

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

HOUSE BILL No. 396

(By Mr. Van Sickler)



PASSED March 12, 1937

In Effect 90 days from Passage

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(By MR. VAN SICKLER)

[Passed March 12, 1937; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article seven, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter sixty-five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-five, relating to certificate of title for motor vehicles, and imposing a tax upon the certification of such titles.

Be it enacted by the Legislature of West Virginia:

That section one, article seven, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter sixty-five, acts of the Legislature of West Virginia, regular session, one thousand nine hundred thirty-five, be amended to read as follows:

Article VII.

Section 1. *Certificate of Title; Application; Tax on Cer-*
2 *tification; How Levied.* Certificates of registration of any
3 vehicle or registration plates therefor, whether original is-
4 sues or duplicates, shall not be issued or furnished by the
5 state road commission or any other officer charged with such
6 duty, unless the applicant therefor already has received, or
7 shall at the same time make application for and be granted,
8 an official certificate of title of such motor vehicle. Such
9 application shall be upon a blank form to be furnished by
10 the state road commission, and shall contain a full descrip-
11 tion of the motor vehicle, which description shall contain the
12 manufacturer's number, the motor number and any dis-
13 tinguishing marks, together with a statement of the appli-
14 cant's title and of any liens or encumbrances upon such mo-
15 tor vehicles, the names and addresses of the holders of such
16 liens, and such other information as the state road commis-
17 sion may require. The application shall be signed and sworn
18 to by the applicant. A tax is hereby imposed upon the privi-
19 lege of effecting the certification of title of each motor vehicle
20 in the amount equal to two per cent of the value of said mo-

21 tor vehicle at the time of such certification. If the motor
22 vehicle is new, the actual purchase price or consideration to
23 the purchaser thereof shall be the value of said vehicle; if
24 the motor vehicle is a used or second-hand vehicle, the actual
25 price or consideration paid therefor by the purchaser shall
26 be deemed the value thereof for the purposes of this act:
27 *Provided*, That so much of the purchase price or considera-
28 tion as is represented by the exchange of other motor vehicles
29 shall be deducted from the total actual price or consideration
30 paid for said vehicle, whether the same be new or second-
31 hand. No certificate of title for any motor vehicle shall be
32 issued to any applicant unless such applicant shall have paid
33 to the state road commissioner the tax imposed by this act;
34 but the tax imposed by this act shall not apply to motor ve-
35 hicles to be registered under sections seventeen and eighteen,
36 article six of this chapter, which are used or to be used ex-
37 clusively in interstate commerce. The total amount of reve-
38 nue collected by reason of this tax shall be paid into the state
39 road fund and expended by the state road commissioner in
40 the maintenance and construction of the state's secondary
41 roads. In addition to said tax there shall be a charge of one

42 dollar for each original certificate of title so issued.

43 The state road commission, or other officer charged with
44 such duty by the commission, if satisfied that the applicant
45 is the owner of such vehicle, or otherwise entitled to have
46 the same registered in his name, shall thereupon issue to the
47 applicant an appropriate certificate of title over the signature
48 of the official designated by the commission, authenticated
49 by a seal to be procured and used for such purpose. Such
50 certificates shall be numbered consecutively, beginning with
51 number one, and shall contain such description and other
52 evidence of identification of such motor vehicle as the state
53 road commission may deem proper.

54 Such certificate shall be good for the life of the car, so long
55 as the same is owned or held by the original holder of such
56 certificate, and need not be renewed annually, or at any other
57 time, except as herein provided.

58 If, by will or direct inheritance, a person becomes the owner
59 of a vehicle upon which the tax herein imposed has been paid,
60 he shall not be required to pay such tax.

61 A person who has paid the tax imposed by this section
62 shall not be required to pay the tax a second time for the

63 same vehicle, but he shall be required to pay a charge of one
64 dollar for the certificate of re-title of that vehicle.

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

Carl B. Calhoun

Chairman Senate Committee

Will D. Baker

Chairman House Committee

Originated in the.....

Takes effect..... passage.

Charles A. Trundy

Clerk of the Senate

Geo. S. Hall

Clerk of the House of Delegates

Chas. E. Hoyle

President of the Senate

J. P. Thomas

Speaker House of Delegates

The within Approved this the 18th

day of March, 1937.

James A. Holt

Governor.

Filed in the office of the Secretary of State of West Virginia.

MAR 19 1937

Wm. S. O'BRIEN, Secretary of State