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OFFICE OF THE SECRETARY OF STATE

SB 698

WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010



ENROLLED

Senate Bill No. 698

(BY SENATORS HELMICK, McCABE, BOWMAN,
EDGELL, D. FACEMIRE, GREEN, PLYMALE,
PREZIOSO, WELLS, WHITE, BOLEY, K. FACEMYER,
GUILLS AND SYPOLT)

[Passed March 13, 2010; in effect ninety days from passage.]

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BOLEY, K. FACEMYER, GUILLS AND SYPOLT)

[Passed March 13, 2010; in effect ninety days from passage.]

AN ACT to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating to motor vehicle registration requirements; adding an exemption from registration and certificate of title requirements for mini-trucks used for agricultural or horticultural purposes; increasing the distance for transporting fixtures attached to implements of husbandry; providing that an applicant for a farm use exemption certificate may not be required to appear before any assessor for renewal; and adding utility terrain vehicles to the list of recreational vehicles exempt from registration requirements.

Be it enacted by the Legislature of West Virginia:

That §17A-3-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

§17A-3-2. Every motor vehicle, etc., subject to registration and certificate of title provisions; exceptions.

1 (a) Every motor vehicle, trailer, semitrailer, pole trailer
2 and recreational vehicle when driven or moved upon a
3 highway is subject to the registration and certificate of
4 title provisions of this chapter except:

5 (1) Any vehicle driven or moved upon a highway in
6 conformance with the provisions of this chapter relating
7 to manufacturers, transporters, dealers, lienholders or
8 nonresidents or under a temporary registration permit
9 issued by the division as authorized under this chapter;

10 (2) Any implement of husbandry upon which is securely
11 attached a machine for spraying fruit trees and plants of
12 the owner or lessee or for any other implement of hus-
13 bandry which is used exclusively for agricultural or
14 horticultural purposes on lands owned or leased by the
15 owner of the implement and which is not operated on or
16 over any public highway of this state for any other pur-
17 pose other than for the purpose of operating it across a
18 highway or along a highway other than an expressway as
19 designated by the commissioner of the division of high-
20 ways from one point of the owner's land to another part of
21 the owner's land, irrespective of whether or not the tracts
22 adjoin: *Provided*, That the distance between the points
23 may not exceed thirty-five miles, or for the purpose of
24 taking it or other fixtures attached to the implement, to
25 and from a repair shop for repairs. The exemption in this
26 subdivision from registration and license requirements
27 also applies to any vehicle described in this subsection or
28 to any farm trailer owned by the owner or lessee of the
29 farm on which the trailer is used, when the trailer is used
30 by the owner of the trailer for the purpose of moving farm
31 produce and livestock from the farm along a public
32 highway for a distance not to exceed thirty-five miles to a
33 storage house or packing plant, when the use is a seasonal
34 operation:

35 (A) The exemptions contained in this section also apply
36 to farm machinery, tractors and mini-trucks: *Provided*,
37 That the machinery, tractors and mini-trucks may use the
38 highways in going from one tract of land to another tract
39 of land regardless of whether the land is owned by the
40 same or different persons. For the purposes of this section,
41 mini-truck means a foreign-manufactured import or
42 domestic-manufactured vehicle designed primarily for off-
43 road use and powered by an engine ranging in size from
44 550cc to 660cc and weighing approximately one thousand
45 eight hundred pounds;

46 (B) Any vehicle exempted under this subsection from the
47 requirements of annual registration certificate and license
48 plates and fees for the registration certificate and license
49 plate may not use the highways between sunset and
50 sunrise unless the vehicle is classified as a Class A motor
51 vehicle with a farm-use exemption under the provisions of
52 section one, article ten of this chapter and has a valid and
53 current inspection sticker as required by the provisions of
54 article sixteen, chapter seventeen-c of this code and is
55 traveling from one tract of land to another over a distance
56 of thirty-five miles or less;

57 (C) Any vehicle exempted under this section from the
58 requirements of annual registration certificate and license
59 plates may use the highways as provided in this section
60 whether the exempt vehicle is self-propelled, towed by
61 another exempt vehicle or towed by another vehicle
62 required to be registered;

