

No. 1791

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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984



ENROLLED

Com. Sub. for
HOUSE BILL No. 1791

(By Mr. Del. Burke + Del. Yanni)



Passed March 6, 1984

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1791

(By DELEGATE BURKE and DELEGATE YANNI)

(Originating in the House Committee on Roads and Transportation)

[Passed March 6, 1984; in effect ninety days from passage.]

AN ACT to amend article two, 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 ten-a; and to amend and reenact section one, article five of said chapter, all relating to motor vehicles; authorizing commissioner to enter into reciprocal proportional registration agreements; issuance of registration plates or markers; authorizing the promulgation of procedural rules; providing certain exceptions to motor vehicle registration for nonresident owners; increasing the fee for nonresident vehicle permits; requiring motor vehicle liability insurance for nonresident commercial vehicles operating in this state; and granting certain exceptions for nonresident vehicles engaged in emergency restoration of public utility services.

Be it enacted by the Legislature of West Virginia:

That article two, 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 ten-a; and that section one, article five of said chapter be amended and reenacted, all to read as follows:

ARTICLE 2. DEPARTMENT OF MOTOR VEHICLES:

§17A-2-10a. Authorizing the entry of this state into reciprocal proportional registration agreements; issuance of registration plates or markers; promulgation of rules.

1 (a) The commissioner of motor vehicles is hereby autho-

2 rized and empowered to enter into reciprocal agreements
3 on behalf of this state with any jurisdiction which permits
4 or requires the licensing of motor vehicles in interstate or
5 combined interstate and intrastate commerce and the payment
6 of registration, licensing or other fixed fees on an apportion-
7 ment basis commensurate with and determined by the miles
8 traveled on public roads and highways in that jurisdic-
9 tion, as compared with the miles traveled on public roads
10 and highways in other jurisdictions or on any other equit-
11 able basis of apportionment, and if that jurisdiction exempts
12 motor vehicles registered in other jurisdictions under that
13 apportionment basis from the requirements of full payment
14 of its own registration, license or other fixed fees, the
15 commissioner, by agreement may adopt the exemption as to
16 those motor vehicles, whether owned by residents or non-
17 residents of this state and regardless of where the vehicles
18 are registered.

19 (b) The agreements under such terms, conditions or
20 restrictions as the commissioner deems proper may provide
21 that owners of motor vehicles operated in interstate or
22 combined interstate and intrastate commerce in this state
23 shall be permitted to pay registration, license or other fixed
24 fees on an apportionment basis, commensurate with and
25 determined by the miles traveled on public roads and high-
26 ways in this state as compared with the miles traveled
27 on public roads and highways in other jurisdictions or any
28 other equitable basis of apportionment. Such agreements
29 shall not authorize or be construed as authorizing any motor
30 vehicle so registered to be operated without complying with
31 the provisions of chapter eleven and chapter twenty-four-a
32 of this code.

33 (c) Pursuant to the provisions of this section, the com-
34 missioner is expressly authorized and empowered to enter into
35 and become a member of the international registration plan
36 or such other designation that may from time to time be
37 given to such reciprocal plan.

38 (d) The commissioner shall prescribe the substance, form,
39 color and context of any registration plate or marker issued

40 under the provisions of this section, each of which shall be
41 visually distinguishable from other registration plates or mark-
42 ers produced by the department of motor vehicles.

43 . (e) The commissioner is authorized to promulgate pro-
44 cedural rules as may be necessary to carry out the provisions
45 of any agreements entered into pursuant to this section.

ARTICLE 5. PERMITS TO NONRESIDENT OWNERS.

**§17A-5-1. Exemptions from registration of nonresident owners;
special permit and certificate in lieu of registration
for nonresidents maintaining temporary and recur-
rent or seasonal residence in state.**

1 (a) A nonresident owner, except as otherwise provided in
2 this section, owning any vehicle registered in a foreign state
3 or country of a Class A type otherwise subject to registration
4 hereunder may operate or permit the operation of such
5 vehicle within this state for a period of thirty days without
6 registering such vehicle in, or paying any fees to, this state
7 subject to the condition that such vehicle at all times when
8 operated in this state is duly registered in and displays upon
9 it a valid registration card and registration plate or plates
10 issued for such vehicle in the place of residence of such
11 owner and that such vehicle is not operated for commercial
12 purposes.

13 (b) Every nonresident, including any foreign corporation,
14 carrying on business within this state and owning and regularly
15 operating in such business any motor vehicle, trailer or
16 semitrailer within this state, shall be required to register
17 each such vehicle and pay the same fee therefor as is required
18 with reference to like vehicles owned by residents of this
19 state, except as otherwise provided by reciprocal agreements
20 with other states accomplished pursuant to sections ten and
21 ten-a, article two of this chapter.

