

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4568

BY DELEGATE SKINNER

[Introduced February 16, 2016; Referred
to the Committee on Political Subdivisions then the
Judiciary.]

1 A BILL to amend and reenact §17A-3-3b of the Code of West Virginia, 1931, as amended, relating
 2 to permitting the assessor to mail a notice advising the owner of a vehicle believed not to
 3 be properly registered in the state to contact the office of the assessor and provide certain
 4 information concerning residency; and imposing a criminal penalty.

Be it enacted by the Legislature of West Virginia:

1 That §17A-3-3b of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF
 CERTIFICATES OF TITLE.**

§17A-3-3b. Motor vehicles believed illegally unregistered; assessor to make verification.

1 If, on information and belief the assessor has reason to believe that a motor vehicle has
 2 not been properly registered in this state in violation of the provisions of section one of this article,
 3 he or she shall give notice by posting on the vehicle a notice advising the owner of the vehicle to
 4 contact the office of the assessor within fifteen days to verify that the owner is not a resident of
 5 the State of West Virginia. Factors to be considered in determining whether or not such person is
 6 a resident of this state include, but are not limited to, the following:

- 7 (1) The person is registered to vote in this state;
- 8 (2) The person enrolls the person’s child or children to be educated in an elementary or
 9 secondary school in this state or has complied with applicable provisions of this code indicating
 10 an intent to home school the person’s child or children in this state;
- 11 (3) The person is receiving public assistance from this state;
- 12 (4) The person resides or has continuously remained in this state for a period exceeding
 13 thirty days, except for infrequent brief absences;
- 14 (5) The person has accepted employment or engages in any trade, profession or
 15 occupation within this state, except that this does not include a person who is commuting from

16 the person's residence in another state or whose employment is seasonal or temporary, not
17 exceeding thirty days;

18 (6) The person has filed for a homestead tax exemption on property in this state;

19 (7) The person subscribes to public utilities in this state in his or her own name;

20 (8) The person receives his or her mail in this state pursuant to verification from the United
21 States postal service.

22 However, if the motor vehicle is parked in a private driveway, the assessor may, in lieu of
23 placing a notice on the vehicle, mail the notice described in this section to the address where the
24 driveway is located.

25 In the event the assessor receives no response from the posting or mailing, the assessor
26 will refer the matter to the prosecuting attorney. If it is determined that the vehicle has not been
27 properly registered in this state, the owner of the vehicle is in violation of the provisions of this
28 article and the person will be subject to the criminal sanctions contained in section one of this
29 article.

NOTE: The purpose of this bill is to permit the assessor to mail a notice advising the owner of a vehicle believed not to be properly registered in the state to contact the office of the assessor and provide certain information concerning residency. The bill imposes a criminal penalty.

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