

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4416

FISCAL
NOTE

BY DELEGATE BURKHAMMER

[Introduced January 27, 2022; Referred to
the Committee on Fire Departments and Emergency
Medical Services then Finance.]

1 A BILL to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating
2 to providing motor vehicle registrations and license plates free of charge to volunteer
3 firefighters who have at least five years of service.

Be it enacted by the Legislature of West Virginia:

**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 and recreational vehicle when
2 driven or moved upon a highway is subject to the registration and certificate of title provisions of
3 this chapter except:

4 (1) Any vehicle driven or moved upon a highway in conformance with the provisions of this
5 chapter relating to manufacturers, transporters, dealers, lienholders or nonresidents or under a
6 temporary registration permit issued by the division as authorized under this chapter;

7 (2) Any implement of husbandry upon which is securely attached a machine for spraying
8 fruit trees and plants of the owner or lessee or for any other implement of husbandry which is
9 used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner
10 of the implement and which is not operated on or over any public highway of this state for any
11 other purpose other than for the purpose of operating it across a highway or along a highway
12 other than an expressway as designated by the commissioner of the division of highways from
13 one point of the owner's land to another part of the owner's land, irrespective of whether or not
14 the tracts adjoin: *Provided*, That the distance between the points may not exceed thirty-five miles,
15 or for the purpose of taking it or other fixtures attached to the implement, to and from a repair
16 shop for repairs. The exemption in this subdivision from registration and license requirements
17 also applies to any vehicle described in this subsection or to any farm trailer owned by the owner

18 or lessee of the farm on which the trailer is used, when the trailer is used by the owner of the
19 trailer for the purpose of moving farm produce and livestock from the farm along a public highway
20 for a distance not to exceed thirty-five miles to a storage house or packing plant, when the use is
21 a seasonal operation:

22 (A) The exemptions contained in this section also apply to farm machinery, tractors and
23 mini-trucks: *Provided*, That the machinery, tractors and mini-trucks may use the highways in going
24 from one tract of land to another tract of land regardless of whether the land is owned by the same
25 or different persons. For the purposes of this section, mini-truck means a foreign-manufactured
26 import or domestic-manufactured vehicle designed primarily for off-road use and powered by an
27 engine ranging in size from 550cc to 660cc and weighing approximately one thousand eight
28 hundred pounds;

29 (B) Any vehicle exempted under this subsection from the requirements of annual
30 registration certificate and license plates and fees for the registration certificate and license plate
31 may not use the highways between sunset and sunrise unless the vehicle is classified as a Class
32 A motor vehicle with a farm-use exemption under the provisions of section one, article ten of this
33 chapter and has a valid and current inspection sticker as required by the provisions of article
34 sixteen, chapter seventeen-c of this code and is traveling from one tract of land to another over a
35 distance of thirty-five miles or less;

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

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

44 (i) The farm-use exemption certificate shall be provided by the commissioner and shall be
45 issued annually by the assessor of the applicant's county of residence. The assessor shall issue
46 a farm-use exemption certificate to the applicant upon his or her determination pursuant to an
47 examination of the property books or documentation provided by the applicant that the vehicle
48 has been properly assessed as Class I personal property. Nothing in this section or any rule
49 promulgated under the authority of chapter twenty-nine-a of this code may be construed to require
50 any applicant for a renewal of a farm use exemption certificate to appear personally before any
51 assessor. The assessor shall charge a fee of \$2 for each certificate, which shall be retained by
52 the assessor;

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

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

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

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

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

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

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

72 (b) Notwithstanding the provisions of subsection (a) of this section:

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

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

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

77 (c) The division shall title and register low-speed vehicles if the manufacturer's certificate
78 of origin clearly identifies the vehicle as a low-speed vehicle. The division may not title or register
79 homemade low-speed vehicles or retrofitted golf carts and such vehicles do not qualify as low-
80 speed vehicles in this state. In addition to all other motor vehicle laws and regulations, except as
81 specifically exempted below, low-speed vehicles are subject to the following restrictions and
82 requirements:

83 (1) Low-speed vehicles shall only be operated on private roads and on public roads and
84 streets within the corporate limits of a municipality where the speed limit is not more than twenty-
85 five miles per hour;

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

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

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

93 (d) License plate and vehicle registration fees otherwise charged in this section are hereby
94 waived for volunteer firefighters for one personal vehicle: *Provided*, That a firefighter shall only be
95 eligible after he or she has accrued five years of service. Eligible firefighters must present an

- 96 affidavit from his or her chief confirming their participation for five years or more, and annually
97 thereafter. This section does not apply to commercial vehicles owned or operated by the volunteer
98 firefighter.

NOTE: The purpose of this bill is to permit volunteer firefighters with five or more years of service to be eligible for free vehicle registrations and license plates on their personal vehicle.

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