

1 **H. B. 4610**

2
3 (By Delegates Hartman, Reynolds, Walker and Morgan)

4
5 [Introduced February 17, 2012; referred to the
6 Committee on Roads and Transportation then the Judiciary.]

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9
10 A BILL to amend and reenact §17A-1-1 of the Code of West Virginia,
11 1931, as amended; to amend and reenact §17A-6-1 of said code;
12 and to amend and reenact §17F-1-9 of said code, all relating
13 to revising the definition of "all-terrain vehicle"; including
14 a definition for "recreational off-highway vehicle" or "ROV";
15 revising the definition of "utility terrain vehicle"; and
16 authorizing the same restrictions and conditions on the use of
17 recreational off-highway vehicles or ROVs as on all other
18 types of all-terrain vehicles.

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

20 That §17A-1-1 of the Code of West Virginia, 1931, as amended,
21 be amended and reenacted; that §17A-6-1 of said code be amended and
22 reenacted; and that §17F-1-9 of said code be amended and reenacted,
23 all to read as follows:

24 **CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION, REGISTRATION,**

1 **CERTIFICATE OF TITLE, AND ANTITHEFT PROVISIONS.**

2 **ARTICLE 1. WORDS AND PHRASES DEFINED.**

3 **§17A-1-1. Definitions.**

4 Except as otherwise provided in this chapter, ~~the following~~
5 ~~words and phrases,~~ when used in this chapter: ~~shall have the~~
6 ~~meanings respectively ascribed to them in this article~~

7 (a) "Vehicle" means every device in, upon or by which any
8 person or property is or may be transported or drawn upon a
9 highway, excepting devices moved by human power or used exclusively
10 upon stationary rails or tracks.

11 (b) "Motor vehicle" means every vehicle which is self-
12 propelled and every vehicle which is propelled by electric power
13 obtained from overhead trolley wires, but not operated upon rails.

14 (c) "Motorcycle" means every motor vehicle, including motor-
15 driven cycles and mopeds as defined in sections five and five-a,
16 article one, chapter seventeen-c of this code, having a saddle for
17 the use of the rider and designed to travel on not more than three
18 wheels in contact with the ground, but excluding a tractor.

19 (d) "School bus" means every motor vehicle owned by a public
20 governmental agency and operated for the transportation of children
21 to or from school or privately owned and operated for compensation
22 for the transportation of children to or from school.

23 (e) "Bus" means every motor vehicle designed to carry more
24 than seven passengers and used to transport persons; and every

1 motor vehicle, other than a taxicab, designed and used to transport
2 persons for compensation.

3 (f) "Truck tractor" means every motor vehicle designed and
4 used primarily for drawing other vehicles and not ~~so~~ constructed ~~as~~
5 to carry a load other than a part of the weight of the vehicle and
6 load so drawn.

7 (g) "Farm tractor" means every motor vehicle designed and used
8 primarily as a farm implement for drawing plows, mowing machines
9 and other implements of husbandry.

10 (h) "Road tractor" means every motor vehicle designed, used or
11 maintained for drawing other vehicles and not so constructed as to
12 carry any load thereon either independently or any part of the
13 weight of a vehicle or load so drawn.

14 (i) "Truck" means every motor vehicle designed, used or
15 maintained primarily for the transportation of property.

16 (j) "Trailer" means every vehicle with or without motive power
17 designed for carrying persons or property and for being drawn by a
18 motor vehicle and so constructed that no part of its weight rests
19 upon the towing vehicle, but excluding recreational vehicles.

20 (k) "Semitrailer" means every vehicle with or without motive
21 power designed for carrying persons or property and for being drawn
22 by a motor vehicle and so constructed that some part of its weight
23 and that of its load rests upon or is carried by another vehicle.

24 (l) "Pole trailer" means every vehicle without motive power

1 designed to be drawn by another vehicle and attached to the towing
2 vehicle by means of a reach, or pole, or by being boomed or
3 otherwise secured to the towing vehicle and ordinarily used for
4 transporting long or irregularly shaped loads such as poles, pipes
5 or structural members capable, generally, of sustaining themselves
6 as beams between the supporting connections.

