

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2305**

By Delegate Howell

[Originating in the Committee on Government  
Organization; Reported on February 22, 2023]



1 A BILL to amend and reenact §17A-1-1 and §17A-3-5 of the Code of West Virginia, 1931, as  
2 amended, relating to foreign market vehicles at least 25 years old; defining a term; allowing  
3 foreign market vehicles at least 25 years old to be exempted from title requirements and to  
4 be registered under this article for an additional \$25 fee.

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

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

**§17A-1-1. Definitions.**

1 ~~Except as otherwise provided in this chapter, the following words and phrases, when used~~  
2 ~~in this chapter, have the meanings respectively ascribed to them in this article:~~

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

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

8 ~~(c) "Motorcycle" means every motor vehicle, including motor-driven cycles and mopeds as~~  
9 ~~defined in §17C-1-5 and §17C-1-5a of this code, having a saddle for the use of the rider and~~  
10 ~~designed to travel on not more than three wheels in contact with the ground, but excluding a~~  
11 ~~tractor, and an electric bicycle as defined in §17C-1-70 of this code.~~

12 ~~(d) "School bus" means every motor vehicle owned by a public governmental agency and~~  
13 ~~operated for the transportation of children to or from school or privately owned and operated for~~  
14 ~~compensation for the transportation of children to or from school.~~

15 ~~(e) "Bus" means every motor vehicle designed to carry more than seven passengers and~~  
16 ~~used to transport persons; and every motor vehicle, other than a taxicab, designed and used to~~  
17 ~~transport persons for compensation.~~

18           ~~(f) "Truck tractor" means every motor vehicle designed and used primarily for drawing~~  
19 ~~other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and~~  
20 ~~drawn load.~~

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

23           ~~(h) "Road tractor" means every motor vehicle designed, used, or maintained for drawing~~  
24 ~~other vehicles and not constructed to carry any load thereon either independently or any part of the~~  
25 ~~weight of a vehicle or drawn load.~~

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

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

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

34           ~~(l) "Pole trailer" means every vehicle without motive power designed to be drawn by~~  
35 ~~another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being~~  
36 ~~boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or~~  
37 ~~irregularly shaped loads such as poles, pipes, or structural members capable, generally, of~~  
38 ~~sustaining themselves as beams between the supporting connections.~~

39           ~~(m) "Specially constructed vehicles" means every vehicle of a type required to be~~  
40 ~~registered hereunder not originally constructed under a distinctive name, make, model, or type by~~  
41 ~~a generally recognized manufacturer of vehicles and not materially altered from its original~~  
42 ~~construction.~~

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

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

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

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

56 ~~(r) "Special mobile equipment" means every self-propelled vehicle not designed or used~~  
57 ~~primarily for the transportation of persons or property and incidentally operated or moved over the~~  
58 ~~highways, including, without limitation, road construction or maintenance machinery, ditch-digging~~  
59 ~~apparatus, stone crushers, air compressors, power shovels, graders, rollers, well drillers, wood-~~  
60 ~~sawing equipment, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling~~  
61 ~~graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls,~~  
62 ~~scrapers, drag lines, rock-drilling equipment, and earth-moving equipment. The foregoing~~  
63 ~~enumeration in this subdivision is partial and may not operate to exclude other vehicles which are~~  
64 ~~within the general terms of this subdivision.~~

65 ~~(s) "Pneumatic tire" means every tire in which compressed air is designed to support the~~  
66 ~~load.~~

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

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

71           ~~(v) "Commissioner" means the Commissioner of the Division of Motor Vehicles of this~~  
72 ~~state.~~

73           ~~(w) "Division" means the Division of Motor Vehicles of this state acting directly or through~~  
74 ~~its duly authorized officers and agents.~~

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

76           ~~(y) "Owner" means a person who holds the legal title to a vehicle, or in the event a vehicle~~  
77 ~~is the subject of an agreement for the conditional sale or lease thereof with the right of purchase~~  
78 ~~upon performance of the conditions stated in the agreement and with an immediate right of~~  
79 ~~possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is~~  
80 ~~entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the~~  
81 ~~owner for the purpose of this chapter.~~

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

83           ~~(aa) "Dealer" or "dealers" is a general term meaning, depending upon the context in which~~  
84 ~~used, either a new motor vehicle dealer, used motor vehicle dealer, factory-built home dealer,~~  
85 ~~recreational vehicle dealer, trailer dealer or motorcycle dealer, as defined in §17C-1-6 of this code,~~  
86 ~~or all of the dealers or a combination thereof and, in some instances, a new motor vehicle dealer or~~  
87 ~~dealers in another state.~~

88           ~~(bb) "Registered dealer" or "registered dealers" is a general term meaning, depending~~  
89 ~~upon the context in which used, either a new motor vehicle dealer, used motor vehicle dealer,~~  
90 ~~house trailer dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the~~  
91 ~~dealers or a combination thereof, licensed under the provisions of §17A-6-1 et seq. of this code.~~

92           ~~(cc) "Licensed dealer" or "licensed dealers" is a general term meaning, depending upon the~~  
93 ~~context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer~~

94 ~~dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a~~  
95 ~~combination thereof, licensed under the provisions of §17A-6-1 et seq. of this code.~~

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

99 ~~(ee) "Manufacturer" means every person engaged in the business of constructing or~~  
100 ~~assembling vehicles of a type required to be registered hereunder at a place of business in this~~  
101 ~~state which is actually occupied either continuously or at regular periods by the manufacturer~~  
102 ~~where his or her books and records are kept and a large share of his or her business is transacted.~~

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

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

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

112 ~~(ii) "All-terrain vehicle" (ATV) means any motor vehicle designed for off-highway use and~~  
113 ~~designed to travel on not less than three low-pressure or nonhighway tires, is 50 inches or less in~~  
114 ~~width and intended by the manufacturer to be used by a single operator or is specifically designed~~  
115 ~~by the manufacturer with seating for each passenger. "All-terrain vehicle" and "ATV" does not~~  
116 ~~include mini trucks, golf carts, riding lawnmowers, electric bicycles as defined in §17C-1-70 of this~~  
117 ~~code, or tractors.~~

118 ~~(jj) "Travel trailer" means every vehicle, mounted on wheels, designed to provide~~  
119 ~~temporary living quarters for recreational, camping, or travel use of such size or weight as not to~~

120 ~~require special highway movement permits when towed by a motor vehicle and of gross trailer~~  
121 ~~area less than 400 square feet.~~

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

126 ~~(ll) "Motor home" means every vehicle, designed to provide temporary living quarters, built~~  
127 ~~into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or van~~  
128 ~~including: (1) Type A motor home built on an incomplete truck chassis with the truck cab~~  
129 ~~constructed by the second stage manufacturer; (2) Type B motor home consisting of a van type~~  
130 ~~vehicle which has been altered to provide temporary living quarters; and (3) Type C motor home~~  
131 ~~built on an incomplete van or truck chassis with a cab constructed by the chassis manufacturer.~~

132 ~~(mm) "Snowmobile" means a self-propelled vehicle intended for travel primarily on snow~~  
133 ~~and driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with~~  
134 ~~the snow.~~

135 ~~(nn) "Recreational vehicle" means a motorboat, motorboat trailer, all-terrain vehicle, travel~~  
136 ~~trailer, fold-down camping trailer, motor home, or snowmobile.~~

137 ~~(oo) "Mobile equipment" means every self-propelled vehicle not designed or used primarily~~  
138 ~~for the transportation of persons or property over the highway but which may infrequently or~~  
139 ~~incidentally travel over the highways among job sites, equipment storage sites, or repair sites,~~  
140 ~~including farm equipment, implements of husbandry, well drillers, cranes, and wood-sawing~~  
141 ~~equipment.~~

