

Senate Bill No. 380

(By Senators Beach and Stollings)

[Introduced January 20 2014; referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.]

A BILL to amend and reenact §17A-1-1 of the Code of West Virginia, 1931, as amended; and to amend and reenact §17A-6-1 of said code, all relating to redefining “all-terrain vehicle” and “utility terrain vehicle”.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17A-1-1. Definitions.

1 Except as otherwise provided in this chapter, the
2 following words and phrases, when used in this chapter, shall

3 have the meanings respectively ascribed to them in this
4 article:

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

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

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

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

22 owned and operated for compensation for the transportation
23 of children to or from school.

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

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

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

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

39 (I) "Truck" means every motor vehicle designed, used or
40 maintained primarily for the transportation of property.

41 (j) “Trailer” means every vehicle with or without motive
42 power designed for carrying persons or property and for
43 being drawn by a motor vehicle and so constructed that no
44 part of its weight rests upon the towing vehicle, but
45 excluding recreational vehicles.

46 (k) “Semitrailer” means every vehicle with or without
47 motive power designed for carrying persons or property and
48 for being drawn by a motor vehicle and so constructed that
49 some part of its weight and that of its load rests upon or is
50 carried by another vehicle.

51 (l) “Pole trailer” means every vehicle without motive
52 power designed to be drawn by another vehicle and attached
53 to the towing vehicle by means of a reach, or pole, or by
54 being boomed or otherwise secured to the towing vehicle and
55 ordinarily used for transporting long or irregularly shaped
56 loads such as poles, pipes or structural members capable,
57 generally, of sustaining themselves as beams between the
58 supporting connections.

59 (m) “Specially constructed vehicles” means every vehicle
60 of a type required to be registered hereunder not originally
61 constructed under a distinctive name, make, model or type by
62 a generally recognized manufacturer of vehicles and not
63 materially altered from its original construction.

64 (n) “Reconstructed vehicle” means every vehicle of a
65 type required to be registered hereunder materially altered
66 from its original construction by the removal, addition or
67 substitution of essential parts, new or used.

68 (o) “Essential parts” means all integral and body parts of
69 a vehicle of a type required to be registered hereunder, the
70 removal, alteration or substitution of which would tend to
71 conceal the identity of the vehicle or substantially alter its
72 appearance, model, type or mode of operation.

73 (p) “Foreign vehicle” means every vehicle of a type
74 required to be registered hereunder brought into this state
75 from another state, territory or country other than in the
76 ordinary course of business by or through a manufacturer or
77 dealer and not registered in this state.

78 (q) "Implement of husbandry" means every vehicle which
79 is designed for or adapted to agricultural purposes and used
80 by the owner thereof primarily in the conduct of his or her
81 agricultural operations, including, but not limited to, trucks
82 used for spraying trees and plants: *Provided*, That the
83 vehicle may not be let for hire at any time.

84 (r) "Special mobile equipment" means every self-
85 propelled vehicle not designed or used primarily for the
86 transportation of persons or property and incidentally
87 operated or moved over the highways, including, without
88 limitation, road construction or maintenance machinery,
89 ditch-digging apparatus, stone crushers, air compressors,
90 power shovels, graders, rollers, well drillers, wood-sawing
91 equipment, asphalt spreaders, bituminous mixers, bucket
92 loaders, ditchers, leveling graders, finishing machines, motor
93 graders, road rollers, scarifiers, earth-moving carryalls,
94 scrapers, drag lines, rock-drilling equipment and earth-
95 moving equipment. The foregoing enumeration shall be
96 deemed partial and may not operate to exclude other such

97 vehicles which are within the general terms of this
98 subdivision.

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

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

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

107 (v) "Commissioner" means the Commissioner of Motor
108 Vehicles of this state.

109 (w) "Division" means the Division of Motor Vehicles of
110 this state acting directly or through its duly authorized
111 officers and agents.

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

114 (y) "Owner" means a person who holds the legal title to
115 a vehicle, or in the event a vehicle is the subject of an

116 agreement for the conditional sale or lease thereof with the
117 right of purchase upon performance of the conditions stated
118 in the agreement and with an immediate right of possession
119 vested in the conditional vendee or lessee, or in the event a
120 mortgagor of a vehicle is entitled to possession, then the
121 conditional vendee or lessee or mortgagor shall be deemed
122 the owner for the purpose of this chapter.

