

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2727

BY DELEGATES J. KELLY, CRISS, MAYNARD, CONLEY,

KIMES, D. KELLY, PINSON AND B. WARD

[Introduced February 24, 2021; 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 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
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) Registration plates issued to a city or municipality law-enforcement department shall
29 include blue lettering on a white background with the words "West Virginia" on top of the plate
30 and shall be further designed by the commissioner to include a law-enforcement shield together
31 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 (e) (1) Registration plates issued to vehicles operated by county sheriffs shall be designed
37 by the commissioner in cooperation with the sheriffs' association with the word "Sheriff" on top of
38 the plate and the words "West Virginia" on the bottom. The plate shall contain a gold shield
39 representing the sheriff's star and a number assigned to that plate by the commissioner. Every
40 county sheriff shall provide the commissioner with a list of vehicles operated by the sheriff, unless
41 otherwise provided in this section, and a fee of \$10 for each vehicle submitted by July 1, 2002.

42 (2) Registration plates issued to vehicles operated by the West Virginia Wing of the Civil
43 Air Patrol shall be designed by the commissioner in cooperation with the Civil Air Patrol and

44 include the words "Civil Air Patrol" on the plate. The Civil Air Patrol shall provide the commissioner
45 with a list of vehicles operated by the Civil Air Patrol, unless otherwise provided in this section,
46 and a fee of \$10 for each new vehicle for which a Civil Air Patrol license plate is requested.

47 (3) Registration plates issued to vehicles operated by emergency management agencies
48 of this state or a political subdivision thereof, shall be designed by the commissioner in
49 cooperation with the Division of Homeland Security and Emergency Management with the word
50 "Emergency Management" on top of the plate and the words "West Virginia" on the bottom. The
51 plate shall contain an emblem representing the emergency management emblem as identified in
52 WV and a number assigned to that plate by the commissioner. Every emergency management
53 agency shall provide the commissioner with a list of vehicles authorized and operated by the
54 emergency management agency, unless otherwise provided in this section, and a fee of \$10 for
55 each vehicle submitted by July 1, 2021.

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

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

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

70 prevention.

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

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

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

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

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

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

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

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

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

96 (r) The commissioner shall, after consultation with the Fleet Management Division
97 established pursuant to §5A-12-1 *et seq.* of this code and the Enterprise Resource Planning
98 Board established pursuant to §12-6D-1 *et seq.* of this code, develop and adopt a standardized
99 naming convention for the title, registration, and licensing of state vehicles, pursuant to §17A-3-
100 25 of this code. The naming convention adopted shall be consistent with the naming convention
101 adopted for the centralized accounting system as maintained by the Enterprise Resource
102 Planning Board for the purpose of creating and maintaining an accurate and up to date inventory
103 of the state vehicle fleet.

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

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

117 (u) Each green registration plate with white letters affixed to a state vehicle, and each
118 corresponding title and registration certificate for all state vehicles, other than those vehicles with
119 Class A registration plates as provided in this section, terminates at midnight on December 31,
120 2018. Each spending unit assigned a state vehicle that is required to display a state vehicle
121 license plate and registration shall obtain a new title, new registration card, and new state vehicle

122 license plate prior to January 1, 2019: Provided, That no state vehicle license plate shall be issued
123 unless the spending unit has provided an affirmative statement that the vehicle is a state asset
124 recorded in the central accounting system as maintained by the Enterprise Resource Planning
125 Board, and the same has been verified by the commissioner, as required by §17A-3-25 of this
126 code. When new registrations are issued pursuant to this article and for subsequent, non-Class
127 A registrations of state owned or leased vehicles, the state vehicle registration plate and certificate
128 shall be valid for a period of not more than 24 months and shall be required to be renewed every
129 two years.

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

132 (w) Any person who violates the provisions of this section is guilty of a misdemeanor and,
133 upon conviction thereof, shall be fined not less than \$50 nor more than \$100. Magistrates have
134 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.