

No: 1243

APPROVED AND SIGNED BY THE GOVERNOR

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1243

(By Mr. Speaker, Mr Lee)

— ● —

Passed February 23, 1983

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1243

(By MR. SPEAKER, MR. SEE)

(Originating in the Committee on Roads and Transportation)

[Passed February 23, 1983; in effect ninety days from passage.]

AN ACT to amend article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twelve-a, relating to requiring a certificate of title of a motor vehicle to include an odometer disclosure form; requiring completion of the form by the owner and purchaser of a motor vehicle; specifying information to be included on the disclosure form; allowing certain exceptions to completion of the form; and providing a penalty.

Be it enacted by the Legislature of West Virginia:

That article three, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twelve-a, to read as follows:

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

§17A-3-12a. Disclosure of odometer information on certificate of title; exception; penalty.

1 (a) On and after the first day of July, one thousand nine

2 hundred eighty-three, in accordance with provisions of sec-
3 tion four hundred eight-a, of the Motor Vehicle Information
4 and Costs Savings Act, Public Law 92-513, the owner and
5 the purchaser of a motor vehicle must complete the odometer
6 disclosure form on the certificate of title before a new cer-
7 tificate of title may be issued for a transfer of ownership of a
8 vehicle. The odometer disclosure form on the certificate of
9 title shall contain the following information:

10 (1) The odometer reading at the time of transfer:

11 (2) Certification by the owner that to the best of his
12 knowledge the odometer reading reflects:

13 (A) The actual mileage the vehicle has been driven;

14 (B) The amount of mileage in excess of the designated
15 mechanical odometer limit of ninety-nine thousand, nine hun-
16 dred ninety-nine miles; or

17 (C) A difference from the number of miles the vehicle
18 has actually been driven and that the difference is greater
19 than that caused by odometer calibration error, and that the
20 odometer reading is not the actual mileage.

21 (3) Certification by the owner that while the motor ve-
22 hicle was in his possession:

23 (A) Neither he nor any person altered, set back or dis-
24 connected the odometer;

25 (B) The odometer was altered for repair or replacement
26 purposes and that the actual mileage registered on the re-
27 paired or replacement odometer was identical to that mileage
28 before such service; or

29 (C) That the odometer reading is not the actual mileage
30 and that the true mileage is unknown to him.

31 (b) Notwithstanding the provisions of this section, the
32 form for odometer disclosure on the certificate of title need
33 not be completed for any of the following motor vehicles:

34 (1) A vehicle having a gross weight of more than sixteen
35 thousand pounds;

36 (2) A vehicle that is not self-propelled;

37 (3) A vehicle that is twenty-five years old or older; or

38 (4) A transfer of a new motor vehicle prior to its first
39 transfer for purposes other than resale.

40 (c) In addition to the information provided in this section,
41 the odometer disclosure form shall refer to the federal Motor
42 Vehicle Information and Cost Savings Act and this section of
43 the code, and shall state that incorrect information may result
44 in civil liability and civil or criminal penalties.

45 (d) A transfer of a motor vehicle which has not been pre-
46 viously titled in this state or which has a certificate of title issued
47 prior to the effective date of this section, must include the
48 execution of the transfer by the owner and the purchaser
49 on a written statement signed by each of the two parties,
50 which statement contains substantially the same information
51 as is required in this section and with the provisions of
52 the odometer mileage statement form pursuant to the Motor
53 Vehicle Information and Cost Savings Act.

54 (e) The commissioner shall promulgate rules and regula-
55 tions for the administration of this section in accordance with
56 chapter twenty-nine-a of this code.

57 (f) Any person who violates any of the provisions of
58 this section with intent to defraud shall be guilty of a mis-
59 demeanor, and, upon conviction thereof, shall be fined not
60 less than two hundred dollars nor more than one thousand
61 dollars, or imprisoned in the county jail for not more than
62 six months, or both fined and imprisoned.

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

James L. Davis
Chairman Senate Committee

Donald G. Gault
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Judd C. Phillips
Clerk of the Senate

Donald L. Goff
Clerk of the House of Delegates

Clayton P. McBrat
President of the Senate

W. M. Seay, Jr.
Speaker House of Delegates

The within *is approved* this the *3*
day of *March*, 1983.

John R. Rhyne
Governor

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SECY. OF STATE