

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

COM. SUB. FOR
SENATE BILL NO. 14

(By Mr.)

PASSED March 9, 1963

In Effect From Passage



Filed in Office of the Secretary of State
of West Virginia 3-15-63

JOE F. BURDETT
SECRETARY OF STATE

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ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 14

[Passed March 9, 1963; in effect from passage.]

AN ACT to repeal article one, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to enact in lieu thereof a new article one; and to amend and reenact section fifteen, article three of said chapter seventeen-a; relating to the definitions of certain words and phrases used in said chapter seventeen-a concerning motor vehicle administration, registration, certificate of title and antitheft provisions, and relating to the display of vehicle registration plates.

Be it enacted by the Legislature of West Virginia:

That article one, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed and a new article one be enacted in lieu thereof;

and section fifteen, article three of said chapter seventeen-a be amended and reenacted, all to read as follows:

Article 1. Words and Phrases Defined.

Section 1. Definitions.—The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this article:

(a) Vehicle. Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) Motor Vehicle. Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) Motorcycle. Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excluding a tractor.

(d) School Bus. Every motor vehicle owned by a public governmental agency and operated for the transporta-

19 tion of children to or from school or privately owned and
20 operated for compensation for the transportation of chil-
21 dren to or from school.

22 (e) Bus. Every motor vehicle designed for carrying
23 more than seven passengers and used for the transporta-
24 tion of persons; and every motor vehicle, other than a
25 taxicab, designed and used for the transportation of per-
26 sons for compensation.

27 (f) Truck Tractor. Every motor vehicle designed and
28 used primarily for drawing other vehicles and not so con-
29 structed as to carry a load other than a part of the weight
30 of the vehicle and load so drawn.

31 (g) Farm Tractor. Every motor vehicle designed and
32 used primarily as a farm implement for drawing plows,
33 mowing machines, and other implements of husbandry.

34 (h) Road Tractor. Every motor vehicle designed and
35 used for drawing other vehicles and not so constructed as
36 to carry any load thereon either independently or any
37 part of the weight of a vehicle or load so drawn.

38 (i) Truck. Every motor vehicle designed, used, or
39 maintained primarily for the transportation of property.

40 (j) Trailer. Every vehicle with or without motive
41 power designed for carrying persons or property and for
42 being drawn by a motor vehicle and so constructed that
43 no part of its weight rests upon the towing vehicle.

44 (k) Semitrailer. Every vehicle with or without motive
45 power designed for carrying persons or property and for
46 being drawn by a motor vehicle and so constructed that
47 some part of its weight and that of its load rests upon or
48 is carried by another vehicle.

49 (l) Pole Trailer. Every vehicle without motive power
50 designed to be drawn by another vehicle and attached to
51 the towing vehicle by means of a reach, or pole, or by
52 being boomed or otherwise secured to the towing vehicle,
53 and ordinarily used for transporting long or irregularly
54 shaped loads such as poles, pipes, or structural members
55 capable, generally, of sustaining themselves as beams be-
56 tween the supporting connections.

57 (m) Specially Constructed Vehicles. Every vehicle of
58 a type required to be registered hereunder not originally
59 constructed under a distinctive name, make, model, or
60 type by a generally recognized manufacturer of vehicles

61 and not materially altered from its original construction.

62 (n) Reconstructed Vehicle. Every vehicle of a type
63 required to be registered hereunder materially altered
64 from its original construction by the removal, addition,
65 or substitution of essential parts, new or used.

66 (o) Essential Parts. All integral and body parts of a
67 vehicle of a type required to be registered hereunder, the
68 removal, alteration, or substitution of which would tend
69 to conceal the identity of the vehicle or substantially alter
70 its appearance, model, type, or mode of operation.

71 (p) Foreign Vehicle. Every vehicle of a type required
72 to be registered hereunder brought into this state from
73 another state, territory, or country other than in the ordi-
74 nary course of business by or through a manufacturer or
75 dealer and not registered in this state.

76 (q) Implement of Husbandry. Every vehicle which is
77 designed for agricultural purposes and used by the owner
78 thereof primarily in the conduct of his agricultural oper-
79 ations.

80 (r) Special Mobile Equipment. Every vehicle not de-
81 signed or used for the transportation of persons or prop-

82 erty and incidentally operated or moved over the high-
83 ways, including road construction or maintenance ma-
84 chinery, ditch-digging apparatus, well-boring apparatus,
85 concrete mixers, and farm tractors, when farm tractors
86 cannot be classified as an implement of husbandry as de-
87 fined in subparagraph (q) of this section. The foregoing
88 enumeration shall be deemed partial and shall not operate
89 to exclude other such vehicles which are within the gen-
90 eral terms of this subparagraph.