7 (m) "Specially constructed vehicles" means every vehicle of a
8 type required to be registered hereunder not originally constructed
9 under a distinctive name, make, model or type by a generally
10 recognized manufacturer of vehicles and not materially altered from
11 its original construction.

12 (n) "Reconstructed vehicle" means every vehicle of a type
13 required to be registered hereunder materially altered from its
14 original construction by the removal, addition or substitution of
15 essential parts, new or used.

16 (o) "Essential parts" means all integral and body parts of a
17 vehicle of a type required to be registered hereunder, the removal,
18 alteration or substitution of which would tend to conceal the
19 identity of the vehicle or substantially alter its appearance,
20 model, type or mode of operation.

21 (p) "Foreign vehicle" means every vehicle of a type required
22 to be registered hereunder brought into this state from another
23 state, territory or country other than in the ordinary course of
24 business by or through a manufacturer or dealer and not registered

1 in this state.

2 (q) "Implement of husbandry" means every vehicle which is
3 designed for or adapted to agricultural purposes and used by the
4 owner thereof primarily in the conduct of his or her agricultural
5 operations, including, but not limited to, trucks used for spraying
6 trees and plants, ~~Provided, That~~ if the vehicle ~~may~~ is not ~~be~~ let
7 for hire at any time.

8 (r) "Special mobile equipment" means every self-propelled
9 vehicle not designed or used primarily for the transportation of
10 persons or property and incidentally operated or moved over the
11 highways, including, without limitation, road construction or
12 maintenance machinery, ditch-digging apparatus, stone crushers, air
13 compressors, power shovels, graders, rollers, well-drillers, wood-
14 sawing equipment, asphalt spreaders, bituminous mixers, bucket
15 loaders, ditchers, leveling graders, finishing machines, motor
16 graders, road rollers, scarifiers, earth-moving carryalls,
17 scrapers, drag lines, rock-drilling equipment and earth-moving
18 equipment. The foregoing enumeration ~~shall be deemed~~ is partial
19 and ~~may~~ does not operate to exclude other such vehicles which are
20 within the general terms of this subdivision.

21 (s) "Pneumatic tire" means every tire in which compressed air
22 is designed to support the load.

23 (t) "Solid tire" means every tire of rubber or other resilient
24 material which does not depend upon compressed air for the support

1 of the load.

2 (u) "Metal tire" means every tire the surface of which in
3 contact with the highway is wholly or partly of metal or other
4 hard, nonresilient material.

5 (v) "Commissioner" means the Commissioner of Motor Vehicles of
6 this state.

7 (w) "Division" means the Division of Motor Vehicles of this
8 state acting directly or through its duly authorized officers and
9 agents.

10 (x) "Person" means every natural person, firm, copartnership,
11 association ~~or~~ corporation or other legal entity.

12 (y) "Owner" means a person who holds the legal title to a
13 vehicle, or in the event a vehicle is the subject of an agreement
14 for the conditional sale or lease thereof with the right of
15 purchase upon performance of the conditions stated in the agreement
16 and with an immediate right of possession vested in the conditional
17 vendee or lessee, or in the event a mortgagor of a vehicle is
18 entitled to possession, then the conditional vendee or lessee or
19 mortgagor shall be deemed the owner for the purpose of this
20 chapter.

21 (z) "Nonresident" means every person who is not a resident of
22 this state.

23 (aa) "Dealer" or "dealers" is a general term meaning,
24 depending upon the context in which used, either a new motor

1 vehicle dealer, used motor vehicle dealer, factory-built home
2 dealer, recreational vehicle dealer, trailer dealer or motorcycle
3 dealer, as defined in section one, article six of this chapter, or
4 all of the dealers or a combination thereof and, in some instances,
5 a new motor vehicle dealer or dealers in another state.

6 (bb) "Registered dealer" or "registered dealers" is a general
7 term meaning, depending upon the context in which used, either a
8 new motor vehicle dealer, used motor vehicle dealer, house trailer
9 dealer, trailer dealer, recreational vehicle dealer or motorcycle
10 dealer, or all of the dealers or a combination thereof, licensed
11 under the provisions of article six of this chapter.

