

ENROLLED

Senate Bill No. 428

(BY SENATORS BEACH AND KLEMPA)

[Passed March 10, 2012; in effect ninety days from passage.]

AN ACT to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to registration plates for state, county, municipal and other governmental vehicles; authorizing the Commissioner of the Division of Motor Vehicles to issue no more than five Class A registration plates to the division for vehicles to be used by investigators for commercial driver examination fraud investigation and driver's license issuance fraud detection and fraud prevention; authorizing the commissioner to issue Class A registration plates to Medicaid Fraud Control Unit and the West Virginia Insurance Fraud Unit; deleting an outdated requirement; and providing penalties.

Be it enacted by the Legislature of West Virginia:

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

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

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

1 (a) Any motor vehicle designed to carry passengers,
2 owned or leased by the State of West Virginia, or any of its
3 departments, bureaus, commissions or institutions, except
4 vehicles used by the Governor, Treasurer, three vehicles per
5 elected office of the Board of Public Works, vehicles operated
6 by the State Police, not to exceed five vehicles operated by
7 the Office of the Secretary of Military Affairs and Public
8 Safety, not to exceed five vehicles operated by the Division
9 of Homeland Security and Emergency Management, vehicles
10 operated by natural resources police officers of the Division
11 of Natural Resources, not to exceed ten vehicles operated by
12 the arson investigators of the Office of State Fire Marshal,
13 not to exceed two vehicles operated by the Division of
14 Protective Services, not to exceed sixteen vehicles operated
15 by inspectors of the Office of the Alcohol Beverage Control
16 Commissioner and vehicles operated by probation officers
17 employed under the Supreme Court of Appeals may not be
18 operated or driven by any person unless it has displayed and
19 attached to the front thereof, in the same manner as regular
20 motor vehicle registration plates are attached, a plate of the
21 same size as the regular registration plate, with white
22 lettering on a green background bearing the words "West
23 Virginia" in one line and the words "State Car" in another
24 line and the lettering for the words "State Car" shall be of
25 sufficient size to be plainly readable from a distance of one
26 hundred feet during daylight.

27 The vehicle shall also have attached to the rear a plate
28 bearing a number and any other words and figures as the
29 Commissioner of Motor Vehicles shall prescribe. The rear
30 plate shall also be green with the number in white.

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

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

38 (d) Registration plates issued to a city or municipality
39 law-enforcement department shall include blue lettering on
40 a white background with the word "West Virginia" on top of
41 the plate and shall be further designed by the commissioner
42 to include a law-enforcement shield together with other
43 insignia or lettering sufficient to identify the motor vehicle
44 as a municipal law-enforcement department motor vehicle.
45 The colors may not be reversed and shall be of reflectorized
46 material. The registration plates issued to counties, munici-
47 palities and other governmental agencies authorized to
48 receive colored plates hereunder shall be affixed to both the
49 front and rear of the vehicles.

50 (e) Registration plates issued to vehicles operated by
51 county sheriffs shall be designed by the commissioner in
52 cooperation with the sheriffs' association with the word
53 "Sheriff" on top of the plate and the words "West Virginia"
54 on the bottom. The plate shall contain a gold shield repre-
55 senting the sheriff's star and a number assigned to that plate
56 by the commissioner. Every county sheriff shall provide the
57 commissioner with a list of vehicles operated by the sheriff,
58 unless otherwise provided in this section, and a fee of \$10 for
59 each vehicle submitted by July 1, 2002.

60 (f) The commissioner is authorized to designate the colors
61 and design of any other registration plates that are issued
62 without charge to any other agency in accordance with the
63 motor vehicle laws.

64 (g) Upon application, the commissioner is authorized to
65 issue a maximum of five Class A license plates per applicant
66 to be used by county sheriffs and municipalities on law-
67 enforcement vehicles while engaged in undercover investiga-
68 tions.

69 (h) The commissioner is authorized to issue a maximum
70 of five Class A license plates to be used on vehicles assigned
71 to the Division of Motor Vehicle investigators for commercial
72 driver examination fraud investigation and driver's license
73 issuance fraud detection and fraud prevention.

74 (i) The commissioner is authorized to issue an unlimited
75 number of license plates per applicant to authorized drug
76 and violent crime task forces in the State of West Virginia
77 when the chairperson of the control group of a drug and
78 violent crime task force signs a written affidavit stating that
79 the vehicle or vehicles for which the plates are being re-
80 quested will be used only for official undercover work
81 conducted by a drug and violent crime task force.

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

85 (k) The commissioner may issue a maximum of ten Class
86 A license plates to the Division of Natural Resources for use
87 by natural resources police officers. The commissioner shall
88 designate the color and design of the registration plates to be
89 displayed on the front and the rear of all other state-owned
90 vehicles owned by the Division of Natural Resources and
91 operated by natural resources police officers.

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

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

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

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

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

111 (q) The Commissioner of Motor Vehicles shall have a
112 sufficient number of both front and rear plates produced to
113 attach to all state-owned cars. The numbered registration
114 plates for the vehicles shall start with the number five
115 hundred and the commissioner shall issue consecutive
116 numbers for all state-owned cars.

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

121 (s) The commissioner may issue special registration
122 plates for motor vehicles titled in the name of the Division of
123 Public Transit or in the name of a public transit authority as
124 defined in this subsection and operated by a public transit
125 authority or a public transit provider to transport persons in
126 the public interest. For purposes of this subsection, "public
127 transit authority" means an urban mass transportation
128 authority created pursuant to the provisions of article
129 twenty-seven, chapter eight of this code or a nonprofit entity
130 exempt from federal and state income taxes under the
131 Internal Revenue Code and whose purpose is to provide mass
132 transportation to the public at large. The special registration
133 plate shall be designed by the commissioner and shall
134 display the words "public transit" or words or letters of
135 similar effect to indicate the public purpose of the use of the
136 vehicle. The special registration plate shall be issued without
137 charge.

138 (t) Any person who violates the provisions of this section
139 is guilty of a misdemeanor and, upon conviction thereof,
140 shall be fined not less than \$50 nor more than \$100. Magis-
141 trates have concurrent jurisdiction with circuit courts for the
142 enforcement of this section.

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

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the
Day of, 2012.

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Governor