

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5406

BY Delegates Campbell, Lucas, Ross, Willis, Martin,
Westfall, Ferrell, Maynor, and E. Pritt

[Introduced on February 1, 2024; Referred
to the Committee on Pensions and Retirement then
Finance]

1 A BILL to amend and reenact §17A-3-3 of the Code of West Virginia, 1931, as amended, relating
2 to taking 50 cents from every new vehicle registration or renewal of a registration in West
3 Virginia and to allocate that money to the Deputy Sheriff's Retirement Fund.

Be it enacted by the Legislature of West Virginia:

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

**§17A-3-3. Application for registration; statement of insurance or other proof of security to
accompany application; criminal penalties; fees; special revolving fund.**

1 Every owner of a vehicle subject to registration under this article shall make application to
2 the division for the registration of the vehicle upon the appropriate form or forms furnished by the
3 division and every application shall bear the signature of the owner or his or her authorized agent,
4 written with pen and ink, and the application shall contain:

5 (a) The name, bona fide residence and mailing address of the owner, the county in which
6 he or she resides or business address of the owner if a firm, association or corporation.

7 (b) A description of the vehicle including, insofar as the data specified in this section may
8 exist with respect to a given vehicle, the make, model, type of body, the manufacturer's serial or
9 identification number or other number as determined by the commissioner.

10 (c) In the event a motor vehicle is designed, constructed, converted or rebuilt for the
11 transportation of property, the application shall include a statement of its declared gross weight if
12 the motor vehicle is to be used alone, or if the motor vehicle is to be used in combination with other
13 vehicles, the application for registration of the motor vehicle shall include a statement of the
14 combined declared gross weight of the motor vehicle and the vehicles to be drawn by the motor
15 vehicle; declared gross weight being the weight declared by the owner to be the actual combined
16 weight of the vehicle or combination of vehicles and load when carrying the maximum load which
17 the owner intends to place on the vehicle; and the application for registration of each vehicle shall

18 also include a statement of the distance between the first and last axles of that vehicle or
19 combination of vehicles.

20 The declared gross weight stated in the application may not exceed the permissible gross
21 weight for the axle spacing listed in the application as determined by the table of permissible gross
22 weights contained in chapter seventeen-c of this code; and any vehicle registered for a declared
23 gross weight as stated in the application is subject to the single-axle load limit set forth in that
24 chapter.

25 (d) Each applicant shall state whether the vehicle is or is not to be used in the public
26 transportation of passengers or property, or both, for compensation and if used for compensation,
27 or to be used, the applicants shall certify that the vehicle is used for compensation and shall, as a
28 condition precedent to the registration of the vehicle, obtain a certificate of convenience or permit
29 from the Public Service Commission unless otherwise exempt from this requirement in
30 accordance with chapter twenty-four-a of this code.

31 (e) A statement under penalty of false swearing that liability insurance is in effect and will
32 continue to be in effect through the entire term of the vehicle registration period within limits which
33 may not be less than the requirement of section two, article four, chapter seventeen-d of this code,
34 which shall contain the name and National Association of Insurance commissioners assigned
35 code of the applicant's insurer, the policy number, and any other information required by the
36 commissioner of Motor Vehicles or that the applicant has qualified as a self-insurer meeting the
37 requirements of section two, article six of said chapter and that as a self-insurer he or she has
38 complied with the minimum security requirements as established in section two, article four of that
39 chapter. If the commissioner determines that the required security is not or was not in effect, he or
40 she shall suspend the vehicle owner's driver's license and revoke the vehicle registration in
41 accordance with the provisions of article two-a, chapter seventeen-d of this code.

42 If any person making an application required under the provisions of this section, in the
43 application knowingly provides false information, false proof of security or a false statement of

44 insurance, or if any person, including an applicant's insurance agent, knowingly counsels, advises,
45 aids or abets another in providing false information, false proof of security, or a false statement of
46 insurance in the application he or she is guilty of a misdemeanor and, upon conviction thereof,
47 shall be fined not more than \$500, or be imprisoned in jail for a period not to exceed fifteen days, or
48 both fined and imprisoned and, in addition to the fine or imprisonment, shall have his or her driver's
49 license suspended for a period of ninety days and vehicle registration revoked if applicable.

50 (f) Any further information that is reasonably required by the division to enable it to
51 determine whether the vehicle is lawfully entitled to registration.

52 (g) Each application for registration shall be accompanied by the fees provided in this
53 article and an additional fee of 50 cents for each motor vehicle for which the applicant seeks
54 registration.

55 (h) Revocation of a motor vehicle registration pursuant to this section does not affect the
56 perfection or priority of a lien or security interest attaching to the motor vehicle that is noted on the
57 certificate of title to the motor vehicle.

58 (i) Any and all fees gathered as payment for the new registration, or registration renewal, of
59 a vehicle in West Virginia shall have 50 cents deducted from the total amount of the fees and that
60 50 cents shall be allocated for use in the Deputy Sheriff's Retirement Fund.

NOTE: The purpose of this bill is to take 50 cents from every vehicle registration sold, or renewed, or both, in West Virginia and use that money to fund the Deputy Sheriff's Retirement Fund.

This section is new; therefore, strike-throughs and underscoring have been omitted.