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

125 (aa) "Dealer" or "dealers" is a general term meaning,
126 depending upon the context in which used, either a new
127 motor vehicle dealer, used motor vehicle dealer, factory-built
128 home dealer, recreational vehicle dealer, trailer dealer or
129 motorcycle dealer, as defined in section one, article six of
130 this chapter, or all of the dealers or a combination thereof
131 and, in some instances, a new motor vehicle dealer or dealers
132 in another state.

133 (bb) "Registered dealer" or "registered dealers" is a
134 general term meaning, depending upon the context in which

135 used, either a new motor vehicle dealer, used motor vehicle
136 dealer, house trailer dealer, trailer dealer, recreational vehicle
137 dealer or motorcycle dealer, or all of the dealers or a
138 combination thereof, licensed under the provisions of article
139 six of this chapter.

140 (cc) “Licensed dealer” or “licensed dealers” is a general
141 term meaning, depending upon the context in which used,
142 either a new motor vehicle dealer, used motor vehicle dealer,
143 house trailer dealer, trailer dealer, recreational vehicle dealer
144 or motorcycle dealer, or all of the dealers or a combination
145 thereof, licensed under the provisions of article six of this
146 chapter.

147 (dd) “Transporter” means every person engaged in the
148 business of delivering vehicles of a type required to be
149 registered hereunder from a manufacturing, assembling or
150 distributing plant to dealers or sales agents of a manufacturer.

151 (ee) “Manufacturer” means every person engaged in the
152 business of constructing or assembling vehicles of a type
153 required to be registered hereunder at a place of business in

154 this state which is actually occupied either continuously or at
155 regular periods by the manufacturer where his or her books
156 and records are kept and a large share of his or her business
157 is transacted.

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

162 (gg) "Motorboat" means any vessel propelled by an
163 electrical, steam, gas, diesel or other fuel-propelled or -driven
164 motor, whether or not the motor is the principal source of
165 propulsion, but may not include a vessel which has a valid
166 marine document issued by the bureau of customs of the
167 United States government or any federal agency successor
168 thereto.

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

171 ~~(ii) "All-terrain vehicle" (ATV) means any motor vehicle~~
172 ~~designed for off-highway use and designed to travel on not~~

173 ~~less than three low-pressure tires, having a seat or saddle~~
174 ~~designed to be straddled by the operator and handlebars for~~
175 ~~steering control and intended by the manufacturer to be used~~
176 ~~by a single operator or by an operator and no more than one~~
177 ~~passenger.~~

178 (ii) “All-terrain vehicle” (ATV) means any motor vehicle
179 designed for off-highway use and designed to travel on not
180 less than three low-pressure or nonhighway tires, is fifty
181 inches or less in width and intended by the manufacturer to
182 be used by a single operator or is specifically designed by the
183 manufacturer with seating for each passenger. “All-terrain
184 vehicle” and “ATV” does not include mini trucks, golf carts,
185 riding lawnmowers or tractors.

186 (jj) “Travel trailer” means every vehicle, mounted on
187 wheels, designed to provide temporary living quarters for
188 recreational, camping or travel use of such size or weight as
189 not to require special highway movement permits when
190 towed by a motor vehicle and of gross trailer area less than
191 four hundred square feet.

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

197 (ll) "Motor home" means every vehicle, designed to provide
198 temporary living quarters, built into an integral part of or
199 permanently attached to a self-propelled motor vehicle, chassis
200 or van including: (1) Type A motor home built on an
201 incomplete truck chassis with the truck cab constructed by the
202 second stage manufacturer; (2) Type B motor home consisting
203 of a van-type vehicle which has been altered to provide
204 temporary living quarters; and (3) Type C motor home built on
205 an incomplete van or truck chassis with a cab constructed by the
206 chassis manufacturer.

207 (mm) "Snowmobile" means a self-propelled vehicle
208 intended for travel primarily on snow and driven by a track or
209 tracks in contact with the snow and steered by a ski or skis in
210 contact with the snow.

