

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 1009

(By Mr. Whitlow and Mr. Gilliam)



PASSED April 7 1973

In Effect July 1, 1973 Passage



C 641

FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 5-1-73

1009

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House Bill No. 1009

(By MR. WHITLOW AND MR. GILLIAM)

[Passed April 7, 1973; in effect July 1, 1973.]

AN ACT to amend and reenact section four, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to amend and reenact section six, article one, chapter seventeen-c of said code; and to amend and reenact section three, article one, chapter twenty-four-a of said code, relating to application for certificate of title for motor vehicles; including busses for transporting mentally retarded or physically handicapped children and vehicles of duly chartered rescue squads among vehicles exempted from tax for privilege for certificate of title; requiring affidavit to accompany application; providing penalty for false swearing; expanding definition of authorized emergency vehicle to include duly chartered rescue squad vehicles; and exempting duly chartered rescue squad vehicles from the provisions of chapter twenty-four-a.

Be it enacted by the Legislature of West Virginia:

That section four, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; that section six, article one, chapter seventeen-c of said code be amended and reenacted; and that section three, article one, chapter twenty-four-a of said code be amended and reenacted; all to read as follows:

**CHAPTER 17A. MOTOR VEHICLE ADMINISTRATION,
REGISTRATION, CERTIFICATE OF TITLE AND
ANTITHEFT PROVISIONS.**

**ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSU-
ANCE OF CERTIFICATES OF TITLE.**

**§17A-3-4. Application for certificate of title; tax for privilege of
certification of title.**

1 Certificates of registration of any vehicle or registration
2 plates therefor, whether original issues or duplicates, shall
3 not be issued or furnished by the department of motor vehicles
4 or any other officer charged with such duty, unless the
5 applicant therefor already has received, or shall at the same
6 time make application for and be granted, an official cer-
7 tificate of title of such vehicle. Such application shall be
8 upon a blank form to be furnished by the department of
9 motor vehicles and shall contain a full description of the
10 vehicle, which description shall contain a manufacturer's serial
11 or identification number or other number as determined by
12 the commissioner and any distinguishing marks, together with
13 a statement of the applicant's title and of any liens or
14 encumbrances upon such vehicle, the names and addresses
15 of the holders of such liens and such other information as the
16 department of motor vehicles may require. The application
17 shall be signed and sworn to by the applicant. A tax is
18 hereby imposed upon the privilege of effecting the certifica-
19 tion of title of each vehicle in the amount equal to five
20 percent of the value of said motor vehicle at the time of such
21 certification. If the vehicle is new, the actual purchase price
22 or consideration to the purchaser thereof shall be the value
23 of said vehicle; if the vehicle is a used or secondhand vehicle,
24 the present market value at time of transfer or purchase shall
25 be deemed the value thereof for the purpose of this section:
26 *Provided*, That so much of the purchase price or consideration
27 as is represented by the exchange of other vehicles on which
28 the tax herein imposed has been paid by the purchaser shall
29 be deducted from the total actual price or consideration paid
30 for said vehicle, whether the same be new or secondhand;
31 if the vehicle be acquired through gift, or by any manner
32 whatsoever, unless specifically exempted in this section, the

33 present market value of the vehicle at the time of the gift
34 or transfer shall be deemed the value thereof for the purposes
35 of this section. No certificate of title for any vehicle shall
36 be issued to any applicant unless such applicant shall have
37 paid to the department of motor vehicles the tax imposed by
38 this section which shall be five percent of the true and actual
39 value of said vehicle whether the vehicle be acquired through
40 purchase, by gift, or by any other manner whatsoever except
41 gifts between husband and wife or between parents and
42 children: *Provided, however,* That husband or wife, or par-
43 ents or children previously have paid said tax on the vehicle
44 so transferred to the state of West Virginia. The tax imposed
45 by this section shall not apply to vehicles to be registered as
46 Class H vehicles, or Class S vehicles, as defined in section
47 one, article ten of this chapter, which are used or to be used
48 in interstate commerce, nor shall the tax imposed by this
49 section apply to titling of vehicles by a registered dealer of this
50 state for resale only, nor shall the tax imposed by this section
51 apply to titling of vehicles by this state or any political
52 subdivision thereof, or by any volunteer fire department or
53 duly chartered rescue squad organized and incorporated under
54 the laws of the state of West Virginia for protection of life
55 or property. The total amount of revenue collected by reason
56 of this tax shall be paid into the state road fund and expended
57 by the commissioner of highways for matching federal aid
58 funds allocated for West Virginia. In addition to said tax, there
59 shall be a charge of two dollars for each original certificate
60 of title or duplicate certificate of title so issued: *Provided*
61 *further,* That this state or any political subdivision thereof,
62 or any such volunteer fire department, or duly chartered rescue
63 squad, shall be exempted from payment of such charge.

64 Such certificate shall be good for the life of the vehicle,
65 so long as the same is owned or held by the original holder of
66 such certificate, and need not be renewed annually, or any
67 other time, except as herein provided.

68 If, by will or direct inheritance, a person becomes the
69 owner of a motor vehicle and the tax herein imposed pre-
70 viously has been paid, to the department of motor vehicles,
71 on that vehicle, he shall not be required to pay such tax.

