WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED
Com. Sub. for
HOUSE BILL No. 1243

(By Mr. Speaker, Mr. Lee)

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.

(a) On and after the first day of July, one thousand nine
hundred eighty-three, in accordance with provisions of section four hundred eight-a, of the Motor Vehicle Information and Costs Savings Act, Public Law 92-513, the owner and the purchaser of a motor vehicle must complete the odometer disclosure form on the certificate of title before a new certificate of title may be issued for a transfer of ownership of a vehicle. The odometer disclosure form on the certificate of title shall contain the following information:

1. The odometer reading at the time of transfer:
2. Certification by the owner that to the best of his knowledge the odometer reading reflects:
   a. The actual mileage the vehicle has been driven;
   b. The amount of mileage in excess of the designated mechanical odometer limit of ninety-nine thousand, nine hundred ninety-nine miles; or
   c. A difference from the number of miles the vehicle has actually been driven and that the difference is greater than that caused by odometer calibration error, and that the odometer reading is not the actual mileage.
3. Certification by the owner that while the motor vehicle was in his possession:
   a. Neither he nor any person altered, set back or disconnected the odometer;
   b. The odometer was altered for repair or replacement purposes and that the actual mileage registered on the repaired or replacement odometer was identical to that mileage before such service; or
   c. That the odometer reading is not the actual mileage and that the true mileage is unknown to him.

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

1. A vehicle having a gross weight of more than sixteen thousand pounds;
(2) A vehicle that is not self-propelled;
(3) A vehicle that is twenty-five years old or older; or
(4) A transfer of a new motor vehicle prior to its first transfer for purposes other than resale.

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

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

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

(f) Any person who violates any of the provisions of this section with intent to defraud shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two hundred dollars nor more than one thousand dollars, or imprisoned in the county jail for not more than 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 T. Steele
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Jack C. Hicks
Clerk of the Senate

Donald L. Young
Clerk of the House of Delegates

Ward L. Woolum
President of the Senate

J. B. Shelton
Speaker House of Delegates

The within ___ approved ___ this the ___

day of ___________, 1983.

John D. Slaughter
Governor