WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

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ENROLLED

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

(By Mr. DeL. Hancher)

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Passed March 10, 1984

In Effect From Passage

(Original signed)
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 loss or otherwise designated as "totaled" by any insurance company or insurer, and upon payment of an agreed price as a claim settlement to any insured or claimant owner for the
purchase of the vehicle, the insurance company or the insurer shall receive the certificate of title and the vehicle. The insurance company or insurer shall within ten days surrender the certificate of title and a copy of the claim settlement to the department of motor vehicles. The department shall issue a “salvage certificate,” on a form prescribed by the commissioner, in the name of the insurance company or the insurer. Such certificate shall contain on the reverse thereof spaces for three successive assignments permitting up to that number of assignments before a new certificate at an additional fee is required. Upon the sale of the vehicle the insurance company or insurer shall endorse the assignment of ownership on the salvage certificate and deliver it to the purchaser who shall also apply for a salvage certificate, even if the insured or claimant owner is the purchaser. The vehicle shall not be titled or registered for operation on the streets or highways of this state unless there is compliance with subsection (b) of this section.

(a) Any owner who scraps, compresses, dismantles or destroys a vehicle for which a certificate of title or salvage certificate has been issued, shall within thirty days surrender the certificate of title or salvage certificate to the department for cancellation. Any person who purchases or acquires a vehicle as salvage or scrap, to be dismantled, compressed or destroyed, shall, within thirty days surrender the certificate to the department. If the vehicle is to be reconstructed, the owner must obtain a salvage certificate and comply with the provisions of subsection (b) of this section.

(b) If the motor vehicle is a “reconstructed vehicle” as defined in section one, article one of this chapter, it may not be titled or registered for operation until it has been inspected by an authorized law-enforcement officer or official state inspection station to determine the operating condition and vehicle identification number and all other inspection requirements. Following an approved inspection, an application for a new certificate of title may be submitted to the department; however, the applicant shall be required to submit a sworn affidavit of all costs for component parts, equipment and materials used in the reconstruction. The salvage cer-
tificate must also be surrendered to the department before a certificate of title may be issued.

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

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

Any person who violates the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five hundred dollars nor more than one thousand dollars, or imprisoned in the county jail for not more 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 Anello  
Chairman House Committee

Originating in the House.
Takes effect from passage.

J. C. Wib  
Clerk of the Senate

Donald L. Kopp  
Clerk of the House of Delegates

Warren W. Brown  
President of the Senate

W. W. Lee, Jr.  
Speaker House of Delegates

The within approved this the 30th day of , 1984.

John D. Bover  
Governor