

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



## ENROLLED

HOUSE BILL No. 730

(By Mr. Ingraham)



PASSED March 3, 1967

In Effect from Passage



FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 3-15-67

# 730

**ENROLLED**

**House Bill No. 730**

(By MR. SHIFLET)

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[Passed March 3, 1967; 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; 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  
2 chapter shall for the purpose of this chapter have the  
3 meanings respectively ascribed to them in this article:

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

9 (b) *Motor vehicle*.—Every vehicle which is self-  
10 propelled and every vehicle which is propelled by elec-  
11 tric 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  
18 public governmental agency and operated for the trans-  
19 portation of children to or from school or privately

20 owned and operated for compensation for the transpor-  
21 tation of children 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  
26 persons for compensation.

27 (f) *Truck tractor*.—Every motor vehicle designed and  
28 used primarily for drawing other vehicles and not so  
29 constructed as to carry a load other than a part of the  
30 weight 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  
37 any 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 prop-  
40 erty.

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

45     (k) *Semitrailer*.—Every vehicle with or without mo-  
46     tive power designed for carrying persons or property  
47     and for being drawn by a motor vehicle and so con-  
48     structed that some part of its weight and that of its  
49     load rests upon or is carried by another vehicle.

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

58     (m) *Specially constructed vehicles*.—Every vehicle  
59     of a type required to be registered hereunder not origi-  
60     nally constructed under a distinctive name, make, model,  
61     or type by a generally recognized manufacturer of ve-

62 hicles and not materially altered from its original con-  
63 struction.

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

68 (o) *Essential parts*.—All integral and body parts of  
69 a vehicle of a type required to be registered hereunder,  
70 the removal, alteration or substitution of which would  
71 tend to conceal the identity of the vehicle or substan-  
72 tially alter its appearance, model, type, or mode of oper-  
73 ation.

74 (p) *Foreign vehicle*.—Every vehicle of a type re-  
75 quired to be registered hereunder brought into this state  
76 from another state, territory, or country other than in the  
77 ordinary course of business by or through a manufacturer  
78 or dealer and not registered in this state.

79 (q) *Implement of husbandry*.—Every vehicle which  
80 is designed for or adapted to agricultural purposes and  
81 used by the owner thereof primarily in the conduct of his

82 agricultural operations, including but not limited to  
83 trucks used for spraying trees and plants: *Provided*, That  
84 said vehicle shall not be let for hire at any time.

85 (r) *Special mobile equipment*.—Every vehicle not de-  
86 signed or used for the transportation of persons or prop-  
87 erty and incidentally operated or moved over the high-  
88 ways, including road construction or maintenance ma-  
89 chinery, ditch-digging apparatus, well-boring apparatus,  
90 concrete mixers, and farm tractors, when farm tractors  
91 cannot be classified as an implement of husbandry as  
92 defined in subparagraph (q) of this section. The fore-  
93 going enumeration shall be deemed partial and shall not  
94 operate to exclude other such vehicles which are within  
95 the general terms of this subparagraph.

96 (s) *Pneumatic tire*.—Every tire in which compressed  
97 air is designed to support the load.

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

101 (u) *Metal tire*.—Every tire the surface of which in

102 contact with the highway is wholly or partly of metal  
103 or other hard, nonresilient material.

104 (v) *Commissioner*.—The commissioner of motor vehi-  
105 cles of this state.

106 (w) *Department*.—The department of motor vehi-  
107 cles of this state acting directly or through its duly  
108 authorized officers and agents.

109 (x) *Person*.—Every natural person, firm, copartner-  
110 ship, association, or corporation.

111 (y) *Owner*.—A person who holds the legal title of  
112 a vehicle or in the event a vehicle is the subject of an  
113 agreement for the conditional sale or lease thereof with  
114 the right of purchase upon performance of the conditions  
115 stated in the agreement and with an immediate right of  
116 possession vested in the conditional vendee or lessee, or  
117 in the event a mortgagor of a vehicle is entitled to posses-  
118 sion, then such conditional vendee or lessee or mortgagor  
119 shall be deemed the owner for the purpose of this chapter.

