

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 233

By Senators Clements, Trump, Phillips, and Rucker

[Introduced January 16, 2023; referred
to the Committee on Transportation and
Infrastructure]

1 A BILL to amend and reenact §17A-6-15 of the Code of West Virginia, 1931, as amended; to
 2 amend and reenact §17A-6B-10 of said code; and to amend and reenact §17A-6C-11, all
 3 relating to the extension of the expiration of temporary registration plates from 60 days to
 4 90 days.

Be it enacted by the Legislature of West Virginia:

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

§17A-6-15. Temporary registration plates or markers.

1 (a) In order to permit a vehicle which is sold to a purchaser by a dealer to be operated on
 2 the streets and highways pending receipt of the annual registration plate from the division for such
 3 vehicle, the commissioner may, subject to the limitations and conditions hereinafter set forth,
 4 deliver temporary vehicle registration plates or markers to dealers who in turn may, subject to the
 5 limitations and conditions hereinafter set forth, issue the same to purchasers of vehicles, but such
 6 purchasers must comply with the pertinent provisions of this section.

7 (b) Application by a dealer to the commissioner for temporary registration plates or
 8 markers shall be made on the form and in the manner prescribed and furnished by the
 9 commissioner for such purpose and shall be accompanied by a fee of \$3 for each such temporary
 10 registration plate or marker. The commissioner may require the fee to be remitted to the division in
 11 an electronic format. No refund or credit of fees paid by dealers to the commissioner for temporary
 12 registration plates or markers shall be allowed, except that in the event the commissioner
 13 discontinues the issuance of such temporary plates or markers, dealers returning temporary
 14 registration plates or markers to the commissioner may petition for and be entitled to a refund or a
 15 credit thereof. No temporary registration plates or markers shall be delivered by the commissioner
 16 to any dealer in house trailers only, and no such temporary plates or markers shall be issued for or
 17 used on any house trailer for any purpose.

18 (c) Every dealer who has made application for and received temporary registration plates
19 or markers shall maintain in a manner prescribed by the commissioner, a record of all temporary
20 registration plates or markers issued by him or her, and a record of any other information
21 pertaining to the receipt or the issuance of temporary registration plates or markers which the
22 commissioner may require. Every dealer who issues a temporary registration plate or marker shall
23 notify the division in the manner prescribed by the commissioner. No temporary registration plates
24 or markers may be delivered to any dealer until such dealer has fully accounted to the
25 commissioner for the temporary registration plates or markers last delivered to such dealer, by
26 showing the number issued to purchasers by such dealer and any on hand.

27 (d) A dealer may not issue, assign, transfer or deliver a temporary registration plate or
28 marker to anyone other than the bona fide purchaser of the vehicle to be registered; nor may a
29 dealer issue a temporary registration plate or marker to anyone possessed of an annual
30 registration plate for a vehicle which has been sold or exchanged, except a dealer may issue a
31 temporary registration plate or marker to the bona fide purchaser of a vehicle to be registered who
32 possesses an annual registration plate of a different class and makes application to the division to
33 exchange such annual registration plate of a different class in accordance with the provisions of
34 section one, article four of this chapter; nor may a dealer lend to anyone, or use on any vehicle
35 which he or she may own, a temporary registration plate or marker. It is unlawful for any dealer to
36 issue any temporary registration plate or marker knowingly containing any misstatement of fact, or
37 knowingly to insert any false information upon the face thereof.

38 (e) Every dealer who issues temporary registration plates or markers shall affix or insert
39 clearly and indelibly on the face of each temporary registration plate or marker in the manner
40 prescribed by the commissioner, the date of issuance and expiration thereof, and the make and
41 motor or serial number of the vehicle for which issued.

42 (f) If the commissioner finds that the provisions of this section or his or her directions are
43 not being complied with by a dealer, he or she may suspend the right of such dealer to issue

5 businesses who in turn may, subject to the limitations and conditions hereinafter set forth, issue
6 the same to applicants for title and registration of vehicles, but such applicants must comply with
7 the pertinent provisions of this section.

8 (b) Application by a license service business to the commissioner for such temporary
9 registration plates or markers shall be made on the form prescribed and furnished by the
10 commissioner for such purpose and shall be accompanied by a fee of \$3 for each such temporary
11 registration plate or marker. No refund or credit of fees paid by license services to the
12 commissioner for temporary registration plates or markers shall be allowed, except that in the
13 event the commissioner discontinues the issuance of such temporary plates or markers, license
14 services returning temporary registration plates or markers to the commissioner may petition for
15 and be entitled to a refund or a credit thereof.

16 (c) Every license service who has made application for and received temporary registration
17 plates or markers shall maintain in permanent form a record of all temporary registration plates or
18 markers delivered to the licensee, a record of all temporary registration plates or markers issued,
19 and a record of any other information pertaining to the receipt or the issuance of temporary
20 registration plates or markers which the commissioner may require. Each such record shall be
21 kept for a period of at least three years from the date of the making thereof.

22 Every licensee who issues a temporary registration plate or marker shall, within five
23 working days after the issuance of such plate or marker, send to the division a copy of the
24 temporary registration plate or marker certificate properly executed by the license service and the
25 purchaser.

26 No temporary registration plates or markers may be delivered to any license service until
27 such license service has fully accounted to the commissioner for the temporary registration plates
28 or markers last delivered to such license service, by showing the number issued to purchasers by
29 such license service and any on hand.