211 (nn) “Recreational vehicle” means a motorboat,
212 motorboat trailer, all-terrain vehicle, travel trailer, fold-
213 down camping trailer, motor home or snowmobile.

214 (oo) “Mobile equipment” means every self-propelled
215 vehicle not designed or used primarily for the transportation
216 of persons or property over the highway but which may
217 infrequently or incidentally travel over the highways among
218 job sites, equipment storage sites or repair sites, including
219 farm equipment, implements of husbandry, well drillers,
220 cranes and wood-sawing equipment.

221 (pp) “Factory-built home” includes mobile homes,
222 house trailers and manufactured homes.

223 (qq) “Manufactured home” has the same meaning as the
224 term is defined in section two, article nine, chapter twenty-
225 one of this code which meets the federal Manufactured
226 Housing Construction and Safety Standards Act of 1974 (42
227 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and the
228 federal manufactured home construction and safety
229 standards and regulations promulgated by the Secretary of

230 the United States Department of Housing and Urban
231 Development.

232 (rr) “Mobile home” means a transportable structure that
233 is wholly, or in substantial part, made, fabricated, formed or
234 assembled in manufacturing facilities for installation or
235 assembly and installation on a building site and designed for
236 long-term residential use and built prior to enactment of the
237 federal Manufactured Housing Construction and Safety
238 Standards Act of 1974 (42 U. S. C. §5401, *et seq.*), effective
239 on June 15, 1976, and usually built to the voluntary industry
240 standard of the American National Standards Institute
241 (ANSI) – A119.1 standards for mobile homes.

242 (ss) “House trailers” means all trailers designed and used
243 for human occupancy on a continual nonrecreational basis,
244 but may not include fold-down camping and travel trailers,
245 mobile homes or manufactured homes.

246 (tt) “Parking enforcement vehicle” means a motor vehicle
247 which does not fit into any other classification of vehicle in
248 this chapter, has three or four wheels and is designed for use

249 in an incorporated municipality by a city, county, state or
250 other governmental entity primarily for parking enforcement
251 or other governmental purposes with an operator area with
252 sides permanently enclosed with rigid construction and a top
253 which may be convertible, sealed beam headlights, turn
254 signals, brake lights, horn, at least one rearview mirror on
255 each side and such other equipment that will enable it to pass
256 a standard motorcycle vehicle inspection.

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

261 ~~(vv) "Utility terrain vehicle" means any motor vehicle~~
262 ~~with four or more low-pressure tires designed for off-~~
263 ~~highway use having bench or bucket seating for each~~
264 ~~occupant and a steering wheel for control.~~

265 (vv) "Utility terrain vehicle" means any motor vehicle
266 with four or more low-pressure or nonhighway tires designed
267 for off-highway use and is greater than fifty inches in width.

268 “Utility terrain vehicle” does not include mini trucks, golf

269 carts, riding lawnmowers or tractors.

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

§17A-6-1. Definitions.

1 (a) Unless the context in which used clearly requires a
2 different meaning, as used in this article:

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

11 (2) “Used motor vehicle dealer” means every person
12 (other than agents and employees, if any, while acting within
13 the scope of their authority or employment), engaged in, or

14 held out to the public to be engaged in, the business in this
15 state of selling five or more used motor vehicles in any fiscal
16 year of a type required to be registered under the provisions
17 of this chapter, except, for the purposes of this article only,
18 motorcycles.

19 (3) “House trailer dealer” means every person (other than
20 agents and employees, if any, while acting within the scope
21 of their authority or employment), engaged in, or held out to
22 the public to be engaged in, the business in this state of
23 selling new or used house trailers, or both, or new or used, or
24 both, house trailers and trailers or new or used, or both,
25 manufactured homes and mobile homes.

26 (4) “Trailer dealer” means every person (other than
27 agents and employees, if any, while acting within the scope
28 of their authority or employment), engaged in, or held out to
29 the public to be engaged in, the business in this state of
30 selling new or used trailers.

31 (5) “Motorcycle dealer” means every person (other than
32 agents and employees, if any, while acting within the scope

33 of their authority or employment), engaged in, or held out to
34 the public to be engaged in, the business in this state of
35 selling new or used motorcycles.

