

1 **ENROLLED**

2 **Senate Bill No. 380**

3 (BY SENATORS BEACH AND STOLLINGS)

4 _____
5 [Passed March 8, 2014; in effect ninety days from passage.]
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10 AN ACT to amend and reenact §17A-1-1 of the Code of West Virginia,
11 1931, as amended; and to amend and reenact §17A-6-1 of said
12 code, all relating to off-road vehicles; and updating
13 statutory definitions to reflect new categories of vehicles
14 and standard accessories.

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

16 That §17A-1-1 of the Code of West Virginia, 1931, as amended,
17 be amended and reenacted; and that §17A-6-1 be amended and
18 reenacted, all to read as follows:

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

20 **§17A-1-1. Definitions.**

21 Except as otherwise provided in this chapter, the following
22 words and phrases, when used in this chapter, shall have the
23 meanings respectively ascribed to them in this article:

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

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

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

13 (d) "School bus" means every motor vehicle owned by a public
14 governmental agency and operated for the transportation of children
15 to or from school or privately owned and operated for compensation
16 for the transportation of children to or from school.

17 (e) "Bus" means every motor vehicle designed to carry more
18 than seven passengers and used to transport persons; and every
19 motor vehicle, other than a taxicab, designed and used to transport
20 persons for compensation.

21 (f) "Truck tractor" means every motor vehicle designed and
22 used primarily for drawing other vehicles and not so constructed as
23 to carry a load other than a part of the weight of the vehicle and
24 load so drawn.

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

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

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

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

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

18 (l) "Pole trailer" means every vehicle without motive power
19 designed to be drawn by another vehicle and attached to the towing
20 vehicle by means of a reach, or pole, or by being boomed or
21 otherwise secured to the towing vehicle and ordinarily used for
22 transporting long or irregularly shaped loads such as poles, pipes
23 or structural members capable, generally, of sustaining themselves
24 as beams between the supporting connections.

1 (m) "Specially constructed vehicles" means every vehicle of a
2 type required to be registered hereunder not originally constructed
3 under a distinctive name, make, model or type by a generally
4 recognized manufacturer of vehicles and not materially altered from
5 its original construction.

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

10 (o) "Essential parts" means all integral and body parts of a
11 vehicle of a type required to be registered hereunder, the removal,
12 alteration or substitution of which would tend to conceal the
13 identity of the vehicle or substantially alter its appearance,
14 model, type or mode of operation.

15 (p) "Foreign vehicle" means every vehicle of a type required
16 to be registered hereunder brought into this state from another
17 state, territory or country other than in the ordinary course of
18 business by or through a manufacturer or dealer and not registered
19 in this state.

20 (q) "Implement of husbandry" means every vehicle which is
21 designed for or adapted to agricultural purposes and used by the
22 owner thereof primarily in the conduct of his or her agricultural
23 operations, including, but not limited to, trucks used for spraying
24 trees and plants: *Provided*, That the vehicle may not be let for

1 hire at any time.

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

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

17 (t) "Solid tire" means every tire of rubber or other resilient
18 material which does not depend upon compressed air for the support
19 of the load.

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

23 (v) "Commissioner" means the Commissioner of Motor Vehicles of
24 this state.

1 (w) "Division" means the Division of Motor Vehicles of this
2 state acting directly or through its duly authorized officers and
3 agents.

4 (x) "Person" means every natural person, firm, copartnership,
5 association or corporation.

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

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

17 (aa) "Dealer" or "dealers" is a general term meaning,
18 depending upon the context in which used, either a new motor
19 vehicle dealer, used motor vehicle dealer, factory-built home
20 dealer, recreational vehicle dealer, trailer dealer or motorcycle
21 dealer, as defined in section one, article six of this chapter, or
22 all of the dealers or a combination thereof and, in some instances,
23 a new motor vehicle dealer or dealers in another state.

24 (bb) "Registered dealer" or "registered dealers" is a general

1 term meaning, depending upon the context in which used, either a
2 new motor vehicle dealer, used motor vehicle dealer, house trailer
3 dealer, trailer dealer, recreational vehicle dealer or motorcycle
4 dealer, or all of the dealers or a combination thereof, licensed
5 under the provisions of article six of this chapter.

6 (cc) "Licensed dealer" or "licensed dealers" is a general term
7 meaning, depending upon the context in which used, either a new
8 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 (dd) "Transporter" means every person engaged in the business
13 of delivering vehicles of a type required to be registered
14 hereunder from a manufacturing, assembling or distributing plant to
15 dealers or sales agents of a manufacturer.

16 (ee) "Manufacturer" means every person engaged in the business
17 of constructing or assembling vehicles of a type required to be
18 registered hereunder at a place of business in this state which is
19 actually occupied either continuously or at regular periods by the
20 manufacturer where his or her books and records are kept and a
21 large share of his or her business is transacted.

22 (ff) "Street" or "highway" means the entire width between
23 boundary lines of every way publicly maintained when any part
24 thereof is open to the use of the public for purposes of vehicular

1 travel.

2 (gg) "Motorboat" means any vessel propelled by an electrical,
3 steam, gas, diesel or other fuel-propelled or -driven motor,
4 whether or not the motor is the principal source of propulsion, but
5 may not include a vessel which has a valid marine document issued
6 by the bureau of customs of the United States government or any
7 federal agency successor thereto.

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

10 (ii) "All-terrain vehicle" (ATV) means any motor vehicle
11 designed for off-highway use and designed to travel on not less
12 than three low-pressure or nonhighway tires, is fifty inches or
13 less in width and intended by the manufacturer to be used by a
14 single operator or is specifically designed by the manufacturer
15 with seating for each passenger. "All-terrain vehicle" and "ATV"
16 does not include mini trucks, golf carts, riding lawnmowers or
17 tractors.

18 (jj) "Travel trailer" means every vehicle, mounted on wheels,
19 designed to provide temporary living quarters for recreational,
20 camping or travel use of such size or weight as not to require
21 special highway movement permits when towed by a motor vehicle and
22 of gross trailer area less than four hundred square feet.

23 (kk) "Fold-down camping trailer" means every vehicle
24 consisting of a portable unit mounted on wheels and constructed

1 with collapsible partial sidewalls which fold for towing by another
2 vehicle and unfold at the camp site to provide temporary living
3 quarters for recreational, camping or travel use.

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

13 (mm) "Snowmobile" means a self-propelled vehicle intended for
14 travel primarily on snow and driven by a track or tracks in contact
15 with the snow and steered by a ski or skis in contact with the
16 snow.

17 (nn) "Recreational vehicle" means a motorboat, motorboat
18 trailer, all-terrain vehicle, travel trailer, fold-down camping
19 trailer, motor home or snowmobile.

20 (oo) "Mobile equipment" means every self-propelled vehicle not
21 designed or used primarily for the transportation of persons or
22 property over the highway but which may infrequently or
23 incidentally travel over the highways among job sites, equipment
24 storage sites or repair sites, including farm equipment, implements

1 of husbandry, well drillers, cranes and wood-sawing equipment.

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

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

11 (rr) "Mobile home" means a transportable structure that is
12 wholly, or in substantial part, made, fabricated, formed or
13 assembled in manufacturing facilities for installation or assembly
14 and installation on a building site and designed for long-term
15 residential use and built prior to enactment of the federal
16 Manufactured Housing Construction and Safety Standards Act of 1974
17 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and
18 usually built to the voluntary industry standard of the American
19 National Standards Institute (ANSI) -- A119.1 standards for mobile
20 homes.

21 (ss) "House trailers" means all trailers designed and used for
22 human occupancy on a continual nonrecreational basis, but may not
23 include fold-down camping and travel trailers, mobile homes or
24 manufactured homes.

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

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

16 (vv) "Utility terrain vehicle" means any motor vehicle with
17 four or more low-pressure or nonhighway tires designed for off-
18 highway use and is greater than fifty inches in width. "Utility
19 terrain vehicle" does not include mini trucks, golf carts, riding
20 lawnmowers or tractors.

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

23 **§17A-6-1. Definitions.**

24 (a) Unless the context in which used clearly requires a

1 different meaning, as used in this article:

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

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

17 (3) "House trailer 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 new
21 or used house trailers, or both, or new or used, or both, house
22 trailers and trailers or new or used, or both, manufactured homes
23 and mobile homes.

24 (4) "Trailer dealer" means every person (other than agents and

1 employees, if any, while acting within the scope of their authority
2 or employment), engaged in, or held out to the public to be engaged
3 in, the business in this state of selling new or used trailers.

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

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

14 (7) "Wrecker/dismantler/rebuilder" means every person (other
15 than agents and employees, if any, while acting within the scope of
16 their authority or employment), engaged in, or held out to the
17 public to be engaged in, the business in this state of dealing in
18 wrecked or damaged motor vehicles or motor vehicle parts for the
19 purpose of selling the parts thereof or scrap therefrom or who is
20 in the business of rebuilding salvage motor vehicles for the
21 purpose of resale to the public.

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

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

6 (10) "House trailers" means all trailers designed and used for
7 human occupancy on a continual nonrecreational basis, but may not
8 include fold-down camping and travel trailers, mobile homes or
9 manufactured homes.

