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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2003

ENROLLED

SENATE BILL NO. 388

(By Senator Ross)

PASSED March 8, 2003

In Effect ninety days from **Passage**

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

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Senate Bill No. 388

(BY SENATOR ROSS)

[Passed March 8, 2003; in effect ninety days from passage.]

AN ACT to repeal section one, article three-a, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections two and three of said article, all relating to imported vehicles; compliance with federal safety and emission standards; and changing the requirements which must be met to obtain a title and registration.

Be it enacted by the Legislature of West Virginia:

That section one, article three-a, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that sections two and three of said article be amended and reenacted, all to read as follows:

ARTICLE 3A. VEHICLE COMPLIANCE WITH FEDERAL CLEAN AIR STANDARDS AND VEHICLE SAFETY.

§17A-3A-2. Consumer disclosure.

1 Before a motor vehicle not originally manufactured in
2 accordance with the laws and regulations of the United
3 States Clean Air Act and the Motor Vehicle Safety Act, can
4 be sold to a consumer in this state, the seller must provide
5 the purchaser with full written disclosure of all modifica-
6 tions performed to the vehicle. This disclosure consists of
7 a description phrased in terms reasonably understandable
8 to a consumer with no specialized technical training,
9 accompanied by a copy the technical submissions made to
10 the environmental protection agency and department of
11 transportation in order to obtain certification of compli-
12 ance. Failure to make this disclosure renders the sale
13 voidable.

§17A-3A-3. Certificate of title.

1 (a) Before any imported vehicle which has not previously
2 been titled or registered in the United States may be titled
3 in this state, the applicant must submit: (1) A manufac-
4 turer's certificate of origin issued by the actual vehicle
5 manufacturer together with a notarized translation
6 thereof; or (2) the documents constituting valid proof of
7 ownership by an individual owner or exporter and evi-
8 dencing a change of such ownership to the applicant,
9 together with a notarized translation of any document; or
10 (3) with regard to vehicles imported from countries which
11 cancel the vehicle registration and title for export, the
12 documents assigned to such vehicle after the registration
13 and title have been cancelled, together with a notarized
14 translation thereof, and proof satisfactory to the division
15 that the motor vehicle complies with the United States
16 Clean Air Act and the Motor Vehicle Safety Act.

17 (b) In the event that the documents submitted as re-
18 quired by subsection (a) of this section do not name as
19 owner the current applicant for a certificate of title, the
20 applicant must also submit reliable proof of a chain of
21 title. For those countries which utilize documents of
22 registration rather than a certificate of title, proof of a
23 chain of title for purposes of this subsection shall be

24 accomplished by presenting the change of ownership
25 certificate referred to in subsection (a) of this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Carly Fiorino
.....
Chairman Senate Committee

Shari Sporn
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Barrett Stiles
.....
Clerk of the Senate

Gregg D. Boy
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Arthur Stivers
.....
Speaker House of Delegates

The within is approved this the 2nd
Day of April, 2003.
Bob Wise

.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/27/03

Time 10:10 am