

Senate Bill No. 100

(By Senators Miller and Beach)

[Introduced January 8, 2014; referred to the Committee on Transportation and Infrastructure; and then to the Committee on Government Organization.]

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 the operation of low-speed vehicles on roads in municipalities where the speed limit is not more 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; ISSUANCE 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
8 nonresidents or under a temporary registration permit issued
9 by the 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 highways

37 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
41 domestic-manufactured vehicle designed primarily for
42 off-road use and powered by an engine ranging in size from
43 550cc to 660cc and weighing approximately one thousand
44 eight 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 plate
48 may not use the highways between sunset and sunrise unless
49 the vehicle is classified as a Class A motor vehicle with a
50 farm-use exemption under ~~the provisions of~~ section one,
51 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 from
54 one tract of land to another over a distance of thirty-five
55 miles or less;

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

61 (D) Any vehicle used as an implement of husbandry exempt
62 under this section shall have the words "farm use" affixed to
63 both sides of the implement in ten-inch letters. Any vehicle
64 which would be subject to registration as a Class A or B vehicle
65 if not exempted by this section shall display a farm-use
66 exemption certificate on the lower driver's side of the
67 windshield:

68 (i) The farm-use exemption certificate shall be provided by
69 the commissioner and shall be issued annually by the assessor of
70 the applicant's county of residence. The assessor shall issue a
71 farm-use exemption certificate to the applicant upon his or her
72 determination pursuant to an examination of the property books
73 or documentation provided by the applicant that the vehicle has
74 been properly assessed as Class I personal property. Nothing in

75 this section or any rule promulgated under the authority of
76 chapter twenty-nine-a of this code may be construed to require
77 any applicant for a renewal of a farm-use exemption certificate
78 to appear personally before any assessor. The assessor shall
79 charge a fee of \$2 for each certificate, which shall be retained by
80 the assessor;

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

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

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

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

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

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

105 (7) Any special mobile equipment as defined in
106 subsection (r), section one, article one of this chapter.

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

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

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

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

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

124 (1) Low-speed vehicles shall only be operated on private
125 roads and on public roads and streets within the corporate
126 limits of a municipality where the speed limit is not more
127 than twenty-five miles per hour. However, a municipality
128 may authorize, by ordinance, the operation of low-speed
129 vehicles on private roads and on public roads and streets
130 within its corporate limits where the speed limit is not more
131 than thirty-five miles per hour;

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

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

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

(NOTE: The purpose of this bill is to authorize municipalities to allow the operation of low-speed vehicles on its roads where the speed limit is not more than thirty-five miles per hour.

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