36 (6) “Used parts dealer” means every person (other than
37 agents and employees, if any, while acting within the scope
38 of their authority or employment), engaged in, or held out to
39 the public to be engaged in, the business in this state of
40 selling any used appliance, accessory, member, portion or
41 other part of any vehicle.

42 (7) “Wrecker/dismantler/rebuilder” means every person
43 (other than agents and employees, if any, while acting within
44 the scope of their authority or employment), engaged in, or
45 held out to the public to be engaged in, the business in this
46 state of dealing in wrecked or damaged motor vehicles or
47 motor vehicle parts for the purpose of selling the parts
48 thereof or scrap therefrom or who is in the business of
49 rebuilding salvage motor vehicles for the purpose of resale to
50 the public.

51 (8) “New motor vehicles” means all motor vehicles,
52 except motorcycles and used motor vehicles, of a type
53 required to be registered under the provisions of this
54 chapter.

55 (9) “Used motor vehicles” means all motor vehicles,
56 except motorcycles, of a type required to be registered under
57 the provisions of this chapter which have been sold and
58 operated, or which have been registered or titled, in this or
59 any other state or jurisdiction.

60 (10) “House trailers” means all trailers designed and used
61 for human occupancy on a continual nonrecreational basis,
62 but may not include fold-down camping and travel trailers,
63 mobile homes or manufactured homes.

64 (11) “Trailers” means all types of trailers other than
65 house trailers, and shall include, but not be limited to, pole
66 trailers and semitrailers but excluding recreational
67 vehicles.

68 (12) “Sales instrument” means any document resulting
69 from the sale of a vehicle, which shall include, but not be

70 limited to, a bill of sale, invoice, conditional sales contract,
71 chattel mortgage, chattel trust deed, security agreement or
72 similar document.

73 (13) “Sell”, “sale” or “selling”, in addition to the ordinary
74 definitions of the terms, includes offering for sale, soliciting
75 sales of, negotiating for the sale of, displaying for sale or
76 advertising for sale, any vehicle, whether at retail, wholesale
77 or at auction. “Selling”, in addition to the ordinary definition
78 of that term, also includes buying and exchanging.

79 (14) “Applicant” means any person making application
80 for an original or renewal license certificate under the
81 provisions of this article.

82 (15) “Licensee” means any person holding any license
83 certificate issued under the provisions of this article.

84 (16) “Predecessor” means the former owner or owners or
85 operator or operators of any new motor vehicle dealer
86 business or used motor vehicle dealer business.

87 (17) “Established place of business” means, in the case of
88 a new motor vehicle dealer, a permanent location, not a

89 temporary stand or other temporary quarters, owned or leased
90 by the licensee or applicant and actually occupied or to be
91 occupied by him or her, as the case may be, which is or is to
92 be used exclusively for the purpose of selling new motor
93 vehicles or new and used motor vehicles, which shall have
94 space under roof for the display of at least one new motor
95 vehicle and facilities and space therewith for the servicing
96 and repair of at least one motor vehicle, which servicing and
97 repair facilities and space is adequate and suitable to carry
98 out servicing and to make repairs necessary to keep and carry
99 out all representations, warranties and agreements made or to
100 be made by the dealer with respect to motor vehicles sold by
101 him or her, which is easily accessible to the public, which
102 conforms to all applicable laws of this state and the
103 ordinances of the municipality in which it is located, if any,
104 which displays thereon at least one permanent sign, clearly
105 visible from the principal public street or highway nearest the
106 location and clearly stating the business which is or shall be
107 conducted thereat, and which has adequate facilities to keep,

