

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955



# ENROLLED

HOUSE BILL No. 188

(By Mr. Broth)



PASSED February 23, 1955

In Effect 90 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  
3 conditions hereinafter set forth, deliver temporary vehicle  
4 registration plates or markers to dealers when the appli-  
5 cation therefor is accompanied by the fee prescribed in  
6 this chapter. Such application shall be made upon a form  
7 prescribed and furnished by the department. Dealers sub-

8 ject to the limitations and conditions hereinafter set forth,  
9 may issue such temporary registration plates or markers  
10 to owners of vehicles, provided that such owners shall  
11 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

29 temporary registration plate or marker application, prop-  
30 erly executed by such dealer and the owner.

31 A dealer shall not issue, assign, transfer or deliver tem-  
32 porary registration plates or markers to anyone other than  
33 the bona fide purchaser or owner of the vehicle to be  
34 registered; nor shall a dealer issue temporary registration  
35 plates or markers to anyone possessed of annual registra-  
36 tion plates for a vehicle that has been sold or exchanged,  
37 except a dealer may issue a temporary registration plate  
38 or marker to the bona fide purchaser or owner of a vehicle  
39 to be registered who possesses annual registration plates  
40 of a different class and makes application to the depart-  
41 ment to exchange such annual registration plates of a  
42 different class in accordance with the provisions of sec-  
43 tion one, article four, of this chapter; nor shall a dealer  
44 lend to anyone or use on any vehicle that he may own,  
45 temporary registration plates or markers. It shall be un-  
46 lawful for any dealer to issue any temporary registration  
47 plate or marker, or plates or markers, containing any mis-  
48 statement of fact, or knowingly to insert any false infor-  
49 mation upon the face thereof.

50 Every dealer who issues temporary plates or markers  
51 shall affix or insert clearly and indelibly on the face of  
52 each temporary registration plate or marker the date of  
53 issuance and expiration, and the make and motor or serial  
54 number of the vehicle for which issued.

55 If the commissioner finds that the provisions of this  
56 section or the directions of the commissioner are not being  
57 complied with by the dealer, he may suspend, after notice  
58 and hearing, the right of a dealer to issue temporary reg-  
59 istration plates or markers.

60 Every person who makes application for temporary reg-  
61 istration plates or markers shall execute the temporary  
62 registration plate or marker application and shall return  
63 such application to the dealer from whom the vehicle to  
64 be registered has been or will be purchased.

65 Every person who makes application for temporary  
66 registration plates or markers shall execute and send an  
67 application for annual registration plates to the depart-  
68 ment, previous to or not later than fifteen days from the  
69 day that the dealer sends to the department a copy of the  
70 executed temporary registration certificate, but in no

71 event shall such application for annual registration plates  
72 be made later than fifteen days from the day on which  
73 the temporary registration plates or markers are issued  
74 to such owner.

75 Every person to whom temporary registration plates or  
76 markers have been issued shall permanently destroy such  
77 temporary registration plates or markers immediately  
78 upon receiving the annual registration plates from the  
79 department: *Provided*, That if the annual registration  
80 plates are not received within twenty days of the issuance  
81 of the temporary registration plates or markers, the  
82 owner shall, notwithstanding immediately upon the ex-  
83 piration of such twenty day period, permanently destroy  
84 the temporary registration plates or markers: *Provided*  
85 *further*, That not more than one temporary registration  
86 plate or marker shall be issued to the same bona fide pur-  
87 chaser or owner for the same vehicle.

88 Temporary registration plates or markers shall expire  
89 and become void upon the receipt of the annual registra-  
90 tion plates from the department, or upon the rescission of  
91 a contract to purchase a motor vehicle, or upon the ex-

92 piration of twenty days from the date of issuance, de-  
93 pending upon whichever event shall first occur. No re-  
94 fund or credit of fees paid by dealers to the department  
95 for temporary registration plates or markers shall be  
96 allowed, except in the event that the commissioner dis-  
97 continues the issuance of temporary registration plates or  
98 markers, dealers returning temporary registration plates  
99 or markers to the department may petition for refund or  
100 a credit thereof.

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

105 Any person who violates any of the provisions of this  
106 section is guilty of a misdemeanor.

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

*Carl F. [Signature]*  
Chairman Senate Committee

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

Originated in the House of Delegates

Takes effect 90 days from passage.

*[Signature]*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*[Signature]*  
President of the Senate

*[Signature]*  
Speaker House of Delegates

The within approved this the 1  
day of March, 1955.

*William C. Marland*  
Governor



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