

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1966

ENROLLED

SENATE BILL NO. 60

(By Mr. *Originating in the Committee*  
*on the Judiciary*)

PASSED February 7, 1966

In Effect from Passage



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

# 60

**ENROLLED**

**Senate Bill No. 60**

(Originating in the Committee on the Judiciary)

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

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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  
2 phrases when used in this chapter shall for the purpose

3 of this chapter have the meanings respectively ascribed  
4 to them in this article:

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

9 (b) *Motor Vehicle*.—Every vehicle which is self-pro-  
10 pelled and every vehicle which is propelled by electric  
11 power obtained from overhead trolley wires, but not  
12 operated upon rails.

13 (c) *Motorcycle*.—Every motor vehicle having a saddle  
14 for the use of the rider and designed to travel on not more  
15 than three wheels in contact with the ground but ex-  
16 cluding a tractor.

17 (d) *School Bus*.—Every motor vehicle owned by a pub-  
18 lic governmental agency and operated for the transpor-  
19 tation of children to or from school or privately owned  
20 and operated for compensation for the transportation of  
21 children to or from school.

22 (e) *Bus*.—Every motor vehicle designed for carrying  
23 more than seven passengers and used for the transpor-

24 tation 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  
36 as 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  
42 for being drawn by a motor vehicle and so constructed  
43 that 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  
56 between 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  
74 ordinary course of business by or through a manufacturer  
75 or 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 opera-  
79 tions.

80 (r) *Special Mobile Equipment*.—Every vehicle not  
81 designed or used for the transportation of persons or  
82 property and incidentally operated or moved over the  
83 highways, including road construction or maintenance  
84 machinery, ditch-digging apparatus, well-boring appara-  
85 tus, concrete mixers, and farm tractors, when farm trac-  
86 tors cannot be classified as an implement of husbandry

87 as defined in subparagraph (q) of this section. The fore-  
88 going enumeration shall be deemed partial and shall not  
89 operate to exclude other such vehicles which are within  
90 the general 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 or  
98 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  
102 of this state acting directly or through its duly authorized  
103 officers and agents.

104 (x) *Person*.—Every natural person, firm, co-partnership,  
105 association, or corporation.

106 (y) *Owner*.—A person who holds the legal title of a  
107 vehicle 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 of  
111 possession vested in the conditional vendee or lessee, or  
112 in the event a mortgagor of a vehicle is entitled to pos-  
113 session, then such conditional vendee or lessee or mort-  
114 gator shall be deemed the owner for the purpose of this  
115 chapter.

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

118 (aa) *Dealer*.—Every person primarily engaged in the  
119 business of buying, selling, or exchanging vehicles of a  
120 type required to be registered hereunder and who has  
121 an established place of business for such purpose in this  
122 state which meets the requirements set out in sections  
123 one and two, article seven of this chapter, except an  
124 insurance company, a finance company or other type of  
125 lending or financing agency, including banking institu-  
126 tions, or any other person coming into possession of a  
127 vehicle as an incident to such person's regular business  
128 who shall sell such vehicle, or who shall sell such vehicle

129 under any contractual rights such persons may have with  
130 respect thereto, shall not be a dealer hereunder. *Provided,*  
131 That a person who engages exclusively in the wrecking  
132 or dismantling of vehicles for junk or for resale of the  
133 parts of such vehicles and who comes into possession of  
134 a vehicle for the purpose of wrecking or dismantling same  
135 as hereinabove stated shall not be a dealer hereunder.

136 (bb) *Transporter*.—Every person engaged in the busi-  
137 ness of delivering vehicles of a type required to be reg-  
138 istered hereunder from a manufacturing, assembling, or  
139 distributing plant to dealers or sales agents of a manu-  
140 facturer.

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

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

149 (ee) *Street or Highway*.—The entire width between  
150 boundary lines of every way publicly maintained when  
151 any part thereof is open to the use of the public for pur-  
152 poses of vehicular travel.

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

*Roy Parker*  
Chairman Senate Committee

*James W. Lozy*  
Chairman House Committee

Originated in the Senate.

Takes effect from \_\_\_\_\_ Passage.

*Howard Meyer*  
Clerk of the Senate

*A. Blankenship*  
Clerk of the House of Delegates

*Howard E. Cannon*  
President of the Senate

*H. Labanwhite*  
Speaker House of Delegates

The within Approved this the 15<sup>th</sup>

day of February, 1966.

*Walter C. Smith*  
Governor

FEB 15 9 18 AM '66

OFFICE OF THE GOVERNOR



PRESENTED TO THE  
GOVERNOR

Date 2/14/66

Time 10:50 AM

FILED

FEB 15 7 57 PM '66

OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA