number or symbol distinguishing it from other plates bearing
30 the same general distinguishing number.

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

36 (e) This section does not apply to the use of any other
37 vehicles owned, leased or operated by the nonprofit corpora-
38 tion.

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

43 (g) A nonprofit corporation that has been issued a special
44 plate shall furnish information, satisfactory to the commis-
45 sioner, that the vehicle is covered by an appropriate insur-
46 ance policy or proof of financial responsibility in amounts
47 not less than the requirements of section two, article four,
48 chapter seventeen-d of this code.

49 (h) Vehicles operated by a nonprofit corporation pursu-
50 ant to this section are exempt from the annual motor vehicle
51 inspection and the displaying of the certificate of inspection
52 otherwise required by article sixteen, chapter seventeen-c of
53 this code. However, a vehicle that has been issued a special
54 plate pursuant to this section must be safe and may not, in
55 any manner, endanger the driver, other vehicle occupants,
56 other motorists, pedestrians or the general public.

(NOTE: The purpose of this bill is to allow nonprofit research corporations affiliated with an institution of higher education with programs in the research and development of vehicles, special fuels or equipment for motor vehicles to operate vehicles that have been issued special plates on the roads. The bill requires written records to be kept. The bill provides that bonding is not required. The bill also requires the vehicles to be insured. The bill exempts the vehicles from safety inspections, but requires the vehicles to be safe.

§17A-6-10d is new; therefore, strike-throughs and underscoring have been omitted.)