22 (c) Any nonresident who accepts or engages in temporary
23 and recurrent or seasonal employment, business, profession
24 or occupation in this state and maintains temporary and
25 recurrent or seasonal residence in this state in connection
26 with such employment, business, profession or occupation,

27 and any nonresident, including any corporation carrying on
28 business of a temporary and recurrent or seasonal nature in
29 this state and owning and temporarily and recurrently or
30 seasonally operating in such business any motor vehicle,
31 trailer or semitrailer within this state, may operate or per-
32 mit the operation of such vehicle within this state without
33 causing said vehicle to be registered as otherwise required
34 by article three of this chapter: *Provided*, That such non-
35 resident, in lieu of registration of such vehicle, shall make
36 application to the department and receive a special permit
37 for such vehicle which shall be evidenced by a metal identifi-
38 cation plate and certificate in writing, which special permit
39 plate and certificate shall together identify the vehicle for
40 which such special permit and plate shall issue and such
41 certificate shall bear the name and address of the owner
42 of such vehicle. Such special permit shall be issued with-
43 out previous certification of title to such vehicle as other-
44 wise required by article three of this chapter or the pro-
45 visions of subsection (b) of this section.

46 Every owner of a vehicle for which such special permit is de-
47 sired shall make a verified application to the department for
48 such special permit upon the appropriate form or forms
49 furnished by the department and shall bear the signature
50 of the owner written with pen and ink and shall contain
51 the character of information called for by section three,
52 article three of this chapter, a description of the employ-
53 ment, residence, business and location of such business set
54 forth in such manner as to show the temporary and recur-
55 rent or seasonal nature of such residence, employment, busi-
56 ness, profession or occupation, and that such vehicle is duly
57 registered in the state of residence of such owner. There shall
58 be an application for each vehicle for which a special permit
59 is desired.

60 Any special permit or plate issued by the department
61 under this section shall be effective and valid for a period
62 of sixty consecutive days from and including the date of
63 issuance and, upon similar application by the owner, the
64 commissioner may renew any such special permit for im-
65 mediately ensuing similar period or periods of sixty days in

66 any fiscal year. The department shall charge a fee of fifty
67 dollars for each special permit issued under this section.
68 A special permit shall be issued for one vehicle only and no
69 combination of two or more vehicles shall be operated under
70 fewer special permits than the number of vehicles in such
71 combination. A special permit shall not be issued for any
72 vehicle which is not duly registered in the state of residence
73 of the owner thereof. The registration plate issued for such
74 vehicle by the state of residence of the owner shall not be
75 displayed on such vehicle while being operated over any
76 highway during any period for which a special permit shall
77 have been issued for such vehicle under this section, but
78 there shall be carried in such vehicle the certificate of registra-
79 tion issued for such vehicle by the state of residence of such
80 owner. Any owner of any vehicle making application to oper-
81 ate such vehicle upon the highways of this state pursuant to the
82 provisions of this article shall also be required to comply
83 with the provisions of chapter seventeen-d of this code prior
84 to commencing such operation.

85 The commissioner shall prescribe the substance, form, color
86 and context of the certificate or special permit and the
87 special permit plate, each of which shall be visually distin-
88 guishable from the certificates of registration and registration
89 plates issued under article three of this chapter.

90 It is a misdemeanor for any person to drive or move or
91 knowingly to permit to be moved or driven upon any highway
92 any vehicle for which a special permit shall have been
93 issued under this section unless such vehicle shall bear the
94 special plate called for by the certificate evidencing such
95 special permit.

96 When the employment, business, profession, occupation or
97 residence of the owner of a vehicle for which such special
98 permit shall have been issued shall cease to be temporary
99 and recurrent or seasonal, any special permit issued for
100 such vehicle pursuant to this section shall immediately ter-
101minate and become void and such vehicle shall thereupon
102 become subject to registration under article three of this
103 chapter or the provisions of subsection (b) of this section

104 Any special permit issued pursuant to this section shall be
105 valid and effective on and after the first day of a month;
106 that is, such special permit issued between the first and
107 fifteenth days of a month shall be effective during sixty
108 consecutive days from and including the first day of the
109 month in which the permit shall issue; and a special permit
110 issued after the fifteenth day of any month shall be effective
111 during sixty consecutive days commencing with and including
112 the first day of the month next following the month in which
113 such special permit shall be issued.

114 (d) Any other provision of this section notwithstanding,
115 any nonresident referred to in subsection (c) of this section
116 who is engaged by a public utility, as the latter is defined in
117 chapter twenty-four of this code, for the exclusive purpose of
118 restoring the service of said utility as a result of an emergency
119 in which such service is affected shall be permitted to operate
120 such motor vehicle, trailer or semitrailer within this state
121 without causing said motor vehicle, trailer or semitrailer to
122 be registered as otherwise provided by this section and article
123 three of this chapter for the period actually necessary for such
124 restoration but not to exceed a period of ten consecutive days:
125 *Provided*, That said motor vehicle, trailer or semitrailer shall
126 be registered in another state upon entry into this state. The
127 provisions of this subsection shall not affect the requirements
128 of reciprocal agreements with other states accomplished pur-
129 suant to sections ten and ten-a, article two of this chapter.

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

James L. Davis

Chairman Senate Committee

Ronald Anello

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Todd C. Willis

Clerk of the Senate

Donald L. Stopp

Clerk of the House of Delegates

Walter P. McAnew

President of the Senate

William H. See, Jr.

Speaker House of Delegates

The within *is approved* this the *30*
day of *March*, 1984.

[Signature]

Governor

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