

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1978



ENROLLED

Committee Substitute for
SENATE BILL NO. 217

(By Mr. *Proctor, Mr. President*)



PASSED *March 11* 1978

In Effect *July 1, 1978* ~~Passage~~


1978: 217

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 217

(By MR. BROTHERTON, MR. PRESIDENT)

[Passed March 11, 1978; in effect July 1, 1978.]

AN ACT to amend and reenact sections sixteen and seventeen, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections one, three and eight, article ten of said chapter, all relating to motor vehicles; establishing a staggered registration system for all trucks with gross weights of not more than eight thousand pounds; transferring these vehicles from Class "B" to Class "A" license registration; specifying time periods within which annual registration and payment of fees is to occur; increasing fees for certain classes of motor vehicles; permitting distribution and issuance of the newly created Class A registrations by county sheriffs and specifying date thereof; and exempting from payment of registration fees one vehicle owned by totally and permanently disabled veterans.

Be it enacted by the Legislature of West Virginia:

That sections sixteen and seventeen, article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that sections one, three and eight, article ten of said chapter be amended and reenacted, all to read as follows:

ARTICLE 3. ORIGINAL AND RENEWAL OF REGISTRATION; ISSUANCE OF CERTIFICATES OF TITLE.

§17A-3-16. Expiration of registration and certificates of title.

- 1 Every vehicle registration under this chapter and every
- 2 registration card and registration plate issued hereunder

3 shall expire at midnight on the thirtieth day of June
4 of the fiscal year for which issued: *Provided*, That the
5 commissioner may extend the period during which said
6 registration plates may be used.

7 Certificates of title need not be renewed annually but
8 shall remain valid until canceled by the department
9 for cause or upon a transfer of any interest shown there-
10 in.

11 Notwithstanding the provisions of this section or of
12 any provision of this chapter, the commissioner shall
13 adopt, for the vehicles set forth below which are sub-
14 ject to registration hereunder, a staggered registration
15 system whereby the registration of all such vehicles
16 shall be for a period of twelve consecutive calendar
17 months, the expiration dates thereof to be staggered
18 throughout the year.

19 (1) On or after the first day of July, one thousand
20 nine hundred seventy-eight, all Class A motor vehicles
21 as defined in section one, article ten of this chapter,
22 shall be registered for a period of twelve consecutive
23 calendar months. There hereby are established twelve
24 registration periods, each of which shall start on the
25 first day of each calendar month of the year and shall
26 end on the last day of the twelfth month from date of
27 beginning. The period ending January thirty-first shall
28 be designated the first period, that ending February
29 twenty-eighth (twenty-ninth) shall be designated the
30 second; that ending March thirty-first shall be designated
31 the third; that ending April thirtieth shall be designated
32 the fourth; that ending May thirty-first shall be desig-
33 nated the fifth; that ending June thirtieth shall be
34 designated the sixth; that ending July thirty-first shall
35 be designated the seventh; that ending August thirty-
36 first shall be designated the eighth; that ending Sep-
37 tember thirtieth shall be designated the ninth; that end-
38 ing October thirty-first shall be designated the tenth;
39 that ending November thirtieth shall be designated
40 the eleventh; and that ending December thirty-first shall
41 be designated the twelfth.

42 (2) All Class A motor vehicles, which are operated

43 for the first time upon the public highways of this state
44 to and including the fifteenth day of any given month
45 shall be subject to registration and payment of fee for
46 the twelve-month period commencing the first day of
47 the month of operation; such motor vehicles operated
48 for the first time upon the public highways of this state
49 on and after the sixteenth day of any given month
50 shall be subject to registration and payment of fee for
51 the twelve-month period commencing the first day of
52 the month of the next following calendar month.

53 (3) During the time necessary to accomplish the
54 change from the present system of annual registration
55 to the monthly series system, trucks with gross weights
56 of not more than eight thousand pounds, subject to regis-
57 tration on and after July first, one thousand nine hun-
58 dred seventy-eight, shall be registered for one of twelve
59 registration periods, which shall vary in length from a
60 minimum of six consecutive calendar months to a maxi-
61 mum of seventeen consecutive calendar months as here-
62 inafter provided. During this transitory period the regis-
63 tration fees shall be computed on a basis of one twelfth
64 of the annual fee per month. In the order of the receipt
65 of applications for registration of motor vehicles by
66 the owners thereof, the commissioner shall allocate to
67 each of the twelve registration periods such number
68 of motor vehicles as will, in his judgment, as uniformly
69 as practicable, distribute the clerical work of registering
70 such vehicles throughout the year. In determining the
71 number of registrations to be allocated to any given
72 period, he may take into consideration the volume of
73 registration of trucks and other vehicles not under the
74 monthly series registration system. The twelve regis-
75 tration periods necessary to accomplish the change from
76 the present system of annual registration to the monthly
77 series system are established as follows: Each period
78 shall commence July first, one thousand nine hundred
79 seventy-eight. The first period shall expire December
80 thirty-first, one thousand nine hundred seventy-eight;
81 the second, January thirty-first, one thousand nine hun-
82 dred seventy-nine; the third, February twenty-eighth,
83 one thousand nine hundred seventy-nine; the fourth,

