

# **WEST VIRGINIA LEGISLATURE**

## **2018 REGULAR SESSION**

**Introduced**

### **House Bill 4593**

BY DELEGATE R. MILLER

[Introduced February 13, 2018; Referred  
to the Committee on Roads and Transportation then  
the Judiciary.]

1 A BILL to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating  
2 to establishing motor vehicle registration plates for official vehicles of emergency  
3 management agencies.

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

**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, 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           (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           (3) Registration plates issued to vehicles operated by emergency management agencies  
45 of this state or a political subdivision thereof, shall be designed by the commissioner in  
46 cooperation with the Division of Homeland Security and Emergency Management with the word  
47 "Emergency Management" on top of the plate and the words "West Virginia" on the bottom. The  
48 plate shall contain an emblem representing the emergency management emblem as identified in  
49 WV and a number assigned to that plate by the commissioner. Every emergency management  
50 agency shall provide the commissioner with a list of vehicles authorized and operated by the  
51 emergency management agency, unless otherwise provided in this section, and a fee of \$10 for  
52 each vehicle submitted by July 1, 2018.

53           (f) The commissioner ~~is authorized to~~ may designate the colors and design of any other  
54 registration plates that are issued without charge to any other agency in accordance with the  
55 motor vehicle laws.

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

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

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

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

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

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

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

81 (n) The commissioner ~~is authorized to~~ may issue Class A registration plates for vehicles  
82 used by the Medicaid Fraud Control Unit created by §9-7-7 of this code.

83 (o) The commissioner ~~is authorized to~~ may issue Class A registration plates for vehicles  
84 used by the West Virginia Insurance Fraud Unit created by §33-41-8 of this code.

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

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

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

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

96 persons in the public interest. For purposes of this subsection, "public transit authority" means an  
97 urban mass transportation authority created pursuant to the provisions of §8-27-1 *et seq.*, of this  
98 code or a nonprofit entity exempt from federal and state income taxes under the Internal Revenue  
99 Code and whose purpose is to provide mass transportation to the public at large. The special  
100 registration plate shall be designed by the commissioner and shall display the words "public  
101 transit" or words or letters of similar effect to indicate the public purpose of the use of the vehicle.  
102 The special registration plate shall be issued without charge.

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

NOTE: The purpose of this bill is to authorize the issuance of special "Emergency Management" motor vehicle plates to authorized emergency management vehicles of the state or political subdivision.

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