

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949

ENROLLED

SENATE BILL No. 258

(By Mr. Bean.....)

PASSED March 12..... 1949

In Effect 90 days from..... Passage



858

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Senate Bill No. 258

(By MR. BEAN)

[Passed March 12, 1949; 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, relating to certificates 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, be amended and reenacted to read as follows:

Section 1. *Certificates of Title; Application; Tax and*
2 *Fee.*—Certificates of registration of any vehicle or reg-
3 istration plates therefor, whether original issues or du-
4 plicates, shall not be issued or furnished by the depart-

5 ment of motor vehicles or any other officer charged with
6 such duty, unless the applicant therefor already has re-
7 ceived, or shall at the same time make application for and
8 be granted, an official certificate of title of such motor
9 vehicle. Such application shall be upon a blank form to
10 be furnished by the department of motor vehicles and
11 shall contain a full description of the motor vehicle, which
12 description shall contain the manufacturer's number, the
13 motor number and any distinguishing marks, together
14 with a statement of the applicant's title and of any liens
15 or encumbrances upon such motor vehicles, the names
16 and addresses of the holders of such liens and such other
17 information as the department of motor vehicles may
18 require. The application shall be signed and sworn to by
19 the applicant. A tax is hereby imposed upon the privilege
20 of effecting the certification of title of each motor vehicle
21 in the amount equal to two per cent of the value of said
22 motor vehicle at the time of such certification. If the motor
23 vehicle is new, the actual purchase price or consideration
24 to the purchaser thereof shall be the value of said vehicle;
25 if the motor vehicle is a used or second-hand vehicle, the

26 present market value at time of transfer or purchase shall
27 be deemed the value thereof for the purpose of this section:
28 *Provided*, That so much of the purchase price or consid-
29 eration as is represented by the exchange of other motor
30 vehicles on which the tax herein imposed has been paid by
31 the vendor shall be deducted from the total actual price or
32 consideration paid for said motor vehicle, whether the
33 same be new or second-hand; if the motor vehicle be ac-
34 quired through gift, or by any manner whatsoever, unless
35 specifically exempted in this section, the present market
36 value of motor vehicle at the time of the gift or transfer
37 shall be deemed the value thereof for purposes of this sec-
38 tion. No certificate of title for any motor vehicle shall be
39 issued to any applicant unless such applicant shall have
40 paid to the department of motor vehicles the tax imposed
41 by this section which shall be two per cent of the true and
42 actual value of the said motor vehicle whether the vehicle
43 be acquired through purchase, by gift, or by any other
44 manner whatsoever except gifts between husband and
45 wife or between parents and children; but the tax imposed
46 by this act shall not apply to motor vehicles to be register-

47 ed under sections seventeen and eighteen, article six of this
48 chapter, which are used or to be used in interstate com-
49 merce, nor shall the tax imposed by this act apply to titling
50 of motor vehicles by a registered dealer of this state for re-
51 sale only. The total amount of revenue collected by reason
52 of this tax shall be paid into the state road fund and ex-
53 pended by the state road commissioner in the maintenance
54 and construction of the state's secondary roads. In addi-
55 tion to said tax, there shall be a charge of one dollar for
56 each original certificate of title so issued.

57 The commissioner of motor vehicles, or other officer
58 charged with such duty by the department of motor ve-
59 hicles, if satisfied that the applicant is the owner of such
60 motor vehicle, or otherwise entitled to have the same
61 registered in his name, shall thereupon issue to the ap-
62 plicant an appropriate certificate of title over the sig-
63 nature of the official designated by the commissioner of
64 motor vehicles, authenticated by a seal to be procured and
65 used for such purpose. Such certificates shall be num-
66 bered consecutively, beginning with number one, and
67 shall contain such description and other evidence of iden-

68 tification of such motor vehicle as the commissioner of
69 motor vehicles may deem proper.

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

74 If, by will or direct inheritance, a person becomes the
75 owner of a motor vehicle upon which the tax herein im-
76 posed has been paid, he shall not be required to pay such
77 tax.

78 A person who has paid the tax imposed by this section
79 shall not be required to pay the tax a second time for the
80 same motor vehicle, but he shall be required to pay a
81 charge of one dollar for the certificate of re-title of that
82 motor vehicle.

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

James H. Moore

Chairman Senate Committee

R. Matthews

Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

Howard Keyes

Clerk of the Senate

J. Atchiff

Clerk of the House of Delegates

Boonville Shuster

President of the Senate

W. E. Harman

Speaker House of Delegates

The within Approved this the 17th
day of MARCH, 1949.

Okey R. Patton

Governor.



Filed in the Office of the Secretary of State
of West Virginia MAR 18 1949
D. PITT O'BRIEN,
SECRETARY OF STATE