12 (cc) "Licensed dealer" or "licensed dealers" is a general term
13 meaning, depending upon the context in which used, either a new
14 motor vehicle dealer, used motor vehicle dealer, house trailer
15 dealer, trailer dealer, recreational vehicle dealer or motorcycle
16 dealer, or all of the dealers or a combination thereof, licensed
17 under the provisions of article six of this chapter.

18 (dd) "Transporter" means every person engaged in the business
19 of delivering vehicles of a type required to be registered
20 hereunder from a manufacturing, assembling or distributing plant to
21 dealers or sales agents of a manufacturer.

22 (ee) "Manufacturer" means every person engaged in the business
23 of constructing or assembling vehicles of a type required to be
24 registered hereunder at a place of business in this state which is

1 actually occupied either continuously or at regular periods by the
2 manufacturer where ~~his~~ the manufacturer's books and records are
3 kept and a large share of ~~his~~ the manufacturer's business is
4 transacted.

5 (ff) "Street" or "highway" means the entire width between
6 boundary lines of every way publicly maintained when any part
7 thereof is open to the use of the public for purposes of vehicular
8 travel.

9 (gg) "Motorboat" means any vessel propelled by an electrical,
10 steam, gas, diesel or other fuel propelled or driven motor, whether
11 or not the motor is the principal source of propulsion, but ~~may~~
12 does not include a vessel which has a valid marine document issued
13 by the Bureau of Customs of the United States government or any
14 federal agency successor thereto.

15 (hh) "Motorboat trailer" means every vehicle designed for or
16 ordinarily used for the transportation of a motorboat.

17 (ii) "All-terrain vehicle" (ATV) means any motor vehicle
18 designed for off-highway use ~~having a seat or saddle designed to be~~
19 ~~straddled by the operator and handlebars for steering control~~ and
20 designed to travel on not less than three nonhighway tires, fifty
21 inches or less in width, and intended by the manufacturer to be
22 used by a single operator or by an operator and no more than one
23 passenger.

24 (jj) "Travel trailer" means every vehicle, mounted on wheels,

1 designed to provide temporary living quarters for recreational,
2 camping or travel use of such size or weight as not to require
3 special highway movement permits when towed by a motor vehicle and
4 of gross trailer area less than four hundred square feet.

5 (kk) "Fold down camping trailer" means every vehicle
6 consisting of a portable unit mounted on wheels and constructed
7 with collapsible partial sidewalls which fold for towing by another
8 vehicle and unfold at the camp site to provide temporary living
9 quarters for recreational, camping or travel use.

10 (ll) "Motor home" means every vehicle, designed to provide
11 temporary living quarters, built into an integral part of or
12 permanently attached to a self-propelled motor vehicle, chassis or
13 van including: (1) Type A motor home built on an incomplete truck
14 chassis with the truck cab constructed by the second stage
15 manufacturer; (2) Type B motor home consisting of a van-type
16 vehicle which has been altered to provide temporary living
17 quarters; and (3) Type C motor home built on an incomplete van or
18 truck chassis with a cab constructed by the chassis manufacturer.

19 (mm) "Snowmobile" means a self-propelled vehicle intended for
20 travel primarily on snow and driven by a track or tracks in contact
21 with the snow and steered by a ski or skis in contact with the
22 snow.

23 (nn) "Recreational vehicle" means a motorboat, motorboat
24 trailer, all-terrain vehicle, travel trailer, fold down camping

1 trailer, motor home or snowmobile.

2 (oo) "Mobile equipment" means every self-propelled vehicle not
3 designed or used primarily for the transportation of persons or
4 property over the highway but which may infrequently or
5 incidentally travel over the highways among job sites, equipment
6 storage sites or repair sites, including farm equipment, implements
7 of husbandry, well-drillers, cranes and wood-sawing equipment.

8 (pp) "Factory-built home" includes mobile homes, house
9 trailers and manufactured homes.

10 (qq) "Manufactured home" has the same meaning as the term is
11 defined in section two, article nine, chapter twenty-one of this
12 code which meets the federal Manufactured Housing Construction and
13 Safety Standards Act of 1974 (42 U.S.C. §5401, *et seq.*), effective
14 on June 15, 1976, and the federal manufactured home construction
15 and safety standards and regulations promulgated by the Secretary
16 of the United States Department of Housing and Urban Development.

17 (rr) "Mobile home" means a transportable structure that is
18 wholly, or in substantial part, made, fabricated, formed or
19 assembled in manufacturing facilities for installation or assembly
20 and installation on a building site and designed for long-term
21 residential use and built prior to enactment of the federal
22 Manufactured Housing Construction and Safety Standards Act of 1974
23 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and
24 usually built to the voluntary industry standard of the American

1 National Standards Institute (ANSI) -- A119.1 standards for mobile
2 homes.

3 (ss) "House trailers" means all trailers designed and used for
4 human occupancy on a continual nonrecreational basis, but may not
5 include fold down camping and travel trailers, mobile homes or
6 manufactured homes.

7 (tt) "Parking enforcement vehicle" means a motor vehicle which
8 does not fit into any other classification of vehicle in this
9 chapter, has three or four wheels and is designed for use in an
10 incorporated municipality by a city, county, state or other
11 governmental entity primarily for parking enforcement or other
12 governmental purposes with an operator area with sides permanently
13 enclosed with rigid construction and a top which may be
14 convertible, sealed beam headlights, turn signals, brake lights,
15 horn, at least one rear view mirror on each side and such other
16 equipment that will enable it to pass a standard motorcycle vehicle
17 inspection.

18 (uu) "Low-speed vehicle" means a four-wheeled motor vehicle
19 whose attainable speed in one mile on a paved level surface is more
20 than twenty miles per hour but not more than twenty-five miles per
21 hour.

22 (vv) "Utility terrain vehicle" means any motor vehicle with
23 four or more ~~low-pressure~~ nonhighway tires designed for off-highway
24 use ~~having bench or bucket seating for each occupant and a steering~~

1 ~~wheel for control~~ and is sixty-five inches or less in width.
2 Utility terrain vehicle also means a recreational off-highway
3 vehicle.

4 **ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR DISMANTLERS;**
5 **SPECIAL PLATES; TEMPORARY PLATES OR MARKERS.**

6 **§17A-6-1. Definitions.**

7 (a) Unless the context in which used clearly requires a
8 different meaning, as used in this article:

9 (1) "New motor vehicle dealer" means every person (other than
10 agents and employees, if any, while acting within the scope of
11 their authority or employment), engaged in, or held out to the
12 public to be engaged in, the business in this state of selling five
13 or more new motor vehicles or new and used motor vehicles in any
14 fiscal year of a type required to be registered under the
15 provisions of this chapter, except, for the purposes of this
16 article only, motorcycles.

17 (2) "Used motor vehicle dealer" means every person (other than
18 agents and employees, if any, while acting within the scope of
19 their authority or employment), engaged in, or held out to the
20 public to be engaged in, the business in this state of selling five
21 or more used motor vehicles in any fiscal year of a type required
22 to be registered under the provisions of this chapter, except, for
23 the purposes of this article only, motorcycles.

24 (3) "House trailer dealer" means every person (other than

1 agents and employees, if any, while acting within the scope of
2 their authority or employment), engaged in, or held out to the
3 public to be engaged in, the business in this state of selling new
4 or used house trailers, or both, or new or used, or both, house
5 trailers and trailers or new or used, or both, manufactured homes
6 and mobile homes.

7 (4) "Trailer dealer" means every person (other than agents and
8 employees, if any, while acting within the scope of their authority
9 or employment), engaged in, or held out to the public to be engaged
10 in, the business in this state of selling new or used trailers.

11 (5) "Motorcycle dealer" means every person (other than agents
12 and employees, if any, while acting within the scope of their
13 authority or employment), engaged in, or held out to the public to
14 be engaged in, the business in this state of selling new or used
15 motorcycles.

16 (6) "Used parts dealer" means every person (other than agents
17 and employees, if any, while acting within the scope of their
18 authority or employment), engaged in, or held out to the public to
19 be engaged in, the business in this state of selling any used
20 appliance, accessory, member, portion or other part of any vehicle.

21 (7) "Wrecker/dismantler/rebuilder" means every person (other
22 than agents and employees, if any, while acting within the scope of
23 their authority or employment), engaged in, or held out to the
24 public to be engaged in, the business in this state of dealing in

1 wrecked or damaged motor vehicles or motor vehicle parts for the
2 purpose of selling the parts thereof or scrap therefrom or who is
3 in the business of rebuilding salvage motor vehicles for the
4 purpose of resale to the public.

5 (8) "New motor vehicles" means all motor vehicles, except
6 motorcycles and used motor vehicles, of a type required to be
7 registered under the provisions of this chapter.

8 (9) "Used motor vehicles" means all motor vehicles, except
9 motorcycles, of a type required to be registered under the
10 provisions of this chapter which have been sold and operated, or
11 which have been registered or titled, in this or any other state or
12 jurisdiction.

13 (10) "House trailers" means all trailers designed and used for
14 human occupancy on a continual nonrecreational basis, but may not
15 include fold down camping and travel trailers, mobile homes or
16 manufactured homes.

17 (11) "Trailers" means all types of trailers other than house
18 trailers, and shall include, but not be limited to, pole trailers
19 and semitrailers but excluding recreational vehicles.

20 (12) "Sales instrument" means any document resulting from the
21 sale of a vehicle, which shall include, but not be limited to, a
22 bill of sale, invoice, conditional sales contract, chattel
23 mortgage, chattel trust deed, security agreement or similar
24 document.

1 (13) "Sell", "sale" or "selling," in addition to the ordinary
2 definitions of the terms, includes offering for sale, soliciting
3 sales of, negotiating for the sale of, displaying for sale or
4 advertising for sale, any vehicle, whether at retail, wholesale or
5 at auction. "Selling," in addition to the ordinary definition of
6 that term, also includes buying and exchanging.

7 (14) "Applicant" means any person making application for an
8 original or renewal license certificate under the provisions of
9 this article.

10 (15) "Licensee" means any person holding any license
11 certificate issued under the provisions of this article.

12 (16) "Predecessor" means the former owner or owners or
13 operator or operators of any new motor vehicle dealer business or
14 used motor vehicle dealer business.

15 (17) "Established place of business" means, in the case of a
16 new motor vehicle dealer, a permanent location, not a temporary
17 stand or other temporary quarters, owned or leased by the licensee
18 or applicant and actually occupied or to be occupied by him or her,
19 as the case may be, which is or is to be used exclusively for the
20 purpose of selling new motor vehicles or new and used motor
21 vehicles, which ~~shall have~~ has space under roof for the display of
22 at least one new motor vehicle and facilities and space therewith
23 for the servicing and repair of at least one motor vehicle, which
24 servicing and repair facilities and space is adequate and suitable

1 to carry out servicing and to make repairs necessary to keep and
2 carry out all representations, warranties and agreements made or to
3 be made by the dealer with respect to motor vehicles sold by him or
4 her, which is easily accessible to the public, which conforms to
5 all applicable laws of this state and the ordinances of the
6 municipality in which it is located, if any, which displays thereon
7 at least one permanent sign, clearly visible from the principal
8 public street or highway nearest the location and clearly stating
9 the business which is or ~~shall~~ will be conducted thereat, and which
10 has adequate facilities to keep, maintain and preserve records,
11 papers and documents necessary to carry on the business and to make
12 the business available to inspection by the commissioner at all
13 reasonable times: *Provided*, That each established place of
14 business shall have a display area which may be outside or inside
15 or a combination thereof of at least twelve hundred square feet
16 which is to be used exclusively for the display of vehicles which
17 are offered for sale by the dealer, office space of at least one
18 hundred forty-four square feet and a telephone listed in the name
19 of the dealership. Each established place of business shall be
20 open to the public a minimum of twenty hours per week at least
21 forty weeks per calendar year with at least ten of those hours
22 being between the hours of nine thirty a.m. and eight thirty p.m.,
23 Monday through Saturday: *Provided, however*, That the requirement
24 of exclusive use is met even though: (A) Some new and any used

