

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 429

BY SENATORS WOODRUM AND DEEDS

[Originating in the Committee on Transportation and
Infrastructure; reported January 23, 2024]

1 A BILL to amend and reenact §17A-3-2 of the Code of West Virginia, 1931, as amended, relating
2 to farm use vehicle tag placement and letter size.

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 35 miles, or for
15 the purpose of taking it or other fixtures attached to the implement, to and from a repair shop for
16 repairs. The exemption in this subdivision from registration and license requirements also applies
17 to any vehicle described in this subsection or to any farm trailer owned by the owner or lessee of
18 the farm on which the trailer is used, when the trailer is used by the owner of the trailer for the

19 purpose of moving farm produce and livestock from the farm along a public highway for a distance
20 not to exceed 35 miles to a storage house or packing plant, when the use is a seasonal operation:

21 (A) The exemptions contained in this section also apply to farm machinery, tractors, and
22 mini-trucks: *Provided*, That the machinery, tractors, and mini-trucks may use the highways in
23 going from one tract of land to another tract of land regardless of whether the land is owned by
24 the same or different persons. For the purposes of this section, "mini-truck" means a foreign-
25 manufactured import or domestic-manufactured vehicle designed primarily for off-road use and
26 powered by an engine ranging in size from 550cc to 660cc and weighing approximately 1,800
27 pounds;

28 (B) Any vehicle exempted under this subsection from the requirements of annual
29 registration certificate and license plates and fees for the registration certificate and license plate
30 may not use the highways between sunset and sunrise unless the vehicle is classified as a Class
31 A motor vehicle with a farm-use exemption under the provisions of §17A-10-1 of this code and
32 has a valid and current inspection sticker as required by the provisions of §17C-16-1 *et seq.* of
33 this code and is traveling from one tract of land to another over a distance of 35 miles or less;

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

38 (D) Any vehicle used as an implement of husbandry exempt under this section shall have
39 the words "farm use" in at least 10-inch letters affixed to both sides or to both front and back of
40 the implement or in at least 2-inch letters on license plates affixed to both front and back of the
41 implement in 10-inch letters. Any vehicle which would be subject to registration as a Class A or B
42 vehicle if not exempted by this section shall display a farm-use exemption certificate on the lower
43 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 29A of this code may be construed to require any
50 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 §17D-1-1 *et seq.* of this code on any vehicle being operated on the roads or
55 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 §17A-1-1(r) of this code.

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

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

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

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

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

82 (1) Low-speed vehicles shall only be operated on private roads and on public roads and
83 streets within the corporate limits of a municipality where the speed limit is not more than 25 miles
84 per hour;

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

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

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