

COMMITTEE SUBSTITUTE

FOR

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Senate Bill No. 448

(By Senators Beach, Plymale, Fitzsimmons and Williams)

[Originating in the Committee on Finance;
reported March 26, 2013.]

A BILL to amend and reenact §17A-6-10c of the Code of West Virginia, 1931, as amended, relating to authorizing the commissioner to issue no more than ten additional special demonstration plates, upon a showing of need, to new and used motor vehicle dealers engaged in the business of selling trailers, truck-tractors, road-tractors or trucks and that demonstrate the motor vehicles under actual work conditions to potential purchasers; and setting fee amount for additional plates.

Be it enacted by the Legislature of West Virginia:

That §17A-6-10c of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

**PART III. FEES AND DEALER SPECIAL PLATES
GENERALLY.**

**§17A-6-10c. Special demonstration plates for dealers in trailers,
truck-tractors, road-tractors and trucks;
application; fee.**

1 (a) Notwithstanding any other provisions of this code,
2 ~~any~~ a new motor vehicle dealer or used motor vehicle dealer
3 engaged in the business of selling trailers, truck-tractors,
4 road-tractors or trucks ~~who demonstrates~~ that demonstrates
5 the motor vehicles under actual work conditions to potential
6 purchasers shall obtain a special demonstration plate from
7 the Division of Motor Vehicles. The motor vehicle dealer
8 may obtain special demonstration plates without first titling
9 or registering each vehicle.

10 (b) The commissioner shall prescribe the application
11 form for these special demonstration plates and shall require
12 the applicant to submit proof of the applicant's status as a
13 bona fide dealer in motor vehicles and to certify that the
14 applicant needs special demonstration plates in the ordinary
15 course of business.

16 The commissioner, upon approving ~~any~~ an application,
17 shall issue to the new motor vehicle dealer or used motor
18 vehicle dealer up to four special demonstration plates which
19 ~~shall~~ display the term "demonstration" or "demo" and a
20 distinguishing number assigned to the motor vehicle dealer.
21 The commissioner may issue no more than ten additional
22 special demonstration plates to a licensee upon a showing
23 that the licensee has sales or potential sales justifying
24 additional plates. This showing may include, but is not
25 limited to, the dealer's on-site inventory of the applicable
26 type of vehicles, previous sales of applicable vehicles or the
27 geographical divergence of the dealer's customer base.

28 (c) The annual fee for special demonstration plates is
29 \$100 for the first plate and \$50 for each additional special
30 demonstration plate that is issued, not to exceed a total of
31 ~~four~~ fourteen plates per dealer.

32 (d) Each motor vehicle dealer who is issued special
33 demonstration plates shall keep a written record, on a form
34 approved by the commissioner and open to inspection by a
35 police officer or employee of the division, containing the
36 following information:

37 (1) Identification of the motor vehicles upon which the
38 special demonstration plates are used;

39 (2) The times and dates during which each special
40 demonstration plate is used;

41 (3) The name and address of the company or individual
42 using a motor vehicle on which a special demonstration plate
43 is used; and

44 (4) ~~any~~ Other information considered necessary by the
45 commissioner. ~~This record shall be open to inspection by~~
46 ~~any police officer or employee of the division.~~

47 (e) Each motor vehicle operated under the provisions of
48 this section is considered to be registered at the maximum
49 vehicle weights allowable under article seventeen, chapter
50 seventeen-c of this code.

51 (f) A motor vehicle dealer shall not:

52 (1) Use ~~any~~ a special demonstration ~~plates~~ plate issued
53 under the provisions of this section on ~~any~~ a motor vehicle
54 which is not being demonstrated;

55 (2) Use ~~any~~ a special demonstration ~~plates~~ plate to
56 demonstrate ~~any~~ a single motor vehicle for more than seven
57 calendar days in ~~any~~ a calendar year for ~~any~~ a single
58 customer;

59 (3) Use ~~any~~ a special demonstration ~~plates on any~~ plate
60 on a motor vehicle leased or rented to ~~any~~ a customer; or

61 (4) Use ~~any~~ a special demonstration ~~plates~~ plate in any
62 way other than to demonstrate the on-the-job capabilities of
63 a motor vehicle to a potential purchaser.

64 (g) The motor vehicle dealer is required to furnish a
65 certificate of insurance in the amount required by regulations
66 of the West Virginia Public Service Commission or the
67 United States Department of Transportation for the class of
68 motor carrier for which the motor vehicle is to be
69 demonstrated.