

1 **ENROLLED**

2 **Senate Bill No. 428**

3 (BY SENATORS BEACH AND KLEMPA)

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5 [Passed March 10, 2012; in effect ninety days from passage.  
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10 AN ACT to amend and reenact §17A-3-23 of the Code of West Virginia,  
11 1931, as amended, relating to registration plates for state,  
12 county, municipal and other governmental vehicles; authorizing  
13 the Commissioner of the Division of Motor Vehicles to issue no  
14 more than five Class A registration plates to the division for  
15 vehicles to be used by investigators for commercial driver  
16 examination fraud investigation and driver's license issuance  
17 fraud detection and fraud prevention; authorizing the  
18 commissioner to issue Class A registration plates to Medicaid  
19 Fraud Control Unit and the West Virginia Insurance Fraud Unit;  
20 deleting an outdated requirement; and providing penalties.

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

22 That §17A-3-23 of the Code of West Virginia, 1931, as amended,  
23 be amended and reenacted to read as follows:

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

3 **§17A-3-23. Registration plates to state, county, municipal and**  
4 **other governmental vehicles; use for undercover**  
5 **activities.**

6 (a) Any motor vehicle designed to carry passengers, owned or  
7 leased by the State of West Virginia, or any of its departments,  
8 bureaus, commissions or institutions, except vehicles used by the  
9 Governor, Treasurer, three vehicles per elected office of the Board  
10 of Public Works, vehicles operated by the State Police, not to  
11 exceed five vehicles operated by the Office of the Secretary of  
12 Military Affairs and Public Safety, not to exceed five vehicles  
13 operated by the Division of Homeland Security and Emergency  
14 Management, vehicles operated by natural resources police officers  
15 of the Division of Natural Resources, not to exceed ten vehicles  
16 operated by the arson investigators of the Office of State Fire  
17 Marshal, not to exceed two vehicles operated by the Division of  
18 Protective Services, not to exceed sixteen vehicles operated by  
19 inspectors of the Office of the Alcohol Beverage Control  
20 Commissioner and vehicles operated by probation officers employed  
21 under the Supreme Court of Appeals may not be operated or driven by  
22 any person unless it has displayed and attached to the front

1 thereof, in the same manner as regular motor vehicle registration  
2 plates are attached, a plate of the same size as the regular  
3 registration plate, with white lettering on a green background  
4 bearing the words "West Virginia" in one line and the words "State  
5 Car" in another line and the lettering for the words "State Car"  
6 shall be of sufficient size to be plainly readable from a distance  
7 of one hundred feet during daylight.

8         The vehicle shall also have attached to the rear a plate  
9 bearing a number and any other words and figures as the  
10 Commissioner of Motor Vehicles shall prescribe. The rear plate  
11 shall also be green with the number in white.

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

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

18         (d) Registration plates issued to a city or municipality law-  
19 enforcement department shall include blue lettering on a white  
20 background with the word "West Virginia" on top of the plate and  
21 shall be further designed by the commissioner to include a law-  
22 enforcement shield together with other insignia or lettering  
23 sufficient to identify the motor vehicle as a municipal law-

1 enforcement department motor vehicle. The colors may not be  
2 reversed and shall be of reflectorized material. The registration  
3 plates issued to counties, municipalities and other governmental  
4 agencies authorized to receive colored plates hereunder shall be  
5 affixed to both the front and rear of the vehicles.

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

15 (f) The commissioner is authorized to designate the colors and  
16 design of any other registration plates that are issued without  
17 charge to any other agency in accordance with the motor vehicle  
18 laws.

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

23 (h) The commissioner is authorized to issue a maximum of five

1 Class A license plates to be used on vehicles assigned to the  
2 Division of Motor Vehicle investigators for commercial driver  
3 examination fraud investigation and driver's license issuance fraud  
4 detection and fraud prevention.

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

13 (j) The commissioner is authorized to issue twenty Class A  
14 license plates to the Criminal Investigation Division of the  
15 Department of Revenue for use by its investigators.

16 (k) The commissioner may issue a maximum of ten Class A  
17 license plates to the Division of Natural Resources for use by  
18 natural resources police officers. The commissioner shall  
19 designate the color and design of the registration plates to be  
20 displayed on the front and the rear of all other state-owned  
21 vehicles owned by the Division of Natural Resources and operated by  
22 natural resources police officers.

23 (l) The commissioner is authorized to issue an unlimited

1 number of Class A license plates to the Commission on Special  
2 Investigations for state-owned vehicles used for official  
3 undercover work conducted by the Commission on Special  
4 Investigations.

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

9 (n) The commissioner is authorized to issue Class A  
10 registration plates for vehicles used by the Medicaid Fraud Control  
11 Unit created by section seven, article seven, chapter nine of this  
12 code.

13 (o) The commissioner is authorized to issue Class A  
14 registration plates for vehicles used by the West Virginia  
15 Insurance Fraud Unit created by section eight, article forty-one,  
16 chapter thirty-three of this code.

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

19 (q) The Commissioner of Motor Vehicles shall have a sufficient  
20 number of both front and rear plates produced to attach to all  
21 state-owned cars. The numbered registration plates for the  
22 vehicles shall start with the number five hundred and the  
23 commissioner shall issue consecutive numbers for all state-owned

1 cars.

2 (r) It is the duty of each office, department, bureau,  
3 commission or institution furnished any vehicle to have plates as  
4 described herein affixed thereto prior to the operation of the  
5 vehicle by any official or employee.

6 (s) The commissioner may issue special registration plates for  
7 motor vehicles titled in the name of the Division of Public Transit  
8 or in the name of a public transit authority as defined in this  
9 subsection and operated by a public transit authority or a public  
10 transit provider to transport persons in the public interest. For  
11 purposes of this subsection, "public transit authority" means an  
12 urban mass transportation authority created pursuant to the  
13 provisions of article twenty-seven, chapter eight of this code or  
14 a nonprofit entity exempt from federal and state income taxes under  
15 the Internal Revenue Code and whose purpose is to provide mass  
16 transportation to the public at large. The special registration  
17 plate shall be designed by the commissioner and shall display the  
18 words "public transit" or words or letters of similar effect to  
19 indicate the public purpose of the use of the vehicle. The special  
20 registration plate shall be issued without charge.

21 (t) Any person who violates the provisions of this section is  
22 guilty of a misdemeanor and, upon conviction thereof, shall be  
23 fined not less than \$50 nor more than \$100. Magistrates have

1 concurrent jurisdiction with circuit courts for the enforcement of  
2 this section.