142 ~~(pp) "Factory-built home" includes mobile homes, house trailers, and manufactured~~  
143 ~~homes.~~

144 ~~(qq) "Manufactured home" has the same meaning as the term is defined in §21-2-9 of this~~  
145 ~~code which meets the federal Manufactured Housing Construction and Safety Standards Act of~~



146 1974 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and the federal manufactured home  
147 construction and safety standards and regulations promulgated by the Secretary of the United  
148 States Department of Housing and Urban Development.

149 (rr) “Mobile home” means a transportable structure that is wholly, or in substantial part,  
150 made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and  
151 installation on a building site and designed for long-term residential use and built prior to  
152 enactment of the federal Manufactured Housing Construction and Safety Standards Act of 1974  
153 (42 U. S. C. §5401, *et seq.*), effective on June 15, 1976, and usually built to the voluntary industry  
154 standard of the American National Standards Institute (ANSI) — A119.1 standards for mobile  
155 homes.

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

159 (tt) “Parking enforcement vehicle” means a motor vehicle which does not fit into any other  
160 classification of vehicle in this chapter, has three or four wheels, and is designed for use in an  
161 incorporated municipality by a city, county, state, or other governmental entity primarily for parking  
162 enforcement or other governmental purposes with an operator area with sides permanently  
163 enclosed with rigid construction and a top which may be convertible, sealed beam headlights, turn  
164 signals, brake lights, horn, at least one rearview mirror on each side, and such other equipment  
165 that will enable it to pass a standard motorcycle vehicle inspection.

166 (uu) “Low-speed vehicle” means a four-wheeled motor vehicle whose attainable speed in  
167 one mile on a paved level surface is more than 20 miles per hour but not more than 25 miles per  
168 hour.

169 (vv) “Utility terrain vehicle” means any motor vehicle with four or more low-pressure or  
170 nonhighway tires designed for off-highway use and is greater than 50 inches in width. “Utility  
171 terrain vehicle” does not include mini trucks, golf carts, riding lawnmowers, or tractors.

172 Except as otherwise provided in this chapter, the following words and phrases, when used  
173 in this chapter, have the meanings respectively ascribed to them in this article:

174 “All-terrain vehicle” (ATV) means any motor vehicle designed for off-highway use and  
175 designed to travel on not less than three low-pressure or nonhighway tires, is 50 inches or less in  
176 width and intended by the manufacturer to be used by a single operator or is specifically designed  
177 by the manufacturer with seating for each passenger. “All-terrain vehicle” and “ATV” does not  
178 include mini trucks, golf carts, riding lawnmowers, electric bicycles as defined in §17C-1-70 of this  
179 code, or tractors.

180 “Bus” means every motor vehicle designed to carry more than seven passengers and used  
181 to transport persons; and every motor vehicle, other than a taxicab, designed and used to  
182 transport persons for compensation.

183 “Commissioner” means the Commissioner of the Division of Motor Vehicles of this state.

184 “Dealer” or “dealers” is a general term meaning, depending upon the context in which  
185 used, either a new motor vehicle dealer, used motor vehicle dealer, factory-built home dealer,  
186 recreational vehicle dealer, trailer dealer or motorcycle dealer, as defined in §17C-1-6 of this code,  
187 or all of the dealers or a combination thereof and, in some instances, a new motor vehicle dealer or  
188 dealers in another state.

189 “Division” means the Division of Motor Vehicles of this state acting directly or through its  
190 duly authorized officers and agents.

191 “Essential parts” means all integral and body parts of a vehicle of a type required to be  
192 registered hereunder, the removal, alteration, or substitution of which would tend to conceal the  
193 identity of the vehicle or substantially alter its appearance, model, type, or mode of operation.

194 “Factory-built home” includes mobile homes, house trailers, and manufactured homes.