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

122 (aa) *Dealer*.—Every person primarily engaged in the



123 business of buying, selling, or exchanging vehicles of a  
124 type required to be registered hereunder and who has  
125 an established place of business for such purpose in this  
126 state which meets the requirements set out in sections  
127 one and two, article seven of this chapter, except an  
128 insurance company, a finance company or other type of  
129 lending or financing agency, including banking institu-  
130 tions, or any other person coming into possession of a  
131 vehicle as an incident to such person's regular business  
132 who shall sell such vehicle, or who shall sell such ve-  
133 hicle under any contractual rights such persons may  
134 have with respect thereto, shall not be a dealer here-  
135 under: *Provided*, That a person who engages exclusively  
136 in the wrecking or dismantling of vehicles for junk or  
137 for resale of the parts of such vehicles and who comes  
138 into possession of a vehicle for the purpose of wrecking  
139 or dismantling same as hereinabove stated shall not be  
140 a dealer hereunder.

141 (bb) *Transporter*.—Every person engaged in the busi-  
142 ness of delivering vehicles of a type required to be regis-  
143 tered hereunder from a manufacturing, assembling, or

144 distributing plant to dealers or sales agents of a manu-  
145 facturer.

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

150 (dd) *Established place of business*.—The place actu-  
151 ally occupied either continuously or at regular periods  
152 by a dealer or manufacturer where his books and records  
153 are kept and a large share of his business is transacted.

154 (ee) *Street or highway*.—The entire width between  
155 boundary lines of every way publicly maintained when  
156 any part thereof is open to the use of the public for pur-  
157 poses 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  
2 trailer when driven or moved upon a highway shall be  
3 subject to the registration and certificate of title provi-  
4 sions of this chapter except:

5     (1) Any such vehicle driven or moved upon a high-  
6 way in conformance with the provisions of this chapter  
7 relating to manufacturers, transporters, dealers, lien  
8 holders, or nonresidents or under a temporary registra-  
9 tion permit issued by the department as hereinafter  
10 authorized;

11     (2) Any implement of husbandry upon which is se-  
12 curely attached a machine for spraying fruit trees and  
13 plants of the owner or lessee or for any other imple-  
14 ment of husbandry which is used exclusively for agricul-  
15 tural or horticultural purposes on lands owned or leased  
16 by the owner thereof and which is not operated on or  
17 over any public highway of this state for any other  
18 purpose other than for the purpose of operating it across  
19 a highway or along a highway other than an expressway  
20 as designated by the state road commissioner from one  
21 point of the owner's land to another part thereof, irre-  
22 spective of whether or not the tracts adjoin: *Provided,*  
23 That the distance between the points shall not exceed  
24 fifteen miles, or for the purpose of taking it or other fix-  
25 tures thereto attached, to and from a repair shop for

26 repairs. The foregoing exemption from registration and  
27 license requirements shall also apply to any vehicle  
28 hereinbefore described or to any farm trailer owned by  
29 the owner or lessee of the farm on which such trailer is  
30 used, when such trailer is used by the owner thereof  
31 for the purpose of moving farm produce and livestock  
32 from such farm along a public highway for a distance  
33 not to exceed ten miles to a storage house or packing  
34 plant, when such use is a seasonal operation.

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

41 Any vehicle exempted hereunder from the require-  
42 ments of annual registration certificate and license plates  
43 and fees therefor shall not be permitted to use the high-  
44 ways as above provided between sunset and sunrise.

45 Any vehicle used as an implement of husbandry exempt

46 hereunder must have the words "farm use" affixed to  
47 both sides of the implement in ten inch letters;

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

51 (4) No certificate of title need be obtained for any  
52 vehicle of a type subject to registration owned by the  
53 government of the United States.

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

William Tompos  
Chairman Senate Committee

Clayton C. Dawkins  
Chairman House Committee

Originated in the House.

Takes effect from passage.

Howard Meyer  
Clerk of the Senate

C. Blankenship  
Clerk of the House of Delegates

Howard E. Carson  
President of the Senate

H. Raben T. White  
Speaker House of Delegates

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

Frederic C. Smith  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/11/67

Time 9:45 p.m.