1 motor vehicles sold or to be sold by the dealer or sold or are to
2 be sold at a different location or locations not meeting the
3 definition of an established place of business of a new motor
4 vehicle dealer, if each location is or is to be served by other
5 facilities and space of the dealer for the servicing and repair of
6 at least one motor vehicle, adequate and suitable as aforesaid, and
7 each location used for the sale of some new and any used motor
8 vehicles otherwise meets the definition of an established place of
9 business of a used motor vehicle dealer; (B) house trailers,
10 trailers or motorcycles are sold or are to be sold thereat, if,
11 subject to the provisions of section five of this article, a
12 separate license certificate is obtained for each type of vehicle
13 business, which license certificate remains unexpired, unsuspended
14 and unrevoked; (C) farm machinery is sold thereat; (D) accessory,
15 gasoline and oil, or storage departments are maintained thereat, if
16 the departments are operated for the purpose of furthering and
17 assisting in the licensed business or businesses; and (E) the
18 established place of business has an attached single residential
19 rental unit with an outside separate entrance and occupied by a
20 person or persons with no financial or operational interest in the
21 dealership where the established place of business has space under
22 roof for the display of at least three new motor vehicles and
23 facilities and space therewith for the concurrent servicing and
24 repair of at least two motor vehicles and otherwise meets the

1 requirements set forth in this subdivision.

2 (18) "Farm machinery" means all machines and tools used in the
3 production, harvesting or care of farm products.

4 (19) "Established place of business," in the case of a used
5 motor vehicle dealer, means a permanent location, not a temporary
6 stand or other temporary quarters, owned or leased by the licensee
7 or applicant and actually occupied or to be occupied by him or her,
8 as the case may be, which is or is to be used exclusively for the
9 purpose of selling used motor vehicles, which shall have facilities
10 and space therewith for the servicing and repair of at least one
11 motor vehicle, which servicing and repair facilities and space
12 shall be adequate and suitable to carry out servicing and to make
13 repairs necessary to keep and carry out all representations,
14 warranties and agreements made or to be made by the dealer with
15 respect to used motor vehicles sold by him or her, which is easily
16 accessible to the public, conforms to all applicable laws of this
17 state, and the ordinances of the municipality in which it is
18 located, if any, which displays thereon at least one permanent
19 sign, clearly visible from the principal public street or highway
20 nearest the location and clearly stating the business which is or
21 ~~shall~~ will be conducted thereat, and which has adequate facilities
22 to keep, maintain and preserve records, papers and documents
23 necessary to carry on the business and to make the business
24 available to inspection by the commissioner at all reasonable

1 times: *Provided*, That each established place of business shall
2 have a display area which may be outside or inside or a combination
3 thereof of at least twelve hundred square feet which is to be used
4 exclusively for the display of vehicles which are offered for sale
5 by the dealer, office space of at least one hundred forty-four
6 square feet and a telephone listed in the name of the dealership.
7 Each established place of business shall be open to the public a
8 minimum of twenty hours per week at least forty weeks per calendar
9 year with at least ten of those hours being between the hours of
10 nine thirty a.m. and eight thirty p.m., Monday through Saturday:
11 *Provided, however*, That if a used motor vehicle dealer has entered
12 into a written agreement or agreements with a person or persons
13 owning or operating a servicing and repair facility or facilities
14 adequate and suitable as aforesaid, the effect of which agreement
15 or agreements is to provide the servicing and repair services and
16 space in like manner as if the servicing and repair facilities and
17 space were located in or on the dealer's place of business, then,
18 so long as the agreement or agreements are in effect, it is not
19 necessary for the dealer to maintain the servicing and repair
20 facilities and space at the place of business in order for the
21 place of business to be an established place of business as herein
22 defined: *Provided further*, That the requirement of exclusive use
23 is met even though: (A) House trailers, trailers or motorcycles
24 are sold or are to be sold thereat, if, subject to the provisions

1 of section five of this article, a separate license certificate is
2 obtained for each type of vehicle business, which license
3 certificate remains unexpired, unsuspended and unrevoked; (B) farm
4 machinery is sold thereat; (C) accessory, gasoline and oil, or
5 storage departments are maintained thereat, if the departments are
6 operated for the purpose of furthering and assisting in the
7 licensed business or businesses; and (D) the established place of
8 business has an attached single residential rental unit with an
9 outside separate entrance and occupied by a person or persons with
10 no financial or operational interest in the dealership where the
11 established place of business has space under roof for the display
12 of at least three motor vehicles and facilities and space therewith
13 for the concurrent servicing and repair of at least two motor
14 vehicles and otherwise meets the requirements set forth herein.