84 March thirty-first, one thousand nine hundred seventy-
85 nine; the fifth, April thirtieth, one thousand nine hun-
86 dred seventy-nine; the sixth, May thirty-first, one thou-
87 sand nine hundred seventy-nine; the seventh, June
88 thirtieth, one thousand nine hundred seventy-nine; the
89 eighth, July thirty-first, one thousand nine hundred
90 seventy-nine; the ninth, August thirty-first, one thou-
91 sand nine hundred seventy-nine; the tenth, September
92 thirtieth, one thousand nine hundred seventy-nine; the
93 eleventh, October thirty-first, one thousand nine hundred
94 seventy-nine; and the twelfth, November thirtieth, one
95 thousand nine hundred seventy-nine.

96 (4) Motor vehicles, other than those exempted above,
97 not previously registered in this state and operated upon
98 the highways of this state for the first time after the
99 first day of July, one thousand nine hundred seventy-
100 eight, shall be registered for a full twelve-month period
101 without regard to the varying periods of registration
102 provided for during the period of change to the staggered
103 registration system: *Provided*, That the commissioner
104 may initially register a motor vehicle for less than a
105 twelve-month period when in his opinion such fractional
106 registration shall tend to fulfill the purpose of the
107 monthly series registration system.

**§17A-3-17. Application for and renewal of registration; sheriffs
authorized to issue renewals of registration for
certain vehicles.**

1 Application for renewal of a vehicle registration shall
2 be made by the vehicle owner by proper application
3 and payment of taxes and registration fees provided by
4 law.

5 The department may receive applications for renewal
6 of any vehicle registration and each sheriff may receive
7 applications from residents in his county for renewal
8 of any Class A or G vehicle registration: *Provided*, That
9 Class A vehicle registrations for trucks with gross
10 weights of not more than eight thousand pounds may
11 not be received for renewal by a sheriff until the first
12 day of January, one thousand nine hundred eighty. The
13 department and each sheriff shall issue the renewals

14 of registration each receives, respectively, in accordance
15 with all of the provisions in this article pertaining to
16 renewal of vehicle registration including, but not lim-
17 ited to, the payment of the taxes and fees required
18 thereunder.

19 Each sheriff may charge a service fee of one dollar
20 for each renewal of a Class A or G vehicle registration
21 he issues which he shall pay into the county general
22 fund.

23 On the first day of each month, each sheriff shall pay
24 over to the commissioner all fees he collected during
25 the preceding month for renewal of Class A and G
26 vehicle registrations, except his service fees. Such
27 payment shall be accompanied by a report showing
28 the name of the county, the name and address of the
29 person who obtained the registration and paid the regis-
30 tration fee therefor, the vehicle registered, the registra-
31 tion number, the date the registration was issued, the
32 signature of the sheriff and any other information the
33 commissioner may reasonably require in order to main-
34 tain the functions and records of the department. The
35 commissioner shall deposit all fees he receives from the
36 sheriffs for renewal of Class A and G vehicle registra-
37 tions in the state treasury to the credit of the state
38 road fund as provided in section twenty-one, article
39 two of this chapter.

40 The commissioner shall provide each sheriff with the
41 necessary forms, supplies, registration plates, registra-
42 tion decals and instructions necessary to enable them to
43 perform the duties and functions specified in this sec-
44 tion.

45 No person may display upon a vehicle a new regis-
46 tration plate or registration decal prior to the first day
47 of the month preceding the new registration period.

ARTICLE 10. FEES FOR REGISTRATION, LICENSING, ETC.

§17A-10-1. Classification of vehicles for purpose of registration.

