WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1984

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ENROLLED

Com. Sub. for

HOUSE BILL No. 1791

(By Mf. Del. Burke & Del. Yanni.)

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Passed March 16, 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.

(a) The commissioner of motor vehicles is hereby autho-
rized and empowered to enter into reciprocal agreements on behalf of this state with any jurisdiction which permits or requires the licensing of motor vehicles in interstate or combined interstate and intrastate commerce and the payment of registration, licensing or other fixed fees on an apportionment basis commensurate with and determined by the miles traveled on public roads and highways in that jurisdiction, as compared with the miles traveled on public roads and highways in other jurisdictions or on any other equitable basis of apportionment, and if that jurisdiction exempts motor vehicles registered in other jurisdictions under that apportionment basis from the requirements of full payment of its own registration, license or other fixed fees, the commissioner, by agreement may adopt the exemption as to those motor vehicles, whether owned by residents or non-residents of this state and regardless of where the vehicles are registered.

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

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

(d) The commissioner shall prescribe the substance, form, color and context of any registration plate or marker issued
under the provisions of this section, each of which shall be
visually distinguishable from other registration plates or mark-
ers produced by the department of motor vehicles.

(e) The commissioner is authorized to promulgate pro-
cedural rules as may be necessary to carry out the provisions
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.

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

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

(c) Any nonresident who accepts or engages in temporary
and recurrent or seasonal employment, business, profession
or occupation in this state and maintains temporary and
recurrent or seasonal residence in this state in connection
with such employment, business, profession or occupation,
and any nonresident, including any corporation carrying on
business of a temporary and recurrent or seasonal nature in
this state and owning and temporarily and recurrently or
seasonally operating in such business any motor vehicle,
trailer or semitrailer within this state, may operate or per-
mit the operation of such vehicle within this state without
causing said vehicle to be registered as otherwise required
by article three of this chapter: Provided, That such non-
resident, in lieu of registration of such vehicle, shall make
application to the department and receive a special permit
for such vehicle which shall be evidenced by a metal identifi-
cation plate and certificate in writing, which special permit
plate and certificate shall together identify the vehicle for
which such special permit and plate shall issue and such
certificate shall bear the name and address of the owner
of such vehicle. Such special permit shall be issued with-
out previous certification of title to such vehicle as other-
wise required by article three of this chapter or the pro-
visions of subsection (b) of this section.

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

Any special permit or plate issued by the department
under this section shall be effective and valid for a period
of sixty consecutive days from and including the date of
issuance and, upon similar application by the owner, the
commissioner may renew any such special permit for im-
mediately ensuing similar period or periods of sixty days in
any fiscal year. The department shall charge a fee of fifty
dollars for each special permit issued under this section.
A special permit shall be issued for one vehicle only and no
combination of two or more vehicles shall be operated under
fewer special permits than the number of vehicles in such
combination. A special permit shall not be issued for any
vehicle which is not duly registered in the state of residence
of the owner thereof. The registration plate issued for such
vehicle by the state of residence of the owner shall not be
displayed on such vehicle while being operated over any
highway during any period for which a special permit shall
have been issued for such vehicle under this section, but
there shall be carried in such vehicle the certificate of registra-
tion issued for such vehicle by the state of residence of such
owner. Any owner of any vehicle making application to oper-
ate such vehicle upon the highways of this state pursuant to the
provisions of this article shall also be required to comply
with the provisions of chapter seventeen-d of this code prior
to commencing such operation.

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

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

When the employment, business, profession, occupation or
residence of the owner of a vehicle for which such special
permit shall have been issued shall cease to be temporary
and recurrent or seasonal, any special permit issued for
such vehicle pursuant to this section shall immediately ter-
minate and become void and such vehicle shall thereupon
become subject to registration under article three of this
chapter or the provisions of subsection (b) of this section
Any special permit issued pursuant to this section shall be valid and effective on and after the first day of a month; that is, such special permit issued between the first and fifteenth days of a month shall be effective during sixty consecutive days from and including the first day of the month in which the permit shall issue; and a special permit issued after the fifteenth day of any month shall be effective during sixty consecutive days commencing with and including the first day of the month next following the month in which such special permit shall be issued.

(d) Any other provision of this section notwithstanding, any nonresident referred to in subsection (c) of this section who is engaged by a public utility, as the latter is defined in chapter twenty-four of this code, for the exclusive purpose of restoring the service of said utility as a result of an emergency in which such service is affected shall be permitted to operate such motor vehicle, trailer or semitrailer within this state without causing said motor vehicle, trailer or semitrailer to be registered as otherwise provided by this section and article three of this chapter for the period actually necessary for such restoration but not to exceed a period of ten consecutive days: Provided, That said motor vehicle, trailer or semitrailer shall be registered in another state upon entry into this state. The provisions of this subsection shall not affect the requirements of reciprocal agreements with other states accomplished pursuant 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 P. Davis  
Chairman Senate Committee

Donald Angello  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

J. C. Wiles  
Clerk of the Senate

Donald L. Hoff  
Clerk of the House of Delegates

Wayne A. McCraw  
President of the Senate

W. L. Bechard Jr.  
Speaker House of Delegates

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

Governor