ENROLLED

HOUSE BILL No. 188

(By Mr. Booth)

PASSED February 23, 1955

In Effect 21 days from Passage

Filed in the Office of the Secretary of State
of West Virginia MAR 3 1955
D. PITT O'BRIEN
SECRETARY OF STATE
ENROLLED

House Bill No. 188
(By Mr. Booth)

[Passed February 23, 1955; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article six, chapter seventeen-a, of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to temporary registration plates or markers.

Be it enacted by the Legislature of West Virginia:

That section five, article six, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 5. Temporary Registration Plates or Markers.—

2 The commissioner may, subject to the limitations and conditions hereinafter set forth, deliver temporary vehicle registration plates or markers to dealers when the application therefor is accompanied by the fee prescribed in this chapter. Such application shall be made upon a form prescribed and furnished by the department. Dealers su-
8 subject to the limitations and conditions hereinafter set forth,
9 may issue such temporary registration plates or markers
to owners of vehicles, provided that such owners shall
10 comply with the pertinent provisions of this section.
12 Every dealer who has made application for temporary
13 registration plates or markers shall maintain in perma-
14 nent form a record of all temporary registration plates
15 or markers delivered to him, and shall also maintain in
16 permanent form a record of all temporary registration
17 plates or markers issued by him, and in addition thereto,
18 shall maintain in permanent form a record of any other
19 information pertaining to the receipt or the issuance of
20 temporary registration plates or markers that the com-
21 missioner may require. Each record shall be kept for a
22 period of at least three years from the date of entry of
23 such record. Every dealer shall allow full and free access
24 to such records during regular business hours, to duly
25 authorized representatives of the department and to peace
26 officers. Every dealer who issues temporary registration
27 plates or markers shall, on the day that he issued such
28 plates or markers, send to the department a copy of the
3 temporary registration plate or marker application, properly executed by such dealer and the owner.

31 A dealer shall not issue, assign, transfer or deliver temporary registration plates or markers to anyone other than the bona fide purchaser or owner of the vehicle to be registered; nor shall a dealer issue temporary registration plates or markers to anyone possessed of annual registration plates for a vehicle that has been sold or exchanged, except a dealer may issue a temporary registration plate or marker to the bona fide purchaser or owner of a vehicle to be registered who possesses annual registration plates of a different class and makes application to the department to exchange such annual registration plates of a different class in accordance with the provisions of section one, article four, of this chapter; nor shall a dealer lend to anyone or use on any vehicle that he may own, temporary registration plates or markers. It shall be unlawful for any dealer to issue any temporary registration plate or marker, or plates or markers, containing any misstatement of fact, or knowingly to insert any false information upon the face thereof.
Every dealer who issues temporary plates or markers shall affix or insert clearly and indelibly on the face of each temporary registration plate or marker the date of issuance and expiration, and the make and motor or serial number of the vehicle for which issued.

If the commissioner finds that the provisions of this section or the directions of the commissioner are not being complied with by the dealer, he may suspend, after notice and hearing, the right of a dealer to issue temporary registration plates or markers.

Every person who makes application for temporary registration plates or markers shall execute the temporary registration plate or marker application and shall return such application to the dealer from whom the vehicle to be registered has been or will be purchased.

Every person who makes application for temporary registration plates or markers shall execute and send an application for annual registration plates to the department, previous to or not later than fifteen days from the day that the dealer sends to the department a copy of the executed temporary registration certificate, but in no
event shall such application for annual registration plates be made later than fifteen days from the day on which the temporary registration plates or markers are issued to such owner.

Every person to whom temporary registration plates or markers have been issued shall permanently destroy such temporary registration plates or markers immediately upon receiving the annual registration plates from the department: Provided, That if the annual registration plates are not received within twenty days of the issuance of the temporary registration plates or markers, the owner shall, notwithstanding immediately upon the expiration of such twenty day period, permanently destroy the temporary registration plates or markers: Provided further, That not more than one temporary registration plate or marker shall be issued to the same bona fide purchaser or owner for the same vehicle.

Temporary registration plates or markers shall expire and become void upon the receipt of the annual registration plates from the department, or upon the rescission of a contract to purchase a motor vehicle, or upon the ex-
piration of twenty days from the date of issuance, de-
pending upon whichever event shall first occur. No re-
fund or credit of fees paid by dealers to the department
for temporary registration plates or markers shall be
allowed, except in the event that the commissioner dis-
continues the issuance of temporary registration plates or
markers, dealers returning temporary registration plates
or markers to the department may petition for refund or
a credit thereof.

The commissioner shall have the power to make such
rules and regulations, not inconsistent herewith, as he
shall deem necessary for the purpose of carrying out the
provisions of this section.

Any person who violates any of the provisions of this
section is guilty of a misdemeanor.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 1

day of March, 1955.

William C. Marriott
Governor

Filed in the Office of the Secretary of State of West Virginia

D. Pitt O'Brien
SECRETARY OF STATE