

COMMITTEE SUBSTITUTE

FOR

## **Senate Bill No. 12**

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

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[Originating in the Committee on the Judiciary;  
reported February 17, 2012.]

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

*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; ISSU-  
ANCE 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 title  
4 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 to  
7 manufacturers, transporters, dealers, lienholders or nonresi-  
8 dents or under a temporary registration permit issued by the  
9 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 the  
12 owner or lessee or for any other implement of husbandry  
13 which is used exclusively for agricultural or horticultural  
14 purposes on lands owned or leased by the owner of the  
15 implement and which is not operated on or over any public  
16 highway of this state for any other purpose other than for the  
17 purpose of operating it across a highway or along a highway  
18 other than an expressway as designated by the Commissioner  
19 of the Division of Highways from one point of the owner's  
20 land to another part of the owner's land, irrespective of

21 whether or not the tracts adjoin: *Provided*, That the distance  
22 between the points may not exceed thirty-five miles, or for  
23 the purpose of taking it or other fixtures attached to the  
24 implement, to and from a repair shop for repairs. The  
25 exemption in this subdivision from registration and license  
26 requirements also applies to any vehicle described in this  
27 subsection or to any farm trailer owned by the owner or  
28 lessee of the farm on which the trailer is used, when the  
29 trailer is used by the owner of the trailer for the purpose of  
30 moving farm produce and livestock from the farm along a  
31 public highway for a distance not to exceed thirty-five miles  
32 to a storage house or packing plant, when the use is a  
33 seasonal operation:

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

43 660cc and weighing approximately one thousand eight  
44 hundred pounds;

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

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

62 (D) Any vehicle used as an implement of husbandry  
63 exempt under this section shall have the words "farm use"  
64 affixed to both sides of the implement in ten-inch letters.

65 Any vehicle which would be subject to registration as a Class  
66 A or B vehicle if not exempted by this section shall display  
67 a farm-use exemption certificate on the lower driver's side of  
68 the windshield:

69 (i) The farm-use exemption certificate shall be provided  
70 by the commissioner and shall be issued annually by the  
71 assessor of the applicant's county of residence. The assessor  
72 shall issue a farm-use exemption certificate to the applicant  
73 upon his or her determination pursuant to an examination of  
74 the property books or documentation provided by the  
75 applicant that the vehicle has been properly assessed as  
76 Class I personal property. Nothing in this section or any rule  
77 promulgated under the authority of chapter twenty-nine-a of  
78 this code may be construed to require any applicant for a  
79 renewal of a farm-use exemption certificate to appear  
80 personally before any assessor. The assessor shall charge a  
81 fee of \$2 for each certificate, which shall be retained by the  
82 assessor;

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

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

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

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

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

100 (6) The following recreational vehicles are exempt from  
101 the requirements of annual registration, license plates and  
102 fees, unless otherwise specified by law, but are subject to the  
103 certificate of title provisions of this chapter regardless of  
104 highway use: Motorboats, all-terrain vehicles, utility terrain  
105 vehicles and snowmobiles; and

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

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

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

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

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

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

125 (1) Low-speed vehicles shall only be operated on private  
126 roads and on public roads and streets within the corporate  
127 limits of a municipality where the speed limit is not more  
128 than twenty-five miles per hour: Provided, That a municipal-  
129 ity may authorize, by ordinance, the operation of low-speed

130 vehicles on private roads and on public roads and streets  
131 within the corporate limits of a municipality where the speed  
132 limit is not more than thirty-five miles per hour;

133 (2) Notwithstanding any provisions in this code to the  
134 contrary, low-speed vehicles shall meet the requirements of  
135 49 C. F. R. §571.500 (2003);

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

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