195 “Farm tractor” means every motor vehicle designed and used primarily as a farm  
196 implement for drawing plows, mowing machines, and other implements of husbandry.

197 “Fold-down camping trailer” means every vehicle consisting of a portable unit mounted on  
198 wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle  
199 and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel  
200 use.

201 “Foreign market vehicle” means any motor vehicle originally manufactured outside the  
202 United States, which was not manufactured in accordance with 49 U.S.C. § 30101 *et seq.* and the  
203 policies and regulations adopted pursuant to that Act, and for which a West Virginia title or  
204 registration is sought.

205 “Foreign vehicle” means every vehicle of a type required to be registered hereunder  
206 brought into this state from another state, territory, or country other than in the ordinary course of  
207 business by or through a manufacturer or dealer and not registered in this state.

208 “House trailers” means all trailers designed and used for human occupancy on a continual  
209 nonrecreational basis but may not include fold-down camping and travel trailers, mobile homes, or  
210 manufactured homes.

211 “Implement of husbandry” means every vehicle which is designed for or adapted to  
212 agricultural purposes and used by the owner thereof primarily in the conduct of his or her  
213 agricultural operations, including, but not limited to, trucks used for spraying trees and plants:  
214 *Provided*, That the vehicle may not be let for hire at any time.

215 “Licensed dealer” or “licensed dealers” is a general term meaning, depending upon the  
216 context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer  
217 dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a  
218 combination thereof, licensed under the provisions of §17A-6-1 *et seq.* of this code.

219 “Low-speed vehicle” means a four-wheeled motor vehicle whose attainable speed in one  
220 mile on a paved level surface is more than 20 miles per hour but not more than 25 miles per hour.

221 “Manufactured home” has the same meaning as the term is defined in §21-2-9 of this code  
222 which meets the federal Manufactured Housing Construction and Safety Standards Act of 1974

223 (42 U. S. C. §5401, et seq.), effective on June 15, 1976, and the federal manufactured home  
224 construction and safety standards and regulations promulgated by the Secretary of the United  
225 States Department of Housing and Urban Development.

226 “Manufacturer” means every person engaged in the business of constructing or  
227 assembling vehicles of a type required to be registered hereunder at a place of business in this  
228 state which is actually occupied either continuously or at regular periods by the manufacturer  
229 where his or her books and records are kept and a large share of his or her business is transacted.

230 “Metal tire” means every tire the surface of which in contact with the highway is wholly or  
231 partly of metal or other hard, nonresilient material.

232 “Mobile equipment” means every self-propelled vehicle not designed or used primarily for  
233 the transportation of persons or property over the highway but which may infrequently or  
234 incidentally travel over the highways among job sites, equipment storage sites, or repair sites,  
235 including farm equipment, implements of husbandry, well drillers, cranes, and wood-sawing  
236 equipment.

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

244 “Motor home” means every vehicle, designed to provide temporary living quarters, built  
245 into an integral part of or permanently attached to a self-propelled motor vehicle, chassis or van  
246 including: (1) Type A motor home built on an incomplete truck chassis with the truck cab  
247 constructed by the second stage manufacturer; (2) Type B motor home consisting of a van-type

248 vehicle which has been altered to provide temporary living quarters; and (3) Type C motor home  
249 built on an incomplete van or truck chassis with a cab constructed by the chassis manufacturer.

250 “Motor vehicle” means every vehicle which is self-propelled and every vehicle which is  
251 propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

252 “Motorboat” means any vessel propelled by an electrical, steam, gas, diesel, or other fuel-  
253 propelled or -driven motor, whether or not the motor is the principal source of propulsion, but may  
254 not include a vessel which has a valid marine document issued by the bureau of customs of the  
255 United States government or any federal agency successor thereto.

256 “Motorboat trailer” means every vehicle designed for or ordinarily used for the  
257 transportation of a motorboat.