72 A person who has paid the tax imposed by this section shall
73 not be required to pay the tax a second time for the same

74 motor vehicle, but he shall be required to pay a charge of two
75 dollars for the certificate of retitle of that motor vehicle,
76 except that such tax shall be paid by such person when the
77 title to such vehicle has been transferred either in this or
78 another state from such person to another person and trans-
79 ferred back to such person.

80 Notwithstanding any provisions of this code to the con-
81 trary, the owners of trailers, semitrailers and other vehicles
82 not subject to the certificate of title tax prior to the enact-
83 ment of this chapter shall be subject to the privilege tax
84 imposed by this section: *And provided further*, That mobile
85 homes, house trailers, modular homes and similar nonmotive
86 propelled vehicles susceptible of being moved upon the high-
87 ways but primarily designed for habitation and occupancy,
88 rather than for transporting persons or property, or any
89 vehicle operated on a nonprofit basis and used exclusively for
90 the transportation of mentally retarded or physically handi-
91 capped children when the application for certificate for registra-
92 tion for such vehicle is accompanied by an affidavit stating that
93 such vehicle will be operated on a nonprofit basis and used ex-
94 clusively for the transportation of mentally retarded and physi-
95 cally handicapped children, shall not be subject to the tax
96 imposed by this section, but shall be taxable under the pro-
97 visions of articles fifteen and fifteen-a of chapter eleven of this
98 code.

99 If any person making any affidavit required under any
100 provision of this section, shall therein knowingly swear falsely,
101 or if any person shall counsel, advise, aid or abet another in
102 the commission of false swearing, he shall be guilty of a mis-
103 demeanor, and, on conviction therefor, shall be fined not
104 more than one hundred dollars or be imprisoned in the county
105 jail for a period not to exceed thirty days, or in the discretion of
106 the court be subject to both such fine and imprisonment.

CHAPTER 17C. TRAFFIC REGULATIONS AND LAWS OF THE ROAD.

ARTICLE 1. WORDS AND PHRASES DEFINED.

§17C-1-6. Authorized emergency vehicle.

1 "Authorized emergency vehicle" means vehicles of the fire
2 department, *duly chartered rescue squad*, police vehicles, and

3 such ambulances and emergency vehicles of municipal depart-
4 ments or public service corporations as are designated or
5 authorized by the commissioner or the chief of police of an
6 incorporated city, and such privately owned ambulances and
7 emergency vehicles as are designated by the commissioner.

CHAPTER 24A. MOTOR CARRIERS OF PASSENGERS AND PROPERTY FOR HIRE.

ARTICLE 1. PURPOSES, DEFINITIONS AND EXEMPTIONS.

§24A-1-3. Exemptions from chapter.

1 The provisions of this chapter, except where specifically
2 otherwise provided, shall not apply to:

3 (1) Motor vehicles operated exclusively in the transpor-
4 tation of United States mail or in the transportation of news-
5 papers;

6 (2) Motor vehicles owned and operated by the United
7 States of America, the state of West Virginia or any county,
8 municipality or county board of education, or by any de-
9 partment thereof, and any motor vehicles operated under a
10 contract with a county board of education exclusively for the
11 transportation of children to and from school or such other
12 legitimate transportation for the schools as the commission may
13 specifically authorize;

14 (3) Motor vehicles used exclusively in the transportation
15 of agricultural or horticultural products, livestock,
16 poultry and dairy products from the farm or orchard on
17 which they are raised or produced to markets, processing
18 plants, packinghouses, canneries, railway shipping points and
19 cold storage plants, and in the transportation of agricultural or
20 horticultural supplies to such farm or orchards to be used
21 thereon;

22 (4) Motor vehicles used exclusively in the transportation
23 of human or animal excreta;

24 (5) Motor vehicles used exclusively in ambulance service,
25 or duly chartered rescue squad service;

26 (6) Motor vehicles used exclusively for volunteer fire
27 department service;

28 (7) Motor vehicles used exclusively in the transportation
29 of coal from mining operations to loading facilities for further
30 shipment by rail or water carriers; and

31 (8) Motor vehicles used by petroleum commission agents
32 and oil distributors solely for the transportation of petroleum
33 products and related automotive products when such trans-
34 portation is incidental to the business of selling said pro-
35 ducts: *Provided*, That the owner of said vehicle or vehicles
36 shall have in effect at all times a public liability insurance
37 policy with respect to said vehicle or vehicles and the driver
38 or drivers thereof in an amount equal to or in excess of that
39 required by the public service commission of West Virginia
40 for similar vehicles under its jurisdiction, evidence of which
41 insurance shall be filed with the motor carrier division of said
42 public service commission. All such motor vehicles not so
43 insured shall be subject to the provisions of this chapter.

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

H. Darrel Darby
Chairman Senate Committee

Clarence C. Thurston Jr.
Chairman House Committee

Originated in the House.

Takes effect July 1, 1973.

Howard Wilkinson
Clerk of the Senate

W. A. Blankenship
Clerk of the House of Delegates

H. I. Brotherton
President of the Senate

Lewis F. McPherson
Speaker House of Delegates

The within *approved* this the *16th*
April day of _____, 1973.

Arch A. Moore Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/16/73

Time 9:11 a.m.