

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-15-83

No: 1656

RECEIVED
MAR 9 2 19 PM '83
OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983



ENROLLED

HOUSE BILL No. 1656

(By Mr. Yanni)



Passed March 2, 1983

In Effect July 1, 1983 ~~Passage~~



ENROLLED

H. B. 1656

(By MR. YANNI)

(Originating in the Committee on Roads and Transportation)

[Passed March 2, 1983; in effect July 1, 1983.]

AN ACT to amend and reenact section ten, article four, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to motor vehicles; transfers of title or interest; salvage certificates for certain wrecked vehicles; fee for salvage certificates; and providing penalty for violation.

Be it enacted by the Legislature of West Virginia:

That section ten, article four, chapter seventeen-a 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-4-10. Salvage certificates for certain wrecked or damaged vehicles; fee; penalty.

1 In the event a motor vehicle is determined to be a total
2 loss or otherwise designated as "totaled" by any insurance
3 company or insurer, and upon payment of an agreed price
4 as a claim settlement to any insured or claimant owner for the
5 purchase of the vehicle, the insurance company or the insurer
6 shall receive the certificate of title and the vehicle. The in-
7 surance company or insurer shall within ten days surrender
8 the certificate of title and a copy of the claim settlement to the
9 department of motor vehicles. The department shall issue

10 a "salvage certificate," on a form prescribed by the com-
11 missioner, in the name of the insurance company or the insurer.
12 Upon the sale of the vehicle the insurance company or insurer
13 shall endorse the assignment of ownership on the salvage certifi-
14 cate and deliver it to the purchaser who shall also apply for a
15 salvage certificate, even if the insured or claimant owner is the
16 purchaser. The vehicle shall not be titled or registered for
17 operation on the streets or highways of this state unless there is
18 compliance with subsection (b) of this section.

19 (a) Any owner who scraps, compresses, dismantles or des-
20 troys a vehicle for which a certificate of title or salvage
21 certificate has been issued, shall, within ten days surrender the
22 certificate of title or salvage certificate to the department for
23 cancellation. Any person who purchases or acquires a vehicle
24 as salvage or scrap, to be dismantled, compressed or destroyed,
25 shall, within ten days surrender the certificate to the depart-
26 ment. If the vehicle is to be reconstructed, the owner must
27 obtain a salvage certificate and comply with the provisions of
28 subsection (b) of this section.

29 (b) If the motor vehicle is a "reconstructed vehicle" as
30 defined in section one, article one of this chapter, it may not
31 be titled or registered for operation until it has been inspected
32 by an authorized law-enforcement officer or official state in-
33 spection station to determine the operating condition and
34 vehicle identification number and all other inspection require-
35 ments. Following an approved inspection, an application
36 for a new certificate of title may be submitted to the depart-
37 ment; however, the applicant may be required to submit all
38 receipts for component parts, equipment and materials used
39 in the reconstruction. The salvage certificate must also be
40 surrendered to the department before a certificate of title may
41 be issued.

42 (c) The department shall charge a fee of twenty-five dol-
43 lars for the issuance of each salvage certificate but shall not
44 require the payment of the five percent privilege tax. However,
45 upon application for a certificate of title for a reconstructed
46 vehicle, the department shall collect the five percent privilege
47 tax on the fair market value of the vehicle as determined by
48 the commissioner.

49 (d) A certificate of title issued by the department for a
50 reconstructed vehicle shall contain markings in bold print
51 on the face of the title that it is for a reconstructed vehicle.

52 Any person who violates the provisions of this section shall
53 be guilty of a misdemeanor, and, upon conviction thereof, shall
54 be fined not less than five hundred dollars nor more than one
55 thousand dollars, or imprisoned in the county jail for not more
56 than one year, 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 Quisenberry

Chairman House Committee

Originating in the House.

Takes effect July 1, 1983.

Jedd C. Smith

Clerk of the Senate

Donald L. Hopp

Clerk of the House of Delegates

Warren P. Mason

President of the Senate

W. M. See, Jr.

Speaker House of Delegates

The within *is approved* this the *15*
day of *March*, 1983.

John J. Raley

Governor

RECEIVED

83 MAR 16 P 2: 38

OFFICE STATE
SECY. OF STATE

SECRET