258 “Motorcycle” means every motor vehicle, including motor-driven cycles and mopeds as  
259 defined in §17C-1-5 and §17C-1-5a of this code, having a saddle for the use of the rider and  
260 designed to travel on not more than three wheels in contact with the ground, but excluding a  
261 tractor, and an electric bicycle as defined in §17C-1-70 of this code.

262 “Nonresident” means every person who is not a resident of this state.

263 “Owner” means a person who holds the legal title to a vehicle, or in the event a vehicle is  
264 the subject of an agreement for the conditional sale or lease thereof with the right of purchase  
265 upon performance of the conditions stated in the agreement and with an immediate right of  
266 possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is  
267 entitled to possession, then the conditional vendee or lessee or mortgagor shall be considered the  
268 owner for the purpose of this chapter.

269 “Parking enforcement vehicle” means a motor vehicle which does not fit into any other  
270 classification of vehicle in this chapter, has three or four wheels, and is designed for use in an  
271 incorporated municipality by a city, county, state, or other governmental entity primarily for parking  
272 enforcement or other governmental purposes with an operator area with sides permanently  
273 enclosed with rigid construction and a top which may be convertible, sealed beam headlights, turn

274 signals, brake lights, horn, at least one rearview mirror on each side, and such other equipment  
275 that will enable it to pass a standard motorcycle vehicle inspection.

276 “Person” means every natural person, firm, copartnership, association, or corporation.

277 “Pneumatic tire” means every tire in which compressed air is designed to support the load.

278 “Pole trailer” means every vehicle without motive power designed to be drawn by another  
279 vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or  
280 otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly  
281 shaped loads such as poles, pipes, or structural members capable, generally, of sustaining  
282 themselves as beams between the supporting connections.

283 “Reconstructed vehicle” means every vehicle of a type required to be registered hereunder  
284 materially altered from its original construction by the removal, addition, or substitution of essential  
285 parts, new or used.

286 “Recreational vehicle” means a motorboat, motorboat trailer, all-terrain vehicle, travel  
287 trailer, fold-down camping trailer, motor home, or snowmobile.

288 “Registered dealer” or “registered dealers” is a general term meaning, depending upon the  
289 context in which used, either a new motor vehicle dealer, used motor vehicle dealer, house trailer  
290 dealer, trailer dealer, recreational vehicle dealer, or motorcycle dealer, or all of the dealers or a  
291 combination thereof, licensed under the provisions of §17A-6-1 et seq. of this code.

292 “Road tractor” means every motor vehicle designed, used, or maintained for drawing other  
293 vehicles and not constructed to carry any load thereon either independently or any part of the  
294 weight of a vehicle or drawn load.

295 “School bus” means every motor vehicle owned by a public governmental agency and  
296 operated for the transportation of children to or from school or privately owned and operated for  
297 compensation for the transportation of children to or from school.

298 “Semitrailer” means every vehicle with or without motive power designed for carrying  
299 persons or property and for being drawn by a motor vehicle and constructed so that some part of  
300 its weight and that of its load rests upon or is carried by another vehicle.

301 “Snowmobile” means a self-propelled vehicle intended for travel primarily on snow and  
302 driven by a track or tracks in contact with the snow and steered by a ski or skis in contact with the  
303 snow.

304 “Solid tire” means every tire of rubber or other resilient material which does not depend  
305 upon compressed air for the support of the load.

306 “Special mobile equipment” means every self-propelled vehicle not designed or used  
307 primarily for the transportation of persons or property and incidentally operated or moved over the  
308 highways, including, without limitation, road construction or maintenance machinery, ditch-digging  
309 apparatus, stone crushers, air compressors, power shovels, graders, rollers, well drillers, wood-  
310 sawing equipment, asphalt spreaders, bituminous mixers, bucket loaders, ditchers, leveling  
311 graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls,  
312 scrapers, drag lines, rock-drilling equipment, and earth-moving equipment. The foregoing  
313 enumeration in this subdivision is partial and may not operate to exclude other vehicles which are  
314 within the general terms of this subdivision.

