WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

HOUSE BILL No. 256

(By Mr. Watson 1 Serbert)

PASSED March 10, 1959

In Effect July 1, 1959

File in Office of the Secretary of State of West Virginia MAR 16 1959
JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

House Bill No. 256
(By Mr. Watson and Mr. Seibert)

[Passed March 10, 1959; in effect July 1, 1959.]

AN ACT to amend and reenact section four, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to motor and other vehicles and including among other things motor vehicle administration, registration, certificates of title and the fees and taxes imposed in connection therewith.

Be it enacted by the Legislature of West Virginia:

That section four, article three, 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 4. Application for Certificate of Title; Tax.—

Certificates of registration of any vehicle or registration plates therefor, whether original issues or duplicates, shall not be issued or furnished by the department of motor vehicles or any other officer charged with such
duty, unless the applicant therefor already has received, or shall at the same time make application for and be granted, an official certificate of title of such vehicle. Such application shall be upon a blank form to be furnished by the department of motor vehicles and shall contain a full description of the vehicle, which description shall contain the manufacturer's serial or identification number or other number as determined by the commissioner and any distinguishing marks, together with a statement of the applicant's title and of any liens or encumbrances upon such vehicle, the names and addresses of the holders of such liens and such other information as the department of motor vehicles may require. The application shall be signed and sworn to by the applicant. A tax is hereby imposed upon the privilege of affecting the certification of title of each vehicle in the amount equal to two per cent of the value of said motor vehicle at the time of such certification. If the vehicle is new, the actual purchase price or consideration to the purchaser thereof shall be the value of said vehicle; if the vehicle is a used or second-hand vehicle, the present market value at time of transfer or pur-
chase shall be deemed the value thereof for the purpose of
this section: Provided, That if said motor vehicle is pur-
chased in the state of West Virginia, so much of the pur-
chase price or consideration as is represented by the
exchange of other vehicles on which the tax herein im-
posed has been paid by the purchaser shall be deducted
from the total actual price or consideration paid for said
vehicle, whether the same be new or second-hand; if
the vehicle be acquired through gift, or by any man-
ner whatsoever, unless specifically exempted in this sec-
tion, the present market value of the vehicle at the time
of the gift or transfer shall be deemed the value thereof
for purposes of this section. No certificate of title for any
vehicle shall be issued to any applicant unless such appli-
cant shall have paid to the department of motor vehicles
the tax imposed by this section which shall be two per cent
of the true and actual value of said vehicle whether the
vehicle be acquired through purchase, by gift, or by any
other manner whatsoever except gifts between husband
and wife or between parents and children; but the tax
imposed by this section shall not apply to vehicles to be
registered as class H or class I vehicles, as defined in section one, article ten of this chapter, which are used or to be used in interstate commerce, nor shall the tax imposed by this section apply to titling of vehicles by a registered dealer of this state for resale only, nor shall the tax imposed by this section apply to titling of vehicles by this state, or any political subdivision thereof, or by any volunteer fire department organized and incorporated under the laws of the state of West Virginia for protection of life or property. The total amount of revenue collected by reason of this tax shall be paid into the state road fund and expended by the state road commissioner in the maintenance and construction of the state's secondary roads. In addition to said tax, there shall be a charge of one dollar for each original certificate of title so issued: Provided, That this state or any political subdivision thereof, or any such volunteer fire department, shall be exempted from payment of such charge. Notwithstanding the provisions of this section, the owners of trailers, semi-trailers and other vehicles not subject to the certificate of title tax prior to enactment of this:
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chapter shall not be required to pay the abovementioned tax upon making application for a certificate of title for such vehicle, but shall be required to pay a fee of one dollar for the issuance of each such certificate of title.

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

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

A person who has paid the tax imposed by this section shall not be required to pay the tax a second time for the same motor vehicle, but he shall be required to pay a charge of one dollar for the certificate of retitle of that motor vehicle, except that such tax shall be paid by such person when the title to such vehicle has been transferred either in this or another state from such person to another person and transferred back to such person.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

F. J. Dean
Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1959

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker, House of Delegates

The within approved this the 16th day of March, 1959.

Governor