

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENROLLED**

**Committee Substitute**

**for**

**Senate Bill 205**

By Senator Clements

[Passed March 08, 2023; in effect 90 days from  
passage]

1 AN ACT to amend and reenact §17A-3-14 of the Code of West Virginia, 1931, as amended; and to  
2 amend said code by adding thereto nine new sections, designated as §17A-3-14a, §17A-  
3 3-14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g, §17A-3-14h, and  
4 §17A-3-14i, all relating to registration plates; authorizing special registration plates;  
5 establishing fees; authorizing the suspension of registration of any owner who displays a  
6 damaged or illegible plate or otherwise fails to comply with legal requirements; voiding  
7 license plates issued or renewed and paid for by worthless check; authorizing Division of  
8 Motor Vehicles to accept or authorize electronic signatures; authorizing waiver of certain  
9 costs and fees related to special registration plates by concurrent resolution of the  
10 Legislature; and authorizing rulemaking by the Division of Motor Vehicles.

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

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF  
CERTIFICATES OF TITLE.**

**§17A-3-14. Registration plates generally; description of plates; issuance of special  
numbers and plates; registration fees; special application fees; exemptions;  
commissioner to promulgate forms; suspension and nonrenewal. suspension of  
registration; electronic signatures.**

1 (a) The division, upon registering a vehicle, shall issue to the owner one registration plate  
2 with a registration number consisting of a combination of letters, numerals, symbols, or characters  
3 in a configuration determined by the commissioner.

4 (b) Registration plates shall meet the following requirements:

5 (1) Plates must incorporate reflectorized material.

6 (2) Registration numbers shall be plainly readable from 100 feet during daylight.

7 (3) The commissioner may assign any additional feature to facilitate reciprocal  
8 agreements, facilitate interstate travel, promote highway safety, or promote the efficient operation

9 of the division.

10 (c) The commissioner may suspend the registration of any owner who displays a damaged  
11 or illegible plate or otherwise fails to comply with the requirements of §17A-3-19 of this code.

12 (d) Any license plate issued or renewed pursuant to this chapter which is paid for by a  
13 check that is returned for nonsufficient funds is void without further notice to the applicant. The  
14 applicant may not reinstate the registration until the returned check is paid by the applicant in cash,  
15 money order, or certified check and all applicable fees assessed as a result thereof have been  
16 paid.

17 (e) In furtherance of the Uniform Electronic Transactions Act, §39A-1-1 *et seq.* of this code,  
18 the division may accept or authorize an electronic signature in any instance the law required to be  
19 enforced by the commissioner requires a signature or a pen and ink signature.

**§17A-3-14a. Special registration plates for government officials.**

1 (a) The Governor shall be issued two registration plates, on one of which shall be imprinted  
2 the numeral one and on the other the word one.

3 (b) State officials and judges may be issued special registration plates as follows:

4 (1) Upon appropriate application, the division shall issue to the Secretary of State, State  
5 Superintendent of Schools, Auditor, Treasurer, Commissioner of Agriculture, Attorney General,  
6 members of both houses of the Legislature, including elected active and former officials of both  
7 houses of the Legislature, active or retired or former justices of the Supreme Court of Appeals of  
8 West Virginia, judges of the Intermediate Court of Appeals, representatives and senators of the  
9 state in the Congress of the United States, active or retired on senior status judges of the West  
10 Virginia circuit courts, the judges of the United States district courts for the State of West Virginia,  
11 and judges of the United States Court of Appeals for the fourth circuit, if any of the judges are  
12 residents of West Virginia, a special registration plate for any vehicle owned by the official or his or  
13 her spouse.

14 (2) Each plate issued pursuant to this subsection shall bear any combination of letters and

15 numbers, not to exceed an amount determined by the commissioner, and a designation of the  
16 office. Each plate shall supersede the regular numbered plate assigned to the official or his or her  
17 spouse during the official's term of office and while the vehicle is owned by the official or his or her  
18 spouse.

19 (3) The division shall charge an annual fee of \$15 for every registration plate issued  
20 pursuant to this subsection, which is in addition to all other fees required by this chapter.