63 (D) Any vehicle used as an implement of husbandry
64 exempt under this section shall have the words "farm use"
65 affixed to both sides of the implement in ten-inch letters.
66 Any vehicle which would be subject to registration as a
67 Class A or B vehicle if not exempted by this section shall
68 display a farm-use exemption certificate on the lower
69 driver's side of the windshield:

70 (i) The farm-use exemption certificate shall be provided
71 by the commissioner and shall be issued annually by the
72 assessor of the applicant's county of residence. The
73 assessor shall issue a farm-use exemption certificate to the
74 applicant upon his or her determination pursuant to an
75 examination of the property books or documentation
76 provided by the applicant that the vehicle has been
77 properly assessed as Class I personal property. Nothing in
78 this section or any rule promulgated under the authority
79 of chapter twenty-nine-a of this code may be construed to
80 require any applicant for a renewal of a farm use exemp-
81 tion certificate to appear personally before any assessor.
82 The assessor shall charge a fee of two dollars for each
83 certificate, which shall be retained by the assessor;

84 (ii) A farm-use exemption certificate shall not exempt
85 the applicant from maintaining the security required by
86 chapter seventeen-d of this code on any vehicle being
87 operated on the roads or highways of this state;

88 (iii) No person charged with the offense of operating a
89 vehicle without a farm-use exemption certificate, if
90 required under this section, may be convicted of the
91 offense if he or she produces in court, or in the office of the
92 arresting officer, a valid farm-use exemption certificate
93 for the vehicle in question within five days;

94 (3) Any vehicle which is propelled exclusively by electric
95 power obtained from overhead trolley wires though not
96 operated upon rails;

97 (4) Any vehicle of a type subject to registration which is
98 owned by the government of the United States;

99 (5) Any wrecked or disabled vehicle towed by a licensed
100 wrecker or dealer on the public highways of this state;

101 (6) The following recreational vehicles are exempt from
102 the requirements of annual registration, license plates and
103 fees, unless otherwise specified by law, but are subject to

104 the certificate of title provisions of this chapter regardless
105 of highway use: Motorboats, all-terrain vehicles, utility
106 terrain vehicles and snowmobiles; and

107 (7) Any special mobile equipment as defined in subsec-
108 tion (r), section one, article one of this chapter.

109 (b) Notwithstanding the provisions of subsection (a) of
110 this section:

111 (1) Mobile homes or manufactured homes are exempt
112 from the requirements of annual registration, license
113 plates and fees;

114 (2) House trailers may be registered and licensed; and

115 (3) Factory-built homes are subject to the certificate of
116 title provisions of this chapter.

117 (c) The division shall title and register low-speed vehi-
118 cles if the manufacturer's certificate of origin clearly
119 identifies the vehicle as a low-speed vehicle. The division
120 may not title or register homemade low-speed vehicles or
121 retrofitted golf carts and such vehicles do not qualify as
122 low-speed vehicles in this state. In addition to all other
123 motor vehicle laws and regulations, except as specifically
124 exempted below, low-speed vehicles are subject to the
125 following restrictions and requirements:

126 (1) Low-speed vehicles shall only be operated on private
127 roads and on public roads and streets within the corporate
128 limits of a municipality where the speed limit is not more
129 than twenty-five miles per hour;

130 (2) Notwithstanding any provisions in this code to the
131 contrary, low-speed vehicles shall meet the requirements
132 of 49 C.F.R. §571.500 (2003);

133 (3) In lieu of annual inspection, the owner of a low-speed
134 vehicle shall, upon initial application for registration and
135 each renewal thereafter, certify under penalty of false

136 swearing, that all lights, brakes, tires and seat belts are in
137 good working condition; and

138 (4) Any person operating a low-speed vehicle must hold
139 a valid driver's license, not an instruction permit.

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

[Handwritten Signature]

.....
Chairman Senate Committee

[Handwritten Signature]

.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten Signature]

.....
Clerk of the Senate

[Handwritten Signature]

.....
Clerk of the House of Delegates

[Handwritten Signature]

.....
President of the Senate

[Handwritten Signature]

.....
Speaker House of Delegates

The within *is approved* this the *2nd*

Day of *April*, 2010.

[Handwritten Signature]

.....
Governor

PRESENTED TO THE
GOVERNOR

APR 01 2010

Time 11:30am