108 maintain and preserve records, papers and documents
109 necessary to carry on the business and to make the business
110 available to inspection by the commissioner at all reasonable
111 times: *Provided*, That each established place of business
112 shall have a display area which may be outside or inside or
113 a combination thereof of at least one thousand two hundred
114 square feet which is to be used exclusively for the display of
115 vehicles which are offered for sale by the dealer, office space
116 of at least one hundred forty-four square feet and a telephone
117 listed in the name of the dealership. Each established place
118 of business shall be open to the public a minimum of twenty
119 hours per week at least forty weeks per calendar year with at
120 least ten of those hours being between the hours of 9:30 a.m.
121 and 8:30 p.m., Monday through Saturday: *Provided*,
122 *however*, That the requirement of exclusive use is met even
123 though: (A) Some new and any used motor vehicles sold or
124 to be sold by the dealer or sold or are to be sold at a different
125 location or locations not meeting the definition of an
126 established place of business of a new motor vehicle dealer,

127 if each location is or is to be served by other facilities and
128 space of the dealer for the servicing and repair of at least one
129 motor vehicle, adequate and suitable as aforesaid, and each
130 location used for the sale of some new and any used motor
131 vehicles otherwise meets the definition of an established
132 place of business of a used motor vehicle dealer; (B) house
133 trailers, trailers or motorcycles are sold or are to be sold
134 thereat, if, subject to the provisions of section five of this
135 article, a separate license certificate is obtained for each type
136 of vehicle business, which license certificate remains
137 unexpired, unsuspended and unrevoked; (C) farm machinery
138 is sold thereat; (D) accessory, gasoline and oil, or storage
139 departments are maintained thereat, if the departments are
140 operated for the purpose of furthering and assisting in the
141 licensed business or businesses; and (E) the established place
142 of business has an attached single residential rental unit with
143 an outside separate entrance and occupied by a person or
144 persons with no financial or operational interest in the
145 dealership where the established place of business has space

146 under roof for the display of at least three new motor vehicles
147 and facilities and space therewith for the concurrent servicing
148 and repair of at least two motor vehicles and otherwise meets
149 the requirements set forth in this subdivision.

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

152 (19) "Established place of business", in the case of a used
153 motor vehicle dealer, means a permanent location, not a
154 temporary stand or other temporary quarters, owned or leased
155 by the licensee or applicant and actually occupied or to be
156 occupied by him or her, as the case may be, which is or is to
157 be used exclusively for the purpose of selling used motor
158 vehicles, which shall have facilities and space therewith for
159 the servicing and repair of at least one motor vehicle, which
160 servicing and repair facilities and space shall be adequate and
161 suitable to carry out servicing and to make repairs necessary
162 to keep and carry out all representations, warranties and
163 agreements made or to be made by the dealer with respect to
164 used motor vehicles sold by him or her, which is easily

165 accessible to the public, conforms to all applicable laws of
166 this state, and the ordinances of the municipality in which it
167 is located, if any, which displays thereon at least one
168 permanent sign, clearly visible from the principal public
169 street or highway nearest the location and clearly stating the
170 business which is or shall be conducted thereat, and which
171 has adequate facilities to keep, maintain and preserve
172 records, papers and documents necessary to carry on the
173 business and to make the business available to inspection by
174 the commissioner at all reasonable times: *Provided*, That
175 each established place of business shall have a display area
176 which may be outside or inside or a combination thereof of
177 at least one thousand two hundred square feet which is to be
178 used exclusively for the display of vehicles which are offered
179 for sale by the dealer, office space of at least one hundred
180 forty-four square feet and a telephone listed in the name of
181 the dealership. Each established place of business shall be
182 open to the public a minimum of twenty hours per week at
183 least forty weeks per calendar year with at least ten of those

184 hours being between the hours of 9:30 a.m. and 8:30 p.m.,
185 Monday through Saturday: *Provided, however,* That if a
186 used motor vehicle dealer has entered into a written
187 agreement or agreements with a person or persons owning or
188 operating a servicing and repair facility or facilities adequate
189 and suitable as aforesaid, the effect of which agreement or
190 agreements is to provide the servicing and repair services and
191 space in like manner as if the servicing and repair facilities
192 and space were located in or on the dealer's place of
193 business, then, so long as the agreement or agreements are in
194 effect, it is not necessary for the dealer to maintain the
195 servicing and repair facilities and space at the place of
196 business in order for the place of business to be an
197 established place of business as herein defined: *Provided*
198 *further,* That the requirement of exclusive use is met even
199 though: (A) House trailers, trailers or motorcycles are sold
200 or are to be sold thereat, if, subject to the provisions of
201 section five of this article, a separate license certificate is
202 obtained for each type of vehicle business, which license

