WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1984

ENROLLED
Committee Substitute for
SENATE BILL NO. 602

(By Mr.)

PASSED March 10, 1984
In Effect sixty days from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 602
(Mr. Tucker, original sponsor)
[Passed March 10, 1984; in effect ninety days from passage.]

AN ACT to amend and reenact section five, article four, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article six of said chapter by adding thereto a new section, designated section ten-b, relating to the transfer of title to a vehicle by operation of law and stating that in the event title is vested in a person or financial institution as the result of a lien or encumbrance upon the vehicle, such person or institution need not obtain a new registration, but may endorse the title to a subsequent purchaser and that such a transfer is not subject to the privilege tax; and relating to special license plates for financial institutions which repossess vehicles in the ordinary course of their business and which may, therefore, take temporary possession and have need to drive such repossessed vehicles.

Be it enacted by the Legislature of West Virginia:

That section five, article four, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that article six of said chapter be amended by adding thereto a new section, designated section ten-b, all to read as follows:
ARTICLE 4. TRANSFERS OF TITLE OR INTERESTS.

§17A-4-5. Transfer by operation of law.

1 Whenever the title or interest of an owner in or to a registered vehicle shall pass to another otherwise than by voluntary transfer, the registration thereof shall expire and the vehicle shall not be operated upon the highways unless and until the person entitled to possession of such vehicle shall apply for and obtain the registration thereof, except that such vehicle may be operated by the person entitled to its possession or his legal representative upon the highways for a distance not exceeding seventy-five miles upon displaying upon such vehicle the registration plates issued to the former owner, or in the event title has become vested in the person holding a lien or encumbrance upon said vehicle, such person may apply to the department for and obtain special plates as may be issued under this chapter to dealers or others and may operate any said repossessed vehicle under such special plates only for purposes of transporting the same to a garage or warehouse or for purposes of demonstrating or selling the same: Provided, That the commissioner is authorized to transfer the plates of a deceased person to his legal heir or legatee upon payment of a transfer fee of one dollar.

2 Upon any transfer the new owner may secure a new registration and certificate of title upon proper application and upon presentation of the last certificate of title if available, and such instruments or documents of authority or certified copies thereof as may be sufficient or required by law to evidence or effect a transfer of title or interest in or to chattels in such case. In the event title has become vested in the person or financial institution holding a lien or encumbrance upon said vehicle, such person or institution need not obtain a new registration of said vehicle or forward the certificate of title to the department in order to sell the vehicle, but the person or institution upon transfer of title or interest to another shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver the same not later than thirty days from the date of the sale to the purchaser. The person or institution holding a lien or encumbrance upon the vehicle who acquires the vehicle as a result of the lien or encumbrance
and subsequently, within sixty days, sells the vehicle in
satisfaction of the debt creating the lien or encumbrance,
shall not be subject to any privilege tax or personal property
tax on the vehicle imposed by any other section.

ARTICLE 6. LICENSING OF DEALERS AND WRECKERS OR
DISMANTLERS; SPECIAL PLATES; TEMPORARY
PLATES OR MARKERS; ETC.

§17A-6-10b. Special plates for financial institutions; fee.

1 (1) Notwithstanding any of the other provisions of this
article, a financial institution may operate or move a vehicle
upon the highways and streets of this state solely for the
purposes of transporting such vehicle, in conjunction with a
repossession or sale of said vehicle conducted in the
ordinary course of such institution's business in financing
the purchase of the vehicle or where the vehicle otherwise
serves as collateral or security in a loan transaction,
without first registering each such vehicle upon the
condition that any such vehicle display thereon, in a
manner prescribed by the commissioner, a special plate or
plates issued to such financial institution as provided in this
section.

2 (2) Any financial institution may make application to
the commissioner upon a form prescribed by him for a
certificate containing a general distinguishing number and
for a special plate or plates. The applicant shall submit
proof of its status as a bona fide financial institution
requiring such special plates as required by the
commissioner. The commissioner shall determine that the
applicant is a bona fide financial institution eligible to
receive a special plate or plates under the provisions of this
section and that said institution does, as a regular incident
to its business, repossess and sell vehicles and have need to
transport said vehicles in conjunction with the repossession
or sale.

3 (3) The commissioner, upon approving any such
application, shall issue to the applicant a certificate
containing the applicant's name and address and the
general distinguishing number assigned to the applicant.
The commissioner shall also issue a special plate, or special
plates, as applied for, which shall have displayed thereon
the general distinguishing number assigned to the
applicant. Each plate shall also contain a number or symbol identifying the same from every other plate or plates bearing the same general distinguishing number.

(4) The annual fee for a license certificate for a financial institution and one special plate shall be one hundred dollars. Additional special plates, not to exceed four, shall be available upon appropriate application to the commissioner at a fee of twenty-five dollars each.

(5) Every financial institution shall keep a written record of the vehicle upon which such special plates are used, the time during which each is used upon a particular vehicle, and the location of the place of repossession, storage and subsequent delivery, if any, of each vehicle, which record shall be open to inspection by any police officer or employee of the department.

(6) The provisions of this section shall not apply to any work, company, or service vehicles of the financial institution.

(7) The financial institution shall be required to furnish a certificate of insurance in the amount of twenty thousand dollars because of bodily injury to or death of any one person in any one accident, forty thousand dollars because of bodily injury or death to two or more persons in any one accident, and ten thousand dollars because of injury to or destruction of property of others in any one accident.

(8) For purposes of this section, "financial institution" shall mean any state bank, state savings and loan association, state building and loan association, national bank, federally chartered savings and loan, savings bank, industrial bank, industrial loan company, or similar institution.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Donald Arzillo  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd C. Wells  
Clerk of the Senate

Donald L. Koepf  
Clerk of the House of Delegates

Warren R. Jeffs  
President of the Senate

John H. See, Jr.  
Speaker House of Delegates

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

John D. Ragland  
Governor