15 (20) "Established place of business," in the case of a house
16 trailer dealer, trailer dealer, recreational vehicle dealer,
17 motorcycle dealer, used parts dealer and wrecker or dismantler,
18 means a permanent location, not a temporary stand or other
19 temporary quarters, owned or leased by the licensee or applicant
20 and actually occupied or to be occupied by the licensee, as the
21 case may be, which is easily accessible to the public, which
22 conforms to all applicable laws of this state and the ordinances of
23 the municipality in which it is located, if any, which displays
24 thereon at least one permanent sign, clearly visible from the

1 principal public street or highway nearest the location and clearly
2 stating the business which is or shall be conducted thereat, and
3 which has adequate facilities to keep, maintain and preserve
4 records, papers and documents necessary to carry on the business
5 and to make the business available to inspection by the
6 commissioner at all reasonable times.

7 (21) "Manufacturer" means every person engaged in the business
8 of reconstructing, assembling or reassembling vehicles with a
9 special type body required by the purchaser if the vehicle is
10 subject to the title and registration provisions of this code.

11 (22) "Transporter" means every person engaged in the business
12 of transporting vehicles to or from a manufacturing, assembling or
13 distributing plant to dealers or sales agents of a manufacturer, or
14 purchasers.

15 (23) "Recreational vehicle dealer" means every person (other
16 than agents and employees, if any, while acting within the scope of
17 their authority or employment), engaged in, or held out to the
18 public to be engaged in, the business in this state of selling new
19 or used recreational vehicles, or both.

20 (24) "Motorboat" means any vessel propelled by an electrical,
21 steam, gas, diesel or other fuel propelled or driven motor, whether
22 or not the motor is the principal source of propulsion, but does
23 not include a vessel which has a valid marine document issued by
24 the bureau of customs of the United States government or any

1 federal agency successor thereto.

2 (25) "Motorboat trailer" means every vehicle designed for or
3 ordinarily used for the transportation of a motorboat.

4 (26) "All-terrain vehicle" (ATV) means any motor vehicle
5 designed for off-highway use and designed to travel on not less
6 than three ~~low-pressure~~ nonhighway tires, ~~and designed for operator~~
7 ~~use only with no passengers, having a seat or saddle designed to be~~
8 ~~straddled by the operator, and handlebars for steering control~~
9 fifty inches or less in width and intended by the manufacturer to
10 be used by a single operator or by an operator and no more than one
11 passenger.

12 (27) "Travel trailer" means every vehicle, mounted on wheels,
13 designed to provide temporary living quarters for recreational,
14 camping or travel use of ~~such~~ a size or weight as not to require
15 special highway movement permits when towed by a motor vehicle and
16 of gross trailer area less than four hundred square feet.

17 (28) "Fold down camping trailer" means every vehicle
18 consisting of a portable unit mounted on wheels and constructed
19 with collapsible partial sidewalls which fold for towing by another
20 vehicle and unfold at the camp site to provide temporary living
21 quarters for recreational, camping or travel use.

22 (29) "Motor home" means every vehicle, designed to provide
23 temporary living quarters, built into an integral part of or
24 permanently attached to a self-propelled motor vehicle, chassis or

1 van including: (1) Type A motor home built on an incomplete truck
2 chassis with the truck cab constructed by the second stage
3 manufacturer; (2) Type B motor home consisting of a van-type
4 vehicle which has been altered to provide temporary living
5 quarters; and (3) Type C motor home built on an incomplete van or
6 truck chassis with a cab constructed by the chassis manufacturer.

7 (30) "Snowmobile" means a self-propelled vehicle intended for
8 travel primarily on snow and driven by a track or tracks in contact
9 with the snow and steered by a ski or skis in contact with the
10 snow.

11 (31) "Recreational vehicle" means a motorboat, motorboat
12 trailer, all-terrain vehicle, travel trailer, fold down camping
13 trailer, motor home, snowmobile or utility-terrain vehicle.

