

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 1321

(By Mr. Orig. in the House Comm. on
Roads and Transportation)



PASSED April 14, 1973

In Effect Ninety days from Passage



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

1321

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 as-
2 signs his title, or interest thereto, the registration of such ve-
3 hicle shall expire: *Provided, however,* That such owner, if he
4 has made application to the department to have said registra-
5 tion plates transferred to be used on another vehicle owned by
6 said owner, may then operate the other vehicle for a period of

7 forty days, but in no event longer than forty days from the
8 date of original transfer. Upon such transfer, it shall be the
9 duty of the original owner to retain the registration plates is-
10 sued therefor and to immediately notify the commissioner of
11 such transfer upon such form as may be provided therefore and
12 to deliver to him the certificate of registration, whereupon the
13 commissioner shall, upon the payment of a fee of one dollar,
14 issue a new certificate showing the use to be made of such
15 plates. Such plates may then be used by such owner on another
16 vehicle of the same class as the vehicle for which they were
17 originally issued if such other vehicle does not require a great-
18 er license fee than was required for such original vehicle. If
19 such other vehicle requires a greater license fee than such orig-
20 inal vehicle, then such plates may be used by paying such dif-
21 ference to the commissioner. When such transfer of ownership
22 is made to a licensed dealer in motor vehicles it shall be the
23 duty of such dealer to immediately execute notification of trans-
24 fer, in triplicate, and to have this notification properly signed
25 by the owner making the transfer. The dealer shall immediately
26 forward to the department the original copy of the notification
27 of transfer. One copy of the notification of transfer shall be
28 given to the owner and one shall be retained by the dealer. The
29 owner shall immediately send to the department the transfer
30 fee of one dollar with any additional fee that may be required
31 under the terms of this chapter. The owner's copy, properly
32 signed by the dealer, will be the owner's identification until
33 he receives a new registration card from the department.

34 The owner of a set of registration plates may surrender them
35 to the commissioner together with the registration card and,
36 upon the payment of one dollar as an exchange fee and upon
37 the payment of such additional fees as are necessary to equa-
38 lize the value of the plates surrendered with the value of regis-
39 tration plates desired, receive in exchange a set of plates and
40 registration card for a vehicle of a different class.

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

1 Whenever the owner of a registered vehicle transfers or
2 assigns his title, he shall endorse an assignment and warranty
3 of title upon the certificate of title for such vehicle with a

4 statement of all liens and encumbrances thereon, which state-
5 ment shall be verified under oath by the owner, and he
6 shall within twenty days from date of sale deliver the certificate
7 of title to the purchaser or transferee, except in the case of
8 a vehicle sold as scrap or to be dismantled.

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

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

10 When the transferee of a vehicle does not drive such vehicle
11 or permit it to be driven upon the highways, such transferee
12 shall not be required to obtain a new registration of said
13 vehicle, but such transferee shall be required within thirty days
14 from the date of such transfer to forward the certificate of
15 title to the department accompanied by an application for a
16 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.**

1 If application for a certificate of title showing a deferred
2 purchase money lien or deferred purchase money encumbrance
3 to be placed upon a vehicle be filed in the office of the
4 department within thirty days from the date of such appli-
5 cant's purchase of such vehicle, it shall be as valid as to all
6 persons, whomsoever, including the state, as if such filing had
7 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

Robert C. Christian
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Cannon
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. J. Brotherton Jr.
President of the Senate

Lewis H. Thomas
Speaker House of Delegates

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

Arch A. Shivers Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/16/73

Time 9:11 a.m.