WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973

ENROLLED

HOUSE BILL No. 1321

(By Mr. [Signature], Chairman of the Committee on Roads and Transportation)

PASSED April 14, 1973

In Effect [Signature]

FILED IN THE OFFICE
EDGAR F. NEIKOFF, LXX
SECRETARY OF STATE
THIS DATE 5-1-73
ENROLLED

House Bill No. 1321

(Originating in the House Committee on Roads and Transportation.)

[Passed April 10, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two and four, article four, chapter seventeen-a; and to amend and reenact section four, article four-a of said chapter seventeen-a, all of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to expiration of motor vehicle registration on transfer by owner; transfer, surrender or retention of plates; endorsement of certificate of title upon transfer by owner; transfer to dealers and others; and deferred purchase money lien or encumbrance.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.

§17A-4-1. Registration expires on transfer by owner; transfer, surrender or retention of plates.

1 Whenever the owner of a registered vehicle transfers or assigns his title, or interest thereto, the registration of such vehicle shall expire: Provided, however, That such owner, if he has made application to the department to have said registration plates transferred to be used on another vehicle owned by said owner, may then operate the other vehicle for a period of
Enr. H. B. No. 1321] 2

forty days, but in no event longer than forty days from the
date of original transfer. Upon such transfer, it shall be the
duty of the original owner to retain the registration plates is-
 sued therefor and to immediately notify the commissioner of
such transfer upon such form as may be provided therefore and
to deliver to him the certificate of registration, whereupon the
commissioner shall, upon the payment of a fee of one dollar,
issue a new certificate showing the use to be made of such
plates. Such plates may then be used by such owner on anoth-
er vehicle of the same class as the vehicle for which they were
originally issued if such other vehicle does not require a great-
er license fee than was required for such original vehicle. If
such other vehicle requires a greater license fee than such orig-
inal vehicle, then such plates may be used by paying such dif-
ference to the commissioner. When such transfer of ownership
is made to a licensed dealer in motor vehicles it shall be the
duty of such dealer to immediately execute notification of trans-
fer, in triplicate, and to have this notification properly signed
by the owner making the transfer. The dealer shall immediately
forward to the department the original copy of the notification
of transfer. One copy of the notification of transfer shall be
given to the owner and one shall be retained by the dealer. The
owner shall immediately send to the department the transfer
fee of one dollar with any additional fee that may be required
under the terms of this chapter. The owner's copy, properly
signed by the dealer, will be the owner's identification until
he receives a new registration card from the department.
The owner of a set of registration plates may surrender them
to the commissioner together with the registration card and,
upon the payment of one dollar as an exchange fee and upon
the payment of such additional fees as are necessary to equa-
lize the value of the plates surrendered with the value of regis-
tration plates desired, receive in exchange a set of plates and
registration card for a vehicle of a different class.

§17A-4-2. Endorsement of certificate of title upon transfer by
owner.

Whenever the owner of a registered vehicle transfers or
assigns his title, he shall endorse an assignment and warranty
of title upon the certificate of title for such vehicle with a
statement of all liens and encumbrances thereon, which state-
ment shall be verified under oath by the owner, and he
shall within twenty days from date of sale deliver the certificate
of title to the purchaser or transferee, except in the case of
a vehicle sold as scrap or to be dismantled.

§17A-4-4. Transfers to dealers and others.

When the transferee of a vehicle is a dealer who holds the
same for resale and lawfully operates the same under dealer's
plates, such dealer shall not be required to obtain a new
registration of said vehicle or be required to forward the
certificate of title to the department, but such dealer upon
transferring his title or interest to another person shall execute
and acknowledge an assignment and warranty of title upon the
certificate of title and deliver the same not later than thirty days
from date of sale to the person to whom such transfer is made.

When the transferee of a vehicle does not drive such vehicle
or permit it to be driven upon the highways, such transferee
shall not be required to obtain a new registration of said
vehicle, but such transferee shall be required within thirty days
from the date of such transfer to forward the certificate of
title to the department accompanied by an application for a
new certificate of title in his name.

ARTICLE 4A. LIENS AND ENCUMBRANCES ON VEHICLES TO BE
SHOWN ON CERTIFICATE OF TITLE; NOTICE TO CRED-
ITORS AND PURCHASERS.

§17A-4A-4. Deferred purchase money lien or encumbrance may be
filed within thirty days after purchase.

If application for a certificate of title showing a deferred
purchase money lien or deferred purchase money encumbrance
to be placed upon a vehicle be filed in the office of the
department within thirty days from the date of such appli-
cant's purchase of such vehicle, it shall be as valid as to all
persons, whomsoever, including the state, as if such filing had
been done on the day such lien or encumbrance was acquired.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

H. Darrel Darby  
Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

K. E. Kemm
Clerk of the Senate

KL Blankenship
Clerk of the House of Delegates

M. J. Bordwine, Jr.
President of the Senate

Lewis F. W. Thomas
Speaker House of Delegates

The within                   approved this the 16th

day of______________________, 1973.


Governor
PRESENTED TO THE
GOVERNOR

Date 4/16/73
Time 9:11 a.m.