

H. B. 2753

(By Delegates J. Nelson, R. Phillips, McGeehan, P. Smith,
Longstreth and Weld)

[Introduced February 16, 2015; referred to the
Committee on Roads and Transportation then the Judiciary.]

A BILL to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to removing the requirement for vehicles operated by the West Virginia Wing of the Civil Air Patrol to display front license plates with white lettering on a green background bearing the words "West Virginia" in one line and the words "State Car" in another line.

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.

(a) Any motor vehicle designed to carry passengers, owned or leased by the State of West Virginia, or any of its departments, bureaus, commissions or institutions, except vehicles used by the Governor, Treasurer, three vehicles per elected office of the Board of Public Works, vehicles

1 operated by the State Police, not to exceed five vehicles operated by the Office of the Secretary of
2 Military Affairs and Public Safety, not to exceed five vehicles operated by the Division of Homeland
3 Security and Emergency Management, vehicles operated by natural resources police officers of the
4 Division of Natural Resources, not to exceed ten vehicles operated by the arson investigators of the
5 Office of State Fire Marshal, not to exceed two vehicles operated by the Division of Protective
6 Services, not to exceed sixteen vehicles operated by inspectors of the Office of the Alcohol Beverage
7 Control Commissioner, vehicles operated by the West Virginia Wing of the Civil Air Patrol and
8 vehicles operated by probation officers employed under the Supreme Court of Appeals may not be
9 operated or driven by any person unless it has displayed and attached to the front thereof, in the same
10 manner as regular motor vehicle registration plates are attached, a plate of the same size as the
11 regular registration plate, with white lettering on a green background bearing the words "West
12 Virginia" in one line and the words "State Car" in another line and the lettering for the words "State
13 Car" shall be of sufficient size to be plainly readable from a distance of one hundred feet during
14 daylight.

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

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

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

22 (d) Registration plates issued to a city or municipality law-enforcement department shall

1 include blue lettering on a white background with the word "West Virginia" on top of the plate and
2 shall be further designed by the commissioner to include a law-enforcement shield together with
3 other insignia or lettering sufficient to identify the motor vehicle as a municipal law-enforcement
4 department motor vehicle. The colors may not be reversed and shall be of reflectorized material.
5 The registration plates issued to counties, municipalities and other governmental agencies authorized
6 to receive colored plates hereunder shall be affixed to both the front and rear of the vehicles.

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

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

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

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

22 (i) The commissioner is authorized to issue an unlimited number of license plates per

1 applicant to authorized drug and violent crime task forces in the State of West Virginia when the
2 chairperson of the control group of a drug and violent crime task force signs a written affidavit
3 stating that the vehicle or vehicles for which the plates are being requested will be used only for
4 official undercover work conducted by a drug and violent crime task force.

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

7 (k) The commissioner may issue a maximum of ten Class A license plates to the Division
8 of Natural Resources for use by natural resources police officers. The commissioner shall designate
9 the color and design of the registration plates to be displayed on the front and the rear of all other
10 state-owned vehicles owned by the Division of Natural Resources and operated by natural resources
11 police officers.

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

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

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

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

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

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

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

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

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

NOTE: The purpose of this bill is to remove the requirement for vehicles operated by the West Virginia Wing of the Civil Air Patrol to display front license plates with white lettering on a green background bearing the words "West Virginia" in one line and the words "State Car" in another line.

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