21 (4) The division shall charge a special initial application fee of \$10 for every application  
22 received by a former or retired government official authorized to receive a plate in this section,  
23 which is in addition to all other fees required by this chapter.

**§17A-3-14b. Special registration plates for military personnel.**

1 (a) The division may continue to issue special plates for any plate class authorized by  
2 enactments of §17A-3-14 of this code prior to the year 2023 for active, retired, or honorably  
3 discharged military personnel, or the next of kin of a member of any branch of the armed services  
4 of the United States killed in combat. The division shall charge an initial application fee of \$10 for  
5 each special registration plate issued pursuant to this section, which is in addition to all other fees  
6 required by this chapter. A surviving spouse may continue to use his or her deceased spouse's  
7 military license plate until the surviving spouse dies, remarries, or does not renew the license  
8 plate.

9 (b) The applicant shall present documentation as determined by the commissioner as  
10 evidence of qualification for any plate authorized in this section.

11 (c) The division may issue a special registration plate pursuant to this section to any  
12 number of vehicles titled in the name of the applicant.

13 (d) If a new special plate as authorized in this section recognizes members of a military  
14 organization chartered by the United States Congress, the division may produce such plate upon  
15 receipt of a guarantee from the organization of a minimum of 100 applicants.

**§17A-3-14c. Specially arranged registration plates.**

1 Specially arranged registration plates for plate classes and special registration plate types  
2 authorized by the commissioner may be issued as follows:

3 (1) Upon appropriate application, any owner of a motor vehicle subject to registration, may  
4 request that the division issue a registration plate bearing specially arranged letters or numbers  
5 with the maximum number of letters or numbers to be determined by the commissioner. The  
6 division shall attempt to comply with the request wherever possible.

7 (2) The commissioner shall propose rules for legislative approval in accordance with the  
8 provisions of §29A-3-1 *et seq.* of this code regarding the orderly distribution of the plates:  
9 *Provided*, That for purposes of this subsection, the registration plates requested and issued shall  
10 include all plates bearing the numbers two through 2,000.

11 (3) An annual fee of \$15 shall be charged for each special registration plate issued  
12 pursuant to this section, which is in addition to all other fees required by this chapter.

**§17A-3-14d. Special honorary military plates.**

1 (a) The division may issue special plates to disabled veterans, recipients of the  
2 distinguished Purple Heart medal, recipients of the Congressional Medal of Honor, recipients of  
3 the Distinguished Service Cross, Navy Cross, and Air Force Cross, or veteran survivors of the  
4 attack on Pearl Harbor on December 7, 1941. Registration plates issued pursuant to this section  
5 are exempt from all registration fees otherwise required by the provisions of this chapter. A  
6 surviving spouse may continue to use the license plate of his or her deceased spouse that was  
7 issued pursuant to this section until the surviving spouse dies, remarries, or does not renew the  
8 license plate.

9 (b) A qualified applicant may obtain a second license plate as described in this section for  
10 use on a passenger vehicle titled in the name of the applicant. The division shall charge for the  
11 second plate a one-time fee of \$10, to be deposited into the State Road Fund, which is in addition  
12 to all other fees required by this chapter.

13 (c) The applicant shall present satisfactory proof as determined by the commissioner as

14 evidence of qualification for any plate authorized in this section.

15 (d) An applicant qualified to receive a special plate under subsection (a) of this section, or  
16 qualified to receive a registration fee exemption under §17A-10-8(6) of this code as a former  
17 prisoner of war, may choose to transfer the registration fee exemptions to a special registration  
18 plate for military personnel for which the applicant also qualifies under §17A-3-14b of this code  
19 instead of receiving the honorary military plate pursuant to this section.

**§17A-3-14e. Special registration plates for organizations.**

1 (a) The division may continue to issue all special registration plates to organizations issued  
2 under a prior enactment of §17A-3-14 of this code.

