

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 233**

By Senators Clements, Trump, Phillips, Rucker, and

Chapman

[Originating in the Committee on Transportation and

Infrastructure; reported on January 24, 2023]

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 of  
3 said code, all relating to extending the expiration of temporary registration plates from 60  
4 days to 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~~ possessing an  
30 annual registration plate for a vehicle which has been sold or exchanged, except a dealer may  
31 issue a temporary registration plate or marker to the bona fide purchaser of a vehicle to be  
32 registered who possesses an annual registration plate of a different class and makes application  
33 to the division to exchange such annual registration plate of a different class in accordance with  
34 the provisions of §17A-4-1 of this code; 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~~ possessing an annual registration plate for a vehicle  
35 which has been sold or exchanged, except a license service may issue a temporary registration  
36 plate or marker to the bona fide applicant of a vehicle to be registered who possesses an annual  
37 registration plate of a different class and makes application to the division to exchange such  
38 annual registration plate of a different class in accordance with the provisions of §17A-4-1 of this  
39 code. A 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 §17A-4-1 of this  
36 code. An automobile auction business may not lend to anyone or use on any vehicle which it may  
37 own, a temporary registration plate or marker. It is unlawful for any automobile auction business to  
38 issue any temporary registration plate or marker which contains a misstatement of fact or false  
39 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.