203 certificate remains unexpired, unsuspended and unrevoked;
204 (B) farm machinery is sold thereat; (C) accessory, gasoline and
205 oil, or storage departments are maintained thereat, if the
206 departments are operated for the purpose of furthering and
207 assisting in the licensed business or businesses; and (D) the
208 established place of business has an attached single residential
209 rental unit with an outside separate entrance and occupied by a
210 person or persons with no financial or operational interest in the
211 dealership where the established place of business has space
212 under roof for the display of at least three motor vehicles and
213 facilities and space therewith for the concurrent servicing and
214 repair of at least two motor vehicles and otherwise meets the
215 requirements set forth herein.

216 (20) “Established place of business”, in the case of a house
217 trailer dealer, trailer dealer, recreational vehicle dealer,
218 motorcycle dealer, used parts dealer and wrecker or dismantler,
219 means a permanent location, not a temporary stand or other
220 temporary quarters, owned or leased by the licensee or
221 applicant and actually occupied or to be occupied by the

222 licensee, as the case may be, which is easily accessible to the
223 public, which conforms to all applicable laws of this state and
224 the ordinances of the municipality in which it is located, if any,
225 which displays thereon at least one permanent sign, clearly
226 visible from the principal public street or highway nearest the
227 location and clearly stating the business which is or shall be
228 conducted thereat, and which has adequate facilities to keep,
229 maintain and preserve records, papers and documents necessary
230 to carry on the business and to make the business available to
231 inspection by the commissioner at all reasonable times.

232 (21) "Manufacturer" means every person engaged in the
233 business of reconstructing, assembling or reassembling
234 vehicles with a special type body required by the purchaser
235 if the vehicle is subject to the title and registration provisions
236 of this code.

237 (22) "Transporter" means every person engaged in the
238 business of transporting vehicles to or from a manufacturing,
239 assembling or distributing plant to dealers or sales agents of a
240 manufacturer, or purchasers.

241 (23) “Recreational vehicle dealer” means every person
242 (other than agents and employees, if any, while acting within
243 the scope of their authority or employment), engaged in, or
244 held out to the public to be engaged in, the business in this
245 state of selling new or used recreational vehicles, or both.

246 (24) “Motorboat” means any vessel propelled by an
247 electrical, steam, gas, diesel or other fuel-propelled or -driven
248 motor, whether or not the motor is the principal source of
249 propulsion, but does not include a vessel which has a valid
250 marine document issued by the bureau of customs of the
251 United States government or any federal agency successor
252 thereto.

253 (25) “Motorboat trailer” means every vehicle designed for
254 or ordinarily used for the transportation of a motorboat.

255 ~~(26) “All-terrain vehicle” (ATV) means any motor vehicle~~
256 ~~designed for off-highway use and designed to travel on not less~~
257 ~~than three low-pressure tires and designed for operator use~~
258 ~~only with no passengers, having a seat or saddle designed to be~~
259 ~~straddled by the operator, and handlebars for steering control~~

260 ~~and intended by the manufacturer to be used by a single~~
261 ~~operator or by an operator and no more than one passenger.~~

262 (26) “All-terrain vehicle” (ATV) means any motor
263 vehicle designed for off-highway use and designed to
264 travel on not less than three low-pressure or nonhighway
265 tires, is fifty inches or less in width and intended by the
266 manufacturer to be used by a single operator or is
267 specifically designed by the manufacturer with seating for
268 each passenger. “All-terrain vehicle” and “ATV” does not
269 include mini trucks, golf carts, riding lawnmowers or
270 tractors.

271 (27) “Travel trailer” means every vehicle, mounted on
272 wheels, designed to provide temporary living quarters for
273 recreational, camping or travel use of such size or weight
274 as not to require special highway movement permits when
275 towed by a motor vehicle and of gross trailer area less than
276 four hundred square feet.

277 (28) “Fold-down camping trailer” means every vehicle
278 consisting of a portable unit mounted on wheels and

279 constructed with collapsible partial sidewalls which fold
280 for towing by another vehicle and unfold at the camp site
281 to provide temporary living quarters for recreational,
282 camping or travel use.