1 Vehicles subject to registration under the provisions
2 of this chapter shall be placed in the following classes
3 for the purpose of registration:

4 Class A. Motor vehicles of passenger type and trucks
5 with a gross weight of not more than eight thousand
6 pounds, other than those operated for compensation;

7 Class B. Motor vehicles designated as trucks with a
8 gross weight of more than eight thousand pounds, truck
9 tractors, or road tractors other than those operated for
10 compensation;

11 Class C. All trailers and semitrailers, except those
12 operated for compensation, and except house trailers
13 and trailers or semitrailers designed to be drawn by
14 Class A motor vehicles and having a gross weight of
15 less than two thousand pounds;

16 Class E. Motor vehicles designated as trucks, truck
17 tractors, or road tractors operated for transportation of
18 property for compensation, but being exempt from the
19 operating jurisdiction of the public service commission,
20 and for which a statement of exemption has been re-
21 ceived from the public service commission;

22 Class G. Motorcycles;

23 Class H. Motor vehicles operated regularly for the
24 transportation of persons for compensation under a cer-
25 tificate of convenience and necessity or contract carrier
26 permit issued by the public service commission;

27 Class J. Motor vehicles operated for transportation
28 of persons for compensation by common carriers, not
29 running over a regular route or between fixed termini;

30 Class K. Motor vehicles designated as trucks, truck
31 tractors, or road tractors operated for transportation of
32 property for compensation under a certificate of conveni-
33 ence and necessity or a contract carrier permit issued
34 by the public service commission;

35 Class L. All trailers and semitrailers used for trans-
36 portation of property for compensation;

37 Class R. House trailers;

38 Class S. Special mobile equipment as defined in sub-
39 division (r), section one, article one of this chapter;

40 Class T. Trailers or semitrailers of a type designed
41 to be drawn by Class A vehicles and having a gross
42 weight of less than two thousand pounds;

43 Class U. Passenger motor vehicles rented for com-
44 pensation without a driver;

45 Class Farm Truck. Motor vehicles designated as trucks
46 having a minimum gross weight of more than eight
47 thousand pounds and a maximum gross weight of sixty-
48 four thousand pounds, used exclusively in the conduct
49 of a farming business, engaged in the production of
50 agricultural products by means of (a) the planting, cul-
51 tivation and harvesting of agricultural, horticultural,
52 vegetable or other products of the soil, (b) the raising,
53 feeding and care of livestock, poultry, bees and dairy
54 cattle. Such farm truck shall be used only for the trans-
55 portation of agricultural products so produced by the
56 owner thereof, or for the transportation of agricultural
57 supplies used in such production, or for private pas-
58 senger use.

**§17A-10-3. Registration fees for vehicles equipped with pneu-
matic tires.**

1 The following registration fees for the classes indicated
2 shall be paid annually to the department for the regis-
3 tration of vehicles subject to registration hereunder
4 when equipped with pneumatic tires:

5 Class A. The registration fee for all motor vehicles
6 of this class shall be as follows:

7 (1) For motor vehicles of a weight of three thousand
8 pounds or less—twenty-five dollars.

9 (2) For motor vehicles of a weight of three thousand
10 and one pounds to four thousand pounds—thirty dol-
11 lars.

12 (3) For motor vehicles of a weight in excess of four
13 thousand pounds—thirty-six dollars.

14 (4) For motor vehicles designed as trucks with de-
15 clared gross weights of four thousand pounds or less—
16 twenty-five dollars.

17 (5) For motor vehicles designed as trucks with de-
18 clared gross weights of four thousand and one pounds
19 to eight thousand pounds—thirty dollars.

20 For the purpose of determining the weight the actual
21 weight of the vehicle shall be taken: *Provided*, That

22 for vehicles owned by churches, or by trustees for
23 churches, which vehicles are regularly used for trans-
24 porting parishioners to and from church services, no
25 license fee shall be charged, but notwithstanding such
26 exemption, the certificate of registration and license
27 plates shall be obtained the same as other cards and
28 plates under this article.

29 Class B, Class E and Class K. The registration fee
30 for all motor vehicles of these three classes shall be as
31 follows:

32 (1) For declared gross weights of eight thousand
33 and one pounds to sixteen thousand pounds—twenty-
34 eight dollars plus five dollars for each one thousand
35 pounds or fraction thereof that the gross weight of such
36 vehicle or combination of vehicles exceeds eight thou-
37 sand pounds.

38 (2) For declared gross weights greater than sixteen
39 thousand pounds—seventy-eight dollars and fifty cents
40 plus ten dollars for each one thousand pounds or fraction
41 thereof that the gross weight of such vehicle or com-
42 bination of vehicles exceeds sixteen thousand pounds.

43 If the declared gross weight of a Class B, Class E or
44 Class K motor vehicle includes the gross weight of a
45 Class C or Class L vehicle used in combination with
46 such Class B, Class E or Class K motor vehicle and the
47 declared gross weight of the vehicles constituting such
48 combination exceeds sixteen thousand pounds and the
49 registration fee prescribed hereunder for such Class C
50 or Class L vehicle has been paid, there shall be deducted
51 from the registration fee for such Class B, Class E or
52 Class K motor vehicle the amount of seventeen dollars
53 and fifty cents; but, there shall be no such deduction
54 where the declared gross weight of the vehicles con-
55 stituting such combination is less than sixteen thousand
56 and one pounds.

