

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5108**

By Delegate Kump

[Introduced January 25, 2024; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §17A-3-1a the Code of West Virginia, 1931, as amended, relating to  
 2 making it illegal for vehicle owners to fail to obtain valid registration for motor vehicles  
 3 parked at their home for more than sixty days, and providing for fines for violations.

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

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

**§17A-3-1a. Registration of vehicles of new residents.**

1 (a) Every owner of a motor vehicle, trailer or other vehicle, shall, within thirty days after  
 2 taking up residence in the state, apply to the division and obtain registration and title for the  
 3 vehicle.

4 (b) For the purposes of this chapter there is a rebuttable presumption that a natural person  
 5 is a resident of this state if any of the following elements exist including, but not limited to:

6 (1) The person is registered to vote in this state.

7 (2) The person enrolls the person's child to be educated in a public elementary or  
 8 secondary school in this state.

9 (3) The person is receiving public assistance from this state.

10 (4) The person resides or has continuously remained in this state for a period exceeding  
 11 thirty days except for infrequent or brief absences.

12 (5) The person has accepted employment or engages in any trade, profession, or  
 13 occupation within this state, except that this does not include a person who is commuting from the  
 14 person's residence in another state or whose employment is seasonal or temporary, not  
 15 exceeding ninety days.

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

17 "Resident" does not include a person who is attending a college, university or other  
 18 educational institution in this state, if the person has a domicile in another state and has a valid

19 operator's license and vehicle registration issued by the state of domicile. "Resident" also does not  
20 include members of the Armed Forces that are stationed in West Virginia providing that their  
21 vehicles are properly registered in their state of residence or a member of the Armed Forces  
22 stationed in another state or country providing that their vehicles are properly registered in that  
23 state or country.

24 A corporation, association, partnership, company or firm whose principal place of business  
25 is located within this state is a resident of this state.

26 The provisions of this section shall not apply to vehicles registered under proportional  
27 registration agreement.

28 (c) It is unlawful for any person to have parked at his or her residence, or for the owner  
29 knowingly to permit any vehicle of a type required to be registered under this article which is not  
30 registered or for which a certificate of title has not been issued or applied for or for which the  
31 appropriate fee has not been paid when and as required under this article for more than 90 days,  
32 except as otherwise permitted by the provisions of this chapter.

33 (d) Unless otherwise provided for in this article, any person violating the provisions of  
34 subsection (a) of this article is guilty of a misdemeanor and, upon conviction thereof, shall be fined  
35 or jailed, or both, according to §17A-3-1(b).

NOTE: The purpose of this bill is to provide authority for West Virginia law enforcement agencies to fine individual vehicle owners who fail to register their vehicle that have been parked at their residence for more than sixty 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.