

WEST VIRGINIA CODE: §17-24A-6a

§17-24A-6a. Title to abandoned antique motor vehicle; special procedure; notice to owner; fees; criminal penalties.

(a) Application for Title to Abandoned Antique Motor Vehicle. —

(1) A person may apply to the division for ownership and title to an abandoned antique motor vehicle if that person:

(A) Is the owner of private property on which the vehicle is located; or

(B) Has obtained a valid Vehicle Removal Certificate from the division.

(2) The application shall include the following:

(A) The name, address and other contact information of the applicant;

(B) The year, make, model, Vehicle Identification Number and any other identifying marks on the vehicle: Provided, That if there is no Vehicle Identification Number, the applicant shall provide all information available or reasonably ascertainable to identify the year, make and model of the vehicle; and

(C) Any other information required by the division.

(3) Upon application for title to an abandoned antique motor vehicle, the applicant shall pay a fee of \$100 to the division.

(b) Vehicle Removal Certificate. — In a manner prescribed by the division, a person may apply for a Vehicle Removal Certificate at no fee, by presenting records sufficient to demonstrate to a reasonable degree of certainty that the owner of the private property on which an abandoned antique motor vehicle is located has given the applicant written permission to remove the vehicle from the private property.

(c) Search for Owner and Lienholders; Notice. —

(1) Upon receipt of an application for title to an abandoned antique motor vehicle, the division shall initiate a search for the last owner of the vehicle and any lienholders of record of the vehicle, using the year, make, model, Vehicle Identification Number and any other identifying marks on the vehicle, and, if there is no Vehicle Identification Number, the information provided on the application related to the year, make and model of the motor vehicle that was available to the applicant. The division shall, at a minimum, search:

(A) Its own records;

(B) The records of a nationally recognized crime database; and

(C) Records of a nationally recognized motor vehicle title database for owner information.

(2) If, in the course of a search, the division discovers that the vehicle has been reported as stolen, the division shall notify the appropriate law-enforcement agency of that fact.

(3) If the division determines the identity and address of the owner and any lienholder, the division shall, by certified mail with return receipt requested, notify the owner and any lienholder of the application for title to the vehicle and the contact information for the owner of the property on which the vehicle is located. Such notice, when sent in accordance with these requirements, shall be sufficient regardless of whether or not it was ever received.

The owner or lienholder will then have the following options, which shall be detailed in the division's letter of notice:

(A) Pay a \$100 fee to the division, \$50 of which shall be awarded to the applicant, and reclaim and remove the vehicle from private property within 30 days of the date of receiving notice at a time and in a manner arranged with the owner of the private property; or

(B) Waives all right, title, and interest in the motor vehicle, and the right, title, and interest in the vehicle shall be transferred to the applicant, free of all liens and encumbrances.

(4) If the division performs a search pursuant to this subsection and the identity and address of the owner cannot be determined with reasonable certainty, the division shall immediately transfer all right, title, and interest in the vehicle to the applicant, free and clear of all liens and encumbrances.

(d) Rules and Forms. —

(1) The division shall promulgate rules necessary to carry out this section, and shall create the following forms:

(A) A form to apply for the title to an abandoned antique vehicle, which shall require an applicant to provide the following information:

(i) The applicant's legal name and contact information;

(ii) The Vehicle Identification Number: Provided, That if the vehicle does not have a Vehicle Identification Number, the applicant shall follow the procedure set forth in subdivisions (2) and (3) of this subsection;

(iii) The year, make and model of the vehicle;

(iv) The current location of the vehicle; and

(v) The current contact information for the owner of the private property on which the

vehicle is located.

(B) A Vehicle Removal Certificate, which shall be issued to a person who presents the records required by subsection (b) of this section and shall require the following information:

(i) The applicant's legal name and contact information;

(ii) The Vehicle Identification Number: Provided, That if the vehicle does not have a Vehicle Identification Number, the applicant shall follow the procedure set forth in subdivisions (2) and (3) of this subsection;

(iii) The year, make and model of the vehicle;

(iv) The current location of the vehicle; and

(v) The current contact information for the owner of the private property on which the vehicle is located.

(2) If an applicant or person requesting a Vehicle Removal Certificate cannot, after reasonable efforts, determine the Vehicle Identification Number of the vehicle, the person may pay a \$100 fee to the West Virginia State Police to inspect the vehicle, determine, in the sole discretion of the division, the year, make and model of the motor vehicle using all information available or reasonably ascertainable and assign the motor vehicle a new Vehicle Identification Number.

(3) If the West Virginia State Police cannot locate a Vehicle Identification Number on an abandoned antique vehicle, the West Virginia State Police shall verify in writing that the vehicle has no Vehicle Identification Number. The applicant may then present the written verification to the division, which shall then issue a new Vehicle Identification Number for the vehicle pursuant to section twenty, article three, chapter seventeen-a of this code.

(e) Obstruction of removal of vehicle from private property prohibited. — No person shall knowingly interfere with a person who has acquired title to an antique motor vehicle and is reclaiming and removing a vehicle from private property pursuant to the procedures set forth in this section. Any person violating this subsection is guilty of a misdemeanor and, upon conviction thereof, shall be fined \$500.