57 Class C and Class L. The registration fee for all ve-
58 hicles of these two classes shall be seventeen dollars
59 and fifty cents.

60 Class G. The registration fee for each motorcycle shall
61 be eight dollars.

62 Class H. The registration fee for all vehicles for this
63 class operating entirely within the state shall be five
64 dollars; and for vehicles engaged in interstate trans-
65 portation of persons, the registration fee shall be fees
66 provided by this section for Class B, Class E and Class
67 K reduced by the amount that the mileage of such ve-
68 hicles operated in states other than West Virginia bears
69 to the total mileage operated by such vehicles in all
70 states under a formula to be established by the depart-
71 ment of motor vehicles.

72 Class J. The registration fee for all motor vehicles
73 of this class shall be eighty-five dollars. Ambulances
74 and hearses used exclusively as such shall be exempted
75 from the above special fees.

76 Class R. The registration fee for all vehicles of this
77 class shall be twelve dollars.

78 Class S. The registration fee for all vehicles of this
79 class shall be seventeen dollars and fifty cents.

80 Class T. The registration fee for all vehicles of this
81 class shall be eight dollars.

82 Class U. The registration fee for all vehicles of this
83 class shall be fifty-seven dollars and fifty cents.

84 Class Farm Truck. The registration fee for all motor
85 vehicles of this class shall be as follows: (1) For farm
86 trucks of declared gross weights of eight thousand and
87 one pounds to sixteen thousand pounds—thirty dollars;
88 (2) for farm trucks of declared gross weights of sixteen
89 thousand and one pounds to twenty-two thousand pounds
90 —sixty dollars; (3) for farm trucks of declared gross
91 weights of twenty-two thousand and one pounds to
92 twenty-eight thousand pounds—ninety dollars; (4) for
93 farm trucks of declared gross weights of twenty-
94 eight thousand and one pounds to thirty-four thou-
95 sand pounds—one hundred fifteen dollars; (5) for farm
96 trucks of declared gross weights of thirty-four thousand
97 and one pounds to forty-four thousand pounds—one
98 hundred sixty dollars; (6) for farm trucks of declared
99 gross weights of forty-four thousand and one pounds
100 to fifty-four thousand pounds—two hundred five dol-
101 lars; and (7) for farm trucks of declared gross weights

102 of fifty-four thousand and one pounds to sixty-four thou-
103 sand pounds—two hundred fifty dollars.

§17A-10-8. Vehicles exempt from payment of registration fees.

1 The following specified vehicles shall be exempt from
2 the payment of any registration fees:

3 (1) Any vehicle owned or operated by the United
4 States government, the state of West Virginia or any
5 of their political subdivisions. The proper representa-
6 tive of the United States government, the state of West
7 Virginia, or any of their political subdivisions shall make
8 an application for registration for the vehicle and
9 the registration plate or plates issued for the vehicle
10 shall be displayed as provided in this chapter.

11 (2) Any fire vehicle owned or operated by a volun-
12 teer fire department organized for the protection of
13 community property.

14 (3) Any ambulance or any other emergency rescue
15 vehicle owned or operated by a nonprofit, charitable
16 organization, and used exclusively for charitable pur-
17 poses.

18 (4) Any vehicle owned by a disabled veteran as de-
19 fined by the provisions of Public Law 663 of the 79th
20 Congress of the United States, or Public Law 187 of
21 the 82nd Congress of the United States, or Public Law
22 77 of the 90th Congress of the United States; except
23 for vehicles used for hire which are owned by disabled
24 veterans.

25 (5) Not more than one vehicle owned by a veteran
26 with a hundred percent total and permanent service-
27 connected disability as certified by the director of the
28 Department of Veterans' Affairs of West Virginia and
29 not used for commercial purposes.

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

James L. Davis
Chairman Senate Committee

Clarence C. Christensen Jr.
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1978.

J. C. Dillon Jr.
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. T. Suttles Jr.
President of the Senate

Donald L. Zapp
Speaker House of Delegates

The within is approved this the 24
day of March, 1978.

John D. R. [Signature]
Governor



APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED
MAR 22 9 59 AM '78
OFFICE OF THE GOVERNOR

Date March 24, 1978
Time 1:40 p.m.

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78 MAR 29 P 1:36
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SECY. OF STATE