283 (29) “Motor home” means every vehicle, designed to
284 provide temporary living quarters, built into an integral part of
285 or permanently attached to a self-propelled motor vehicle,
286 chassis or van including: (1) Type A motor home built on an
287 incomplete truck chassis with the truck cab constructed by the
288 second-stage manufacturer; (2) Type B motor home consisting
289 of a van-type vehicle which has been altered to provide
290 temporary living quarters; and (3) Type C motor home built on
291 an incomplete van or truck chassis with a cab constructed by
292 the chassis manufacturer.

293 (30) “Snowmobile” means a self-propelled vehicle intended
294 for travel primarily on snow and driven by a track or tracks in
295 contact with the snow and steered by a ski or skis in contact
296 with the snow.

297 (31) “Recreational vehicle” means a motorboat, motorboat
298 trailer, all-terrain vehicle, travel trailer, fold-down camping
299 trailer, motor home, snowmobile or utility-terrain vehicle.

300 (32) “Major component” means any one of the following
301 subassemblies of a motor vehicle: (A) Front clip assembly
302 consisting of fenders, grille, hood, bumper and related parts;
303 (B) engine; (C) transmission; (D) rear clip assembly
304 consisting of quarter panels and floor panel assembly; or (E)
305 two or more doors.

306 (33) “Factory-built home” includes mobile homes, house
307 trailers and manufactured homes.

308 (34) “Manufactured home” has the same meaning as the
309 term is defined in section two, article nine, chapter twenty-
310 one of this code which meets the National Manufactured
311 Housing Construction and Safety Standards Act of 1974 (42
312 U. S. C. §5401 et seq.), effective on June 15, 1976, and the
313 federal manufactured home construction and safety standards
314 and regulations promulgated by the Secretary of the United
315 States Department of Housing and Urban Development.

316 (35) “Mobile home” means a transportable structure that
317 is wholly, or in substantial part, made, fabricated, formed or
318 assembled in manufacturing facilities for installation or
319 assembly and installation on a building site and designed for
320 long-term residential use and built prior to enactment of the
321 federal Manufactured Housing Construction and Safety
322 Standards Institute (ANSI) – A119.1 standards for mobile
323 homes.

324 ~~(36) “Utility terrain vehicle” means any motor vehicle with~~
325 ~~four or more low-pressure tires designed for off-highway use~~
326 ~~having bench or bucket seating for each occupant and a steering~~
327 ~~wheel for control.~~

328 (36) “Utility terrain vehicle” means any motor vehicle with
329 four or more low-pressure or nonhighway tires designed for off-
330 highway use and is greater than fifty inches in width. “Utility
331 terrain vehicle” does not include mini trucks, golf carts, riding
332 lawnmowers or tractors.

333 (b) Under no circumstances whatever may the terms “new
334 motor vehicle dealer”, “used motor vehicle dealer”, “house

335 trailer dealer”, “trailer dealer”, “recreational vehicle
336 dealer”, “motorcycle dealer”, “used parts dealer” or
337 “wrecker/dismantler/ rebuilder” be construed or applied
338 under this article in such a way as to include a banking
339 institution, insurance company, finance company, or other
340 lending or financial institution, or other person, the state or
341 any agency or political subdivision thereof, or any
342 municipality, who or which owns or comes in possession or
343 ownership of, or acquires contract rights, or security
344 interests in or to, any vehicle or vehicles or any part thereof
345 and sells the vehicle or vehicles or any part thereof for
346 purposes other than engaging in and holding out to the
347 public to be engaged in the business of selling vehicles or
348 any part thereof.

349 (c) It is recognized that throughout this code the term
350 “trailer” or “trailers” is used to include, among other types
351 of trailers, house trailers. It is also recognized that
352 throughout this code the term “trailer” or “trailers” is
353 seldom used to include semitrailers or pole trailers.

354 However, for the purposes of this article only, the term
355 “trailers” has the meaning ascribed to it in subsection (a) of
356 this section.

(NOTE: The purpose of this bill is to amend the definition of all-terrain vehicle and utility terrain vehicle.

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