

FILED

2001 APR 30 P 4:44

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**

*Regular Session, 2001*

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**ENROLLED**

**SENATE BILL NO.** 511

**(By Senators Bowman and McKenzie )**

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**PASSED** April 13, 2001

**In Effect 90 days from Passage**

FILED

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**Senate Bill No. 511**

(BY SENATORS BOWMAN AND MCKENZIE)

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[Passed April 13, 2001; in effect ninety days from passage.]

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AN ACT to amend article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-b, relating to assessors giving notice regarding motor vehicles unregistered in the state; establishing factors to consider to determine residency status of vehicle owner; and providing referral by assessor to county prosecuting attorney in certain circumstances.

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

That article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section three-b, to read as follows:

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

**§17A-3-3b. Motor vehicles believed illegally unregistered; assessor to make verification.**

FILED

1 If, on information and belief the assessor has reason to  
2 believe that a motor vehicle has not been properly regis-  
3 tered in this state in violation of the provisions of section  
4 one of this article, he or she shall give notice by posting on  
5 the vehicle a notice advising the owner of the vehicle to  
6 contact the office of the assessor within fifteen days to  
7 verify that the owner is not a resident of the state of West  
8 Virginia. Factors to be considered in determining whether  
9 or not such person is a resident of this state include, but  
10 are not limited to, the following:

11 (1) The person is registered to vote in this state;

12 (2) The person enrolls the person's child or children to be  
13 educated in an elementary or secondary school in this state  
14 or has complied with applicable provisions of this code  
15 indicating an intent to home school the person's child or  
16 children in this state;

17 (3) The person is receiving public assistance from this  
18 state;

19 (4) The person resides or has continuously remained in  
20 this state for a period exceeding thirty days, except for  
21 infrequent brief absences;

22 (5) The person has accepted employment or engages in  
23 any trade, profession or occupation within this state,  
24 except that this does not include a person who is commut-  
25 ing from the person's residence in another state or whose  
26 employment is seasonal or temporary, not exceeding thirty  
27 days;

28 (6) The person has filed for a homestead tax exemption  
29 on property in this state;

30 (7) The person subscribes to public utilities in this state  
31 in his or her own name;

32 (8) The person receives his or her mail in this state  
33 pursuant to verification from the United States postal  
34 service.

35 In the event the assessor receives no response from the  
36 posting, the assessor will refer the matter to the prosecut-  
37 ing attorney. If it is determined that the vehicle has not  
38 been properly registered in this state, the owner of the  
39 vehicle is in violation of the provisions of this article and  
40 the person will be subject to the criminal sanctions  
41 contained in section one of this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Signature]*  
.....  
Chairman Senate Committee

*[Signature]*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Signature]*  
.....  
Clerk of the Senate

*[Signature]*  
.....  
Clerk of the House of Delegates

*[Signature]*  
.....  
President of the Senate

*[Signature]*  
.....  
Speaker House of Delegates

The within *is approved* this the *27<sup>th</sup>*  
Day of *April* ....., 2001.

*[Signature]*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/27/01

Time 11:30am