91 (s) Pneumatic Tire. Every tire in which compressed
92 air is designed to support the load.

93 (t) Solid Tire. Every tire of rubber or other resilient
94 material which does not depend upon compressed air for
95 the support of the load.

96 (u) Metal Tire. Every tire the surface of which in
97 contact with the highway is wholly or partly of metal
98 or other hard, nonresilient material.

99 (v) Commissioner. The commissioner of motor ve-
100 hicles of this state.

101 (w) Department. The department of motor vehicles of

102 this state acting directly or through its duly authorized
103 officers and agents.

104 (x) Person. Every natural person, firm, copartnership,
105 association, or corporation.

106 (y) Owner. A person who holds the legal title of a ve-
107 hicle or in the event a vehicle is the subject of an agree-
108 ment for the conditional sale or lease thereof with the
109 right of purchase upon performance of the conditions
110 stated in the agreement and with an immediate right
111 of possession vested in the conditional vendee or lessee,
112 or in the event a mortgagor of a vehicle is entitled to
113 possession, then such conditional vendee or lessee or
114 mortgagor shall be deemed the owner for the purpose of
115 this chapter.

116 (z) Nonresident. Every person who is not a resident
117 of this state.

118 (aa) Resident. Every person who is a legal resident of
119 this state and every nonresident (owner, corporation,
120 manufacturer, dealer, used car dealer) owning, maintain-
121 ing or operating a place or places of business in this state
122 and using motor vehicles intrastate in connection with

123 such business in this state, or any nonresident who main-
124 tains temporary residence in this state and accepts any
125 employment or engages in any trade, profession or occu-
126 pation in this state, or any nonresident who maintains
127 temporary residence in this state in excess of thirty days
128 during the registration year.

129 (bb) Dealer. Every person primarily engaged in the
130 business of buying, selling, or exchanging vehicles of a
131 type required to be registered hereunder and who has an
132 established place of business for such purpose in this state
133 which meets the requirements set out in sections one and
134 two, article seven of this chapter, except an insurance
135 company, a finance company or other type of lending or
136 financing agency, including banking institutions, or any
137 other person coming into possession of a vehicle as an in-
138 cident to such person's regular business who shall sell
139 such vehicle, or who shall sell such vehicle under any
140 contractual rights such persons may have with respect
141 thereto, shall not be a dealer hereunder: *Provided*, That a
142 person who engages exclusively in the wrecking or dis-
143 mantling of vehicles for junk or for resale of the parts of

144 such vehicles and who comes into possession of a vehicle
145 for the purpose of wrecking or dismantling same as here-
146 inabove stated shall not be a dealer hereunder.

147 (cc) Transporter. Every person engaged in the busi-
148 ness of delivering vehicles of a type required to be regis-
149 tered hereunder from a manufacturing, assembling, or
150 distributing plant to dealers or sales agents of a manu-
151 facturer.

152 (dd) Manufacturer. Every person engaged in the busi-
153 ness of constructing or assembling vehicles of a type re-
154 quired to be registered hereunder at an established place
155 of business in this state.

156 (ee) Established Place of Business. The place actually
157 occupied either continuously or at regular periods by a
158 dealer or manufacturer where his books and records are
159 kept and a large share of his business is transacted.

160 (ff) Street or Highway. The entire width between
161 boundary lines of every way publicly maintained when
162 any part thereof is open to the use of the public for pur-
163 poses of vehicular travel.

**Article 3. Original and Renewal of Registration; Issuance of
Certificates of Title.**

Section 15. Display of Registration Plates.—Registra-
2 tion plates issued for vehicles required to be registered
3 hereunder shall be attached to the rear thereof.

4 Every registration plate shall at all times be securely
5 fastened in a horizontal position to the vehicle for which
6 it is issued so as to prevent the plate from swinging and
7 at a height of not less than twelve inches from the ground,
8 measuring from the bottom of such plate, in a place and
9 position to be clearly visible and shall be maintained free
10 from foreign materials and in a condition to be clearly
11 legible.

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

Chairman Senate Committee

Ethel L. Randall

Chairman House Committee

Originated in the Senate.

Takes effect FROM ----- passage.

Howard Meyer

Clerk of the Senate

Clarence Blankenship

Clerk of the House of Delegates

Howard E. Lawson

President of the Senate

Julius W. Ingleson Jr.

Speaker House of Delegates

The within approved ----- this the 14th -----

day of March -----, 1963.

W. M. Baum

Governor