315 “Specially constructed vehicles” means every vehicle of a type required to be registered  
316 hereunder not originally constructed under a distinctive name, make, model, or type by a generally  
317 recognized manufacturer of vehicles and not materially altered from its original construction.

318 “Street” or “highway” means the entire width between boundary lines of every way publicly  
319 maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

320 “Trailer” means every vehicle with or without motive power designed for carrying persons  
321 or property and for being drawn by a motor vehicle and constructed so that no part of its weight  
322 rests upon the towing vehicle but excluding recreational vehicles.

323 “Transporter” means every person engaged in the business of delivering vehicles of a type  
324 required to be registered hereunder from a manufacturing, assembling, or distributing plant to  
325 dealers or sales agents of a manufacturer.

326 “Travel trailer” means every vehicle, mounted on wheels, designed to provide temporary  
327 living quarters for recreational, camping, or travel use of such size or weight as not to require  
328 special highway movement permits when towed by a motor vehicle and of gross trailer area less  
329 than 400 square feet.

330 “Truck” means every motor vehicle designed, used, or maintained primarily for the  
331 transportation of property.

332 “Truck tractor” means every motor vehicle designed and used primarily for drawing other  
333 vehicles and not constructed to carry a load other than a part of the weight of the vehicle and  
334 drawn load.

335 “Utility terrain vehicle” means any motor vehicle with four or more low-pressure or  
336 nonhighway tires designed for off-highway use and is greater than 50 inches in width. “Utility  
337 terrain vehicle” does not include mini trucks, golf carts, riding lawnmowers, or tractors.

338 “Vehicle” means every device in, upon, or by which any person or property is or may be  
339 transported or drawn upon a highway, excepting devices moved by human power or used  
340 exclusively upon stationary rails or tracks.

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

**§17A-3-5. Application for specially constructed, reconstructed, or foreign vehicles or new  
vehicles purchased outside this state.**

1 (a) In the event the vehicle to be registered is specially constructed, reconstructed, or a  
2 foreign vehicle, such fact shall be stated in the application and with reference to every foreign  
3 vehicle which has been registered heretofore outside of this state the owner shall surrender to the



4 department all registration plates, registration cards, and certificates of title or other evidence of  
5 such foreign registration as may be in his or her possession or under his or her control except as  
6 provided in subsection (b) hereof.

7 (b) Where in the course of interstate operation of a vehicle registered in another state it is  
8 desirable to retain registration of said vehicle in such other state, such applicant need not  
9 surrender but shall submit for inspection said evidences of such foreign registration and the  
10 department upon a proper showing shall register said vehicle in this state but shall not issue a  
11 certificate of title for such vehicle.

12 (c) In the event application for registration and certificate of title is made for a new vehicle  
13 purchased from a dealer outside this state, a certificate of title shall not be issued for such vehicle  
14 nor shall such vehicle be registered by the department unless and until such application shall be  
15 accompanied by a certificate of title or a manufacturer's certificate of origin, or if the state of  
16 purchase does not require a certificate of title such application shall be accompanied by a  
17 manufacturer's certificate of origin, accompanied by evidence that such seller is a bona fide dealer  
18 of the state in which such vehicle was purchased.

19 (d) Any foreign market vehicle manufactured 25 years ago or more shall not be subject to  
20 the provisions of this article and may be titled in this state and registered upon application and  
21 payment of fees, including an additional \$25 fee. Application for registration of these vehicles shall  
22 not be subject to safety inspection but shall include proof of liability insurance as required by this  
23 article.

NOTE: The purpose of this bill is to exempt foreign market vehicles manufactured 25 or more years ago from certain title requirements and allow registration upon application and payment of an additional \$25 fee.

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