WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

HOUSE BILL No. 730

(By Mr. [Signature])

PASSED March 3, 1967

In Effect from Passage

FILED IN THE OFFICE
ROBERT D. BILLY
SECRETARY OF STATE
THIS DATE 3-15-67
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; and to amend and reenact section two, article three of said chapter, relating to implements of husbandry and exceptions to motor vehicle registration and certificate of title provisions.

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; and that section two, article three of said chapter be amended and reenacted to read as follows:
ARTICLE 1. WORDS AND PHRASES DEFINED.

§17A-1-1. Definitions.

1. 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 transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

(f) **Truck tractor.**—Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed 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 ve-
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 or adapted to agricultural purposes and used by the owner thereof primarily in the conduct of his
agricultural operations, including but not limited to
tucks used for spraying trees and plants: Provided, That
said vehicle shall not be let for hire at any time.

(r) Special mobile equipment.—Every vehicle not de-
dsigned or used for the transportation of persons or prop-
erty and incidentally operated or moved over the high-
ways, including road construction or maintenance ma-
achinery, 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 fore-
going 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) 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 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
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144 distributing plant to dealers or sales agents of a manufacturer.

146 (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.

150 (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.

154 (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.

article 3. original and renewal of registration; issuance of certificates of title.

§17a-3-2. Every motor vehicle, etc., subject to registration and certificate of title provisions; exceptions.

1 Every motor vehicle, trailer, semitrailer, and pole trailer when driven or moved upon a highway shall be subject to the registration and certificate of title provisions of this chapter except:
(1) Any such vehicle driven or moved upon a highway in conformance with the provisions of this chapter relating to manufacturers, transporters, dealers, lien holders, or nonresidents or under a temporary registration permit issued by the department as hereinafter authorized;

(2) Any implement of husbandry upon which is securely attached a machine for spraying fruit trees and plants of the owner or lessee or for any other implement of husbandry which is used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner thereof and which is not operated on or over any public highway of this state for any other purpose other than for the purpose of operating it across a highway or along a highway other than an expressway as designated by the state road commissioner from one point of the owner's land to another part thereof, irrespective of whether or not the tracts adjoin: Provided, That the distance between the points shall not exceed fifteen miles, or for the purpose of taking it or other fixtures thereto attached, to and from a repair shop for
repairs. The foregoing exemption from registration and license requirements shall also apply to any vehicle hereinbefore described or to any farm trailer owned by the owner or lessee of the farm on which such trailer is used, when such trailer is used by the owner thereof for the purpose of moving farm produce and livestock from such farm along a public highway for a distance not to exceed ten miles to a storage house or packing plant, when such use is a seasonal operation.

The exemptions contained in this section shall also apply to farm machinery and tractors: *Provided further,* that such machinery and tractors may use the highways in going from one tract of land to another tract of land regardless of whether such land be owned by the same or different persons.

Any vehicle exempted hereunder from the requirements of annual registration certificate and license plates and fees therefor shall not be permitted to use the highways as above provided between sunset and sunrise.

Any vehicle used as an implement of husbandry exempt
hereunder must have the words "farm use" affixed to both sides of the implement in ten inch letters;

(3) Any vehicle which is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails;

(4) No certificate of title need be obtained for any vehicle of a type subject to registration owned by the government of the United States.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tompkins
Chairman Senate Committee

Clayton C. Doughty
Chairman House Committee

Originated in the House.

Takes effect from passage.

J. Howard West
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

*H. Hilton White
Speaker House of Delegates

The within approved this the 15 day of March, 1967.

Helbert C. Smith
Governor
PRESENTED TO THE GOVERNOR

Date 3/11/67
Time 9:45 p.m.