

1 **H. B. 4265**

2
3 (By Delegates Howell, Staggers, Moore,
4 Manchin, Morgan, Skaff, Poore, R. Phillips,
5 Tomblin, Storch and Armstead)
6

7 [Introduced January 23, 2014; referred to the
8 Committee on Roads and Transportation then Finance.]
9

10 A BILL to amend and reenact §17A-1-1 of the Code of West Virginia,
11 1931, as amended; and to amend said code by adding thereto a
12 new article, designated §17A-6F-1 and §17A-6F-2, all relating
13 to definitions of collector motor vehicle and a motor vehicle
14 collector; the issue of special plates to motor vehicle
15 collectors to use on collector motor vehicles; and allowing
16 for the transfer of the special plates temporarily between the
17 collector motor vehicles owned by the collector.

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

19 That §17A-1-1 of the Code of West Virginia, 1931, as amended,
20 be amended and reenacted; and that said code be amended by adding
21 thereto a new article, designated §17A-6F-1 and §17A-6F-2, all to
22 read as follows:

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

24 **§17A-1-1. Definitions.**

25 Except as otherwise provided in this chapter, the following

1 words and phrases, when used in this chapter, shall have the
2 meanings respectively ascribed to them in this article:

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

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

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

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

21 (e) "Bus" means every motor vehicle designed to carry more
22 than seven passengers and used to transport persons; and every
23 motor vehicle, other than a taxicab, designed and used to transport
24 persons for compensation.

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

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

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

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

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

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

22 (l) "Pole trailer" means every vehicle without motive power
23 designed to be drawn by another vehicle and attached to the towing
24 vehicle by means of a reach, or pole, or by being boomed or

1 otherwise secured to the towing vehicle and ordinarily used for
2 transporting long or irregularly shaped loads such as poles, pipes
3 or structural members capable, generally, of sustaining themselves
4 as beams between the supporting connections.

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

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

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

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

24 (q) "Implement of husbandry" means every vehicle which is

1 designed for or adapted to agricultural purposes and used by the
2 owner thereof primarily in the conduct of his or her agricultural
3 operations, including, but not limited to, trucks used for spraying
4 trees and plants: *Provided*, That the vehicle may not be let for
5 hire at any time.

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

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

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

24 (u) "Metal tire" means every tire the surface of which in

1 contact with the highway is wholly or partly of metal or other
2 hard, nonresilient material.

3 (v) "Commissioner" means the Commissioner of Motor Vehicles of
4 this state.

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

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

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

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

21 (aa) "Dealer" or "dealers" is a general term meaning,
22 depending upon the context in which used, either a new motor
23 vehicle dealer, used motor vehicle dealer, factory-built home
24 dealer, recreational vehicle dealer, trailer dealer or motorcycle

1 dealer, as defined in section one, article six of this chapter, or
2 all of the dealers or a combination thereof and, in some instances,
3 a new motor vehicle dealer or dealers in another state.

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

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

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

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

1 large share of his or her business is transacted.

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

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

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

14 (ii) "All-terrain vehicle" (ATV) means any motor vehicle
15 designed for off-highway use and designed to travel on not less
16 than three low-pressure tires, having a seat or saddle designed to
17 be straddled by the operator and handlebars for steering control
18 and intended by the manufacturer to be used by a single operator or
19 by an operator and no more than one passenger.

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

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

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

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

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

22 (oo) "Mobile equipment" means every self-propelled vehicle not
23 designed or used primarily for the transportation of persons or
24 property over the highway but which may infrequently or

1 incidentally travel over the highways among job sites, equipment
2 storage sites or repair sites, including farm equipment, implements
3 of husbandry, well-drillers, cranes and wood-sawing equipment.

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

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

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

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

1 manufactured homes.

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

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

17 (vv) "Utility terrain vehicle" means any motor vehicle with
18 four or more low-pressure tires designed for off-highway use having
19 bench or bucket seating for each occupant and a steering wheel for
20 control.