3 (b) An organization requesting the creation and issuance of a special registration plate  
4 shall make application with the division. The application shall include sufficient information, as  
5 determined by the commissioner, to determine whether the special registration plate requested,  
6 and the organization making the application, meet all the requirements set forth in this section and  
7 legislative rule. The application shall include a proposed design, including lettering, logo, image, or  
8 message to be placed on the registration plate. The commissioner shall notify the organization of  
9 the commissioner's approval or disapproval of the application.

10 (c) (1) The commissioner may not begin the design or production of any license plates  
11 authorized and approved pursuant to this section until the organization which applied for the  
12 special registration plate has collected and submitted collectively to the division applications  
13 completed by at least 100 persons and collectively deposited with the division all fees necessary to  
14 cover the first year's basic registration, one-time design and manufacturing costs, and the first  
15 year additional annual fee for all of the submitted applications.

16 (2) By concurrent resolution of the Legislature, the requirement to collectively deposited  
17 with the division all fees necessary to cover the first year's basic registration, one-time design, and  
18 manufacturing costs may be waived for any organization.

19 (d) If the organization fails to submit the required number of applications and fees within six

20 months of the effective date of the approval of the application for the plate by the commissioner,  
21 the plate may not be produced until a new application is submitted and is approved by the  
22 commissioner: *Provided*, That an organization that is unsuccessful in obtaining the minimum  
23 number of applications may not make a new application for a special plate until at least two years  
24 have passed since the approval of the previous application of the organization.

25 (e) The division shall charge a special initial application fee of \$25 for each special license  
26 plate in addition to all other fees required by this chapter. This special fee shall be collected by the  
27 division and deposited in the State Road Fund.

28 (f) The division shall charge an annual fee of \$15 for each special registration plate in  
29 addition to all other fees required by this chapter.

30 (g) Upon appropriate application, the division may issue a special registration plate  
31 designed by the commissioner in consultation with the organization for any number of vehicles  
32 titled in the name of a qualified registration plate applicant. Persons desiring the special  
33 registration plate shall offer sufficient proof of membership in the organization unless the  
34 organization has identified in the application that the special registration plate is desired to be  
35 made available for general issuance.

36 (h) The commissioner may discontinue the issuance or renewal of the registration of any  
37 special plate issued pursuant to this section if:

38 (1) The number of valid registrations for the specialty plate falls below 100 plates for at  
39 least 12 consecutive months; or

40 (2) The organization no longer exists or no longer meets the requirements of this section.

41 (i) If a new design is requested after issuance of a special registration plate, the  
42 organization shall pay the costs of design and any unused material from the previous design. In  
43 addition, the division shall charge a special initial application fee of \$25 for each newly designed  
44 special license plate in addition to all other fees required by this chapter.

**§17A-3-14f. Special 10-year registration plates.**

1 (a) The division may issue special 10-year registration plates as follows for any registration  
2 plate exempted from registration fees pursuant to any provision of this code or any restricted use  
3 antique motor vehicle license plate authorized by §17A-10-3a of this code: *Provided*, That the  
4 provisions of this subsection do not apply to any person who has had a special registration  
5 suspended for failure to maintain motor vehicle liability insurance as required by §17D-2A-3 of this  
6 code or failure to pay personal property taxes as required by §17A-3-3a of this code.

7 (b) An initial nonrefundable fee shall be charged for each special registration plate issued  
8 pursuant to this section, which is the total amount of fees required by §17A-3-3, §17A-10-3a, or  
9 §17A-10-15 of this code for the period requested.

**§17A-3-14g. Special registration plates for first responders.**

1 (a) The division may issue special emergency or volunteer registration plates as follows:

2 (1) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a  
3 certified paramedic or emergency medical technician, member of a paid fire department, member  
4 of the State Fire Commission, the State Fire Marshal, State Fire Marshal assistant, State Fire  
5 Administrator, or voluntary rescue squad member may apply for a special license plate for any  
6 number of Class A vehicles titled in the name of the qualified applicant which bears the insignia of  
7 the profession, group, or commission. Any insignia shall be designed by the commissioner.  
8 License plates issued pursuant to this subsection shall bear the requested insignia in addition to  
9 the registration number issued to the applicant pursuant to the provisions of this article.

