

Veto

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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

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ENROLLED

Com. Sub. for
HOUSE BILL No. 1008...

(By ~~Mr.~~ Del. Starcher.....)

— ● —

Passed March 10, 1984

In Effect From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1008

(By DELEGATE STARCHER)

[Passed March 10, 1984; in effect from passage.]

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 the department of motor vehicles and transfers of title or interest in wrecked, damaged or total loss motor vehicles; surrender of certificate of title and obtaining of "salvage certificate", usable for three successive assignments before new certificate or additional fee required; reducing fee chargeable for issuance of salvage certificate; and enlarging certain time periods.

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 as a
4 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
9 the department of motor vehicles. The department shall issue
10 a "salvage certificate," on a form prescribed by the commis-
11 sioner, in the name of the insurance company or the insurer.
12 Such certificate shall contain on the reverse thereof spaces
13 for three successive assignments permitting up to that number
14 of assignments before a new certificate at an additional fee
15 is required. Upon the sale of the vehicle the insurance com-
16 pany or insurer shall endorse the assignment of ownership on
17 the salvage certificate and deliver it to the purchaser who shall
18 also apply for a salvage certificate, even if the insured or claim-
19 ant owner is the purchaser. The vehicle shall not be titled or
20 registered for operation on the streets or highways of this
21 state unless there is compliance with subsection (b) of this
22 section.

23 (a) Any owner who scraps, compresses, dismantles or de-
24 stroys a vehicle for which a certificate of title or salvage certi-
25 ficate has been issued, shall within thirty days surrender the
26 certificate of title or salvage certificate to the department for
27 cancellation. Any person who purchases or acquires a vehicle
28 as salvage or scrap, to be dismantled, compressed or destroyed,
29 shall, within thirty days surrender the certificate to the de-
30 partment. If the vehicle is to be reconstructed, the owner must
31 obtain a salvage certificate and comply with the provisions of
32 subsection (b) of this section.

33 (b) If the motor vehicle is a "reconstructed vehicle" as
34 defined in section one, article one of this chapter, it may
35 not be titled or registered for operation until it has been
36 inspected by an authorized law-enforcement officer or official
37 state inspection station to determine the operating condition
38 and vehicle identification number and all other inspection
39 requirements. Following an approved inspection, an applica-
40 tion for a new certificate of title may be submitted to the de-
41 partment; however, the applicant shall be required to submit
42 a sworn affidavit of all costs for component parts, equipment
43 and materials used in the reconstruction. The salvage cer-

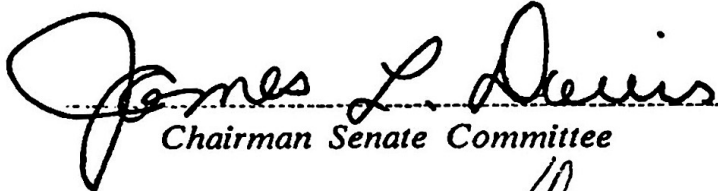
44 tificate must also be surrendered to the department before a
45 certificate of title may be issued.

46 (c) The department shall charge a fee of ten dollars for
47 the issuance of each salvage certificate but shall not require
48 the payment of the five percent privilege tax. However, upon
49 application for a certificate of title for a reconstructed vehicle,
50 the department shall collect the five percent privilege tax on
51 the fair market value of the vehicle as determined by the com-
52 missioner, unless the applicant is otherwise exempt from the
53 payment of such privilege tax.

54 (d) A certificate of title issued by the department for a
55 reconstructed vehicle which is deemed to have damages in
56 excess of seventy-five percent or more of the NADA book
57 value shall contain markings in bold print on the face of the
58 title designating reconstructed vehicle.

59 Any person who violates the provisions of this section shall
60 be guilty of a misdemeanor, and, upon conviction thereof,
61 shall be fined not less than five hundred dollars nor more than
62 one thousand dollars, or imprisoned in the county jail for not
63 more than one year, or both fined and imprisoned.

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




Chairman Senate Committee

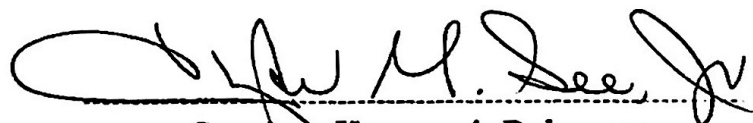

Chairman House Committee

Originating in the House.

Takes effect from passage.


Clerk of the Senate


Clerk of the House of Delegates

President of the Senate


Speaker House of Delegates

The within indisputable this the 30
day of March, 1984.


Governor

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