14 (32) "Major component" means any one of the following
15 subassemblies of a motor vehicle: (A) Front clip assembly
16 consisting of fenders, grille, hood, bumper and related parts; (B)
17 engine; (C) transmission; (D) rear clip assembly consisting of
18 quarter panels and floor panel assembly; or (E) two or more doors.

19 (33) "Factory-built home" includes mobile homes, house
20 trailers and manufactured homes.

21 (34) "Manufactured home" has the same meaning as the term is
22 defined in section two, article nine, chapter twenty-one of this
23 code which meets the National Manufactured Housing Construction and
24 Safety Standards Act of 1974 (42 U.S.C. §5401 et seq.), effective

1 on June 15, 1976, and the federal manufactured home construction
2 and safety standards and regulations promulgated by the Secretary
3 of the United States Department of Housing and Urban Development.

4 (35) "Mobile home" means a transportable structure that is
5 wholly, or in substantial part, made, fabricated, formed or
6 assembled in manufacturing facilities for installation or assembly
7 and installation on a building site and designed for long-term
8 residential use and built prior to enactment of the federal
9 manufactured housing construction and safety standards institute
10 (ANSI) -- A119.1 standards for mobile homes.

11 (36) "Utility terrain vehicle" means any motor vehicle with
12 four or more ~~low-pressure~~ nonhighway tires designed for off-highway
13 use ~~having bench or bucket seating for each occupant and a steering~~
14 ~~wheel for control~~ and is sixty-five inches or less in width.
15 Utility terrain vehicle also means recreational off-highway
16 vehicles.

17 (b) Under no circumstances whatever ~~may~~ do the terms "new
18 motor vehicle dealer", "used motor vehicle dealer", "house trailer
19 dealer", "trailer dealer", "recreational vehicle dealer",
20 "motorcycle dealer", "used parts dealer" or "wrecker/dismantler/
21 rebuilder" ~~be construed or applied under this article in such a way~~
22 ~~as to~~ include a banking institution, insurance company, finance
23 company, or other lending or financial institution, or other
24 person, the state or any agency or political subdivision thereof,

1 or any municipality, who or which owns or comes in possession or
 2 ownership of, or acquires contract rights, or security interests in
 3 or to, any vehicle or vehicles or any part thereof and sells the
 4 vehicle or vehicles or any part thereof for purposes other than
 5 engaging in and holding out to the public to be engaged in the
 6 business of selling vehicles or any part thereof.

7 (c) It is recognized that throughout this code the term
 8 "trailer" or "trailers" is used to include, among other types of
 9 trailers, house trailers. It is also recognized that throughout
 10 this code the term "trailer" or "trailers" is seldom used to
 11 include semitrailers or pole trailers. However, for the purposes
 12 of this article only, the term "trailers" has the meaning ascribed
 13 to it in subsection (a) of this section.

14 **CHAPTER 17F. ALL-TERRAIN VEHICLES.**

15 **ARTICLE 1. REGULATION OF ALL-TERRAIN VEHICLES.**

16 **§17F-1-9. Definition of all-terrain and utility terrain vehicle.**

17 (a) As used in this chapter, "all-terrain vehicle" or "ATV"
 18 ~~shall mean~~ means any motor vehicle, designed for off-highway use
 19 and designed to travel on not less than three ~~low-pressure~~
 20 nonhighway tires, ~~having a seat or saddle designed to be straddled~~
 21 ~~by the operator and handlebars for steering control~~ fifty inches or
 22 less in width, and intended by the manufacturer to be used by a
 23 single operator or by an operator and no more than one passenger.

24 (b) "Utility-terrain vehicle" ~~shall mean~~ or "recreational off-

1 highway vehicle" means any motor vehicle with four or more ~~low-~~
2 ~~pressure~~ nonhighway tires designed for off-highway use ~~having bench~~
3 ~~or bucket seating for each occupant and a steering wheel for~~
4 ~~control~~ and is sixty-five inches or less in width.

5 (c) As used in this article, all-terrain vehicles ~~shall mean~~
6 means all-terrain vehicles, recreational off-highway vehicles, and
7 utility-terrain vehicles.

NOTE: The purpose of this bill is to provide uniformity in the definitions of all-terrain vehicles, and to include a definition for recreational off-highway vehicles.

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