10 (2) Each application submitted pursuant to this subsection shall be accompanied by an  
11 affidavit signed by the fire chief or department head of the applicant stating that the applicant is  
12 justified in having a registration with the requested insignia, proof of compliance with all laws of this  
13 state regarding registration and licensure of motor vehicles, and payment of all required fees.

14 (3) Each application submitted pursuant to this subsection shall be accompanied by  
15 payment of a special initial application fee of \$10, which is in addition to all other fees required by  
16 this chapter. All special fees shall be collected by the division and deposited into the State Road



17 Fund.

18 (b) The division may issue special certified firefighter registration plates as follows:

19 (1) Any owner of a motor vehicle who is a resident of the State of West Virginia and who is a  
20 certified firefighter may apply for a special license plate that bears the insignia of the profession for  
21 any number of Class A vehicles titled in the name of the qualified applicant. Any insignia shall be  
22 designed by the commissioner. License plates issued pursuant to this subsection shall bear the  
23 requested insignia pursuant to the provisions of this article. Upon presentation of written evidence  
24 of certification as a certified firefighter, certified firefighters are eligible to purchase the special  
25 registration plate issued pursuant to this subsection.

26 (2) Each application submitted pursuant to this subsection shall be accompanied by an  
27 affidavit stating that the applicant is justified in having a registration with the requested insignia,  
28 proof of compliance with all laws of this state regarding registration and licensure of motor  
29 vehicles, and payment of all required fees. The firefighter certification department, section, or  
30 division of the West Virginia University fire service extension shall notify the commissioner in  
31 writing immediately when a firefighter loses his or her certification. If a firefighter loses his or her  
32 certification, the commissioner may not issue him or her a license plate under this subsection.

33 (3) Each application submitted pursuant to this subsection shall be accompanied by  
34 payment of a special initial application fee of \$10, which is in addition to all other fees required by  
35 this chapter. All special fees shall be collected by the division and deposited into the State Road  
36 Fund.

37 (c) The division may issue special volunteer firefighter registration plates as follows:

38 (1) Any owner of a motor vehicle who is a resident of West Virginia and who is a volunteer  
39 firefighter may apply for a special license plate for any Class A vehicle titled in the name of the  
40 qualified applicant which bears the insignia of the profession in white letters on a red background.  
41 The insignia shall be designed by the commissioner and shall contain a fireman's helmet insignia  
42 on the left side of the license plate.

43           (2) Each application submitted pursuant to this subsection shall be accompanied by an  
44 affidavit signed by the applicant's fire chief, stating that the applicant is a volunteer firefighter and  
45 is justified in having a registration plate with the requested insignia. The applicant must comply  
46 with all other laws of this state regarding registration and licensure of motor vehicles and must pay  
47 all required fees.

48           (3) Each application submitted pursuant to this subsection shall be accompanied by  
49 payment of a special one-time initial application fee of \$10, which is in addition to all other fees  
50 required by this chapter. All application fees shall be deposited into the State Road Fund.

51           (d) The division may issue special registration plates to applicants supporting law-  
52 enforcement officers, to retired members of the West Virginia State Police, and to survivors of  
53 wounds received in the line of duty as a member with a West Virginia law-enforcement agency as  
54 follows:

55           (1) Upon appropriate application, the division shall issue a special registration plate  
56 designed by the commissioner which recognizes, supports, and honors the men and women of  
57 law-enforcement and includes the words Back the Blue. Upon appropriate application, the division  
58 shall issue to any member of a municipal police department, sheriff's department, the State Police,  
59 or the law-enforcement division of the Division of Natural Resources who has been wounded in the  
60 line of duty and awarded a Purple Heart in recognition thereof by the West Virginia Chiefs of Police  
61 Association, the West Virginia Sheriffs' Association, the West Virginia Troopers Association, or the  
62 Division of Natural Resources a special registration plate for one vehicle titled in the name of the  
63 qualified applicant with an insignia appropriately designed by the commissioner.

64           (2) For special registration plates supporting law-enforcement officers, the division shall  
65 charge a special initial application fee of \$10 in addition to all other fees required by this chapter.  
66 This special fee shall be collected by the division and deposited in the State Road Fund. An annual  
67 fee of \$15 shall be charged for each plate supporting law-enforcement officers in addition to all  
68 other fees required by this chapter.