21 (ww) "Collector motor vehicle" means a motor vehicle that is
22 a restricted and limited use motor vehicle which is a unique
23 commodity having a current monetary value in excess of similar make
24 and model vehicles with routine manufacture and distribution

1 patterns, and, further, that is not driven in excess of the maximum
2 mileage permitted by the terms of a valid limited use motor vehicle
3 insurance policy issued for, and covering such vehicle, proof of
4 which shall be supplied to the division at the time of application
5 for designation as a collector vehicle, which mileage shall in no
6 event exceed three thousand miles per year. This term does not
7 include motor vehicles with elevated chassis height which are
8 subject to inspection.

9 (xx) "Motor vehicle collector" means any resident who
10 participates in the collection of antique motor vehicles for
11 personal use, offers for sale, or trade of any used motor vehicle.

12 **ARTICLE 6F. MOTOR VEHICLE COLLECTOR LICENSE.**

13 **§17A-6F-1. Qualifications for motor vehicle collector and**
14 **collector motor vehicle.**

15 (a) To qualify for the designation as a motor vehicle
16 collector, the resident may not offer exclusively for sale, more
17 than four motor vehicles at any specific time.

18 (b) To qualify for designation as a motor vehicle collector,
19 the owner of a motor vehicle shall submit an application in the
20 form specified by the commissioner: Provided, That the vehicle:
21 (1) Is a Class A vehicle more than twenty-five years old; (2) not
22 driven in excess of the maximum mileage permitted by the terms of
23 a valid limited use motor vehicle insurance policy issued for such

1 vehicle; and the vehicle currently qualifies for, and is covered by
2 motor vehicle insurance coverage of a kind intended for limited use
3 collector motor vehicles, proof of which shall be supplied to the
4 division at the time of application for designation as a collector
5 motor vehicle, which policy shall limit the mileage of the vehicle
6 to three thousand miles per year or less; and (3) proof that the
7 vehicle was originally manufactured as a limited or restricted
8 issue make or model, or in a sufficiently limited quantity,
9 according to any generally recognized compilation of motor vehicle
10 statistical information as may be accepted by the commissioner in
11 his or her discretion, so as to establish the vehicle as a unique
12 commodity having a current monetary value in excess of similar make
13 and model vehicles sold through routine manufacture and
14 distribution patterns.

15 **§17A-6F-2. Use of special plates; records to be maintained by a**
16 **collector of motor vehicles; operation of vehicles**
17 **under special plates; expiration of special plate.**

18 (a) Class Collector special plates designated by the
19 commissioner may be used by the motor vehicle collector for the
20 sole purpose of transporting or moving motor vehicles either titled
21 or purchased by the collector. Class Collector special plate may
22 not be used on any vehicle used to tow or haul another vehicle.

23 (b) Every collector issued a special plate or plates under the

1 provisions of this article shall keep a written record of the
2 location of each plate. Every record shall be open to inspection
3 by the commissioner, his or her representative or any law-
4 enforcement officer, when acting in an official capacity.

5 (c) Every special plate or plates issued under the provisions
6 of this article shall be registered to one collector motor vehicle
7 titled in the name of the collector.

8 (d) A collector who owns a collector motor vehicle or vehicles
9 of the type required to be registered under this chapter may
10 operate or move the same upon the streets and highways without
11 registering each collector motor vehicle owned or purchased if the
12 vehicle displays a special plate issued as provided in this
13 article: *Provided,* That the collector shall have proof of
14 ownership or bill of sale of date less than thirty days and the
15 vehicle is being driven: (1) To and from auto shows, circuses,
16 parades, displays, special excursions and antique car club
17 meetings; (2) for testing purposes; (3) for the pleasure of others
18 without compensations; and (4) and is not being used for regular
19 transportation of a fully licensed vehicle.

20 (e) Every special plate or plates issued under the provisions
21 of this article shall be valid for a period of one year or portion
22 of one year.

23 (f) The commissioner, upon approving an application for a

1 collector of motor vehicles may issue no more than five special
2 plates to a licensee for use on collector motor vehicles owned or
3 purchased by the collector.

4 (g) The annual fee for a special collector motor vehicle plate
5 is \$100 for the first plate and \$50 for each additional special
6 plate issued, not to exceed a total of five plates.

NOTE: The purpose of this bill is to define collector motor vehicle and a motor vehicle collector. Further, the bill provides for the issue of special plates to motor vehicle collectors to use on collector motor vehicles and allow for the transfer of the special plates temporarily between the collector motor vehicles owned by the collector.

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