

Senate Bill No. 66

(By Senator Browning)

[Introduced January 12, 2011; referred to the Committee on
Transportation and Infrastructure; and then to the Committee on
Government Organization.]

A BILL to amend and reenact §17A-3-2 of the Code of West Virginia,
1931, as amended, relating to allowing the use of low-speed
vehicles in incorporated municipalities with speed limits of
thirty-five miles per hour or less.

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.**

(a) Every motor vehicle, trailer, semitrailer, pole trailer
and recreational vehicle when driven or moved upon a highway is
subject to the registration and certificate of title provisions of

1 this chapter except:

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

7 (2) Any implement of husbandry upon which is securely attached
8 a machine for spraying fruit trees and plants of the owner or lessee
9 or for any other implement of husbandry which is used exclusively
10 for agricultural or horticultural purposes on lands owned or leased
11 by the owner of the implement and which is not operated on or over
12 any public highway of this state for any other purpose other than
13 for the purpose of operating it across a highway or along a highway
14 other than an expressway as designated by the Commissioner of the
15 Division of Highways from one point of the owner's land to another
16 part of the owner's land, irrespective of whether or not the tracts
17 adjoin: *Provided*, That the distance between the points may not
18 exceed thirty-five miles, or for the purpose of taking it or other
19 fixtures attached to the implement, to and from a repair shop for
20 repairs. The exemption in this subdivision from registration and
21 license requirements also applies to any vehicle described in this
22 subsection or to any farm trailer owned by the owner or lessee of
23 the farm on which the trailer is used, when the trailer is used by
24 the owner of the trailer for the purpose of moving farm produce and

1 livestock from the farm along a public highway for a distance not
2 to exceed thirty-five miles to a storage house or packing plant,
3 when the use is a seasonal operation:

4 (A) The exemptions contained in this section also apply to farm
5 machinery, tractors and mini-trucks: *Provided*, That the machinery,
6 tractors and mini-trucks may use the highways in going from one
7 tract of land to another tract of land regardless of whether the
8 land is owned by the same or different persons. For the purposes
9 of this section, mini-truck means a foreign-manufactured import or
10 domestic-manufactured vehicle designed primarily for off-road use
11 and powered by an engine ranging in size from 550cc to 660cc and
12 weighing approximately one thousand eight hundred pounds;

13 (B) Any vehicle exempted under this subsection from the
14 requirements of annual registration certificate and license plates
15 and fees for the registration certificate and license plate may not
16 use the highways between sunset and sunrise unless the vehicle is
17 classified as a Class A motor vehicle with a farm-use exemption
18 under the provisions of section one, article ten of this chapter and
19 has a valid and current inspection sticker as required by the
20 provisions of article sixteen, chapter seventeen-c of this code and
21 is traveling from one tract of land to another over a distance of
22 thirty-five miles or less;

23 (C) Any vehicle exempted under this section from the
24 requirements of annual registration certificate and license plates

1 may use the highways as provided in this section whether the exempt
2 vehicle is self-propelled, towed by another exempt vehicle or towed
3 by another vehicle required to be registered;

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

10 (i) The farm-use exemption certificate shall be provided by the
11 commissioner and shall be issued annually by the assessor of the
12 applicant's county of residence. The assessor shall issue a farm-
13 use exemption certificate to the applicant upon his or her
14 determination pursuant to an examination of the property books or
15 documentation provided by the applicant that the vehicle has been
16 properly assessed as Class I personal property. Nothing in this
17 section or any rule promulgated under the authority of chapter
18 twenty-nine-a of this code may be construed to require any applicant
19 for a renewal of a farm use exemption certificate to appear
20 personally before any assessor. The assessor shall charge a fee of
21 \$2 for each certificate, which shall be retained by the assessor;

22 (ii) A farm-use exemption certificate shall not exempt the
23 applicant from maintaining the security required by chapter
24 seventeen-d of this code on any vehicle being operated on the roads

1 or highways of this state;

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

7 (3) Any vehicle which is propelled exclusively by electric
8 power obtained from overhead trolley wires though not operated upon
9 rails;

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

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

14 (6) The following recreational vehicles are exempt from the
15 requirements of annual registration, license plates and fees, unless
16 otherwise specified by law, but are subject to the certificate of
17 title provisions of this chapter regardless of highway use:
18 Motorboats, all-terrain vehicles, utility terrain vehicles and
19 snowmobiles; and

20 (7) Any special mobile equipment as defined in subsection (r),
21 section one, article one of this chapter.

22 (b) Notwithstanding the provisions of subsection (a) of this
23 section:

24 (1) Mobile homes or manufactured homes are exempt from the

1 requirements of annual registration, license plates and fees;

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

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

5 (c) The division shall title and register low-speed vehicles
6 if the manufacturer's certificate of origin clearly identifies the
7 vehicle as a low-speed vehicle. The division may not title or
8 register homemade low-speed vehicles or retrofitted golf carts and
9 such vehicles do not qualify as low-speed vehicles in this state.
10 In addition to all other motor vehicle laws and regulations, except
11 as specifically exempted below, low-speed vehicles are subject to
12 the following restrictions and requirements:

13 (1) Low-speed vehicles shall only be operated on private roads
14 and on public roads and streets within the corporate limits of a
15 municipality where the speed limit is not more than ~~twenty-five~~
16 thirty-five miles per hour;

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

20 (3) In lieu of annual inspection, the owner of a low-speed
21 vehicle shall, upon initial application for registration and each
22 renewal thereafter, certify under penalty of false swearing, that
23 all lights, brakes, tires and seat belts are in good working
24 condition; and

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

NOTE: The purpose of this bill is to allow the use of low-speed vehicles in incorporated municipalities with speed limits of thirty-five miles per hour or less.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.