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article one, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed and a new article one be enacted in lieu thereof;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


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

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

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

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

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

(i) Truck. Every motor vehicle designed, used, or
maintained primarily for the transportation of property.
(j) Trailer. Every vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

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

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

(m) Specially Constructed Vehicles. Every vehicle of a type required to be registered hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles
and not materially altered from its original construction.

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

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

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

(q) Implement of Husbandry. Every vehicle which is designed for agricultural purposes and used by the owner thereof primarily in the conduct of his agricultural operations.

(r) Special Mobile Equipment. Every vehicle not designed or used for the transportation of persons or prop-
erty and incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus, concrete mixers, and farm tractors, when farm tractors cannot be classified as an implement of husbandry as defined in subparagraph (q) of this section. The foregoing enumeration shall be deemed partial and shall not operate to exclude other such vehicles which are within the general terms of this subparagraph.

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

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

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

(v) Commissioner. The commissioner of motor vehicles of this state.

(w) Department. The department of motor vehicles of
this state acting directly or through its duly authorized
officers and agents.

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

(y) Owner. A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

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

(aa) Resident. Every person who is a legal resident of this state and every nonresident (owner, corporation, manufacturer, dealer, used car dealer) owning, maintaining or operating a place or places of business in this state and using motor vehicles intrastate in connection with
such business in this state, or any nonresident who maintains temporary residence in this state and accepts any employment or engages in any trade, profession or occupation in this state, or any nonresident who maintains temporary residence in this state in excess of thirty days during the registration year.

(bb) Dealer. Every person primarily engaged in the business of buying, selling, or exchanging vehicles of a type required to be registered hereunder and who has an established place of business for such purpose in this state which meets the requirements set out in sections one and two, article seven of this chapter, except an insurance company, a finance company or other type of lending or financing agency, including banking institutions, or any other person coming into possession of a vehicle as an incident to such person's regular business who shall sell such vehicle, or who shall sell such vehicle under any contractual rights such persons may have with respect thereto, shall not be a dealer hereunder: Provided, That a person who engages exclusively in the wrecking or dismantling of vehicles for junk or for resale of the parts of
such vehicles and who comes into possession of a vehicle for the purpose of wrecking or dismantling same as here-
inabove stated shall not be a dealer hereunder.

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

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

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

(ff) Street or Highway. The entire width between boundary lines of every way publicly maintained when any part thereof is open to the use of the public for pur-
poses of vehicular travel.
Article 3. Original and Renewal of Registration; Issuance of Certificates of Title.

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

Every registration plate shall at all times be securely fastened in a horizontal position to the vehicle for which it is issued so as to prevent the plate from swinging and at a height of not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible and shall be maintained free from foreign materials and in a condition to be clearly legible.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee  
[Signature]

Chairman House Committee  
[Signature]

Originated in the Senate.

Takes effect FROM passage.

Clerk of the Senate  
[Signature]

Clerk of the House of Delegates  
[Signature]

President of the Senate  
[Signature]

Speaker House of Delegates  
[Signature]

The within approved this the 14th day of March, 1963.

Governor  
[Signature]