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

13 (12) "Sales instrument" means any document resulting from the
14 sale of a vehicle, which shall include, but not be limited to, a
15 bill of sale, invoice, conditional sales contract, chattel
16 mortgage, chattel trust deed, security agreement or similar
17 document.

18 (13) "Sell", "sale" or "selling", in addition to the ordinary
19 definitions of the terms, includes offering for sale, soliciting
20 sales of, negotiating for the sale of, displaying for sale or
21 advertising for sale, any vehicle, whether at retail, wholesale or
22 at auction. "Selling", in addition to the ordinary definition of
23 that term, also includes buying and exchanging.

24 (14) "Applicant" means any person making application for an

1 original or renewal license certificate under the provisions of
2 this article.

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

5 (16) "Predecessor" means the former owner or owners or
6 operator or operators of any new motor vehicle dealer business or
7 used motor vehicle dealer business.

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

1 public street or highway nearest the location and clearly stating
2 the business which is or shall be conducted thereat, and which has
3 adequate facilities to keep, maintain and preserve records, papers
4 and documents necessary to carry on the business and to make the
5 business available to inspection by the commissioner at all
6 reasonable times: *Provided*, That each established place of business
7 shall have a display area which may be outside or inside or a
8 combination thereof of at least one thousand two hundred square
9 feet which is to be used exclusively for the display of vehicles
10 which are offered for sale by the dealer, office space of at least
11 one hundred forty-four square feet and a telephone listed in the
12 name of the dealership. Each established place of business shall
13 be open to the public a minimum of twenty hours per week at least
14 forty weeks per calendar year with at least ten of those hours
15 being between the hours of 9:30 a.m. and 8:30 p.m., Monday through
16 Saturday: *Provided, however*, That the requirement of exclusive use
17 is met even though: (A) Some new and any used motor vehicles sold
18 or to be sold by the dealer or sold or are to be sold at a
19 different location or locations not meeting the definition of an
20 established place of business of a new motor vehicle dealer, if
21 each location is or is to be served by other facilities and space
22 of the dealer for the servicing and repair of at least one motor
23 vehicle, adequate and suitable as aforesaid, and each location used
24 for the sale of some new and any used motor vehicles otherwise

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

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

21 (19) "Established place of business", in the case of a used
22 motor vehicle dealer, means a permanent location, not a temporary
23 stand or other temporary quarters, owned or leased by the licensee
24 or applicant and actually occupied or to be occupied by him or her,

1 as the case may be, which is or is to be used exclusively for the
2 purpose of selling used motor vehicles, which shall have facilities
3 and space therewith for the servicing and repair of at least one
4 motor vehicle, which servicing and repair facilities and space
5 shall be adequate and suitable to carry out servicing and to make
6 repairs necessary to keep and carry out all representations,
7 warranties and agreements made or to be made by the dealer with
8 respect to used motor vehicles sold by him or her, which is easily
9 accessible to the public, conforms to all applicable laws of this
10 state, and the ordinances of the municipality in which it is
11 located, if any, which displays thereon at least one permanent
12 sign, clearly visible from the principal public street or highway
13 nearest the location and clearly stating the business which is or
14 shall be conducted thereat, and which has adequate facilities to
15 keep, maintain and preserve records, papers and documents necessary
16 to carry on the business and to make the business available to
17 inspection by the commissioner at all reasonable times: *Provided,*
18 That each established place of business shall have a display area
19 which may be outside or inside or a combination thereof of at least
20 one thousand two hundred square feet which is to be used
21 exclusively for the display of vehicles which are offered for sale
22 by the dealer, office space of at least one hundred forty-four
23 square feet and a telephone listed in the name of the dealership.
24 Each established place of business shall be open to the public a

1 minimum of twenty hours per week at least forty weeks per calendar
2 year with at least ten of those hours being between the hours of
3 9:30 a.m. and 8:30 p.m., Monday through Saturday: *Provided,*
4 *however,* That if a used motor vehicle dealer has entered into a
5 written agreement or agreements with a person or persons owning or
6 operating a servicing and repair facility or facilities adequate
7 and suitable as aforesaid, the effect of which agreement or
8 agreements is to provide the servicing and repair services and
9 space in like manner as if the servicing and repair facilities and
10 space were located in or on the dealer's place of business, then,
11 so long as the agreement or agreements are in effect, it is not
12 necessary for the dealer to maintain the servicing and repair
13 facilities and space at the place of business in order for the
14 place of business to be an established place of business as herein
15 defined: *Provided further,* That the requirement of exclusive use is
16 met even though: (A) House trailers, trailers or motorcycles are
17 sold or are to be sold thereat, if, subject to the provisions of
18 section five of this article, a separate license certificate is
19 obtained for each type of vehicle business, which license
20 certificate remains unexpired, unsuspended and unrevoked; (B) farm
21 machinery is sold thereat; (C) accessory, gasoline and oil, or
22 storage departments are maintained thereat, if the departments are
23 operated for the purpose of furthering and assisting in the
24 licensed business or businesses; and (D) the established place of

1 business has an attached single residential rental unit with an
2 outside separate entrance and occupied by a person or persons with
3 no financial or operational interest in the dealership where the
4 established place of business has space under roof for the display
5 of at least three motor vehicles and facilities and space therewith
6 for the concurrent servicing and repair of at least two motor
7 vehicles and otherwise meets the requirements set forth herein.

