

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 405**

BY SENATOR BLAIR

[Introduced February 23, 2017; Referred  
to the Committee on Government Organization]

1 A BILL to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating  
2 to providing the West Virginia Attorney General the ability to operate state-owned or -  
3 leased vehicles without a green "State Car" registration plate.

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

1 That §17A-3-23 of the Code of West Virginia, 1931, as amended, be amended and  
2 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, owned or leased by the State of West  
2 Virginia, or any of its departments, bureaus, commissions or institutions, except vehicles used by  
3 the Governor, Treasurer, Attorney General, three vehicles per elected office of the board of Public  
4 Works, vehicles operated by the State Police, not to exceed five vehicles operated by the Office  
5 of the Secretary of Military Affairs and Public Safety, not to exceed five vehicles operated by the  
6 Division of Homeland Security and Emergency Management, vehicles operated by natural  
7 resources police officers of the Division of Natural Resources, not to exceed ten vehicles operated  
8 by the arson investigators of the Office of State Fire Marshal, not to exceed two vehicles operated  
9 by the Division of Protective Services, not to exceed sixteen vehicles operated by inspectors of  
10 the Office of the Alcohol Beverage Control Commissioner, vehicles operated by the West Virginia  
11 Wing of the Civil Air Patrol and vehicles operated by probation officers employed under the  
12 Supreme Court of Appeals may not be operated or driven by any person unless it has displayed  
13 and attached to the front thereof, in the same manner as regular motor vehicle registration plates  
14 are attached, a plate of the same size as the regular registration plate, with white lettering on a  
15 green background bearing the words "West Virginia" in one line and the words "State Car" in

16 another line and the lettering for the words "State Car" shall be of sufficient size to be plainly  
17 readable from a distance of one hundred feet during daylight.

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

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

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

25 (d) Registration plates issued to a city or municipality law-enforcement department shall  
26 include blue lettering on a white background with the words "West Virginia" on top of the plate  
27 and shall be further designed by the commissioner to include a law-enforcement shield together  
28 with other insignia or lettering sufficient to identify the motor vehicle as a municipal law-  
29 enforcement department motor vehicle. The colors may not be reversed and shall be of  
30 reflectorized material. The registration plates issued to counties, municipalities and other  
31 governmental agencies authorized to receive colored plates hereunder shall be affixed to both  
32 the front and rear of the vehicles.

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

39 (2) Registration plates issued to vehicles operated by the West Virginia Wing of the Civil  
40 Air Patrol shall be designed by the commissioner in cooperation with the Civil Air Patrol and  
41 include the words "Civil Air Patrol" on the plate. The Civil Air Patrol shall provide the commissioner

42 with a list of vehicles operated by the Civil Air Patrol, unless otherwise provided in this section,  
43 and a fee of \$10 for each new vehicle for which a Civil Air Patrol license plate is requested.

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

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

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

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

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

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

66 (l) The commissioner is authorized to issue an unlimited number of Class A license plates  
67 to the Commission on Special Investigations for state-owned vehicles used for official undercover

68 work conducted by the Commission on Special Investigations.

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

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

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

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

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

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

86 (s) The commissioner may issue special registration plates for motor vehicles titled in the  
87 name of the Division of Public Transit or in the name of a public transit authority as defined in this  
88 subsection and operated by a public transit authority or a public transit provider to transport  
89 persons in the public interest. For purposes of this subsection, "public transit authority" means an  
90 urban mass transportation authority created pursuant to the provisions of article twenty-seven,  
91 chapter eight of this code or a nonprofit entity exempt from federal and state income taxes under  
92 the Internal Revenue Code and whose purpose is to provide mass transportation to the public at  
93 large. The special registration plate shall be designed by the commissioner and shall display the

94 words "public transit" or words or letters of similar effect to indicate the public purpose of the use  
95 of the vehicle. The special registration plate shall be issued without charge.

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

NOTE: The purpose of this bill is to enable the West Virginia Attorney General to request the quantity of nongreen license plates to adequately protect the investigators of the Office while operating a state vehicle.

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