

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

Senate Bill 558

BY SENATORS BEACH, FACEMIRE, MILLER, OJEDA,

ROMANO, WOELFEL, PLYMALE AND STOLLINGS

[Introduced March 8, 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 requiring state-owned or -leased vehicles be subject to registration requirements;
 3 requiring that state-owned or -leased vehicles have current registration; and requiring
 4 state-owned or -leased vehicles bear plates that indicate current registration.

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 RENEWEL 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, three vehicles per elected office of the Board of Public Works, vehicles
 4 operated by the State Police, not to exceed five vehicles operated by the Office of the Secretary
 5 of Military Affairs and Public Safety, not to exceed five vehicles operated by the Division of
 6 Homeland Security and Emergency Management, vehicles operated by natural resources police
 7 officers of the Division of Natural Resources, not to exceed ten vehicles operated by the arson
 8 investigators of the Office of State Fire Marshal, not to exceed two vehicles operated by the
 9 Division of Protective Services, not to exceed sixteen vehicles operated by inspectors of the Office
 10 of the Alcohol Beverage Control Commissioner, vehicles operated by the West Virginia Wing of
 11 the Civil Air Patrol and vehicles operated by probation officers employed under the Supreme Court
 12 of Appeals may not be operated or driven by any person unless it has displayed and attached to
 13 the front thereof, in the same manner as regular motor vehicle registration plates are attached, a
 14 plate of the same size as the regular registration plate, with white lettering on a green background

15 bearing the words "West Virginia" in one line and the words "State Car" in another line and the
16 lettering for the words "State Car" shall be of sufficient size to be plainly readable from a distance
17 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 All motor vehicle designed to carry passengers, owned or leased by the State of West
22 Virginia, or any of its departments, bureaus, commissions or institutions, shall be registered with
23 the division in the manner prescribed by section three of this article and subject to the renewal of
24 registration as prescribed by section sixteen of this article.

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

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

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

37 (e) (1) Registration plates issued to vehicles operated by county sheriffs shall be designed
38 by the commissioner in cooperation with the sheriffs' association with the word "Sheriff" on top of
39 the plate and the words "West Virginia" on the bottom. The plate shall contain a gold shield
40 representing the sheriff's star and a number assigned to that plate by the commissioner. Every

41 county sheriff shall provide the commissioner with a list of vehicles operated by the sheriff, unless
42 otherwise provided in this section, and a fee of \$10 for each vehicle submitted by July 1, 2002.

43 (2) Registration plates issued to vehicles operated by the West Virginia Wing of the Civil
44 Air Patrol shall be designed by the commissioner in cooperation with the Civil Air Patrol and
45 include the words "Civil Air Patrol" on the plate. The Civil Air Patrol shall provide the commissioner
46 with a list of vehicles operated by the Civil Air Patrol, unless otherwise provided in this section,
47 and a fee of \$10 for each new vehicle for which a Civil Air Patrol license plate is requested.

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

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

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

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

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

65 (k) The commissioner may issue a maximum of ten Class A license plates to the Division
66 of Natural Resources for use by natural resources police officers. The commissioner shall

67 designate the color and design of the registration plates to be displayed on the front and the rear
68 of all other state-owned vehicles owned by the Division of Natural Resources and operated by
69 natural resources police officers.

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

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

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

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

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

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

87 (r) It is the duty of each office, department, bureau, commission or institution furnished
88 any vehicle to have plates as described herein affixed thereto prior to the operation of the vehicle
89 by any official or employee, and for the plates to indicate the vehicle is current registered.

90 (s) The commissioner may issue special registration plates for motor vehicles titled in the
91 name of the Division of Public Transit or in the name of a public transit authority as defined in this
92 subsection and operated by a public transit authority or a public transit provider to transport

93 persons in the public interest. For purposes of this subsection, "public transit authority" means an
94 urban mass transportation authority created pursuant to the provisions of article twenty-seven,
95 chapter eight of this code or a nonprofit entity exempt from federal and state income taxes under
96 the Internal Revenue Code and whose purpose is to provide mass transportation to the public at
97 large. The special registration plate shall be designed by the commissioner and shall display the
98 words "public transit" or words or letters of similar effect to indicate the public purpose of the use
99 of the vehicle. The special registration plate shall be issued without charge.

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

NOTE: The purpose of this bill is to require that all state vehicles are registered with the DMV, are registered annually, and always display currently registered plates.

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