8 (20) "Established place of business", in the case of a house
9 trailer dealer, trailer dealer, recreational vehicle dealer,
10 motorcycle dealer, used parts dealer and wrecker or dismantler,
11 means a permanent location, not a temporary stand or other
12 temporary quarters, owned or leased by the licensee or applicant
13 and actually occupied or to be occupied by the licensee, as the
14 case may be, which is easily accessible to the public, which
15 conforms to all applicable laws of this state and the ordinances of
16 the municipality in which it is located, if any, which displays
17 thereon at least one permanent sign, clearly visible from the
18 principal public street or highway nearest the location and clearly
19 stating the business which is or shall be conducted thereat, and
20 which has adequate facilities to keep, maintain and preserve
21 records, papers and documents necessary to carry on the business
22 and to make the business available to inspection by the
23 commissioner at all reasonable times.

24 (21) "Manufacturer" means every person engaged in the business

1 of reconstructing, assembling or reassembling vehicles with a
2 special type body required by the purchaser if the vehicle is
3 subject to the title and registration provisions of this code.

4 (22) "Transporter" means every person engaged in the business
5 of transporting vehicles to or from a manufacturing, assembling or
6 distributing plant to dealers or sales agents of a manufacturer, or
7 purchasers.

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

13 (24) "Motorboat" means any vessel propelled by an electrical,
14 steam, gas, diesel or other fuel-propelled or -driven motor,
15 whether or not the motor is the principal source of propulsion, but
16 does not include a vessel which has a valid marine document issued
17 by the bureau of customs of the United States government or any
18 federal agency successor thereto.

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

21 (26) "All-terrain vehicle" (ATV) means any motor vehicle
22 designed for off-highway use and designed to travel on not less
23 than three low-pressure or nonhighway tires, is fifty inches or
24 less in width and intended by the manufacturer to be used by a

1 single operator or is specifically designed by the manufacturer
2 with seating for each passenger. "All-terrain vehicle" and "ATV"
3 does not include mini trucks, golf carts, riding lawnmowers or
4 tractors.

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

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

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

24 (30) "Snowmobile" means a self-propelled vehicle intended for

1 travel primarily on snow and driven by a track or tracks in contact
2 with the snow and steered by a ski or skis in contact with the
3 snow.

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

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

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

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

21 (35) "Mobile home" means a transportable structure that is
22 wholly, or in substantial part, made, fabricated, formed or
23 assembled in manufacturing facilities for installation or assembly
24 and installation on a building site and designed for long-term

1 residential use and built prior to enactment of the federal
2 Manufactured Housing Construction and Safety Standards Institute
3 (ANSI) -- A119.1 standards for mobile homes.

4 (36) "Utility terrain vehicle" means any motor vehicle with
5 four or more low-pressure or nonhighway tires designed for off-
6 highway use and is greater than fifty inches in width. "Utility
7 terrain vehicle" does not include mini trucks, golf carts, riding
8 lawnmowers or tractors.

9 (b) Under no circumstances whatever may the terms "new motor
10 vehicle dealer", "used motor vehicle dealer", "house trailer
11 dealer", "trailer dealer", "recreational vehicle dealer",
12 "motorcycle dealer", "used parts dealer" or "wrecker/dismantler/
13 rebuilder" be construed or applied under this article in such a way
14 as to include a banking institution, insurance company, finance
15 company, or other lending or financial institution, or other
16 person, the state or any agency or political subdivision thereof,
17 or any municipality, who or which owns or comes in possession or
18 ownership of, or acquires contract rights, or security interests in
19 or to, any vehicle or vehicles or any part thereof and sells the
20 vehicle or vehicles or any part thereof for purposes other than
21 engaging in and holding out to the public to be engaged in the
22 business of selling vehicles or any part thereof.

23 (c) It is recognized that throughout this code the term
24 "trailer" or "trailers" is used to include, among other types of

1 trailers, house trailers. It is also recognized that throughout
2 this code the term "trailer" or "trailers" is seldom used to
3 include semitrailers or pole trailers. However, for the purposes
4 of this article only, the term "trailers" has the meaning ascribed
5 to it in subsection (a) of this section.