69           (3) Registration plates issued pursuant to this subsection to survivors of wounds received  
70 in the line of duty as a member with a West Virginia law-enforcement agency are exempt from the  
71 registration fees otherwise required by the provisions of this chapter. A surviving spouse may  
72 continue to use his or her deceased spouse's special registration plate until the surviving spouse  
73 dies, remarries, or does not renew the plate. Survivors of wounds received in the line of duty as a  
74 member with a West Virginia law-enforcement agency may obtain a license plate as described in  
75 this subsection for use on a passenger vehicle titled in the name of the qualified applicant. The  
76 division shall charge for the second plate a one-time fee of \$10, to be deposited into the State  
77 Road Fund, which is in addition to all other fees required by this chapter.

78           (4) Upon appropriate application, the division may issue special registration plates  
79 designed by the commissioner for any number of vehicles titled in the name of the qualified  
80 applicant who offers sufficient proof of being a retired member of the West Virginia State Police.  
81 The division shall charge a special initial application fee of \$10 in addition to all other fees required  
82 by this chapter. This special fee shall be collected by the division and deposited in the State Road  
83 Fund.

**§17A-3-14h. Special themed registration plates.**

1           (a) The division may issue new special themed registration plates at the discretion of the  
2 commissioner and may continue to issue any special themed registration plate authorized under a  
3 prior enactment of §17A-3-14 of this code. The commissioner may discontinue the issuance or  
4 renewal of a special registration plate issued or authorized under this section at any time.

5           (b) Unless otherwise provided in this section, the division shall charge an initial application  
6 fee of \$10 and an annual fee of \$15 for each special themed registration plate in addition to all  
7 other fees required by this chapter.

8           (c) The division may not issue any special themed registration plate pursuant to subsection  
9 (a) of this section until at least 100 persons complete an application and deposit with the division a  
10 check to cover the first year's basic registration fee, initial application fee, and annual fee.

11 (d) The division may issue special nongame wildlife registration plates and special wildlife  
12 registration plates as follows:

13 (1) Upon appropriate application, the division shall issue a special registration plate  
14 displaying a species of West Virginia wildlife that shall display a species of wildlife native to West  
15 Virginia as prescribed and designated by the commissioner and the Director of the Division of  
16 Natural Resources.

17 (2) All annual fees collected pursuant to this section for nongame wildlife registration plates  
18 and wildlife registration plates shall be deposited in a special revenue account designated the  
19 Nongame Wildlife Fund and credited to the Division of Natural Resources under authority granted  
20 in Article VI, Section 56 of The Constitution of West Virginia.

21 (3) All initial application fees collected by the division for nongame wildlife registration  
22 plates and wildlife registration plates shall be deposited in the State Road Fund.

23 (e) Racing theme special registration plates:

24 (1) The division may issue a series of special registration plates displaying National  
25 Association for Stock Car Auto Racing themes.

26 (2) An annual fee of \$25 shall be charged for each special racing theme registration plate in  
27 addition to all other fees required by this chapter. All annual fees collected for each special racing  
28 theme registration plate shall be deposited into the State Road Fund.

29 (3) A special application fee of \$10 shall be charged at the time of initial application as well  
30 as upon application for any duplicate or replacement registration plate in addition to all other fees  
31 required by this chapter. All application fees shall be deposited into the State Road Fund.

**§17A-3-14i. Manufacturing of certain special registration plates; rulemaking.**

1 (a) For all registration plates authorized pursuant to the provisions of §17A-3-14a, §17A-3-  
2 14b, §17A-3-14c, §17A-3-14d, §17A-3-14e, §17A-3-14f, §17A-3-14g, and §17A-3-14h, the  
3 division is not required to keep a stockpile of such plates, but may create a process for the  
4 issuance of such plates by special order.

5           (b) The division may propose rules for legislative approval in accordance with the  
6 provisions of §29A-3-1 *et seq.* of this code to administer the issuance of all special registration  
7 plates authorized in this article.