

1 **H. B. 4580**

2  
3 (By Delegates Nelson, Andes, Moore, T. Campbell,  
4 Canterbury, C. Miller, Ellington, Frazier, Ashley,  
5 Stagers and Hall)  
6

7 [Introduced February 17, 2012; referred to the  
8 Committee on the Judiciary.]  
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10 A BILL to amend and reenact §46A-6A-2 of the Code of West Virginia,  
11 1931, as amended, relating to adding all terrain vehicles to  
12 the definition of motor vehicle for purposes of the  
13 protections extended to purchasers of new vehicles.

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

15 That §46A-6A-2 of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted to read as follows:

17 **ARTICLE 6A. CONSUMER PROTECTION--NEW MOTOR VEHICLE WARRANTIES.**

18 **§46A-6A-2. Definitions.**

19 When used in this article, the following words, terms and  
20 phrases shall have the meaning ascribed to them, except where the  
21 context indicates a different meaning:

22 (1) "Consumer" means the purchaser, other than for purposes of  
23 resale, of a new motor vehicle used primarily for personal, family  
24 or household purposes, a person to whom the new motor vehicle is  
25 transferred for the same purposes during the duration of an express

1 warranty applicable to the motor vehicle and any other person  
2 entitled by the terms of the warranty to enforce the obligations of  
3 the warranty;

4 (2) "Manufacturer" means a person engaged in the business of  
5 manufacturing, assembling or distributing motor vehicles, who will,  
6 under normal business conditions during the year, manufacture,  
7 assemble or distribute to dealers at least ten new motor vehicles;

8 (3) "Manufacturer's express warranty" and "warranty" mean the  
9 written warranty of the manufacturer of a new motor vehicle of its  
10 condition and fitness for use, including any terms or conditions  
11 precedent to the enforcement of obligations under that warranty;  
12 and

13 (4) "Motor vehicle" means:

14 (A) Any passenger automobile purchased in this state or  
15 registered and titled in this state, including any pickup truck or  
16 van registered as a Class A motor vehicle under the provisions of  
17 article ten, chapter seventeen-a of this code; ~~and~~

18 (B) Any self-propelled motor vehicle chassis of a motor home  
19 registered as a Class A or Class B motor vehicle under the  
20 provisions of article ten, chapter seventeen-a of this code; and

21 (C) Any motor vehicle designed for off-highway use and  
22 designed to travel on not less than three low-pressure tires,  
23 having a seat or saddle designed to be straddled by the operator  
24 and handlebars for steering control and intended by the

1 manufacturer to be used by a single operator or by an operator and  
2 no more than one passenger, commonly referred to as an all-terrain  
3 vehicle or ATV.

NOTE: The purpose of this bill is to add all terrain vehicles to the definition of motor vehicle for purposes of the protections extended to purchasers of new vehicles.

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