

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 12**

4 (By Senators Browning, Chafin, Miller, D. Facemire and Beach)

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6 [Originating in the Committee on the Judiciary;

7 reported February 17, 2012.]  
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11 A BILL to amend and reenact §17A-3-2 of the Code of West Virginia,  
12 1931, as amended, relating to the use of low-speed vehicles in  
13 municipalities; and authorizing municipalities to allow, by  
14 ordinance, the operation of low-speed vehicles on roads in  
15 municipalities with speed limits over twenty-five miles per  
16 hour and less than thirty-five miles per hour.

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

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

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

22 **§17A-3-2. Every motor vehicle, etc., subject to registration and**  
23 **certificate of title provisions; exceptions.**

24 (a) Every motor vehicle, trailer, semitrailer, pole trailer  
25 and recreational vehicle when driven or moved upon a highway is

1 subject to the registration and certificate of title provisions of  
2 this chapter except:

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

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

1 to exceed thirty-five miles to a storage house or packing plant,  
2 when the use is a seasonal operation:

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

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

22 (C) Any vehicle exempted under this section from the  
23 requirements of annual registration certificate and license plates  
24 may use the highways as provided in this section whether the exempt  
25 vehicle is self-propelled, towed by another exempt vehicle or towed  
26 by another vehicle required to be registered;

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

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

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

23 (iii) No person charged with the offense of operating a vehicle  
24 without a farm-use exemption certificate, if required under this  
25 section, may be convicted of the offense if he or she produces in  
26 court, or in the office of the arresting officer, a valid farm-use

1 exemption certificate for the vehicle in question within five days;

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

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

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

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

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

17 (b) Notwithstanding the provisions of subsection (a) of this  
18 section:

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

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

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

24 (c) The division shall title and register low-speed vehicles  
25 if the manufacturer's certificate of origin clearly identifies the  
26 vehicle as a low-speed vehicle. The division may not title or

1 register homemade low-speed vehicles or retrofitted golf carts and  
2 such vehicles do not qualify as low-speed vehicles in this state.  
3 In addition to all other motor vehicle laws and regulations, except  
4 as specifically exempted below, low-speed vehicles are subject to  
5 the following restrictions and requirements:

6 (1) Low-speed vehicles shall only be operated on private roads  
7 and on public roads and streets within the corporate limits of a  
8 municipality where the speed limit is not more than twenty-five  
9 miles per hour: Provided, That a municipality may authorize, by  
10 ordinance, the operation of low-speed vehicles on private roads and  
11 on public roads and streets within the corporate limits of a  
12 municipality where the speed limit is not more than thirty-five  
13 miles per hour;

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

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

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