30 (d) A license service shall not issue, assign, or deliver a temporary registration plate or

31 marker to anyone other than the bona fide applicant for title and registration of the vehicle to be
32 registered. Not more than one temporary registration plate or marker shall be issued to the same
33 bona fide applicant for the same vehicle. A license service shall not issue a temporary registration
34 plate or marker to anyone possessed of an annual registration plate for a vehicle which has been
35 sold or exchanged, except a license service may issue a temporary registration plate or marker to
36 the bona fide applicant of a vehicle to be registered who possesses an annual registration plate of
37 a different class and makes application to the division to exchange such annual registration plate
38 of a different class in accordance with the provisions of section one, article four of this chapter. A
39 license service shall not lend to anyone, or use on any vehicle which he or she may own, a
40 temporary registration plate or marker.

41 It is unlawful for any license service to issue any temporary registration plate or marker
42 which contains a misstatement of fact or false information.

43 No license service shall issue, assign or deliver a temporary registration plate or marker to
44 anyone unless and until the license service has physical possession of the application and
45 appropriate fees and taxes of the vehicle to be titled and registered. Such application, fees, and
46 taxes shall be postmarked to the issuing agency or submitted to the Division of Motor Vehicles
47 within 48 hours after issuance of the temporary plate or marker.

48 (e) Every license service who issues temporary registration plates or markers shall affix or
49 insert clearly and indelibly on the face of each temporary registration plate or marker the date of
50 issuance and expiration thereof, and the make, model, and serial number of the vehicle for which
51 issued.

52 (f) If the commissioner finds that the provisions of this section or his or her directions are
53 not being complied with by a license service, he or she may suspend the right of such license
54 service to issue temporary registration plates or markers.

55 (g) A temporary registration plate or marker shall expire upon the receipt of the annual
56 registration plate from the division, or upon the rescission of the contract to purchase the vehicle in

57 question, or upon the expiration of ~~sixty~~ 90 days from the date of issuance, depending upon which
58 event occurs first.

59 (h) A license service may charge a fee not to exceed \$5 for issuing a temporary registration
60 plate or marker.

ARTICLE 6C. AUTOMOBILE AUCTION BUSINESSES.
§17A-6C-11. Temporary registration plates or markers.

1 (a) In order to permit a vehicle which is to be titled and registered to be operated on the
2 streets and highways pending receipt of the annual registration plate, the commissioner may,
3 subject to the following limitations, deliver temporary vehicle registration plates or markers to
4 persons engaged in the automobile auction business for issuance to applicants for title and
5 registration of vehicles.

6 (b) An application by an automobile auction business to the commissioner for temporary
7 registration plates or markers shall be made on the form prescribed and furnished by the
8 commissioner and shall be accompanied by a fee of \$3 for each temporary registration plate or
9 marker. No refund or credit of fees paid by automobile auction businesses to the commissioner for
10 temporary registration plates or markers is allowed, except in the event the commissioner
11 discontinues the issuance of temporary plates or markers. Automobile auction businesses
12 returning temporary registration plates or markers to the commissioner may petition for and be
13 entitled to a refund or a credit.

14 (c) Every automobile auction business applying for and receiving temporary registration
15 plates or markers shall maintain in permanent form a record of all temporary registration plates or
16 markers delivered to the licensee, a record of all temporary registration plates or markers issued
17 and a record of any other information pertaining to the receipt or the issuance of temporary
18 registration plates or markers which the commissioner may require. Each record shall be kept for a
19 period of at least three years from the date issued. Every automobile auction business issuing a
20 temporary registration plate or marker shall send to the division a copy of the temporary

21 registration plate or marker certificate properly executed by the automobile auction business and
22 the purchaser within five working days after the issuance of the plate or marker. No temporary
23 registration plates or markers may be delivered to any automobile auction business until the
24 business has fully accounted to the commissioner for the temporary registration plates or markers
25 last delivered by showing the number issued to purchasers and the number remaining to be
26 issued.

27 (d) An automobile auction business may not issue, assign or deliver a temporary
28 registration plate or marker to anyone other than the bona fide applicant for title and registration of
29 the vehicle to be registered. Not more than one temporary registration plate or marker may be
30 issued to the same bona fide applicant for the same vehicle. An automobile auction business may
31 not issue a temporary registration or marker to anyone possessing an annual registration plate for
32 a vehicle which has been sold or exchanged, except an automobile auction business may issue a
33 temporary registration plate or marker to the bona fide applicant who possesses an annual
34 registration plate of a different class and it may make application to the division to exchange the
35 annual registration plate of a different class in accordance with the provisions of section one,
36 article four of this chapter. An automobile auction business may not lend to anyone or use on any
37 vehicle which it may own, a temporary registration plate or marker. It is unlawful for any automobile
38 auction business to issue any temporary registration plate or marker which contains a
39 misstatement of fact or false information.

40 (e) Every automobile auction business issuing temporary registration plates or markers
41 shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker
42 the date of issuance, the date of expiration and the make, model and serial number of the vehicle.

43 (f) If the commissioner finds that the provisions of this section or his or her directions are
44 not being complied with by an automobile auction business, the commissioner may suspend the
45 right of the automobile auction business to issue temporary registration plates or markers.

46 (g) A temporary registration plate or marker expires upon the receipt of the annual

47 registration plate from the division, or upon the rescission of the contract to purchase the vehicle in
48 question, or upon the expiration of ~~sixty~~ 90 days from the date of issuance, whichever event occurs
49 first.

NOTE: The purpose of this bill is to extend the expiration of temporary registration plates from 60 days to 90 days.

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