

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4131**

BY DELEGATES BYRD AND LINVILLE

[Introduced January 13, 2020; Referred to the  
Committee on Technology and Infrastructure then  
Government Organization]

1 A BILL to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating  
2 to authorizing municipal fire departments specialized license plates.

*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  
3 by the Governor, Treasurer, not to exceed eight vehicles operated by investigators of the Office  
4 of the Attorney General, three vehicles per elected office of the Board of Public Works not  
5 otherwise specified, vehicles operated by the State Police, not to exceed five vehicles operated  
6 by the office of the Secretary of Military Affairs and Public Safety, not to exceed five vehicles  
7 operated by the Division of Homeland Security and Emergency Management, vehicles operated  
8 by natural resources police officers of the Division of Natural Resources, not to exceed 10 vehicles  
9 operated by the arson investigators of the Office of State Fire Marshal, not to exceed two vehicles  
10 operated by the Division of Protective Services, not to exceed 16 vehicles operated by inspectors  
11 of the Office of the Alcohol Beverage Control Commissioner, vehicles operated by the West  
12 Virginia Wing of the Civil Air Patrol, and vehicles operated by probation officers employed under  
13 the Supreme Court of Appeals may not be operated or driven by any person unless it has  
14 displayed and attached to the front thereof, in the same manner as regular motor vehicle  
15 registration plates are attached, a plate of the same size as the regular registration plate, with  
16 white lettering on a green background bearing the words "West Virginia" in one line and the words  
17 "State Car" in another line, and the lettering for the words "State Car" shall be of sufficient size to  
18 be plainly readable from a distance of 100 feet during daylight: *Provided*, That beginning January

19 1, 2019, state vehicle license plates shall be gold with blue lettering.

20 The vehicle shall also have attached to the rear a plate bearing a number and any other  
21 words and figures as the Commissioner of Motor Vehicles shall prescribe. The rear plate shall  
22 also be green with the number in white: *Provided*, That beginning January 1, 2019, state vehicle  
23 license plates shall be gold with blue lettering.

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

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

28 (d) (1) Registration plates issued to a city or municipality law-enforcement department  
29 shall include blue lettering on a white background with the words "West Virginia" on top of the  
30 plate and shall be further designed by the commissioner to include a law-enforcement shield  
31 together with other insignia or lettering sufficient to identify the motor vehicle as a municipal law-  
32 enforcement department motor vehicle. The colors may not be reversed and shall be of  
33 reflectorized material. The registration plates issued to counties, municipalities, and other  
34 governmental agencies authorized to receive colored plates hereunder shall be affixed to both  
35 the front and rear of the vehicles.

36 (2) Registration plates issued to a city or municipality fire department shall include blue  
37 lettering on a white background with the words "West Virginia" on top of the plate and shall be  
38 further designed by the commissioner to include a fire department insignia together with other  
39 lettering sufficient to identify the motor vehicle as a municipal fire department vehicle. The colors  
40 may not be reversed and shall be of reflectorized material.

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

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

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

52 (f) The commissioner is authorized to designate the colors and design of any other  
53 registration plates that are issued without charge to any other agency or nonstate government  
54 entity entitled to registration plates at no charge in accordance with the motor vehicle  
55 laws: *Provided*, That where the institutions of higher education opt to have their logo displayed on  
56 the state license plate, such institution shall bear any additional costs of those added features:  
57 *Provided, however*, That no public service districts or designated nongovernmental organizations  
58 shall be issued a license plate designated for vehicles owned or leased by the State of West  
59 Virginia, or any of its departments, bureaus, commissions, or institutions.

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

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

67 (i) The commissioner is authorized to issue an unlimited number of license plates per  
68 applicant to authorized drug and violent crime task forces in the State of West Virginia when the  
69 chairperson of the control group of a drug and violent crime task force signs a written affidavit  
70 stating that the vehicle or vehicles for which the plates are being requested will be used only for

71 official undercover work conducted by a drug and violent crime task force.

72 (j) The commissioner is authorized to issue 20 Class A license plates to the Criminal  
73 Investigation Division of the Department of Revenue for use by its investigators.

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

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

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

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

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

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

90 (q) The Commissioner of Motor Vehicles shall have a sufficient number of both front and  
91 rear plates produced to attach to all state-owned or leased vehicles.

92 (r) The commissioner shall, after consultation with the Fleet Management Division  
93 established pursuant to §5A-12-1 *et seq.* of this code and the Enterprise Resource Planning  
94 Board established pursuant to §12-6D-1 *et seq.* of this code, develop and adopt a standardized  
95 naming convention for the title, registration, and licensing of state vehicles, pursuant to §17A-3-  
96 25 of this code. The naming convention adopted shall be consistent with the naming convention

97 adopted for the centralized accounting system as maintained by the Enterprise Resource  
98 Planning Board for the purpose of creating and maintaining an accurate and up to date inventory  
99 of the state vehicle fleet.

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

103 (t) The commissioner may issue special registration plates for motor vehicles titled in the  
104 name of the Division of Public Transit or in the name of a public transit authority as defined in this  
105 subsection and operated by a public transit authority or a public transit provider to transport  
106 persons in the public interest. For purposes of this subsection, "public transit authority" means an  
107 urban mass transportation authority created pursuant to §8-27-1 *et seq.* of this code or a nonprofit  
108 entity exempt from federal and state income taxes under the Internal Revenue Code and whose  
109 purpose is to provide mass transportation to the public at large. The special registration plate shall  
110 be designed by the commissioner and shall display the words "public transit" or words or letters  
111 of similar effect to indicate the public purpose of the use of the vehicle. The special registration  
112 plate shall be issued without charge.

113 (u) Each green registration plate with white letters affixed to a state vehicle, and each  
114 corresponding title and registration certificate for all state vehicles, other than those vehicles with  
115 Class A registration plates as provided in this section, terminates at midnight on December 31,  
116 2018. Each spending unit assigned a state vehicle that is required to display a state vehicle  
117 license plate and registration shall obtain a new title, new registration card, and new state vehicle  
118 license plate prior to January 1, 2019: *Provided*, That no state vehicle license plate shall be issued  
119 unless the spending unit has provided an affirmative statement that the vehicle is a state asset  
120 recorded in the central accounting system as maintained by the Enterprise Resource Planning  
121 Board, and the same has been verified by the commissioner, as required by §17A-3-25 of this  
122 code. When new registrations are issued pursuant to this article and for subsequent, nonClass A

123 registrations of state owned or leased vehicles, the state vehicle registration plate and certificate  
124 shall be valid for a period of not more than 24 months and shall be required to be renewed every  
125 two years.

126 (v) The commissioner is authorized to prepare and promulgate emergency rules, pursuant  
127 to §29A-3-1 *et seq.* of this code in order to implement amendments to this section.

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

NOTE: The purpose of this bill is to authorize the Division of Motor Vehicles to issue special motor vehicle plates for municipal fire department vehicles.

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