

Senate Bill No. 428

(By Senators Beach and Klempa)

[Introduced January 25, 2012; referred to
the Committee on Transportation and Infrastructure;
and then to the Committee on Finance.]

A BILL 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Class A registration plates to Medicaid Fraud Control Unit and the West Virginia Insurance Fraud Unit; deleting an outdated requirement; and providing penalties.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; ISSU-
ANCE 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) On registration~~ Registration plates issued to vehicles
32 owned by counties ~~the color~~ shall be white on red with the
33 word "County" on top of the plate and the words "West
34 Virginia" on the bottom.

35 ~~(c) On any registration~~ Registration plates issued to a city
36 or municipality ~~the color~~ shall be white on blue with the

37 word “City” on top and the words “West Virginia” on the
38 bottom.

39 ~~(d) *Provided*, That after December 31, 2006, registration~~
40 Registration plates issued to a city or municipality law-
41 enforcement department shall include blue lettering on a
42 white background with the word “West Virginia” on top of
43 the plate and shall be further designed by the commissioner
44 to include a law-enforcement shield together with other
45 insignia or lettering sufficient to identify the motor vehicle
46 as a municipal law-enforcement department motor vehicle.
47 The colors may not be reversed and shall be of reflectorized
48 material. The registration plates issued to counties, munici-
49 palities and other governmental agencies authorized to
50 receive colored plates hereunder shall be affixed to both the
51 front and rear of the vehicles. ~~Every municipality shall~~
52 ~~provide the commissioner with a list of law-enforcement~~
53 ~~vehicles operated by the law-enforcement department of the~~
54 ~~municipality, unless otherwise provided in this section, and~~
55 ~~a fee of \$10 for each vehicle submitted by July 1, 2006.~~

56 ~~(e)~~ (e) Registration plates issued to vehicles operated by
57 county sheriffs shall be designed by the commissioner in
58 cooperation with the sheriffs’ association with the word

59 “Sheriff” on top of the plate and the words “West Virginia”
60 on the bottom. The plate shall contain a gold shield repre-
61 senting the sheriff’s star and a number assigned to that plate
62 by the commissioner. Every county sheriff shall provide the
63 commissioner with a list of vehicles operated by the sheriff,
64 unless otherwise provided in this section, and a fee of \$10 for
65 each vehicle submitted by July 1, 2002.

66 ~~(d)~~ (f) The commissioner is authorized to designate the
67 colors and design of any other registration plates that are
68 issued without charge to any other agency in accordance
69 with the motor vehicle laws.

70 ~~(e)~~ (g) Upon application, the commissioner is authorized
71 to issue a maximum of five Class A license plates per appli-
72 cant to be used by county sheriffs and municipalities on law-
73 enforcement vehicles while engaged in undercover investiga-
74 tions.

75 (h) The commissioner is authorized to issue a maximum
76 of five Class A license plates to be used on vehicles assigned
77 to the Division of Motor Vehicle investigators for commercial
78 driver examination fraud investigation and driver’s license
79 issuance fraud detection and fraud prevention.

80 ~~(f)~~ (i) The commissioner is authorized to issue an unlim-
81 ited number of license plates per applicant to authorized
82 drug and violent crime task forces in the State of West
83 Virginia when the chairperson of the control group of a drug
84 and violent crime task force signs a written affidavit stating
85 that the vehicle or vehicles for which the plates are being
86 requested will be used only for official undercover work
87 conducted by a drug and violent crime task force.

88 ~~(g)~~ (j) The commissioner is authorized to issue twenty
89 Class A license plates to the Criminal Investigation Division
90 of the Department of Revenue for use by its investigators.

91 ~~(h)~~ (k) The commissioner may issue a maximum of ten
92 Class A license plates to the Division of Natural Resources
93 for use by natural resources police officers. The commis-
94 sioner shall designate the color and design of the registration
95 plates to be displayed on the front and the rear of all other
96 state-owned vehicles owned by the Division of Natural
97 Resources and operated by natural resources police officers.

98 ~~(i)~~ (l) The commissioner is authorized to issue an unlim-
99 ited number of Class A license plates to the Commission on
100 Special Investigations for state-owned vehicles used for

101 official undercover work conducted by the Commission on
102 Special Investigations.

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

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

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

115 ~~(j)~~ (p) No other registration plate may be issued for, or
116 attached to, any state-owned vehicle.

117 ~~(k)~~ (q) The Commissioner of Motor Vehicles shall have a
118 sufficient number of both front and rear plates produced to
119 attach to all state-owned cars. The numbered registration
120 plates for the vehicles shall start with the number five
121 hundred and the commissioner shall issue consecutive
122 numbers for all state-owned cars.

123 ~~(t)~~ (r) It is the duty of each office, department, bureau,
124 commission or institution furnished any vehicle to have
125 plates as described herein affixed thereto prior to the
126 operation of the vehicle by any official or employee.

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

144 ~~(n)~~ (t) Any person who violates the provisions of this
145 section is guilty of a misdemeanor and, upon conviction
146 thereof, shall be fined not less than \$50 nor more than \$100.
147 Magistrates have concurrent jurisdiction with circuit courts
148 for the enforcement of this section.

(NOTE: The purpose of this bill is to authorize 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. The bill authorizes the commissioner to issue Class A registration plates to Medicaid Fraud Control Unit and the West Virginia Insurance Fraud Unit. The bill deletes the outdated requirement that municipalities provide the commissioner with lists of vehicles used by their law-enforcement departments. The bill also provides for penalties.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)