WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1966

ENROLLED
SENATE BILL NO. 60

(By Mr. [Signature]
Originating in the Committee on the Judiciary)

PASSED February 7, 1966

In Effect Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 2-15-66
ENROLLED

Senate Bill No. 60
(Originating in the Committee on the Judiciary)

[Passed February 7, 1966; in effect from passage.]

AN ACT to amend and reenact section one, article one, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the definitions of words and phrases used in said chapter seventeen-a, concerning motor vehicle administration, registration, certificates of title and anti-theft provisions, and eliminating the definition of the word "resident".

Be it enacted by the Legislature of West Virginia:

That section one, article one, 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 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 transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(e) *Bus.*—Every motor vehicle designed for carrying more than seven passengers and used for the transpor-
24 tation of persons; and every motor vehicle, other than a
taxicab, designed and used for the transportation of per-
sons for compensation.
27 (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.
28 (g) Farm Tractor.—Every motor vehicle designed and
used primarily as a farm implement for drawing plows,
mowing machines, and other implements of husbandry.
29 (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.
30 (i) Truck.—Every motor vehicle designed, used, or
maintained primarily for the transportation of property.
31 (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.
32 (k) Semitrailer.—Every vehicle with or without motive
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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
50 (l) Pole Trailer.—Every vehicle without motive power
51 designed to be drawn by another vehicle and attached to
52 the towing vehicle by means of a reach, or pole, or by
53 being boomed or otherwise secured to the towing vehicle,
54 and ordinarily used for transporting long or irregularly
55 shaped loads such as poles, pipes, or structural members
56 capable, generally, of sustaining themselves as beams
57 between the supporting connections.
58
59 (m) Specially Constructed Vehicles.—Every vehicle of
60 a type required to be registered hereunder not originally
61 constructed under a distinctive name, make, model, or
62 type by a generally recognized manufacturer of vehicles
63 and not materially altered from its original construction.
64
65 (n) Reconstructed Vehicle.—Every vehicle of a type
66 required to be registered hereunder materially altered
67 from its original construction by the removal, addition,
68 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 property 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, co-partnership, 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 agree-
ment 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 pos-
session, then such conditional vendee or lessee or mort-
gagor shall be deemed the owner for the purpose of this
chapter.

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

(aa) *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 institu-
tions, 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 hereinabove stated shall not be a dealer hereunder.

(bb) Transporter.—Every person engaged in the business of delivering vehicles of a type required to be registered hereunder from a manufacturing, assembling, or distributing plant to dealers or sales agents of a manufacturer.

(cc) Manufacturer.—Every person engaged in the business of constructing or assembling vehicles of a type required to be registered hereunder at an established place of business in this state.

(dd) 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.
(ee) 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 purposes of vehicular travel.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O Roy Parker
Chairman Senate Committee

James W. Long
Chairman House Committee

Originated in the Senate.

Takes effect from Passage.

Howard Hoge
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard E. Cannon
President of the Senate

H. L. Harwell
Speaker House of Delegates

The within Approved this the 15th
day of February, 1966.

Hattie C. Smith
Governor
PRESENTED TO THE
GOVERNOR

Data 2/14/66
Time 10:50 AM

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OFFICE OF
SECRETARY OF STATE
STATE OF WEST VIRGINIA